

**PLANO CITY COUNCIL**  
**May 13, 2013**

**COUNCIL MEMBERS PRESENT**

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

**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, May 13, 2013, at 7:02 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

John Chen, Children's Pastor of Plano Chinese Alliance Church led the invocation and Jr. Girl Scout Troop 8638 of Aldridge & Weatherford Elementary Schools led the Pledge of Allegiance.

Mayor Dyer recognized the Standberry Scholarship recipients, the 2013 Living Legend Volunteer, National Historic Preservation Month, Bike to Work Day, and the Plano Employees of the Year.

**COMMENTS OF PUBLIC INTEREST**

Citizen Arthur Townsend spoke regarding his right to address the Council.

**CONSENT AGENDA**

Council Member Dunlap requested that Consent Agenda Items "E" and "G" be removed for individual consideration due to possible conflicts of interest.

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

**Approval of Minutes** (Consent Agenda Item “A”)  
April 22, 2013

**Approval of Expenditures**

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

**Bid No. 2013-64-C** for a one (1) year contract with three (3) City optional renewals for Top Soil, Sand and Expanded Shale for the Public Works, Environmental Waste Services Division, to CJA Enterprises LLP in the estimated annual amount of \$65,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

**Bid No. 2013-201-B** for Parker Road - Parkwood Boulevard Intersection to XIT Paving and Construction, Inc. in the amount of \$409,802 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

**Bid No. 2013-193-B** for Dallas North Estates 3 to RKM Utility Services, Inc. in the amount of \$1,325,794 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

**Bid No. 2013-207-B** for the 2012-13 Arterial Concrete Pavement Rehab, Alma Drive – Parker Road to Hedcoxe Road, Project No. 6291 to Jerusalem Corporation, in the amount of \$1,449,998 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

**Bid No. 2013-202-B** for High Point Tennis Center Courts Resurfacing and Windscreens to Courts-N-Stuff in the amount of \$125,936 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

**Bid No. 2013-178-B** for Heritage Yards Bleacher Shade Structures to HQS Construction, LLC in the amount of \$169,623 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

**Bid No. 2013-208-B** for the purchase of two (2) 3/4 Ton Chevrolet Suburbans from Caldwell Country Automotive in the amount of \$93,980 for Fleet Services, to be utilized by the Fire Department, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “J”)

**CSP No. 2012-181-C** for a three (3) year contract with two (2) City optional one year renewals, for Work Order and Asset Management System for Parks and Recreation and Public Works to Cartegraph Systems, Inc. in the amount of \$158,000 for the 1st year and an estimated annual amount of \$51,670 for each of the following 2 years and an estimated amount of \$53,000 for each of years 4 and 5, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “K”)

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

To approve a one (1) year contract with three (3) City optional renewals for the purchase of Fire Hydrants and Repair Parts for the Warehouse to be utilized by Public Works in an estimated annual amount of \$90,000 from HD Supply Waterworks, LTD, through an existing contract/agreement with the City of Fort Worth, and authorizing the City Manager to execute all necessary documents. (City of Fort Worth Contract #12-0063) (Consent Agenda Item “L”)

### **Approval of Contract Modification**

To approve and authorize Contract Modification No. 1 for the purchase of additional engineering and surveying services for Screening and Retaining Walls – Custer, Independence and US 75 project in the amount of \$45,720 from R-Delta Engineering, Inc. (Consent Agenda Item “M”)

### **Approval of Change Order**

To Archer Western Construction, LLC, decreasing the contract by \$215,743 for Custer Pump Station, Change Order No. 3. Original Bid No. 2011-233-B. (Consent Agenda Item “N”)

### **Approval of Expenditure**

To approve of the ratification of expenditures exceeding the awarded amount by \$724,946 and approve additional award in the amount of \$286,850 for the purchase of concrete from Redi-Mix LLC to be utilized by Public Works, and authorizing the City Manager to execute all necessary documents (2009-99-C). (Consent Agenda Item “O”)

### **Adoption of Resolutions**

**Resolution No. 2013-5-1(R):** To repeal Resolution No. 2005-12-12(R) and approve and authorize revised golf course green fees at Pecan Hollow Golf Course; and providing an effective date. (Consent Agenda Item “P”)

**Resolution No. 2013-5-2(R):** To authorize continued participation with the Steering Committee of Cities Served by Oncor; authorizing the payment of ten cents per capita to the Steering Committee to fund regulatory and related activities related to Oncor Electric Delivery Company, LLC; and providing an effective date. (Consent Agenda Item “Q”)

**Resolution No. 2013-5-3(R):** To approve the Investment Portfolio Summary for the quarter ending March 31, 2013 and providing an effective date. (Consent Agenda Item “R”)

**Resolution No. 2013-5-4(R):** To approve the hiring of Jennifer A. Knox- Walker as Assistant City Attorney by the City Attorney; and providing an effective date. (Consent Agenda Item “S”)

