

**PLANO CITY COUNCIL  
REGULAR SESSION  
August 10, 2015**

**COUNCIL MEMBERS PRESENT**

Harry LaRosiliere, Mayor  
Lissa Smith, Mayor Pro Tem  
Ben Harris, Deputy Mayor Pro Tem  
Angela Miner  
Rick Grady  
Ron Kelley  
Tom Harrison  
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 10, 2015, at 7:04 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Nadim Bashir, Imam and Religious Director of East Plano Islamic Center led the invocation and Girl Scout Junior and Cadette Troop 2580 and Cub Scout Pack 220 led the Pledge of Allegiance and Texas Pledge.

Mayor LaRosiliere presented proclamations for Play Ball Month, National Blood Cancer Awareness Month, administered the oath of office to Sam Greif, Sr. as the new Fire Chief, and presented a certificate of appreciation to Nancy Baumgarten, outgoing member of the Senior Citizens Advisory Board.

**COMMENTS OF PUBLIC INTEREST**

Steve Lavine spoke in support of additional funding for eBooks. Thomas Brackett spoke regarding the lack of regulation of refuse carts in alley ways and the condition of the HOV lane on US Hwy 75. In response, City Manager Glasscock advised the City has been in contact with the Texas Department of Transportation regarding the HOV lane. Dr. Raj Menon, representing the Plano Symphony Orchestra, spoke in support of the arts and the need for a larger theater venue for performing groups such as the Plano Symphony Orchestra.

## **CONSENT AGENDA**

Council Member Grady requested that Consent Agenda Items “E” and “H” be removed for individual consideration.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to approve and adopt all remaining items on the Consent Agenda as recommended, and as follows:

### **Approval of Minutes**

July 27, 2015

July 29, 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. 2015-341-B** for the Access Improvements at Various Pump & Lift Stations, Project No. 6378 for the Public Works Department to Axis Construction, LP in the amount of \$58,640; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

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

To approve the purchase of two (2) Toro Workman HDX-D Utility Vehicles for Fleet Services to be utilized by the Parks and Recreation Department in the amount of \$57,397 from Professional Turf Products through an existing TASB/BuyBoard contract; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 447-14) (Consent Agenda Item “C”)

To approve the purchase of one (1) Crane Carrier Refuse Truck Chassis in the amount of \$172,131 from Bond Equipment Company, Inc. and one (1) Heil Liberty 32-yard Automated Body in the amount of \$124,900 from Heil of Texas for a total amount of \$297,031 for Fleet Services to be utilized by the Environmental Waste Services Division through existing TASB/BuyBoard contracts; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 425-13 and 430-13) (Consent Agenda Item “D”)

### **Approval of Contract Modification**

To approve and authorize Contract Modification No. 2 for professional landscape architectural services in the amount of \$7,500 from Adams Consulting Engineers, Inc. This modification will provide for design and engineering services for site improvements at the Douglass Community Center. (Consent Agenda Item “F”)

## **Adoption of Resolutions**

**Resolution No. 2015-8-1(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”)

## **END OF CONSENT**

### **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 GME Consulting Services, Inc. in the amount of \$64,615 for the Intersection Improvements – Plano Parkway and Los Rios Boulevard project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Director of Engineering Carr stated this is an engineering testing contract for four intersections to ensure the materials meet the requirements of the contract. In response to Council Member Grady, Mr. Carr stated the contract used is the standard contract and the specific scope of work is outlined in the exhibit.

Upon a motion made by Council Member Grady and seconded by Council Member Downs, the Council voted 8-0, to approve a Professional Services Agreement by and between the City of Plano and GME Consulting Services, Inc. in the amount of \$64,615 for the Intersection Improvements – Plano Parkway and Los Rios Boulevard project; and authorizing the City Manager to execute all necessary documents.

## **Adoption of Ordinances**

**Ordinance No. 2015-8-2:** To amend Item 5 of Section II of Ordinance No. 2014-10-22 to correct a clerical error; and providing a repealer clause, a savings clause, a severability clause, and an effective date. (Consent Agenda Item “H”)

Director of Planning Day stated the ordinance is amending a clerical error related to the block types. In response to Council Member Grady, Ms. Day advised there are no substantive changes to the development plan, just a correction of a clerical error.

Upon a motion made by Council Member Grady and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0, to amend Item 5 of Section II of Ordinance No. 2014-10-22 to correct a clerical error; and further to adopt Ordinance No. 2015-8-2.

## **Media Relations Departmental Report**

Director of Media Relations Stoler presented an overview of the department and its objectives. He spoke to the average number of media contacts monthly, the media center available on the website, media training provided to staff and other organizations, media coverage nationally and locally, media monitoring and analytics, and the importance of relationships with local media.

