

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING AND REGULAR SESSION  
July 28, 2014**

**COUNCIL MEMBERS PRESENT**

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

**COUNCIL MEMBERS ABSENT**

Ben Harris, Deputy Mayor Pro Tem  
Jim Duggan

**STAFF PRESENT**

Bruce Glasscock, City Manager  
Frank Turner, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Paige Mims, City Attorney  
Lisa C. Henderson, City Secretary

Mayor LaRosiliere called the meeting to order at 5:00 p.m., Monday, July 28, 2014, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor LaRosiliere then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice and discuss Litigation, Section 551.071; to receive information regarding Economic Development, Section 551.087; Real Estate, Section 551.072; and to discuss Personnel, Section 551.074 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor LaRosiliere reconvened the meeting back into the Preliminary Open Meeting and Regular Session at 7:00 p.m. in the Senator Florence Shapiro Council Chambers.

Council Member Miner led the invocation and Brownie Troop 3460 from Harrington Elementary led the Pledge of Allegiance.

Mayor LaRosiliere presented the Linda Keithley Award for Women in Public Management to Deputy City Manager LaShon Ross, the Regional Cooperation Award for the Electronic Warrant Payments Shared Services Program to representatives of the Municipal Court and Police Department, the "Battle of the Badges" blood drive trophy to the Police Department, and a Certificate of Appreciation to Tino Trujillo for his service on the Tax Increment Financing Reinvestment Zone No. 2 Board.

## **Comments of Public Interest**

No one appeared to speak.

## **CONSENT AGENDA**

City Manager Glasscock requested that Consent Agenda Item “U” be pulled for individual consideration.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 6-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

### **Approval of Minutes** (Consent Agenda Item “A”)

June 23, 2014

June 30, 2014

### **Approval of Expenditures**

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

**Bid No. 2014-191-B** for the purchase of partition walls at the Plano Senior Center from Turner Construction Company in the amount of \$107,750 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

**Bid No. 2014-249-B** for remodeling the first floor and lower level of the Municipal Center from H-B Construction, Inc., in the amount of \$246,340 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

**Bid No. 2014-205-B** for the purchase of replacement chillers at the Municipal Center from Kahn Air Conditioning & Heating, a Texas Corporation dba Kahn Mechanical Contractors in the amount of \$393,748 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

**Bid No. 2014-204-B** for the Parkway Operations Building Roof Replacement and Exterior Weatherproofing from Roof Management Services, Inc., in the amount of \$397,871 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

**Bid No. 2014-254-B** for the purchase of one (1) Dodge Ram 3500, 1-Ton Truck with a Flatbed Dump and one (1) Dodge Ram 4500 1-1/2-Ton Truck with a Flatbed Dump for the Fleet Services Department, to be utilized by the Parks and Recreation Department from Grapevine DCJ, LLC (aka Grapevine Dodge Chrysler Jeep) in the amount of \$84,052 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

**Bid No. 2014-186-C** for a three (3) year contract with one (1) City optional three-year renewal for Emergency Generator Maintenance to Waukesha- Pearce Industries, Inc. in the amount of \$211,955 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

**Bid No. 2014-117-C** for a one (1) year contract with three (3) City optional one (1) year renewals for Professional Food Services for the Plano Centre to Foodbellies, LLC for the annual estimated amount of \$74,000 in FY 2013-14, an estimated annual expenditure of \$150,000 for fiscal years 2014-15, \$165,000 for 2015-16, \$180,000 for 2016-17 and \$99,000 for 2017-18, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

**Bid No. 2014-250-C** for a one (1) year contract with (3) three City optional one (1) year renewals for the purchase of Chevrolet Automotive and Light Truck OEM Parts from Friendly Chevrolet for Inventory Control/Asset Disposal to be used by the Fleet Services Department in the estimated annual amount of \$100,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

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

To approve the purchase and installation of a computerized signal system for Traffic Engineering in the amount of \$225,459 from Scientel Wireless, LLC through an existing contract and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. CW10-09) (Consent Agenda Item “J”)

To approve the purchase of a Kenworth T370 Dump Truck for Fleet Services to be utilized by Public Works in the amount of \$98,871 from MHC Kenworth through an existing contract with TASB/BuyBoard and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 430-13) (Consent Agenda Item “K”)

To approve the purchase and installation of pavement marking materials from A & M Maintenance Services, Inc., for a one (1) year contract with four (4) City optional renewals, in the estimated annual amount of \$778,000 through an existing City of Richardson contract and authorizing the City Manager to execute all necessary documents. (City of Richardson Contract No. 49-14) (Consent Agenda Item “L”)

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

To approve a Landscape Architecture Services Agreement by and between the City of Plano and Jerry Parché Consulting Engineers in the amount of \$89,700 for design services for the Hedgcoxe Undercrossing project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “M”)

To approve an Engineering Services Agreement by and between the City of Plano and Dunaway Associates, L.P. in the amount of \$112,860 for a floodplain study at Oak Point Park and Nature Preserve and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “N”)

### **Approval of Contract Modification**

To approve and authorize Contract Modification No. 1 for the purchase of Professional Engineering Services for the additional design requirements of Brown Branch 18-Inch and 15-Inch Sanitary Sewer Interceptor Capacity Improvements project in the amount of \$154,260 from Halff Associates, Inc., and to authorize the City Manager to execute all related documents. (Consent Agenda Item “O”)

### **Approval of Change Order**

To Jim Bowman Construction Co., LP, increasing the contract by \$154,139 for the Greenhollow Estates Waterline Rehabilitation project, Change Order No. 1. Original Bid No. 2013-148-B. (Consent Agenda Item “P”)

### **Approval of Expenditure**

To ratify the expenditure in the amount of \$104,425 for debris collection by temporary labor services resulting from the December 6, 2013 ice storm and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “Q”)

To correct an administrative error for the initial term for an additional amount of \$158,425, for the renewals for an additional amount of \$133,351 per year and to increase the expenditures for temporary labor services for waste collection by \$125,000 per year; authorizing the execution of any and all documents in connection therewith by the City Manager; and providing an effective date. (Consent Agenda Item “R”)

### **Adoption of Resolutions**

**Resolution No. 2014-7-1(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between Optimal Blue, LLC, a Texas limited liability company, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “S”)

**Resolution No. 2014-7-2(R):** To repeal and replace Resolution No. 96-1-12(R) regarding the City’s Joint Use Facility on a 12.9385 acre tract at the northwest corner of Independence Parkway and Caravan Drive; and providing an effective date. (Consent Agenda Item “T”)

**Resolution No. 2014-7-3(R):** To approve the Investment Portfolio Summary for the quarter ending June 30, 2014 and providing an effective date. (Consent Agenda Item “V”)

### **Adoption of Ordinances**

**Ordinance No. 2014-7-4:** To amend Sections 14-66, 14-68, 14-72, 14-73, and 14-74, of Article IV, Smoking, of Chapter 14, Offenses – Miscellaneous of the Code of Ordinances, of the City of Plano to establish regulations relating to the use, distribution and sales of electronic vaping devices; providing a penalty clause, a savings clause, a severability clause, a repealer clause, a publication clause; and an effective date. (Consent Agenda Item “W”)

**Ordinance No. 2014-7-5:** To amend Section 12-104.5(a) to Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas regulating the parking of motor vehicles in certain designated public parking lots within the downtown area; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.. (Consent Agenda Item “X”)

**Ordinance No. 2014-7-6:** To repeal Ordinance No. 2014-3-13; establishing certain classifications within the Fire Department for fiscal year 2013-14; establishing the authorized number and effective dates of positions for each classification; establishing a salary plan for the Fire Department effective July 28, 2014; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “Y”)

## **END OF CONSENT**

**Resolution No. 2014-7-7(R):** To approve the terms and conditions of a Real Estate Contract and Lease by and between Golf Addicks, LLC, a Texas limited liability company, and the City of Plano for the purchase and lease back to seller of approximately 193.79 acres of land including a golf course, club house, maintenance facility and associated structures located at 1700 Country Club Drive in Plano, Collin County, Texas; and authorizing the City Manager to execute such contract and lease agreement and providing an effective date. (Consent Agenda Item “U”)

Director of Parks and Recreation Fortenberry spoke to the purchase of Los Rios Golf Course in the amount of \$3,500,000 with a five year lease back to the seller. She stated the property would be converted to a community park at termination of the lease back and would connect the green belt from south to north border of Plano. Council Member Gallagher inquired about the sales price and the upfront payment. Ms. Fortenberry spoke to the manner in which the contract was negotiated. In response to Council Member Davidson, she stated appraisals were completed in 2009 with a value of \$3.6 million and in 2012 with a value of \$3.3 million and leasing the property back to the owner is a common practice.

Upon a motion made by Council Member Davidson and seconded by Mayor Pro Tem Smith, the Council voted 5-1, with Council Member Gallagher voting in opposition, to approve the terms and conditions of a Real Estate Contract and Lease by and between Golf Addicks, LLC, a Texas limited liability company, and the City of Plano for the purchase and lease back to seller of approximately 193.79 acres of land including a golf course, club house, maintenance facility and associated structures located at 1700 Country Club Drive in Plano, Collin County, Texas and authorizing the City Manager to execute all necessary documents and to further adopt Resolution No. 2014-7-7(R).

## **Preliminary Agenda Items**

### **Consideration and action resulting from Executive Session discussion**

#### **Personnel – Reappointments**

##### Board of Adjustment

Upon a motion made by Council Member Downs and seconded by Council Member Gallagher, the Council voted 6-0 to reappoint Ban Alali, Enghlab Eftekhari, William Gibson, and Peter Krause.

##### Heritage Commission

Upon a motion made by Mayor Pro Tem Harris and seconded by Council Member Miner, the Council voted 6-0 to reappoint Michael Coleman and Lisa Ann Fox.

##### Planning and Zoning Commission

Upon a motion made by Council Member Gallagher and seconded by Council Member Downs, the Council voted 6-0 to reappoint Forrest Hicks, William Hilburn, and Mark Pittman.

## **Personnel – Reappointments**

### Community Relations Commission

Upon a motion made by Council Member Davidson and seconded by Mayor Pro Tem Smith, the Council voted 6-0 to reappoint Michael Caranfa and Barbara Oldenburg.

### Library Advisory Board

Council deferred reappointments until the August 11<sup>th</sup> meeting.

### Parks and Recreation Planning Board

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Davidson, the Council voted 6-0 to reappoint Diane Donley and Richard Horne.

### Photographic Traffic Signal Advisory Committee

Council Member Downs reappointed Mike Shea.

### Senior Citizens Advisory Board

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, the Council voted 6-0 to reappoint Donna Bening and Deborrah Wegmann.

## **Comprehensive Monthly Financial Report – June 2014**

Director of Finance Tacke advised that the June 2014 report finds General Fund revenues up 1.1 percent compared to last year while Water and Sewer revenues are down 5.3 percent. She stated that actual General Fund revenues are up \$11.7 million, primarily due to an increase in collection of ad valorem taxes of \$6.6 million and sales tax of \$3.6 million. She spoke to the improvement in sales tax is due to business to business sales. Ms. Tacke advised that General Fund expenditures are up slightly but tracking with last year's expenditures and Water and Sewer expenditures are down slightly. She reported General Fund expenditures are up due to personnel services, a 3 percent non-civil and 2 percent civil service pay increase, Suburbia expenses and electric expenses due to timing. She advised that the unemployment rate is at 4.6 percent and sales tax collections were up \$426,000 for the month. Ms. Tacke spoke to the real estate recap stating properties were on the market an average of 23 days, sold at 99 percent of asking price, and an average sales price of \$337,543. Ms. Tacke advised the Water and Sewer revenues were down due to the more stringent water restrictions and the expenses were up due to a 12 percent rate increase from North Texas Municipal Water District. She stated hotel/motel taxes were up for the month.

## **Discussion and direction regarding creation of a Public Improvement District Downtown**

Deputy City Manager Turner spoke to the proposed Public Improvement District for the downtown area outlining the process of submission of a petition, council approval, and setting up an advisory committee. He stated the allowable uses of the funds are physical improvements, marketing and promotion, and events. Mr. Turner advised the assessment collected would not exceed \$.15 per hundred dollars of valuation with the money held in a special fund managed by the City initially but eventually will become self-directed. He spoke to the initial three year term assisting development of confidence in the program and support of the property owners and at the end of the initial term, the process would need to be completed again and a new term designated.

### **Discussion and direction regarding creation of a Public Improvement District Downtown (Con't.)**

Mr. Turner outlined the requirement of property owners of 60 percent of the land area and assessed value agreeing to participate and that the process has started with an exploratory committee. He reported the City would contribute \$50,000 per year to account for its properties with total collection of approximately \$150,000 per year. Mr. Turner stated the proposed district's boundaries were generally Municipal Drive on east, G Avenue on the west, 14<sup>th</sup> Street on south, and north to 16<sup>th</sup> Street with 60 plus properties represented of which 40 have a taxable value being assessed.

In response to Council, Mr. Turner clarified the City's contribution of \$50,000 and designation of government owned properties. He stated the maximum contribution for commercial properties is \$25,000 per year per project and that the district would have partial funding available this year and full funding next year. Mr. Turner reiterated the 60 percent is related to land area and assessed value. He stated the City will communicate frequently with the property owners throughout the process. The City Council agreed to move forward with the process.

### **Suburbia 2014 Report**

Director of Parks and Recreation Fortenberry reported on the 2014 Suburbia Music Festival. She spoke to the outstanding public safety efforts resulting in a minimal number of problems. Ms. Fortenberry advised the majority of the complaints were related to noise issues. She stated area property owners were notified prior to the event and the notification area will be expanded to include other nearby cities in the future.

Ms. Fortenberry spoke to the attendance of 20,000 being lower than anticipated for the weekend, the City's 2014 funding participation of \$500,000 and \$125,000 of in-kind services and advised participation for the next four years would be \$125,000 of in-kind service only, and the estimated financial impact of \$127,418 from overnight visitors. She stated the greatest impact was the public relations in the estimated value of \$1.6 million. Ms. Fortenberry reported improvements for next year's festival would include traffic, drop-off locations, parking, artists, water availability, and additional amenities. She stated Live Nation would notify the City by January 1<sup>st</sup> if it will proceed with the 2015 Suburbia Festival.

