

**PLANO CITY COUNCIL
REGULAR SESSION
August 11, 2014**

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

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Jim Parrish, 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, August 11, 2014, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Education Minister Shumate from First Baptist Church of Plano led the invocation and representatives of Boys and Girls Clubs of Collin County, Plano led the Pledge of Allegiance.

Mayor LaRosiliere recognized the Plano Public Works and Engineering Departments for receiving recertification by the American Public Works Association.

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”)

July 28, 2014

July 30, 2014

Approval of Expenditures

Approval of Contract Modification

To approve and authorize Amendment No. 2 to the Distribution Pole License Agreement S0527371C that allows the City of Plano to mount Mesh Network devices on distribution poles owned by Oncor Electric Delivery Company LLC, (f/k/a TXU Electric Delivery Company). This Amendment No. 2 will provide for updated definitions, and insurance requirements, and provide terms concerning transfers. (Consent Agenda Item “B”)

Approval of Expenditure

To approve an expenditure for professional consultation services and establish a three (3) year contract with three (3) City optional one (1) year renewals in the annual amount of \$77,760 from Dr. Anthony Paul Picchioni, Ph.D., for Human Resources and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Adoption of Resolutions

Resolution No. 2014-8-1(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Heartland Payment Systems, Inc., a Delaware corporation, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “D”)

Resolution No. 2014-8-2(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and the North Central Texas Council of Governments for Traffic Signal Retiming; authorizing its execution by the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “E”)

Resolution No. 2014-8-3(R): To authorize continued participation with the Atmos Cities Steering Committee; and authorize the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation; and providing an effective date. (Consent Agenda Item “F”)

Resolution No. 2014-8-4(R): To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for the Intersection Traffic Control Project, PIN 17560006409000, targeting intersections regulated by a signal light; authorizing the City Manager to execute the grant agreement and any other documents necessary to effectuate the action taken; and providing an effective date. (Consent Agenda Item “G”)

Resolution No. 2014-8-5(R): To accept the Certified Appraisal Rolls for Fiscal Year 2014-15 for Collin County and Denton County, and providing an effective date. (Consent Agenda Item “H”)

Resolution No. 2014-8-6(R): To approve the terms and conditions of an Escrow Agreement by and between the City of Plano, Texas, and Oncor Electric Delivery Company, LLC related to a dispute regarding alley relocation costs pursuant to the franchise agreement; and authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “I”)

END OF CONSENT

Ordinance No. 2014-8-7: To change the street name of the section of J Avenue, within the City of Plano, Collin County, Texas, between 15th Street and 15th Place to Alex Schell Place; providing for a change in the official records to reflect such action; and providing an effective date. (Regular Agenda Item “1”)

Director of Planning Day stated this item is to rename a portion of J Avenue to Alex Schell Place in honor of Alex Schell.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to change the street name of the section of J Avenue, within the City of Plano, Collin County, Texas, between 15th Street and 15th Place to Alex Schell Place; providing for a change in the official records to reflect such action; and to further adopt Ordinance No. 2014-8-7.

Mayor LaRosiliere presented a street sign and certificate of special recognition to the Schell family.

Planning/Special Projects Briefing (Preliminary Agenda Item “IV”)

Director of Planning Day spoke to the Planning department’s mission statement and organizational structure. She reported the areas of service within the department include Community Service, providing assistance with citizen’s housing needs; Comprehensive Planning, updating the current comprehensive plan, working on neighborhood initiative, and heritage preservation; Development Review; GIS, going beyond basic mapping to being the foundation new software systems for permitting, land use, and licensing, Nextgen 911, and asset management, and the base for Explore Plano interactive maps. Ms. Day discussed the goal of excellent customer service by reporting the results of her customer service surveys.

Director of Special Projects Jarrell spoke to the department responsibilities of coordination of departments on major development projects, developing policies related to development and redevelopment, and facilitation of documentation required for public/private partnerships. She outlined the list of current special projects.

Public Hearing on the FY 2014-15 Recommended Budget and the FY 2014-15 Proposed Community Investment Program (CIP). (Regular Agenda Item “2”)

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

A vote on a proposal to consider an increase in the total tax revenue (Regular Agenda Item “3”)

Director of Budget and Research Rhodes-Whitley stated due to Truth-in-Taxation law requirements, the Council will need to have a record of vote on a maximum proposed tax rate it will consider throughout the budget process. She reported the effective tax rate is 46.96 cents per \$100 of valuation and the roll back tax rate is 48.59 cents per \$100 of valuation. Ms. Rhodes-Whitley advised the proposed tax rate is 48.86 cents per \$100 of valuation maintaining the current rate and the amount equals \$778,488 or an increase of \$5.74 for the average homeowner. She stated the record of vote would be published and public hearing will be held on August 25th and September 3rd.

Upon a motion made by Council Member Davidson and seconded by Council Member Miner, the Council voted 8-0 to establish a maximum tax rate of 48.86 cents per \$100 of valuation, maintaining the current tax rate.

Discussion of the FY 2014-15 Proposed Community Investment Program (Regular Agenda Item “4”)

Parks and Recreation Director Fortenberry spoke to the four funding sources for the Parks and Recreation CIP projects and stated projects deferred from previous years are included in the plan. She outlined the \$9,240,000 in bond funds for recreation center projects at Carpenter Recreation Center Pool, Jack Carter Pool, Oak Point Center expansion, and Senior Center expansion. In response to Council questions, Ms. Fortenberry stated the Liberty Recreation Center project is scheduled for FY 2015-16, the Carpenter pool will be completed in January of 2016 and the Senior Center design completed in FY 2014-15 and construction in FY 2015-16. She spoke to the \$19,889,000 in bond funds earmarked for park improvement projects including improvements to athletic fields, Oak Point Park, general park and trail improvements, Windhaven Meadows Park, Carpenter Park renovation, Douglass Area/Neighborhood Park, Legacy Trail, maintenance facilities, Oak Point Nature and Retreat Center, and special use facilities.

Ms. Fortenberry detailed the projects funded by park fees collected through residential development. She stated projects include: the Three Cities Trail Connection, Legacy Trail, Breckenridge Trail, and the White Rock Creek Greenbelt for a total of \$840,000. Ms. Fortenberry spoke to the \$6,935,000 in projects funded by capital reserves to maintain existing parks and infrastructure. She stated the CIP included \$1,000,000 in street enhancement funds for downtown improvements at McCall Plaza and landscaped entryways.

City Manager Glasscock requested, prior to the work session on Saturday, Council provide a list of any Community Investment Program items they would like to review further so Staff can be prepared for discussion.

Discussion of the FY 2014-15 Proposed Community Investment Program (Con't.)

Director of Engineering Carr presented the 149 projects for streets, water, drainage and sewer. Mr. Carr spoke to the funding sources for the street improvement projects include bond funds, capital reserve funds, and other funds (Collin County, North Central Texas Council of Governments, Regional Toll Revenue, TxDOT/Federal, and Eastside TIF). In response to Council, Mr. Carr stated the funds from the other funding sources have been earmarked for the City of Plano. He advised construction projects include 15th Street, Downtown brick pavers, Royal Oaks Drive, Russell Creek Drive, Split Trail Drive and a portion of Windhaven Parkway; capacity projects include several intersection improvements and corridor improvements; street design projects include Dallas North Estates, Preston/PGBT intersection, Preston/Plano Parkway intersection, US 75 from PGBT to Plano Parkway, and the Spring Creek Parkway at Coit Road intersection; miscellaneous street projects include median landscaping, traffic signals, bridge inspection and repair, Park Boulevard/US 75 pedestrian crossing, and screening walls at Custer Road and Independence Parkway.

Mr. Carr spoke to the projects funded from the Municipal Drainage fund include \$2,860,000 in erosion control projects and \$2,454,000 in miscellaneous drainage improvement and flood control projects. He reported \$13,079,000 in Water Improvement Fund projects include repair to elevated tanks, pump station rehabilitation, and new and existing water line improvements. Mr. Carr advised \$10,564,000 in Sewer Improvement fund projects include adding and repairing aerial crossings, capacity improvements, and southwest downtown sewer improvements. Deputy Mayor Pro Tem Harris inquired if Staff had the ability to perform more repairs. Mr. Carr responded Engineering Staff had the ability to increase workflow, however, Director of Public Works Cosgrove stated the majority of the work is handled by outside contractors and it is becoming increasingly difficult for the contractor's to find workers.

Facilities Manager Razinha spoke to the facility improvement project funding sources and the projects funded by each source. He stated the \$7,125,000 in bond fund projects include renovation to three fire stations, fire administration, and the police substation and the \$4,105,700 in capital reserve funds is utilized to maintain and improve existing facilities throughout the City.

Director of Public Works Cosgrove spoke to the \$20,575,000 CIP projects by Public Works include residential street repair, arterial concrete repair, pavement maintenance, undersealing, screening wall reconstruction, sidewalk repair, traffic signal upgrades, pavement markings, street condition inventory, street sign replacement, concrete work, parking lot striping, and guardrails. In response to Council, he stated the cost to replace screening walls is approximately \$300 per foot. Mr. Cosgrove detailed the \$3,450,000 in water/waste water projects include infiltration repair, manhole sealing, and pump station repair.

Public Hearing and adoption of Resolution No. 2014-8-8(R) to support an application for four percent housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed senior multifamily residential development project, legal description Hillary Acres Addition, Block A, Lot 2; and designating the City Manager to certify this resolution to TDHCA; and declaring an effective date. (Regular Agenda Item “5”)

Community Services Manager Brown spoke to the resolution supporting a four percent housing tax credit project and that it addresses the need for affordable housing units in the City. She introduced Jean Brown, Executive Director of the Plano Housing Corporation, developer of the project. Ms. Brown spoke to the senior housing project status, stating 30 units are designated for veterans and households with special needs. She advised they are requesting a resolution of support from the Council to proceed with their bond application. In response to Council Member Downs, Ms. Brown stated they hoped to be under construction by the end of the year.

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

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to support an application for four percent housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed senior multifamily residential development project, legal description Hillary Acres Addition, Block A, Lot 2; and to further adopt Resolution No. 2014-8-8(R).

Public Hearing and adoption of Ordinance No. 2014-8-9 as requested in Zoning Case 2014-18 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 651 so as to allow the additional use of Mini-Warehouse/Public Storage on 4.4± acres of land located on the south side of Plano Parkway, 1,100± feet east of Midway Road, in the City of Plano, Collin County, Texas, presently zoned Planned Development-112-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: Cornerstone Development, LTD (Regular Agenda Item “6”)

Council Member Duggan stepped down from the dais due to a conflict of interest.

Development Review Manager Hill spoke to the lot size and location. He stated the developer is requesting the maximum unit size be increased from 500 square feet to 2,000 square feet and allowance for a six foot fence to be placed in the front yard for security. In response to Deputy Mayor Pro Tem Harris, Mr. Hill advised due to the “flag” shape of the property, it has two front yards and the fence would be placed at the fifty foot setback line. Responding to Council Member Downs, he stated the property would not have a full-time onsite manager.

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

Public Hearing and adoption of Ordinance No. 2014-8-9 (Con't.)

Upon a motion made by Council Member Downs and seconded by Council Member Davidson, the Council voted 7-0, with Council Member Duggan abstaining, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 651 so as to allow the additional use of Mini-Warehouse/Public Storage on 4.4± acres of land located on the south side of Plano Parkway, 1,100± feet east of Midway Road, in the City of Plano, Collin County, Texas, presently zoned Planned Development-112-Retail; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2014-18; and to further adopt Ordinance No. 2014-8-9.

Council Member Duggan returned to the dais.

Public Hearing and adoption of Ordinance No. 2014-8-10 as requested in Zoning Case 2014-24 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 652 so as to allow the additional use of Theater-Regional on 1.1± acres of land located 175± feet north of Park Boulevard, 525± feet west of Ohio Drive, 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: AMREIT, L.P. (Regular Agenda Item “7”)

Development Review Manager Hill spoke to the request for the expansion of the existing Studio Movie Grill from eight screens to twelve screens and stated the increase changes the use from neighborhood to regional theater requiring a specific use permit. He advised the Council that the Planning and Zoning Commission recommended approval as submitted.

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

Upon a motion made by Council Member Downs and seconded by Council Member Davidson, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 652 so as to allow the additional use of Theater-Regional on 1.1± acres of land located 175± feet north of Park Boulevard, 525± feet west of Ohio Drive, in the City of Plano, Collin County, Texas, presently zoned Retail; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2014-24; and to further adopt Ordinance No. 2014-8-10.

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2014-16 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 650 so as to allow the additional use of Private Street Development on 12.7± acres of land located on the east side of Preston Road, 1,500± feet north of Spring Creek Parkway, in the City of Plano, Collin County, Texas, presently zoned Planned Development-101-Retail/General Office and Single-Family Residence-6; 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: Nash Group Real Estate (Regular Agenda Item “8”)

Public Hearing and consideration of an Ordinance (Con't.)

Director of Planning Day stated the applicant has withdrawn the request and advised because the item was noticed, the public hearing needs to be held and Council would need to act on the withdrawal request.

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

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Davidson, the Council voted 8-0 to accept the request from the applicant to withdraw Zoning Case 2014-16.