## **Public Hearing on the FY 2015-16 Recommended Budget and the FY 2015-16 Proposed Community Investment Program (CIP). (Regular Item “1”)**

Director of Budget and Research Rhodes-Whitley stated the public hearing is on the FY 2015-16 Recommended Budget totaling \$490 million and the FY 2015-16 Proposed Community Investment Program of \$161 million.

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

**Resolution No. 2015-8-3(R):** To accept the Certified Appraisal Rolls for Fiscal Year 2015-16 for Collin County and Denton County, and providing an effective date. (Regular Item “2”)

Director of Budget and Research Rhodes-Whitley stated the Collin and Denton County Appraisal Districts have provided the tax rolls totaling \$30.8 billion and the resolution accepts the tax rolls for the year.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to accept the Certified Appraisal Rolls for Fiscal Year 2015-16 for Collin County and Denton County; and further to adopt Resolution No. 2015-8-3(R).

## **A vote on a proposal to consider an increase in the total tax revenue. (Regular 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 45.53 cents per \$100 of valuation and the roll back tax rate is 47.59 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 \$3,972,561 or an increase of \$29.64 for the average homeowner. She stated the record of vote would be published and public hearings will be held on August 24 and September 2.

Council Member Harrison made a motion to set the tax rate at 47.59 cents per \$100 of valuation. The motion died for lack of second.

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-1, with Council Member Harrison voting in opposition, to establish a maximum tax rate of 48.86 cents per \$100 of valuation, maintaining the current tax rate.

**Discussion of the FY 2015-16 Proposed Community Investment Program.** (Regular Item “4”)

Director of Engineering Carr briefly discussed the format of the presentation. Director of Parks and Recreation Fortenberry spoke to the project funding sources and the Park Master Plan. She advised the Recreation Center Projects include Carpenter Park Recreation Center pool improvements, Senior Center expansion, and the Jack Carter Pool. Ms. Fortenberry stated park improvement projects include land acquisition, maintenance facility expansion, Windhaven Meadows improvements, Carpenter Park renovation, Oak Point Park and Nature Preserve improvements, general park improvements, recreation trails, Legacy trail, and special use facility improvements. She reported projects funded by park fees include Cottonwood Creek Greenbelt South and Windhaven Meadows Trail. Ms. Fortenberry spoke to the many projects funded from capital reserves include renovation to athletic fields, irrigation, facilities, landscaping, medians, neighborhood parks, signage, playground equipment, and public buildings.

Director of Engineering Carr spoke to the funding sources of various projects for the upcoming fiscal year. He stated projects include street construction, street capacity, street design, miscellaneous street projects, major screening wall, drainage and erosion control, water improvements, and sewer improvements.

Facilities Manager Rahzina spoke to the funding sources for the facility capital projects. He stated the projects include Fire Station No. 1 and Administration building, Joint Use facility, Animal Shelter, Parkway Service Center, Municipal Center, Parr Library, Oak Point Recreation Center and Robinson Justice Center.

Director of Public Works Cosgrove presented the public works projects including screening wall reconstruction, traffic signal upgrades, pavement markings, street condition inventory, street name sign replacement, concrete repair, traffic guardrails, inflow/infiltration repairs, manhole sealing, and pump station rehabilitation.

The Council took a brief recess at 9:01 p.m. and reconvened at 9:13p.m.

**Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2014-34** - Request to rezone 54.3± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive from Regional Employment to Planned Development- Regional Employment to allow for Single-Family Residence Attached with modified development standards. Zoned Regional Employment/State Highway 121 Overlay District. Applicant: Ronald McCutchin Family Partnership, LTD. Tabled July 27, 2015. (Regular Item “5”)

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Downs, the Council voted 8-0, to remove the item from the table.

Director of Planning Day provided information on the current zoning, property location, surrounding uses, the proposed concept plan, and site photographs. She spoke to the non-conformance with the comprehensive plan. Ms. Day stated the Planning and Zoning Commission denied the request. She spoke to adjacent property uses and the types of businesses allowed on the property in question.

**Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2014-34 (Cont'd.)**

Brian Klein, on behalf of the developer, spoke to the development challenges due to minimal access on State Highway 121 frontage, the general location of property, and that residential is an appropriate use for the site. John Pippard, representing the property owner, spoke to the challenge to finding a purchaser for the property and asked the Council to support the appeal.

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

Mayor LaRosiliere spoke to the viability of using this property for business use and supported the proposed zoning change. Council Member Grady stated it is not favorable for residential use due to proximity to the highway. City Manager Glasscock advised that NTTA will not install noise abatement walls. Council Member Harrison expressed concern about the noise from the highway for residential uses. Deputy Mayor Pro Tem Harris does not feel the change is appropriate. Council Member Downs was concerned with the access to the property.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Downs, the Council voted 5-3, with Mayor LaRosiliere, Mayor Pro Tem Smith, and Council Member Miner voting in opposition, to deny the appeal of the Planning & Zoning Commission's denial of Zoning Case 2014-34 - Request to rezone 54.3± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive from Regional Employment to Planned Development- Regional Employment to allow for Single-Family Residence Attached with modified development standards.