**Resolution No. 2013-5-5(R):** To repeal and replace Resolution No. 2013-4-1(R) approving the purchase of 6,755 sq. ft. of land for Street Right of Way located at the northwest corner of Preston Road and Spring Creek Parkway from Passco Waters Edge, LP., and authorizing the City Manager or his authorized designee to execute any necessary documents; and providing an effective date. (Consent Agenda Item “T”)

### **Adoption of Ordinances**

**Ordinance No. 2013-5-6:** To abandon all right, title and interest of the City, in and to a portion of that certain 15-foot Drainage Easement recorded in Volume Q, Page 293 of the Plat 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 abutting property owner, CB Jeni – Chase Oaks Village II, 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 “U”)

**Ordinance No. 2013-5-7:** To abandon all right, title and interest of the City, in and to that certain 25’ x 25’ Drainage Easement recorded in Volume 4551, Page 2929, a certain 25’ x 450’ Temporary Construction Easement recorded in Volume 4551, Page 2953, and a certain 25’ wide Water Line and Sanitary Sewer Easement recorded in Volume 4551, Page 2921 of the Deed Records of Collin County, Texas and being situated in the H. B. Miller Survey, Abstract No. 614, which are located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, PARK PLACE LX LAND COMPANY NO. 1, LTD., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “V”)

### **END OF CONSENT**

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

**Bid No. 2013-174-B** for the Plano Park 1 – Street Reconstruction and Water Main Replacement project to Jim Bowman Construction Co., L.P. in the amount of \$1,412,916 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

**Bid No. 2013-148-B** for the Greenhollow Estates Waterline Rehabilitation Project to Jim Bowman Construction Co., L.P., in the amount of \$2,089,375 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

Upon a motion made by Mayor Pro Tem Lissa Smith and seconded by Council Member Davidson, the Council voted 7-0 to approve Bid No. 2013-174-B for the Plano Park 1 – Street Reconstruction and Water Main Replacement project to Jim Bowman Construction Co., L.P. in the amount of \$1,412,916 and Bid No. 2013-148-B for the Greenhollow Estates Waterline Rehabilitation Project to Jim Bowman Construction Co., L.P., in the amount of \$2,089,375.

Council Member Dunlap resumed his seat at the dais.

**Public Hearing and adoption of Ordinance No. 2013-5-8** as requested in Zoning Case 2013-08 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to expand Specific Use Permit No. 468 for the additional use of Health/Fitness Center on 3.1± acres of land located on the north side of Legacy Drive, 345± feet east of Preston Road, in the City of Plano, Collin County, Texas, presently zoned General Office; 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: Scherer I, Ltd. (Regular Agenda Item “1”)

Director of Planning Jarrell advised that the owner of the adjacent health/fitness center plans to acquire the 3.1± acre subject property and construct a new indoor tennis building which they would own and operate. She advised that the Planning and Zoning Commission recommended approval as submitted.

Mayor Dyer opened the Public Hearing. Bill Dahlstrom, representing the applicant, spoke regarding Lifetime Fitness and the planned facility. No one else spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Duggan and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to expand Specific Use Permit No. 468 for the additional use of Health/Fitness Center on 3.1± acres of land located on the north side of Legacy Drive, 345± feet east of Preston Road, as requested in Zoning Case 2013-08 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2013-5-8.

**Consideration of a request for a revised preliminary site plan/revised concept plan** and to participate in a Parking Reduction Program for a Health/Fitness Center and General Office on two lots on 19.0± acres located generally at the northeast corner of Legacy Drive and Preston Road. Zoned General Office/Preston Road Overlay District with Specific Use Permit #468 for Health/Fitness Center. Applicant: Scherer I, Ltd. (Regular Agenda Item “2”)

Director of Planning Jarrell advised that the applicant is requesting a parking deferment under Subsection 3.1112 of the Zoning Ordinance which must be approved by the City Council. She stated that developers, after providing documentation of the estimated actual demand for parking, may be granted a deferment and agree to construct parking if necessary. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval of the request subject to:

1. City Council approval of the request for a parking reduction;
2. The applicant executing a performance agreement with the city, subject to approval by the City Attorney; and
3. Dedication of parking easements for the deferred parking areas on Lot 1R.

**Consideration of a request for a revised preliminary site plan/revised concept plan (cont'd)**

Bill Dahlstrom, representing the applicant, requested approval and spoke to the applicant's willingness to enter into the performance agreement.

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to approve a request for a revised preliminary site plan/revised concept plan and for participation in a Parking Reduction Program by a Health/Fitness Center and General Office on two lots on 19.0± acres located generally at the northeast corner of Legacy Drive and Preston Road as recommended by the Planning and Zoning Commission.

Council Member Dunlap spoke regarding his service on the Council and other boards/committees, contributions to the community and decision to relocate. Mayor Dyer thanked him for his service.

Nothing further was discussed. Mayor Dyer adjourned the meeting at 7:38 p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary