

**PLANO CITY COUNCIL**  
**March 25, 2013**

**COUNCIL MEMBERS PRESENT**

Phil Dyer, Mayor  
Lissa Smith, Mayor Pro Tem  
Ben Harris, Deputy Mayor Pro Tem  
André Davidson  
Jim Duggan  
Patrick Gallagher  
Lee Dunlap

**COUNCIL MEMBERS ABSENT**

Pat Miner

**STAFF PRESENT**

Bruce Glasscock, City Manager  
Frank Turner, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Diane C. Wetherbee, City Attorney  
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, March 25, 2013, at 7:27 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Mayor Dyer presented a proclamation designating April as Sexual Assault Awareness and Prevention Month. He presented a Certificate of Appreciation to Sally V. Magnuson for her service on the Multicultural Outreach Roundtable.

**COMMENTS OF PUBLIC INTEREST**

Citizen Arthur Townsend stated concern regarding the actions of police officers patrolling Thomas Elementary School during drop-off/pick-up times.

**CONSENT AGENDA**

Council Member Dunlap requested that Consent Agenda Items “C” and “F” be removed for individual consideration due to possible conflicts of interest.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Duggan, the Council voted 7-0 to approve and adopt all remaining items as recommended and as follows:

**Approval of Minutes** (Consent Agenda Item “A”)  
March 6, 2013

### **Approval of Expenditures**

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

**CSP No. 2013-126-C** for a one (1) year contract with four (4) City optional one (1) year renewals for Custodial Services at various locations to Oriental Business Services, Inc. in the estimated annual amount of \$1,100,268 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

**Bid No. 2013-132-C** for a one (1) year contract with three (3) optional one year renewals for the purchase of Median and Right-of-Way Landscape Maintenance at various locations, including: Coit, Custer, and Independence for the Parks and Recreation Department to Lillard Lawn and Landscaping, Inc., in the estimated annual amount of \$150,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

**Bid No. 2013-112-B** for Arbor Hills Nature Preserve - Parking Addition to Concord Commercial Services, Inc. in the amount of \$392,836 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

**Bid No. 2013-127-B** for the purchase of one (1) Ford F-450 Utility Truck from Sam Pack's Five Star Ford of Carrollton in the amount of \$61,899 for Fleet Services, to be utilized by Utility District #2, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "G")

**Bid No. 2012-286-C** for a one (1) year contract with three (3) City optional renewals to purchase ammunition for the Police Department from GT Distributors, Inc. in an estimated annual amount of \$93,244 and Precision Delta Corp. in an estimated annual amount of \$56,313 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "H")

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

To approve the purchase and installation of playground equipment for Coyote Creek, Eldorado, and Lone Star Parks through PISD Contract (2011-59-I/PISD #2010-052) to Recreation Consultants of Texas in the amount of \$400,500; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "I")

To approve the purchase of fifteen (15) black & white Chevrolet PPV Tahoe's for Fleet Services to be utilized by the Police Department from Caldwell Country Chevrolet in the amount of \$416,550 through an existing contract/agreement with TASB/BuyBoard, and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 358-10) (Consent Agenda Item "J")

To approve the purchase of Software Maintenance and Support for PeopleSoft and JD Edwards in the amount of \$364,230 from Oracle America, Inc. through an existing Department of Information Resources contract and authorizing the City Manager to execute all necessary documents. (DIR-VPC-03-018) (Consent Agenda Item "K")

To approve the purchase of a wireless communication service in the amount of \$144,882 from Blackboard, Inc., through an existing contract with US General Services Administration (GSA) contract, and authorizing the City Manager to execute all necessary documents. (GSA Contract Number GS-35F-0554M) (Consent Agenda Item “L”)

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

To approve an Architectural Services Agreement by and between the City of Plano and Brinkley Sargent Architects, in the amount of \$318,087 for Police Evidence Storage Expansion designs; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “M”)