**Consideration of an Appeal of the Planning & Zoning Commission's denial of the Concept Plan for Sam Rayburn Plaza and Villages of Prairie Commons East** - General office, 116 Patio Home lots, 70 Single-Family Residence Attached lots, and seven common area lots on 43.1± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive. Zoned Regional Employment/State Highway 121 Overlay District. Applicant: Ronald McCutchin Family Partnership, LTD. Tabled July 27, 2015. (Regular Item "6")

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to remove the item from the table.

Director of Planning Day advised this is a companion item to the previous item and is not consistent with current zoning requirements and Staff recommends denial.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 8-0, to deny the appeal of the Planning & Zoning Commission's denial of the Concept Plan for Sam Rayburn Plaza and Villages of Prairie Commons East - General office, 116 Patio Home lots, 70 Single-Family Residence Attached lots, and seven common area lots on 43.1± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive.

**Public Hearing and adoption Ordinance No. 2015-8-4 as requested in Zoning Case 2015-19** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 3.2± acres of land from General Office to Retail and repealing in its entirety Ordinance No. 87-9-20, thereby rescinding Specific Use Permit No. 57 for the additional use of Restaurant on 0.1± acre; Ordinance No. 2002-12-5, thereby rescinding Specific Use Permit No. 484 for Veterinary Clinic on 0.1± acre; Ordinance No. 2008-1-23, thereby rescinding Specific Use Permit No. 592 for Kennel (Indoor Pens)/Commercial Pet Sitting on 0.1± acre; and Ordinance No. 2014-9-21, thereby rescinding Specific Use Permit No. 653 for Health/Fitness Center on 0.1± acre of land, located at the southeast corner of Park Boulevard and Los Rios Boulevard in the City of Plano, Collin County, Texas; 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: Park Boulevard Center LTD. (Regular Item “7”)

Director of Planning Day spoke to the current zoning being inconsistent with surrounding retail uses and that the zoning change simplifies the process. She provided photos of surrounding areas and discussed the current uses. Ms. Day stated Staff and the Planning and Zoning Commission recommend approval as submitted.

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 8-0, to rezone 3.2± acres of land from General Office to Retail and repealing in its entirety Ordinance No. 87-9-20, thereby rescinding Specific Use Permit No. 57 for the additional use of Restaurant on 0.1± acre; Ordinance No. 2002-12-5, thereby rescinding Specific Use Permit No. 484 for Veterinary Clinic on 0.1± acre; Ordinance No. 2008-1-23, thereby rescinding Specific Use Permit No. 592 for Kennel (Indoor Pens)/Commercial Pet Sitting on 0.1± acre; and Ordinance No. 2014-9-21, thereby rescinding Specific Use Permit No. 653 for Health/Fitness Center on 0.1± acre of land, located at the southeast corner of Park Boulevard and Los Rios Boulevard in the City of Plano, Collin County, Texas; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2015-19; and further to adopt Ordinance No. 2015-8-4.

**Resolution No. 2015-8-5(R):** To declare Downtown Plano as an Arts District and adopt the “Downtown Arts, Culture and Events Plan” as a guide to its future development; and providing an effective date. (Regular Item “8”)

Deputy City Manager Turner spoke to the designation of downtown as an arts district and the plan as a guide to its future development. He stated designation will further reinforce the interest in the arts in the Downtown area and help secure activity at the venues. Mr. Turner advised the district will be the commercial area and surrounding neighborhoods. He spoke to the plan further encouraging arts, working with non-profits, working towards art designation from the State, and the need for additional arts spaces (studios, theaters, etc.) In response to Council Member Harrison, Mr. Turner advised bed and breakfast establishments are available through a special use permit. Council Member Downs spoke to the option of making the downtown area more walkable.

**Resolution No. 2015-8-5(R)(Cont'd.)**

Debbie Watson, speaking on behalf of Dr. George Robinson, and Mary Compton, Ray Bittel, Greg Elam, and Mirna Lynch spoke in favor of the arts district and expressed the need for additional venues. Soheyla Rashidyan provided notes to Council expressing her thoughts on the matter.

A motion was made by Deputy Mayor Pro Tem Harris and seconded by Council Member Miner to declare Downtown Plano as an Arts District and adopt the “Downtown Arts, Culture and Events Plan” as a guide to its future development. In response to Mayor Pro Tem Smith, Mr. Turner provided clarification of the proposed resolution and recommendations of the plan. Council Member Downs expressed his gratitude the arts supporters in attendance. The Council voted 8-0 and further adopted Resolution No. 2015-8-5(R).

With no further business, Mayor LaRosiliere adjourned the meeting at 10:28 p.m.

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**Harry LaRosiliere, Mayor**

ATTEST

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Lisa C. Henderson, City Secretary