Public Hearing as requested in Zoning Case 2014-13 to consider amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to amend Planned Development-101-Retail/General Office on 53.4± acres of land located at the northeast corner of Preston Road and Spring Creek Parkway, in the City of Plano, Collin County, Texas, presently zoned Planned Development-101-Retail/General Office to allow Single-Family Residence Attached by right and Private Street Development by Specific Use Permit. Applicant: NASH Group Real Estate. (Regular Agenda Item "9")

Director of Planning Day stated the project received a 3/3 split vote from the Planning and Zoning Commission and the developer has made revisions to the original plan. She spoke to the site challenges of being land locked with two areas of access, power lines along the north boundary, a large amount of open space that does not meet City requirements, no mandated buffers are required adjacent existing commercial properties, and potential nuisances from noise and commercial dumpsters. Ms. Day stated the amended plan presented by the developers includes, open rear fencing for lots adjacent to the center open space, reduced depth on two lots, and an eight foot screening wall along the majority of the western boundary and ten foot landscape buffer outside the wall. In response to Council questions, Ms. Day stated the modifications are appropriate and are indicative as in-fill areas are developed in the future, and the existing open space is credited at one third.

Mayor LaRosiliere opened the Public Hearing. Don Plunk, representing Megatel Homes, developer of the project, gave a brief history of the project and introduced Bryan Klein of Ion Design, engineer/planner for the project. Mr. Klein spoke to the proposed project and stated the plan includes 88 townhomes with an average value of \$340,000 and an amenity center. He detailed the items that were amended and requested the Council approve modifying the lot size to 2,125 square feet, reducing the minimum depth on two lots to 80 feet, reducing the side yard to ten feet on two lots, and allow the placement of a portion of the parking spaces outside of the 600 foot minimum. Mr. Klein asked the Council to credit three acres of the existing hike and bike trail easement, the HOA amenity center open space, and other open areas toward the open space requirements. Robbie Robinson spoke in support of the project, but requested the street lights be lowered or placed in a manner not to cause glare to adjacent homes. Mayor LaRosiliere closed the Public Hearing.

City Attorney Mims stated if the Council supported the changes, an ordinance would need to be prepared and the item tabled to bring back at a future meeting.

Public Hearing as requested in Zoning Case 2014-13 (Con't.)

The Council stated concurrence in supporting the development with the following changes:

Restrictions:

General Standards

1. Retail uses shall not exceed 50,000 square feet of gross building area.
2. The maximum size of any single building for retail uses shall not exceed 15,000 square feet of gross building area.
3. Retirement housing, household care institution, and long-term care facility uses are additional allowed uses for the portion of the property south of the natural floodplain and watercourse.
4. Provision of a hike and bike trail easement along the northern property line. Adjacent to the Single-Family-6 property, the hike and bike trail easement shall be the full width of the TP&L easement within this property. Adjacent to the Multifamily-3 property, the hike and bike trail easement shall be 30 feet in width and shall be in the northernmost portion of the TP&L easement within this property.
5. Single-Family Residence Attached is an additional permitted use.

Single-Family Residence Attached Standards

Single-Family Residence Attached development shall be in accordance with the Single-Family Residence Attached zoning district regulations with the following exceptions:

1. Minimum lot area per dwelling unit: 2,125 square feet
2. Minimum side yard of corner lot: 10 feet
3. Minimum usable open space: None
4. Parking requirements: One-fourth visitor parking shall be provided within 900 feet of each unit
5. Rear yard fencing adjacent to the central amenity area is required to be 50 percent or greater open construction (use of ornamental iron fencing) to maintain an open appearance for those portions of the lots abutting the common open space.
6. A maximum of two lots shall be allowed to have a minimum lot depth of 80 feet.
7. An 8-foot high masonry screening wall shall be provided along the eastern lot lines of Harvard Addition, Block A, Lots 1-4.
8. A 10-foot wide HOA lot shall be provided along the eastern lot lines of Harvard Addition, Block A, Lots 1 and 2. The HOA lot shall be planted to create an irrigated, evergreen living screen of at least 12 feet in height within two years of planting, for additional sound attenuation. An 8-foot high masonry screening wall shall be located on the eastern edge of this HOA lot.

Public Hearing as requested in Zoning Case 2014-13 (Con't.)

9. Eyebrow-design at street corners shall not be required.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Duggan, the Council voted 8-0 to table the item until the August 25, 2014 City Council Meeting.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 9:10 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Lisa C. Henderson, City Secretary