

**PLANO CITY COUNCIL
REGULAR SESSION
January 11, 2016**

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

Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Mark Israelson, Assistant City Manager
Jack Carr, Assistant City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Monday, January 11, 2016, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Rabbi Michael Kushnick with Congregation Anshai Torah led the invocation and the Boys and Girls Clubs of Collin County - Plano led the Pledge of Allegiance and Texas Pledge.

COMMENTS OF PUBLIC INTEREST

Patti Snell spoke to the Collinwood House and its reported historical value.

CONSENT AGENDA

Upon a motion made by Council Member Downs and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to approve and adopt all items on the Consent Agenda; with the exception of Item B, Item H, and Item J, as recommended, and as follows:

Approval of Minutes

December 22, 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. 2016-0128-C for a one-year contract with five (5) one-year City optional renewals, for the support and maintenance of the Police Department's records management and automated field reporting systems to Cohero in the estimated annual amount of \$253,500; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Bid No. 2016-0119-B for Screening Wall – 15th & Custer to Ratliff Hardscape, Ltd. in the amount of \$1,128,323; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

Purchase from an Existing Contract

To approve the purchase of one (1) Kenworth K270 Chassis with a Wayne Tomcat Refuse Body for Fleet Services to be utilized by the Environmental Waste Services Division in the amount of \$172,994 from MHC Kenworth through an existing TASB/BuyBoard contract; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 430-13) (Consent Agenda Item "E")

To approve the purchase of one (1) Toro GM5900 large area mower and one (1) Toro GM5910 large area mower for Fleet Services to be utilized by the Parks and Recreation Department in the amount of \$179,560 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 "F")

Approval of Contract Modification

To approve and authorize Contract Modification No. 1 for the purchase of additional professional services for Independence Parkway Corridor - 15th Street to Parker Road project in the amount of \$16,810 from Terracon Consultants, Inc.; and authorizing the City Manager to execute all related documents. (Consent Agenda Item "G")

Approval of Change Order

To Jim Bowman Construction Co., LP, increasing the contract by \$181,496 for the Greenhollow Estates Water Line Rehabilitation project, Change Order No. 2. Original Bid No. 2013-148-B. (Consent Agenda Item "I")

Adoption of Resolutions

Resolution No. 2016-1-1(R): To authorize the filing of a grant application for regional funds in an amount not to exceed \$120,000 for a Waste Characterization and Recycling Behaviors Study through the North Central Texas Council of Governments; certifying that the City's matching share is readily available; designating the Director of Public Works as authorized representative of the City of Plano for the purpose of giving required assurances acting in connection with said application and providing required information; and providing an effective date. (Consent Agenda Item "K")

Resolution No. 2016-1-2(R): To approve the Third Amendment to an Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas for Regional Composting Program until April 30, 2016, as permitted by Article II of the Agreement; authorizing the City Manager to execute any and all documents in connection therewith; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2016-1-3(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and SWC Tollway & 121, LLC, a Delaware limited liability company, for the construction and installation of certain public infrastructure and improvements within the public rights-of-way and private property near the Legacy West development; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2016-1-4(R): To approve the Bylaws of the Plano Improvement Corporation; and providing an effective date. (Consent Agenda Item “N”)

Resolution No. 2016-1-5(R): To approve the terms and conditions of a funding agreement by and between the City of Plano and the Historic Downtown Plano Association, a Texas non-profit corporation, governing the use of funds collected from property owner assessments through the Downtown Plano Public Improvement District in an amount not to exceed \$52,500; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “O”)

Resolution No. 2016-1-6(R): To authorize the filing of a grant application for regional funds in an amount not to exceed \$82,010 for a Litter Education Program through the North Central Texas Council of Governments; designating the Director of Environmental Health as authorized representative of the City of Plano for the purpose of giving required assurances, acting in connection with said application, and providing required information; and declaring an effective date. (Consent Agenda Item “P”)

Adoption of Ordinances

Ordinance No. 2016-1-7: To adopt a new Article IV, Section 8-20 of Chapter 8, Fire Prevention and Protection, of the City of Plano Code of Ordinances, to establish the Mobile Community Healthcare Program and authorize Plano Fire-Rescue Paramedics to provide emergency medical services by performing appropriate medical interventions to certain individuals at their residences who routinely and frequently call 9-1-1 requesting emergency medical services within the City of Plano; and providing a repealer clause, a severability clause, a savings clause, and an effective date. (Consent Agenda Item “Q”)

Ordinance No. 2016-1-8: To abandon all right, title and interest of the City, in and to a portion of a certain 15-foot Drainage Easement recorded in Volume 2014, Page 9, of the Official Public Records of Collin County, Texas and being situated in the Daniel Rowlett Survey, Abstract No. 738, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the owner of the property underlying the easement, SAVOY PLANO HOTELS LLC, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “R”)

END OF CONSENT

Bid No. 2016-76-B for the purchase of twenty-six (26) Chevrolet, Black and White Police Tahoes and one (1) Chevrolet, Blue Police Tahoe for Fleet Services to be utilized by the Police Department from Sam Pack's Five Star Ford and Chevrolet in the amount of \$952,086; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

City Manager Glasscock spoke to the recent review of the different types of police vehicles and found the Tahoe's space allowed for all of the electronic equipment to be in air conditioned areas, more seating room caused fewer back problems, the height provided improved visibility, and the operational cost for the Tahoe is 71 cents per mile and 73 cents per mile for a sedan.

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to approve Bid No. 2016-76-B for the purchase of twenty-six (26) Chevrolet, Black and White Police Tahoes and one (1) Chevrolet, Blue Police Tahoe for Fleet Services to be utilized by the Police Department from Sam Pack's Five Star Ford and Chevrolet in the amount of \$952,086.

To approve and authorize Contract Modification No. 1 for Professional Services for the design of Legacy Drive at Parkwood Boulevard and Coit Road between SH 190 and Mapleshade Lane in the amount of \$88,000 from R-Delta Engineers, Inc.; and authorizing the City Manager to execute all related documents. (Consent Agenda Item "H")

Director of Engineering Thornhill clarified for Council Member Grady the difference in cost resulted from an increase in the scope of work since the approval of the original contract.

Upon a motion made by Council Member Grady and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to approve and authorize Contract Modification No. 1 for Professional Services for the design of Legacy Drive at Parkwood Boulevard and Coit Road between SH 190 and Mapleshade Lane in the amount of \$88,000 from R-Delta Engineers, Inc.

To approve a request for a Parking Reduction Program for Granite Park, Phase III, Block B located at the southeast corner of State Highway 121 and the Dallas North Tollway. Zoned Central Business-1/Dallas North Tollway/State Highway 121 Overlay Districts with Specific Use Permit #648 for Automobile Leasing/Renting. Applicant: Granite Park Association Inc. & Tollway/121 Partners Ltd. (Consent Agenda Item "J")

Director of Planning Day, responding to Council Member Grady, spoke to the change of use in the development allows for the reduction in parking and additional parking for future development will be addressed and included with the projects as they are submitted for approval.

Upon a motion made by Council Member Grady and seconded by Council Member Downs, the Council voted 8-0 to approve a request for a Parking Reduction Program for Granite Park, Phase III, Block B located at the southeast corner of State Highway 121 and the Dallas North Tollway.

Public Hearing and Resolution No. 2016-1-9(R) to support an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project located on the east side of Coit Road, 350± feet north of McDermott Road; designating the City Manager to certify this resolution to TDHCA; and declaring an effective date. (Regular Item “1”)

Community Services Manager Brown spoke to the application process and stated the application meets the requirements set forth in the City’s policy and staff recommends support of the application. Jean Brown, Plano Housing Corporation, spoke briefly about the project and asked for the Council’s support.

Mayor LaRosiliere opened the public hearing. Colleen Epstein stated her concern for the number of apartments in the City. Mayor LaRosiliere closed the public hearing.

City Attorney Mims stated the four items relating to Housing Tax Credits are for financing purposes and the owner’s ability to obtain federal tax credits.

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 8-0 to support an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project located on the east side of Coit Road, 350± feet north of McDermott Road; and further to adopt Resolution No. 2016-1-9(R).

Public Hearing and Resolution No. 2016-1-10(R) to support an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project, located on 4.8± acres bounded by 14th Street on the north, G Avenue on the east, 13th/14th Connector on the south and F Avenue on the west; designating the City Manager to certify this resolution to TDHCA; and declaring an effective date. (Regular Item “2”)

Community Services Manager Brown stated the application meets the requirements set forth in the City’s policy and staff recommends support of the application. She added the applicant would like to amend the request to reflect an increase to 232 units from the 176 units originally submitted and that staff supports the amendment. Jean Brown, Plano Housing Corporation, spoke briefly about the project and asked for the Council’s support. She clarified the Texas Department of Housing and Community Affairs requirements for the grants.

Mayor LaRosiliere opened the public hearing. Colleen Epstein stated her concern regarding Council support of the financing would provide support of the zoning change. City Attorney Mims stated the resolution expressing support of the tax credit specifically delineates the separation between the two processes. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Council Member Downs and seconded by Council Member Grady, the Council voted 8-0 to support an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project, located on 4.8± acres bounded by 14th Street on the north, G Avenue on the east, 13th/14th Connector on the south and F Avenue on the west; and further to adopt Resolution No. 2016-1-10(R) as modified.

Public Hearing and Resolution No. 2016-1-11(R) to support an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project located on Enterprise Drive near West Park Boulevard; designating the City Manager to certify this resolution to TDHCA; and declaring an effective date. (Regular Item “3”)

Community Services Manager Brown stated the application meets the requirements set forth in the City’s policy and staff recommends support of the application. Megan Lasch, representing the applicant, was available to answer any questions regarding the project. Ms. Brown, in response to Council Member Downs, clarified the income percentage noted in the resolution correlates to the percentage provided in the application.

Mayor LaRosiliere opened the public hearing. Colleen Epstein asked for clarification on the source of the tax credit. Ms. Brown and City Attorney Mims advised it is a federal income tax credit awarded through the federal government. 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 support an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project located on Enterprise Drive near West Park Boulevard; and further to adopt Resolution No. 2016-1-11(R).

Public Hearing and Resolution No. 2016-1-12(R) to support an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project located at Chase Oaks Boulevard and State Highway 75; designating the City Manager to certify this resolution to TDHCA; and declaring an effective date. (Regular Item “4”)

Community Services Manager Brown stated the application meets the requirements set forth in the City’s policy and staff recommends support of the application. Megan Lasch, representing the applicant, was available for questions regarding the project.

Mayor LaRosiliere opened the public hearing. Colleen Epstein requested clarification regarding the reason Council is required to support the applications. Director of Neighborhood Services Schwarz stated a resolution of support is required in the application process to the Texas Department of Housing and Community Affairs. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Council Member Grady and seconded by Council Member Miner, the Council voted 8-0 to support an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project located at Chase Oaks Boulevard and State Highway 75; and further to adopt Resolution No. 2016-1-12(R).

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2015-18 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Planned Development-109-Retail/General Office and Planned Development-60-General Office on 61.6± acres of land located at the southwest corner of Park Boulevard and Alma Drive, in the City of Plano, Collin County, Texas, to allow for Patio Home 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: Pitman Partners LTD (Regular Item “5”)

Director of Planning Day spoke to the project location, current zoning, and requested changes to the current planned development language and stated that staff and the Planning and Zoning Commission recommend approval. In response to Council Ms. Day advised the project was in compliance with the comprehensive plan in effect at the time of application, the project aligned with the neighborhood to the west and the driveway to the adjacent office building would not provide access to the subdivision.