**Approval of Expenditure**

To approve the purchase of repair services for one (1) Vermeer Tub Grinder for Fleet Services to be utilized by Compost Operations in the amount of \$142,833 from Vermeer Equipment of Texas, Inc., and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “N”)

**Adoption of Resolutions**

**Resolution No. 2013-3-3(R):** To approve the terms and conditions of a First Modification to an Agreement by and between the City of Plano, Texas and Interactive TKO, Inc., now assigned to CA, Inc.; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “O”)

**Resolution No. 2013-3-4(R):** To approve the First Amendment to an Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas for Regional Composting Program and the renewal for a two (2) year term; authorizing the City Manager to execute any and all documents in connection therewith; and providing an effective date. (Consent Agenda Item “P”)

**Resolution No. 2013-3-5(R):** To approve the terms and conditions of a First Amendment to Communications Facilities License by and between the City of Plano, Texas, and T-Mobile West Corporation, a Delaware corporation, successor to Cook Inlet/Voice Stream Operating Company, LLC, a Delaware limited liability company; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “Q”)

**Adoption of Ordinances**

**Ordinance No. 2013-3-6:** To amend Section 12-101 of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to prohibit stopping, standing, or parking of motor vehicles on certain sections of Del Sol Drive, within the city limits of the City of Plano; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; 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 “R”)

**Ordinance No. 2013-3-7:** To repeal Ordinance No. 2012-9-29; establishing the number of certain classifications within the Police Department for fiscal year 2012-13; establishing the authorized number and effective dates of such positions for each classification; establishing a salary plan for the Police Department effective April 8, 2013; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “S”)

**Ordinance No. 2013-3-8:** To adopt and enact Supplement Number 102 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”)

### **END OF CONSENT**

Due to possible conflicts of interest, Council Member Dunlap stepped down from the bench on the following two items.

**Bid No. 2013-149-B** for Oak Point Amphitheater Monument Signs to SFCC, Inc. in the amount of \$88,200 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Upon a motion made by Council Member Duggan and seconded by Council Member Davidson, the Council voted 6-0 to approve Bid No. 2013-149-B for Oak Point Amphitheater Monument Signs to SFCC, Inc. in the amount of \$88,200.

**Bid No. 2012-293-B** for Russell Creek Trail Undercrossing at Independence to North Rock Construction in the amount of \$402,154 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Duggan, the Council voted 6-0 to approve Bid No. 2012-293-B for Russell Creek Trail Undercrossing at Independence to North Rock Construction in the amount of \$402,154.

Council Member Dunlap resumed his seat at the bench.

### **Presentation of the 2012-13 Status Report and Three-Year Financial Forecast to City Council** (Regular Agenda Item “1”)

Director of Budget and Research Rhodes-Whitley advised that every annual budget is statutorily required to be balanced and fund deficits are assumed to be rectified in the year projected. She advised that the forecast includes 30 days of working capital for FY 2013-14 and that FY 2014-15 and 2015-17 will require additional revenue or program reductions of \$19 million. Ms. Rhodes-Whitley reviewed the impact of CIP projects coming on-line and spoke to projections for assessed property values indicating that existing properties are anticipated to increase one percent and new growth will total approximately \$250 million.

**Presentation of the 2012-13 Status Report and Three-Year Financial Forecast (cont'd)**

Ms. Rhodes-Whitley spoke regarding the sales tax cap (\$61.1 million) with any overages applied to one-time expenditures or transferred to the Capital Reserve Fund and advised regarding a leveling of building and development revenues. She stated that projections include attrition, do not include salary increases or inflation for operational expenditures, and that health insurance costs are expected to remain constant. She stated that funding for the Economic Development Incentive Program will continue at two cents on the tax rate and that funding of \$1 million is included for library books.