### **Discussion and direction regarding Jack Carter Park and Pool**

Director of Parks and Recreation Fortenberry provided the Council with an update regarding Jack Carter Park and Pool. She spoke to the process of creating a Neighborhood Executive Committee of area HOA's and area citizens to facilitate communication between the City and citizens. Ms. Fortenberry discussed the meeting dates and stated once a consensus for the location of the pool is reached, the design process will move forward. She presented a location map with existing facilities and a flood plain overlay. Russell Erskine from Halff and Associates spoke to the current flood plain development standards and the City's participation in the Community Rating System allowing Plano residents in flood plain areas to receive discounts on flood insurance.

### **Discussion and direction regarding Jack Carter Park and Pool (Con't)**

George Deines with Counsilman-Hunsaker spoke to the current status of the pool and required repairs to bring the pool to code and make it functional. He stated the cost estimate for the repairs is approximately \$1.2 million. Mr. Deines advised the direction of public pools is following private sector aquatic center features that appeal to all generations and provided samples of features, like zero depth entries, lazy rivers, slides, and vertical water sprays, that follow the size and budget range of the project. David McCaskill of David McCaskill Design Group provided a conceptual plan for the park including redevelopment ideas for the current pool area and placement of facilities.

Ms. Fortenberry presented the budget and funding sources and an estimated timeline for the project. She stated the overall park-wide cost recovery is at 75 percent and requested Council direction regarding cost recovery. Ms. Fortenberry spoke to the current admission costs for park facilities and cost recovery of maintenance and operations would be analyzed during the design process. Council directed staff to move forward with the 75 percent cost recovery model.

### **Council items for discussion/action on future agendas**

No items were discussed.

### **Consent and Regular Agendas**

No items were discussed.

### **Continuation of the Regular Meeting**

**Consideration of Bid No. 2014-253-B** for 15th Street Reconstruction to Phillips May Corporation in the amount of \$4,043,375 with an additional incentive bonus of \$630,000, for a total award of \$4,673,375 and authorizing the City Manager to execute all necessary documents. (Regular Agenda Item "1")

Director of Engineering Carr spoke to the reconstruction of 15<sup>th</sup> Street project with an estimated 1½ year construction time. Mr. Carr advised the contract included an incentive of \$7,000 per day, up to \$630,000, to complete the project early, reducing construction time to 14 months. He stated the City will work closely with property owners to minimize access issues to businesses and hold public meetings to address property owner concerns. Mr. Carr reported the project will be completed one side at a time, will not be concurrent with any other project, and the expedited time line will allow the project to be completed prior to a second holiday season.

Upon a motion made by Council Member Miner and seconded by Council Member Downs, the Council voted 6-0 to approve Bid No. 2014-253-B for 15th Street Reconstruction to Phillips May Corporation in the amount of \$4,043,375 with an additional incentive bonus of \$630,000, for a total award of \$4,673,375 and authorizing the City Manager to execute all necessary documents.

**Resolution No. 2014-7-8(R):** To approve the terms and conditions of an Agreement by and between the City of Plano and Verizon providing for the relocation of existing overhead telephone facilities in the 15th Street right-of-way to underground locations within the 15th Street right-of-way from G Avenue to U.S. 75; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “2”)

Director of Engineering Carr stated this item is relocating utilities in conjunction with the 15<sup>th</sup> Reconstruction project, as well as the two following items.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 6-0 to approve the terms and conditions of an Agreement by and between the City of Plano and Verizon providing for the relocation of existing overhead telephone facilities in the 15th Street right-of-way to underground locations within the 15th Street right-of-way from G Avenue to U.S. 75; authorizing its execution by the City Manager; and to further adopt Resolution No. 2014-7-8(R).

**Resolution No. 2014-7-9(R):** To approve the terms and conditions of an Agreement by and between the City of Plano and Zayo Group, LLC providing for the relocation of existing telecommunications facilities in the 15th Street right-of-way to underground locations within the 15th Street right-of-way from G Avenue to U.S. 75; authorizing its execution by the City Manager; and providing an effective date.. (Regular Agenda Item “3”)

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 6-0 to approve the terms and conditions of an Agreement by and between the City of Plano and Zayo Group, LLC providing for the relocation of existing telecommunications facilities in the 15th Street right-of-way to underground locations within the 15th Street right-of-way from G Avenue to U.S. 75; authorizing its execution by the City Manager; and to further adopt Resolution No. 2014-7-9 (R).

**Resolution No. 2014-7-10(R):** To approve the terms and conditions of a Discretionary Service Agreement between the City of Plano and Oncor Electric Delivery Company LLC providing for the relocation of existing overhead electric facilities in the 15th Street right-of-way to overhead and underground utility easements located along the rear lot lines of lots fronting on 15th Street from G Avenue to U.S. 75; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “4”)

Upon a motion made by Council Member Downs and seconded by Council Member Davidson, the Council voted 6-0 to approve the terms and conditions of a Discretionary Service Agreement between the City of Plano and Oncor Electric Delivery Company LLC providing for the relocation of existing overhead electric facilities in the 15th Street right-of-way to overhead and underground utility easements located along the rear lot lines of lots fronting on 15th Street from G Avenue to U.S. 75; authorizing its execution by the City Manager; and to further adopt Resolution No. 2014-7-10(R).

**Ordinance No. 2014-7-11:** To determine a public necessity to acquire the easement property as described in the attached Exhibit “A”, for the public use for the Park Boulevard Corridor Project; authorizing the use of the power of eminent domain to condemn the easement properties; authorizing the City Manager and City Attorney, or their respective designees, to acquire the property including making initial and bona fide offers, and authorizing the City Attorney or her designee to file eminent domain proceedings, if necessary, and providing an effective date. (Regular Agenda Item “5”)

### **Ordinance No. 2014-7-11 (Con't.)**

Director of Engineering Carr spoke to the Park Boulevard Corridor project requiring eleven easements across five properties, stating the project provides capacity improvements at five intersections (Coit Road, Custer Road, Alma Road, K Avenue, and Jupiter Road) along Park Boulevard.

City Attorney Mims clarified due to the State Legislature requiring a more formal process, the purpose of the ordinance is to grant authority to proceed if the properties could not be acquired through negotiation with the property owners. Ms. Mims suggested Mayor LaRosiliere open the floor to public comment due to the nature of the item. Mayor LaRosiliere opened the floor for public comment. No one wished to speak.

Council Member Miner moved that the City of Plano authorize the use of the power of eminent domain to acquire all of the easement properties described in Exhibit "A" attached to the proposed Ordinance for the public use of street, utility, sidewalk, and temporary construction easements for the Park Boulevard Corridor Project; and to further adopt Ordinance No. 2014-7-11. Council Member Davidson seconded the motion and the Council voted 6-0. The motion carried.

**Public Hearing and Ordinance No. 2014-7-12:** As requested in Zoning Case 2014-12, to amend Subsection 3.1605 (Downtown Sign District) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and Subsection 2.821 (BG-Downtown Business/Government) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to consider various amendments to the Downtown Sign District; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. (Regular Agenda Item "6")

Director of Planning Day spoke to the request to modify the sign ordinance in downtown Plano. She stated sign regulations are tied to the downtown district with sub-districts and Staff has expressed a need for more consistent standard across the district by removing the sub-districts and combining the regulations with the exception of pole signs. Ms. Day reported of the existing fifteen pole signs, only four are conforming and letters were sent to all fifteen property owners notifying them of the proposed change. She stated the Planning and Zoning Commission recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

### **Section 3.1600 - Sign Regulations**

#### Subsection 3.1602 - Definitions

~~Downtown Sign District~~—The area described in Subsection 3.1605.

## Public Hearing and Ordinance No. 2014-7-12 (Con't.)

### Subsection 3.1604 (General)

Overlay Districts/Planned Developments/Heritage Resource District/ ~~Downtown Sign District~~

Signs within an overlay district, planned development, or Heritage Resource District, ~~or Downtown Sign District~~ shall be regulated by the ordinance regulating signs located within the relevant district.

### Subsection 3.1605 (Downtown Sign District)

This section was deleted in its entirety. Refer to Subsection 2.821 (BG-Downtown Business/Government).

### Subsection 2.821 (BG - Downtown Business/Government)

## 6. Signage Standards

### ~~1a.~~ Purpose

The purpose of this section is to regulate the construction of new signs and alterations made to existing signs to ensure consistency with the historic, urban, pedestrian-oriented nature of this district, and the dense, compact development absent in other areas of the city. The objective of this section is to ensure (1) that new signage is appropriate to the architectural design of the building and the district and (2) that signs do not visually obscure significant architectural features of a building or the district in general.

~~The Downtown Sign District encompasses all properties that are zoned Downtown Business/Government. The Downtown Sign District is further classified into two areas—Area A and Area B. The boundary of Area A is defined below. Area B consists of all properties within the Downtown Business/Government zoning that are not within the boundary of Area A.~~

### ~~2. Area A Boundary Description~~

~~BEING a 17.86-acre tract of land situated in Collin County, Texas, and being more particularly described as follows:~~

~~BEGINNING at the intersection of centerline of Municipal Avenue (variable R-O-W) with the centerline of 15th Street (variable R-O-W) to a point for a corner;~~

~~THENCE continuing west along said 15th Street centerline to a point for a corner at the intersection of 15th Street and the centerline of K Avenue (variable R-O-W);~~

~~THENCE continuing north along said K Avenue centerline to a point for a corner at the intersection of K Avenue and the centerline of 16th Street (variable R-O-W);~~