Brian Klein with ION Design Group, representing the applicant, provided an overview of the project and how it connects to the neighborhood to the west. In response to Council Member Downs, Mr. Klein stated there were no plans to remove the round-about on Columbia Drive at this time, but would consider if requested.

Mayor LaRosiliere opened the public hearing. Robert Miller spoke in support of the project. Jack Lagos spoke in opposition of the project. Mayor LaRosiliere closed the public hearing.

Council discussed the location of the homes next to the office buildings and other areas in the City with similar situations; the maximum height of adjacent office buildings; and the types of businesses allowed with the current zoning.

Upon a motion made Council Member Grady and seconded by Council Member Downs, the Council voted 4-4, with Mayor LaRosiliere, Mayor Pro Tem Smith, Deputy Mayor Pro Tem Harris, and Council Member Harrison voting in opposition, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Planned Development-109-Retail/General Office and Planned Development-60-General Office on 61.6± acres of land located at the southwest corner of Park Boulevard and Alma Drive, in the City of Plano, Collin County, Texas, to allow for Patio Home with modified development standards. With a lack of a majority vote, the motion failed.

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2015-24 - Request to rezone 17.0± acres located on the east side of Alma Drive, 332± feet south of Park Boulevard from Corridor Commercial to Planned Development-Corridor Commercial to allow for multifamily residence with modified development standards. Zoned Corridor Commercial. Applicant: Plano Riverwalk Development Partners, Ltd. (Regular Item “6”)

Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2015-24 (Cont'd.)

Director of Planning Day spoke to the property's current zoning, zoning and uses of the surrounding properties, the planned development stipulations, and that the Planning and Zoning Commission denied the request. She stated the developer has requested that the Council remand the case back to the Planning and Zoning Commission to allow for amendments to the development to address the concerns. Deputy Mayor Pro Tem Harris requested staff clarify the process and requirements for an appeal or remanding back to the Planning and Zoning Commission.

Miller Sylvan, with JPI, representing the applicant, stated the applicant requests the item be sent back to the Planning and Zoning Commission for their reconsideration. He provided details of plan amendments, the park land dedication, community outreach details, and design improvements.

Mayor LaRosiliere opened the public hearing. Robert Miller, Colleen Epstein, and Jack Lagos spoke in support of the denial. Bill Lisle spoke in support of approval of the appeal. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Downs, the Council voted 7-1, with Council Member Miner voting in opposition, to deny the appeal of the Planning & Zoning Commission's denial of Zoning Case 2015-24 - Request to rezone 17.0± acres located on the east side of Alma Drive, 332± feet south of Park Boulevard from Corridor Commercial to Planned Development-Corridor Commercial to allow for multifamily residence with modified development standards. The motion carried.

Consideration of an Appeal of the Planning & Zoning Commission's denial of the Concept Plan for JPI Plano Riverwalk, Block A, Lot 1 – 413 multifamily units on five lots on 16.4± acres located on the east side of Alma Drive, 332± feet south of Park Boulevard. Zoned Corridor Commercial. Neighborhood #58. Applicant: Plano Riverwalk Development Partners, Ltd. (Regular Item “7”)

Director of Planning Day stated based on the Council's action on Zoning Case 2015-24, the concept plan is not consistent with the zoning on the property.

Mayor LaRosiliere opened the public hearing. Colleen Epstein clarified the item would be denied by Council. Jack Lagos stated his support of denial of the plan. 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 deny the appeal of the Planning & Zoning Commission's denial of the Concept Plan for JPI Plano Riverwalk, Block A, Lot 1 – 413 multifamily units on five lots on 16.4± acres located on the east side of Alma Drive, 332± feet south of Park Boulevard.

With no further business, Mayor LaRosiliere adjourned the meeting at 7:49 p.m.

Harry LaRosiliere, Mayor

ATTEST

Lisa C. Henderson, City Secretary