Ms. Rhodes-Whitley spoke to the forecasted total of \$5.2 million for operations/maintenance of Community Investment Projects with a tax rate impact of 1.89 cents. She spoke to regulations contained within the Patient Protection and Affordable Care Act (beginning January 1, 2014) requiring employers to offer health insurance coverage to employees working on average 30 hours per week or more during a measurement period and the potential impact on service levels for Parks and Recreation and Libraries. She advised that Staff will assess department needs and spoke regarding the possibility that some employees may be offered health insurance further advising that this item is considered an unfunded mandate and is not included in the projections. City Manager Glasscock spoke to anticipated costs, review of positions and staffing levels, measurement period, the impact of regulations on both public and private employers.

Ms. Rhodes-Whitley spoke regarding the North Texas Municipal Water District's anticipated rate increases, the City's use of reserve funds, and updating of the revenue model to reflect anticipated usage. She reviewed the Municipal Drainage and Convention and Tourism Funds and budget calendar.

**Ordinance No. 2013-3-9:** To amend Sections 21-1 and 21-2 of Article I, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano regarding the Municipal Drainage Utility System and related charges; providing a severability clause, a repealer clause, a savings clause, a publication clause and an effective date. (Regular Agenda Item "2")

Director of Budget and Research Rhodes-Whitley spoke to proposed revisions presented on March 6, 2013, and Staff's recommendation to phase in increases for commercial properties.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Gallagher, the Council voted 7-0 to amend Sections 21-1 and 21-2 of Article I, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano regarding the Municipal Drainage Utility System and further to adopt Ordinance No. 2013-3-9.

**Ordinance No. 2013-3-10:** To provide certain Heritage Resources located in the City of Plano, Texas, partial exemption from the current year Ad Valorem Taxation in the amount of \$35,076; providing a severability clause and an effective date. Applicant: City of Plano (Regular Agenda Item “3”)

Heritage Preservation Officer Mittal advised that exemptions are based on improvements and do not include land value and reviewed 2013 exemption recommendations based on use and designation. He spoke regarding the annual survey and decision process and review of properties resulting in 70 recommendations in the amount of \$35,075.55 in City tax exemptions, two denials and no appeals.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Davidson, the Council voted 7-0 to provide certain Heritage Resources located in the City of Plano, Texas, partial exemption from the current year Ad Valorem Taxation in the amount of \$35,076; and further to adopt Ordinance No. 2013-3-10.

**Public Hearing and Consideration of Ordinances requested in Zoning Cases 2012-53 through 2012-56 and Zoning Cases 2012-58 through 2012-59** all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano. All locations are located within the City of Plano, Collin County, Texas, and the repeal of each ordinance will amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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, and an effective date. (Regular Agenda Item “4”)

**Ordinance No. 2013-3-11:** Zoning Case 2012-53 - To rescind Specific Use Permit #253 for Private Club on 1.6± acres located on the north side of 15th Street and 690± feet west of U.S. Highway 75. Zoned Corridor Commercial with Specific Use Permit #253 for Private Club.

**Ordinance No. 2013-3-12:** Zoning Case 2012-54 - To rescind Specific Use Permit #553 for Private Club on 0.1± acre located 105± feet east of Preston Road and 330± feet south of McDermott Road. Zoned Planned Development-20-Mixed-Use/Preston Road Overlay District with Specific Use Permit #553 for Private Club.

**Ordinance No. 2013-3-13:** Zoning Case 2012-55 - To rescind Specific Use Permit #314 for Private Club on 2.0± acres located at the southeast corner of Preston Road and Preston Park Boulevard. Zoned Planned Development-186-Retail/General Office/Preston Road Overlay District with Specific Use Permit #313 for Restaurant, Specific Use Permit #339 for Arcade, and Specific Use Permit #314 for Private Club.

**Ordinance No. 2013-3-14:** Zoning Case 2012-56 - To rescind Specific Use Permit #420 for Private Club on 2.7± acres located on the east side of the Dallas North Tollway, 200± feet south of Park Boulevard. Zoned Regional Commercial/Dallas North Tollway Overlay District with Specific Use Permit #420 for Private Club.