## Public Hearing and Ordinance No. 2014-7-12 (Con't.)

~~THENCE continuing along said 16th Street centerline to a point for a corner at the intersection of 16th Street and the centerline of the Dallas Area Rapid Transit (DART) R-O-W (variable R-O-W) located in Tract 68 of the Sanford Beck Survey, City of Plano, Collin County, Texas;~~

~~THENCE continuing south a distance of 1,125 feet along said DART R-O-W to a point for a corner intersecting the centerline of 14th Street (variable R-O-W);~~

~~THENCE continuing east following along said 14th Street centerline to a point for a corner at the intersection of 14th Street and the centerline of Municipal Avenue;~~

~~THENCE continuing north along said Municipal Avenue centerline back to the PLACE OF BEGINNING and containing 17.86 (777,982 square feet) acres of land.~~

### b. General Provisions

#### i. Issuance of Sign Permit

Signs shall conform to the criteria in this section and to appropriate city codes prior to issuance of a sign permit.

#### ~~Conflict between Sections~~

~~Where there is a conflict between sections of this ordinance, this section shall govern in this district.~~

#### ii. Compatibility with Building Architecture

Signs should generally be designed to be compatible with the architectural composition of the building and the district and not obscure any architectural accent, pattern, or object on the original structure.

#### iii. Sign Materials

Sign finish materials shall be one of the following:

1. Metal, painted or enameled.
2. Cold cathode tube (neon).
3. Carved relief in stone or cast stone.
4. Wood or carved wood which is painted or sealed.
5. The use of plastic on the exterior of a sign is prohibited, except on a marquee and institution signs.

## Public Hearing and Ordinance No. 2014-7-12 (Con't.)

### iv. Lighting of Signs

1. All electrical shall comply with the currently adopted version of the National Electrical Code.
2. Buildings and signs may be illuminated by remote light sources provided that these light sources are shielded to protect adjacent properties.
3. No illuminated sign may contain flashing or moving elements or change its brightness. (Exception: historic signs.)
4. No sign, except a marquee and institution signs, may be illuminated by fluorescent or back lighting. Institution signs with a reader board/electronic message center shall be illuminated in accordance with 3.1603(7). (Exception: historic signs.)

### v. Historic Signs

Historic signs shall not be calculated in the number or area of allowed signs for the purposes of this ordinance. They shall not be considered nonconforming unless deemed noncontributing through the Certificate of Appropriateness process.

### vi. Pedestrian Clearance

A minimum clearance of seven feet shall be maintained below signs that are located over a walkway area measured from the walkway surface to the lowest part of the sign. (Exception: projecting signs that extend no more than 20 inches from a wall.)

### vii. Community Special Events

City Council or the City Manager may authorize signs to advertise patriotic, special events, or special projects of general public interest ~~taking place within the boundaries of the Downtown Sign District.~~

### viii. Encroachment onto Public Right-of-Way

Any sign that is located upon or overhangs a public right-of-way shall be governed by a franchise agreement with the City of Plano.

### ix. Special Event Signage

Special event signage shall be reviewed as part of the overall Special Event Permit as set out in the Code of Ordinances, City of Plano.

**Public Hearing and Ordinance No. 2014-7-12 (Con't.)**

c. Signs Exempt

Signs with a sign area under four square feet and used in the operation of a business, such as hours of operation, credit cards accepted, and parking information shall not require a sign permit.

d. Signs Allowed/Prohibited

i. Allowed Signs

The following signs shall be allowed:

1. All signs specifically permitted in this section.
2. Development or construction signs.
3. Real estate signs.

ii. Prohibited Signs

The following signs are prohibited ~~in the Downtown Sign District:~~

1. Any sign not specifically permitted by this section is prohibited.
2. Any sign that flashes, blinks, revolves, or is put into motion by the atmosphere will not be permitted unless otherwise allowed in ~~3.1605~~ this section.
3. Portable signs, except for a-frame or sandwich board signs, will not be permitted.

**Public Hearing and Ordinance No. 2014-7-12 (Con't.)**

**Table of Permitted Signs**

<b>Signs Permitted in Each Sub-Area of the Downtown Sign District</b>		
<b>Sign Type</b>	<b>Area A</b>	<b>Area B</b>
A-frame/Sandwich Board Sign	X	X
Armature Sign		X
Awning Sign	X	X
Banner Sign	X	X
Directory Sign	X	X
Hanging Sign	X	X
Institution Sign ( <i>ZC 2011-26; Ordinance 2011-11-7</i> )		X
Marquee Sign	X	X
Pole Sign		X
Municipally-owned Sign	X	X
Mural Sign	X	X
Onsite Directional Sign	X	X
Projecting Sign	X	
Wall Sign – Attached	X	X
Window Sign	X	
(X = Permitted)		

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### e. Permitted Signs

1. A-frame/Sandwich Board Sign
2. Armature Sign
3. Awning Sign
4. Banner Sign
5. Directory Sign
6. Hanging Sign
7. Institution Sign
8. Marquee Sign
9. Municipally-owned Sign
10. Mural Sign
11. Onsite Directional Sign
12. Projecting Sign
13. Wall Sign - Attached
14. Window Sign

### f. Sign Standards

#### i. General

~~Each business within Area A with direct ground floor access is permitted one hanging sign and one awning or wall sign per street frontage.~~

~~Each business with direct first floor access within Area B is permitted one hanging, awning, or wall sign and one pole or armature sign per street frontage.~~

1. Each business with direct first floor access is permitted one hanging, awning, or wall sign and one armature sign per street frontage.
2. Each building is permitted one building identification sign.

#### ii. A-frame/Sandwich Board Signs

##### 1. General

No more than one a-frame or sandwich board sign per business shall be allowed, and a minimum of four feet of clear sidewalk shall be maintained at all times. The sign shall be sufficiently weighted or anchored to prevent movement by wind or other elements.

##### 2. Sign Area and Size

No a-frame or sandwich board sign shall exceed eight square feet per face or four feet in height. The entire sign structure shall be calculated as the total of sign area.

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### iii. Armature Signs

#### 1. Sign Area

The sign area of any one face shall not exceed 16 square feet in area. The sign area of an armature sign shall not comprise more than 70% of the entire sign structure.

#### 2. Sign Size

The maximum height of an armature sign structure shall be six feet. The maximum width shall be four feet.

#### 3. Location

An armature sign may be placed adjacent to the public right-of-way provided it does not encroach on the sight visibility triangle and is a minimum of six feet from the outside curb line.

### iv. Awning Signs

#### 1. Sign Location

The awning sign shall be located within the center 75% of the frontage of the awning, the tenancy, or the building face, whichever is least. Awning signs must maintain a minimum border of one inch between the letters or logo and the edge or a change of plane.

#### 2. Sign Size

The maximum size of letters shall be eight inches. A logo may extend up to 12 inches tall provided the appropriate border is maintained.

### v. Banner Signs

#### 1. General

Each business shall be allowed two banner permits per calendar year, and each permit shall be good for a maximum of 30 days. A minimum of 30 days shall be required between each banner permit. Banners shall be kept in good repair and remain firmly anchored or secured.

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### 2. Location and Content

No more than one banner sign shall be permitted across the facade of a building or business or in any other location on a single property. The city, or an agent of the city, may mount banners on street light standards and/or across the street for special events, subject to installation policy and the following regulations:

- a. A banner must display artwork or a message that pertains to the district, a holiday, a welcome, or a special event.
- b. Up to ten percent of the effective area of a banner may contain the words or logos that identify a sponsor of a cultural event or activity.
- c. No more than two banner signs shall be permitted across any one street between two intersecting streets.

### vi. Building Identification Sign

Building identification signs shall be considered as projecting signs or wall signs, attached or painted, for purposes of this section, except when historic.

### vii. Directory Signs

#### 1. General

On multi-tenant buildings where there are two or more tenants without direct outside access to a public street, a directory sign may be allowed. One directory sign per street face is permitted.

#### 2. Type

A directory sign may take the form of an armature sign, ~~pole sign~~, projecting sign on ground floor of a building, or wall sign on ground floor of a building and must follow the regulations for each.

#### 3. Sign Area

A directory sign may contain four square feet, with an additional one-and-a-half square feet, for each tenant having a separate lease space, up to a maximum area of ten square feet.

### viii. Hanging Signs

#### 1. Location

Hanging signs must maintain a minimum clearance of seven feet above the sidewalk and one foot from the curb.

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2. Sign Area

No hanging sign area shall exceed six square feet in area per face.

ix. Marquee Signs

1. General

Marquee signs shall be permitted only on a theater or performance hall. Only one marquee sign shall be allowed for each building containing a theater or performance hall.

2. Lighting

A marquee sign may have backlighting, exposed incandescent bulbs, or neon lighting.

3. Sign Area

The sign area of a marquee sign on a facility with a seating capacity of 750 or less may not exceed 100 square feet in area, including all sign faces. The sign area of a marquee sign on a facility with a seating capacity of more than 750 may not exceed 200 square feet.

4. Sign Size

Marquee signs must not exceed six feet in height and must maintain a minimum clearance of eight feet above the sidewalk.

x. Municipally-owned Signs

Municipally-owned signs shall be regulated by Subsection 3.1603.

xi. Mural Signs

Mural signs shall be regulated by Subsection 3.1603. ~~In Area A of this district,~~  
~~m~~Murals shall be attached rather than painted directly onto an exterior wall.

xii. Onsite Directional Signs

Onsite directional signs shall not exceed eight square feet or 30 inches in height and shall not contain advertising.

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### ~~xiii. Pole Signs~~

#### ~~1. General~~

~~Pole signs in the Downtown Sign District shall be constructed of two uprights with the sign face placed between the uprights.~~

#### ~~2. Sign \_\_\_\_\_ Area~~

~~The sign area of any one face shall not exceed 16 square feet in area. The sign area of a pole sign shall not comprise more than 70% of the entire sign structure.~~

#### ~~3. Sign Size~~

~~The maximum height of a pole sign structure shall be six feet. The maximum width shall be six feet.~~

#### ~~4. Location~~

~~A pole sign may be placed adjacent to the public right of way provided it does not encroach on the sight visibility triangle and is a minimum of six feet from the outside curb line.~~

### xiv. Projecting Signs

#### 1. General

Projecting signs greater than 20 inches in width must maintain a minimum clearance of seven feet above the ground or sidewalk and two feet from the curb. A projecting sign must not extend above the wall to which it is attached

#### 2. Sign Area and Structure Size

A projecting sign located within seven feet of the ground or sidewalk shall not exceed five square feet in area per face. The area per face of a projecting sign located over seven feet above the ground or sidewalk shall be calculated based on the total height of the wall to which the sign is attached at one square foot per one foot of wall height. The maximum height of the total sign structure shall not exceed one-third of the total height of the wall to which it is attached and shall not project more than six feet.

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### xv. Wall Signs - Attached

#### 1. General

An attached wall sign must be mounted parallel to the wall surface and may not extend above the wall to which it is attached. Attached wall signs may not project more than six inches from the wall surface.

#### 2. Sign Area and Structure Size

The maximum permitted sign area for a single business or single storefront shall be one square foot per linear foot of business frontage along a public street. The width of the sign structure shall not exceed half the width of the business's linear frontage. The maximum height of the sign structure shall not exceed one-third of the total height of the wall to which it is attached.

#### 3. Wall Signs Used for Building Identification Purposes

The sign area for an attached wall sign used for building identification purposes shall be calculated based on the width of the building's facade to which the sign is attached. The width of the sign structure shall not exceed half the width of the building's linear frontage. The maximum height of the sign structure shall not exceed one-third of the total height of the wall to which it is attached.

### xvi. Wall Signs - Painted

#### ~~General~~

~~In Area A of the district, only existing historic, painted signs shall be allowed. They may be maintained and refurbished, but the message may not change. Painted wall signs shall be allowed in Area B of the district.~~

#### 1. Sign Area

The maximum permitted sign area for a single business or single storefront shall be one square foot per linear foot of business frontage along a public street. The width of the sign shall not exceed half the width of the business's linear frontage. The maximum height of the sign shall not exceed one-third of the total height of the wall to which it is attached.

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### 2. Wall Signs Used for Building Identification Purposes

The sign area for a painted wall sign used for building identification purposes shall be calculated based on the width of the building's facade to which the sign is attached. The width of the sign shall not exceed half the width of the building's linear frontage. The maximum height of the sign shall not exceed one-third of the total height of the wall to which it is attached.

### xvii. Window Signs

#### 1. General

Window signs shall only be permitted on the ground floor of a building.

#### 2. Sign Area

a. No window sign or signs shall cover more than 25% of any individual window.

b. Window signs that exceed 15% of an individual window shall obtain a permit, unless the sign is a noncommercial temporary sign.

c. Window sign area shall not exceed 40 square feet on any facade.

3. Signs may be applied to, attached to, or located within 12 inches of a window on the interior of the establishment.

### xviii. Institution Signs

Institution signs shall not exceed 32 square feet with a maximum height of six feet, and shall be monument-type signs. Required setback shall be eight feet from the front property line (or any property line adjacent to a street) and 30 feet from any adjoining property line. Institution signs are limited to one per street front along major streets only as defined by Subsection 2.821 (5)(a)(i).

## **Section 2.800 - District Charts**

### Subsection 2.829 UMU - Urban Mixed-Use

#### 15. Additional Requirements and Restrictions

a. A UMU district or a group of buildings within the district may not be walled, fenced, or restricted from general public access.

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- b. The second building constructed and all subsequent buildings may not be further than 150 feet from another building.
- c. The regulations, specifications, and design standards for signs contained in Subsection 2.821 (BG - Downtown Business/Government) ~~Subsection 3.1605 (Downtown Sign District) Area A~~ shall apply unless otherwise specified in this ordinance or in the adopted development plan.

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 6-0 to amend Subsection 3.1605 (Downtown Sign District) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and Subsection 2.821 (BG-Downtown Business/Government) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to consider various amendments to the Downtown Sign District;; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2014-12; and to further adopt Ordinance No. 2014-7-12.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 8:59 p.m.

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**Harry LaRosiliere, MAYOR**

ATTEST

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Lisa C. Henderson, City Secretary