

**PLANO CITY COUNCIL  
REGULAR SESSION  
June 22, 2015**

**COUNCIL MEMBERS PRESENT**

Harry LaRosiliere, Mayor  
Lissa Smith, Mayor Pro Tem  
Angela Miner  
Rick Grady  
Tom Harrison  
David Downs

**COUNCIL MEMBERS ABSENT**

Ben Harris, Deputy Mayor Pro Tem  
Ron Kelley

**STAFF PRESENT**

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

Mayor LaRosiliere convened the Council into the Regular Session on Monday, June 22, 2015, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Reverend Alice Coder of First United Methodist Church Plano led the invocation and Boy Scout Troop 288 led the Pledge of Allegiance and Texas Pledge.

The City of Plano Sustainability & Environmental Education Division received 4 STAR certification and 3 awards from Keep Texas Beautiful.

**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 Downs, the Council voted 6-0 to approve and adopt all items on the Consent Agenda as recommended, and as follows:

**Approval of Minutes**

June 8, 2015

June 10, 2015

(Consent Agenda Item "A")

## **Approval of Expenditures**

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

**Bid No. 2015-280-B** for the Legacy Sidewalk Enhancements Project to A&M Construction and Utilities, Inc. in the amount of \$169,466; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

**CSP No. 2015-273-B** for the DART 15th Street Signal House Relocation – Project No. 6501, to Urban Construction Co. in the amount of \$947,670; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

**Bid No. 2015-259-B** for the Painting of Concrete Screening Walls-Phase II Project No. 6580 to Tarrant Paint and Stain, LLC in the amount of \$155,741; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

**Bid No. 2015-278-P** for the Concrete Sidewalk Requirements Contract II, with two (2) City optional renewals, Project No. 6537 for Public Works to Ti- Zack Concrete, Inc. in the amount of \$692,050; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

**Bid No. 2015-276-B** for the Amphitheater Stage Canopy Structure to Production and Rigging Resources, Inc. in the amount of \$274,893; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

**Bid No. 2015-109-B** for Spring Creek Parkway Underpass Siltation Removal at Chisholm Trail for the Parks and Recreation Department to North Rock Construction, LLC in the amount of \$64,289; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

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

To approve the purchase of one (1) Bobcat T770 Compact Track Loader for Fleet Services to be utilized by the Parks Department in the amount of \$52,702 from Bobcat Co. through an existing TASB/BuyBoard contract; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 424-13) (Consent Agenda Item “H”)

To approve the purchase of one (1) Caterpillar 980M Wheel Loader for Fleet Services to be utilized by Environmental Waste Services (EWS) in the amount of \$515,000 from Holt Caterpillar through an existing TASB/BuyBoard contract; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 424-13) (Consent Agenda Item “I”)

To approve the purchase of traffic signal installation for Public Works in the estimated annual amount of \$662,861 from Mel’s Electric, L.P. through an existing contract with the City of Garland; and authorizing the City Manager to execute all necessary documents. (City of Garland Contract No. 4488- 14) (Consent Agenda Item “J”)

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

To approve a Professional Services Agreement by and between the City of Plano and TEAM Consultants, Inc. in the amount of \$53,703 for Windhaven Parkway project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “K”)

### **Approval of Change Order**

To J.R. Stelzer Company for the Jupiter and Coit Elevated Tanks Project, increasing the contract by \$155,500, Change Order No. 1, original Bid No. 2014-330-B; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “L”)

### **Approval of Expenditure**

To ratify an expenditure in the amount of \$67,759 and approve an additional expenditure in the amount of \$22,241 for a total estimated expenditure of \$90,000 for the purchase of storm water hauling for the Public Works Department from L.H. Chaney Materials, Inc.; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “M”)

To correct an administrative error to increase an existing contract by an additional amount of \$350,000 for a contingency allowance; and authorizing the execution of any and all documents in connection therewith by the City Manager; and providing an effective date. (Consent Agenda Item “N”)

### **Adoption of Resolutions**

**Resolution No. 2015-6-3(R):** To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and Collin County for resurfacing of Dublin Road north of FM 544; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “O”)

**Resolution No. 2015-6-4(R):** To approve the terms and conditions of a Public Right-of-Way Use Agreement by and between the City of Plano, Texas and Columbia Medical Center of Plano Subsidiary, L.P., a Texas Limited Partnership, d/b/a Medical Center of Plano, to locate, place, attach, install, operate, and maintain a communications system consisting of PVC conduit equipped with copper and fiber cables in certain specific portions of the public rights-of-way in the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “P”)

### **Adoption of Ordinances**

**Ordinance No. 2015-6-5:** To amend Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to amend the prima facie maximum speed limit for motor vehicles operating on Marsh Lane within the corporate limits of the City of Plano; 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 “Q”)

**Ordinance No. 2015-6-6:** To approve the terms and conditions of a Boundary Adjustment Agreement between the City of Plano, Texas and the City of Murphy, Texas; authorizing the City Manager to execute the agreement on behalf of the City of Plano; and providing an effective date. (Consent Agenda Item “R”)

**Ordinance No. 2015-6-7:** To approve the terms and conditions of a Boundary Adjustment Agreement between the City of Plano, Texas and the City of Parker, Texas; authorizing the City Manager to execute the Agreement on behalf of the City of Plano; and providing an effective date. (Consent Agenda Item “S”)

**Ordinance No. 2015-6-8:** To adopt and enact Supplement Number 111 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date. (Consent Agenda Item “T”)

**Ordinance No. 2015-6-9:** To amend certain sections of Ordinance No. 2014-10-20 codified as Section 10-3 of Article I, Chapter 10, Library, of the Code of Ordinances of the City of Plano to add late fees for laptop computers and mobile devices and to add repair and/or replacement cost for damaged or lost laptop computers and mobile devices; and providing a severability clause, a repealer clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “U”)

## END OF CONSENT

**Public Hearing and adoption of Resolution No. 2015-6-10(R)** to approve the terms and conditions of an Interlocal Agreement and Memorandum of Understanding by and between the City of Plano, the City of McKinney and the Collin County Sheriff's Office for the disbursement of the 2015 Edward Byrne Justice Assistance Grant funds; authorizing its execution by the City Manager; and providing an effective date. (Regular Item “1”)

Police Chief Rushin spoke to the item advising a public hearing is required prior to the use of grant funds and the Council must accept the interlocal agreement for the disbursement of funds. He stated, being the largest city in the agreement, Plano will be the fiscal agent and that \$20,038 is designated for use by Plano with no match required. Chief Rushin spoke to 6 areas the funds can be used: Law Enforcement Programs; Prosecution and Court Programs; Prevention and Education; Corrections; Drug Treatment Programs; and Planning, Evaluation and Technology Programs. He reported the funds will be used to purchase patrol rifles and rifle accessories.

Mayor LaRosiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 6-0, to approve the terms and conditions of an Interlocal Agreement and Memorandum of Understanding by and between the City of Plano, the City of McKinney and the Collin County Sheriff's Office for the disbursement of the 2015 Edward Byrne Justice Assistance Grant funds; and further to adopt Resolution No. 2015-6-10(R).

**Public Hearing and adoption of Ordinance No. 2015-6-11** to repeal Section II of Ordinance No. 2008-10-22 and adopt a new and complete list of local incentives that may be offered to the nominated Texas Enterprise Zone Program project or activity of a qualified business; and providing a repealer clause, a severability clause, a savings clause and an effective date. (Regular Item “2”)

Director of Economic Development Bane spoke to the request repealing and amending a section of the existing ordinance. She stated it is a tool for the City to partner with the State on economic development projects and that eligible projects may request a rebate on state sales tax. Ms. Bane advised the State recently revised the program, facilitating the change in our ordinance. She stated the law requires a public hearing be held prior to adoption of the amended ordinance.

Mayor LaRosiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Council Member Downs and seconded by Council Member Grady, the Council voted 6-0, to repeal Section II of Ordinance No. 2008-10-22 and adopt a new and complete list of local incentives that may be offered to the nominated Texas Enterprise Zone Program project or activity of a qualified business; and further to adopt Ordinance No. 2015-6-11.

**Public Hearing and adoption of Ordinance No. 2015-6-12** as requested in Zoning Case 2015-03 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 31.6± acres of land located on the east and west sides of Park Vista Road, 750± feet south of 14th Street, in the City of Plano, Collin County, Texas, from Agricultural to Planned Development-498-Multifamily Residence-3 to allow for Independent Living Facility with modified development standards; 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: FM 544/Park Vista Ltd (Regular Item “3”)

Director of Planning Day stated the request is to rezone from Agricultural to a Planned Development She spoke to the neighboring properties zoning and uses. Ms. Day reported a sign was placed on the property in April and notices were sent to property owners within 200 feet. She stated the request complies with the comprehensive plan, but indicated there were three items concerning the Planning and Zoning Commission: Multi-Family use, 10-foot minimum setback, and the height of the original structure of 55 feet, with five stories. Ms. Day stated the developer will comply with the standard of three stories and a maximum height of 45 feet. She advised Staff and the Planning and Zoning Commission recommended approval with the following restrictions:

The permitted uses and standards shall be in accordance with the Multifamily Residence-3 (MF-3) zoning district unless otherwise specified herein:

1. Multifamily residence is prohibited.
2. Minimum Front, Side, and Rear Yard: 10 feet

**Public Hearing and adoption of Ordinance No. 2015-6-12 (cont'd.)**

Applicant Richard Shaw, Managing Partner of FM544/Park Vista Limited stated this is a senior community for residents 55 years and older. He spoke to the facility amenities including transportation for residents for daily needs, kitchen and dining room facility, amenity building, and housekeeping services. In response to council, Mr. Shaw stated set back between railroad track and wall is about 50 feet and property will be completed at one time.

Mayor LaRosiliere opened the public hearing. Scott Stauffer, President of Woodlands of Plano HOA requested the Council table the item and give the homeowners association time to review the project and Madhan Thirukonda stated he was concerned about the high density, traffic issues and lowered property values. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 6-0, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 31.6± acres of land located on the east and west sides of Park Vista Road, 750± feet south of 14th Street, in the City of Plano, Collin County, Texas, from Agricultural to Planned Development-498-Multifamily Residence-3 to allow for Independent Living Facility with modified development standards; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2015-03; and further to adopt Ordinance No. 2015-6-12.

**Public Hearing and consideration of an Appeal** of the Planning & Zoning Commission's denial of Zoning Case 2015-11 – Request to rezone 14.5± acres located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road from Research/Technology Center to Planned Development-Research/Technology Center in order to allow Office-Showroom/Warehouse with modified development standards. Zoned Research/Technology Center/190 Tollway/Plano Parkway Overlay District. Applicant: Industrial Developments International, LLC (IDI Gazeley) (Regular Item “4”)

Director of Planning Day stated the applicant has requested the appeal of the zoning case be tabled until the July 27, 2015 Council Meeting.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 6-0, to table Zoning Case No. 2015-11 until July 27, 2015.

**Consideration of an Appeal** of the Planning & Zoning Commission's denial of the Concept Plan for Central Plano Industrial Park, Phase 3, Block 24, Lot 1R - Office-Showroom/Warehouse on one lot on 13.7± acres located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road. Zoned Research/Technology Center/190 Tollway/Plano Parkway Overlay District. Applicant: Industrial Developments International, LLC (IDI Gazeley) (Regular Item “5”)

Director of Planning Day stated the applicant has requested the appeal of the Concept Plan be tabled until the July 27, 2015 Council Meeting.

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 6-0, to table the Concept Plan until July 27, 2015.

With no further business, Mayor LaRosiliere adjourned the meeting at 7:50 p.m.

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**Harry LaRosiliere, Mayor**

ATTEST

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Lisa C. Henderson, City Secretary