**Ordinance No. 2013-3-15:** Zoning Case 2012-58 - To rescind Specific Use Permit #558 for Private Club on 0.1± acre located 130± feet south of Park Boulevard and 50± feet west of Preston Park Boulevard. Zoned Planned Development-189-Retail/General Office/Preston Road Overlay District with Specific Use Permit #558 for Private Club.

**Ordinance No. 2013-3-16:** Zoning Case 2012-59 - To rescind Specific Use Permit #77 for Private Club on 0.1± acre located 400± feet north of Plano Parkway and 950± feet east of Alma Drive. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #77 for Private Club.

Planning Manager Firgens advised that the item is a continuation of efforts to repeal unused Specific Use Permits for Private Clubs. She advised that the locations are all restaurants that are either out of business or no longer operating with a private club permit through the State of Texas with many having switched to mixed-beverage permits. Ms. Firgens stated that the Planning and Zoning Commission recommends approval of all requests as submitted.

Mayor Dyer opened the Public Hearing. No one spoke either for or against the requests. The Public Hearing was closed.

Upon a motion made by Council Member Duggan and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to adopt all the ordinances listed as recommended by the Planning and Zoning Commission and as designated by their zoning case number.

**Public Hearing and adoption of Ordinance No. 2013-3-17** as requested in Zoning Case 2013-03 to amend Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 636 so as to allow the additional use of New Car Dealer on 15.6± acres of land out of the R.P. Hardin Survey, Abstract No. 611, located 460± feet east of Spring Creek Parkway and on the south side of State Highway 121, in the City of Plano, Denton County, Texas, presently zoned Commercial Employment; 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: Sealy & Company (Regular Agenda Item “5”)

Planning Manager Firgens advised that the request is generally consistent with the Future Land Use Plan and that the Planning and Zoning Commission recommended approval as submitted.

Mayor Dyer opened the Public Hearing. Kirk Williams, representing the applicant and property owner, spoke to the property's location and retention of ownership on either side with development of retail/restaurant on the “hard corner” of Spring Creek Parkway and S.H. 121 and office to the east. He spoke to the dealership's desire to relocate and expand, proximity of other dealerships in the area, future employment and eminent changes to the intersection. No one else spoke for or against the request. The Public Hearing was closed.

**Ordinance No. 2013-3-17 (cont'd)**

Council Member Dunlap spoke to the potential for a different use on the property. Ms. Firgens advised the Council that while the request is consistent with the Future Land Use Plan designation of Major Corridor Development, Staff felt it was not consistent with the City's long-range planning policies encouraging preservation of land in this area for economic development and employment uses and spoke to Council's affirmation of the policies. Deputy Mayor Pro Tem Harris and Mayor Pro Tem Smith stated concerns regarding the use.

Council Member Duggan spoke to the owners reinvesting into retail and office on surrounding properties, similar development in other locations and land owners determining the best use. Deputy Mayor Pro Tem Harris spoke to the potential impact on future development in the area. Mr. Williams advised the Council that nine acres to the east is under contract for office buildings, spoke regarding the location developing into a major retail and traffic corridor, and consistency with the Future Land Use Plan. Michael Sealy of Sealy & Company responded to the Council, advising that the office buildings would be two-story and 120,000 square feet.

A motion was made by Mayor Dyer and seconded by Council Member Gallagher to approve granting Specific Use Permit No. 636 so as to allow the additional use of New Car Dealer on 15.6± acres of land, located 460± feet east of Spring Creek Parkway and on the south side of State Highway 121, in the City of Plano, Denton County, Texas, presently zoned Commercial Employment; as requested in Zoning Case 2013-03 and recommended by the Planning and Zoning Commission, and further to adopt Ordinance No. 2013-3-17. The Council voted 4-3 with Mayor Pro Tem Smith, Deputy Mayor Pro Tem Harris and Council Member Dunlap voting in opposition. The motion carried.

Nothing further was discussed. Mayor Dyer adjourned the meeting at 8:19 p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary