

# CITY COUNCIL

1520 AVENUE K



DATE: 4/8/2013  
CALL TO ORDER: 7:00 p.m.  
INVOCATION: Father Marco Rangel  
Prince of Peace Catholic Community  
PLEDGE OF ALLEGIANCE: Cub Scout Pack 220, Wolves, Den 5  
Harrington Elementary

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>OUR MISSION - THE CITY OF PLANO IS A REGIONAL AND NATIONAL LEADER, PROVIDING OUTSTANDING SERVICES AND FACILITIES THROUGH COOPERATIVE EFFORTS THAT ENGAGE OUR CITIZENS AND CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p><b>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</b></p> <p><b><u>PROCLAMATIONS &amp; SPECIAL RECOGNITION</u></b></p> <p>PROCLAMATION: The Plano Early Lions Club will celebrate the 35th Anniversary of being chartered by the International Association of Lions Clubs</p> <p>PROCLAMATION: May is Motorcycle Safety Awareness Month and motorists and motorcyclists are encouraged to share the road and be alert</p> <p><b><u>COMMENTS OF PUBLIC INTEREST</u></b></p> <p><b><u>This portion of the meeting is to allow up to five (5) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.</u></b></p> <p><b><u>CONSENT AGENDA</u></b></p> <p><b><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></b></p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(a)	<p><b><u>Approval of Minutes</u></b> March 25, 2013</p>	
	<p><b><u>Approval of Expenditures</u></b></p>	
(b)	<p><b>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</b> Bid No. 2013-165-B for Prairie Creek and Cloisters Alley Reconstruction to P &amp; E Contractors, Inc. in the amount of \$522,486 and authorizing the City Manager to execute all necessary documents.</p>	
(c)	<p>Bid No. 2012-322-C for a one (1) year contract with three (3) City optional one year renewals for the purchase and installation of trees at various locations citywide to Lillard Lawn and Landscaping, Inc. in the estimated annual amount of \$145,000; and authorizing the City Manager to execute all necessary documents.</p>	
(d)	<p><b>Purchase from an Existing Contract</b> To approve the purchase of cabling and installation services in the amount of \$345,910 from Able Communications, Inc. through an existing Department of Information Resources contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1904)</p>	
(e)	<p><b><u>Adoption of Resolutions</u></b> To approve the purchase of 6,755 square feet 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 to execute any necessary documents; and providing an effective date.</p>	
	<p><b><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></b></p> <p><b><u>Public Hearing Items: Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The presiding officer may extend these times as deemed necessary.</u></b></p> <p><b><u>Non-Public Hearing Items: The Presiding Officer may permit limited public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order cards are received until the cumulative time is exhausted.</u></b></p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(1)	<p>Public Hearing and consideration of an Ordinance as requested in Zoning Case 2013-04 to amend Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 637 so as to allow the additional use of Assisted Living Facility on 2.4± acres of land located on the east side of Alma Drive, 205± feet north of 16th Street, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; 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: Plano Riverwalk Development Partners, LTD</p> <p><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal/L Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. The Senator Florence Shapiro Council Chambers is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></p>	



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		04/08/2013		
Department:		City Manager's Office		
Department Head		Bruce Glasscock		
Agenda Coordinator (include phone #): <b>Melinda White X7548, Cindy Pierce X5161</b>				
<b>CAPTION</b>				
PROCLAMATION: The Plano Early Lions Club will celebrate the 35 <sup>th</sup> Anniversary of being chartered by the International Association of Lions Clubs.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	



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PROCLAMATION:    May is Motorcycle Safety Awareness Month and motorists and motorcyclists are encouraged to share the road and be alert.				
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<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
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 called the meeting to order at 5:02 p.m., Monday, March 25, 2013, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor Dyer then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071 and to receive information regarding Security, Section 551.076 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 6:02 p.m.

**Consideration and action resulting from Executive Session discussion**

No items were brought forward.

**DART Report**

DART Board of Directors representative Paul Wageman thanked the Council for the opportunity of service and spoke to the new board policy adopted on March 5 related to providing contract services to nonresident cities including: 1) maximum of 24 months without commitment to join DART, 2) service plan must be completed within 36 months; 3) an election must be conducted within 48 months; 4) contract service may continue beyond 48 months only following a successful election to join in the future; and 5) cities may phase out of binding commitments of the use of 4A/4B sales taxes. He advised regarding the status of Mesquite, Arlington, Allen and McKinney and responded to the Council regarding the build out of member cities resulting in a stabilization/decrease in sales tax collection and possible rates for new member cities.

Mr. Wageman advised that on April 1, DART staff will assume responsibility for registering Plano citizens at the Parker Road Station. He advised that the current program has proven economically unsustainable and that future options include continuation at the Parker Road and the Northwest Plano Park/Ride stations only, extending paid parking to the Bush and Trinity Mills Stations or ending the program January 1. He responded to Mayor Pro Tem Smith that he would ascertain the percentage of riders at the Northwest Plano Park and Ride coming from non-member cities. Mr. Wageman provided an overview of the Plano service network, spoke to positive ridership trends, and TxDOT's desire to assume operations, enforcement, and maintenance of DART HOV lanes. He spoke to the US 75 Integrated Corridor Management Demonstration to manage transportation as an integrated system rather than separate assets and provide information to travelers. Mr. Wageman spoke to potential stations along the Cotton Belt Corridor and DART Vice President of Government Relations Michael Miles spoke to rollout of Smartcards in the coming months.

### **Briefing Regarding 2013 Mosquito Management Program**

Environmental Health Manager Heinicke advised regarding the two forms of the West Nile Virus being a "fever" which is mild and the neuroinvasive which is more severe in nature and stated that the virus is transmitted from mosquitos after they have bitten an infected bird. He reviewed cases in 2012 and advised regarding the City's integrated management plan including monitoring, prevention and additional response. He spoke to utilizing the City's *Fixit* program so that citizens can assist in identifying areas for treatment and various methods of providing educational information including the website, blackboard connect and seminars. Mr. Heinicke spoke to the effectiveness of treatment using larvicide or adulticide (as needed) and responded to the Council, advising that seminars will be scheduled at a variety of times and may be taped for broadcast.

### **Discussion and Direction Regarding City of Plano Logo and Tag Line**

City Manager Glasscock requested Council direction regarding use of the proposed tagline *People Connect Here* or an alternative, *City of Excellence*. He spoke to the process of implementation as evolving over time. Council Member Dunlap spoke to departments using either one, depending on their function. Council Members Gallagher and Duggan spoke in support of *City of Excellence*. Mayor Pro Tem Smith spoke in support of *People Connect Here*. Council Member Davidson spoke to uncertainty regarding the use of *People Connect Here* at the current time. Mayor Dyer stated the Council's consensus to move forward with *City of Excellence*.

City Manager Glasscock spoke to the proposed refreshed logo and its implementation over time as assets are replaced or refurbished and requested Council direction. Mayor Dyer, Mayor Pro Tem Smith and Council Member Davidson spoke in support of the revised logo. Council Member Dunlap spoke to the design of the current logo representing the state and its flag, its retention and revising the colors to reflect those of the state flag. Deputy Mayor Pro Tem Harris and Council Member Gallagher spoke in support of the current logo with revised colors. Council Member Duggan stated support for the revised logo. Mayor Dyer stated the Council's consensus to move forward with the revised logo and City Manager Glasscock advised that a resolution will be brought forward for adoption.

### **TxDOT Expansion of US Highway 75 in Plano, Allen and Fairview**

Public Works Director Cosgrove spoke regarding TxDOT's expansion of US 75 including improvements to: northbound US 75 at Spring Creek Parkway; southbound US 75 to Legacy Drive; and westbound Legacy Drive to southbound US 75. He spoke to growth and increased traffic at Legacy Drive and the Cinemark driveway and the recommendation to install a traffic signal. The Council stated a consensus in directing Staff to move forward with the signal.

### **Council items for discussion/action on future agendas**

Mayor Dyer requested discussion regarding the contribution rate of future DART member cities.

### **Consent and Regular Agendas**

Council Member Dunlap requested that Consent Agenda Items "C," Bid No. 2013-149-B for Oak Point Amphitheater Monument Signs to SFCC, Inc. in the amount of \$88,200; and "F," Bid No. 2012-293-B for Russell Creek Trail Undercrossing at Independence to North Rock Construction in the amount of \$402,154 be removed for individual consideration due to possible conflicts of interest.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 7:21 p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary

**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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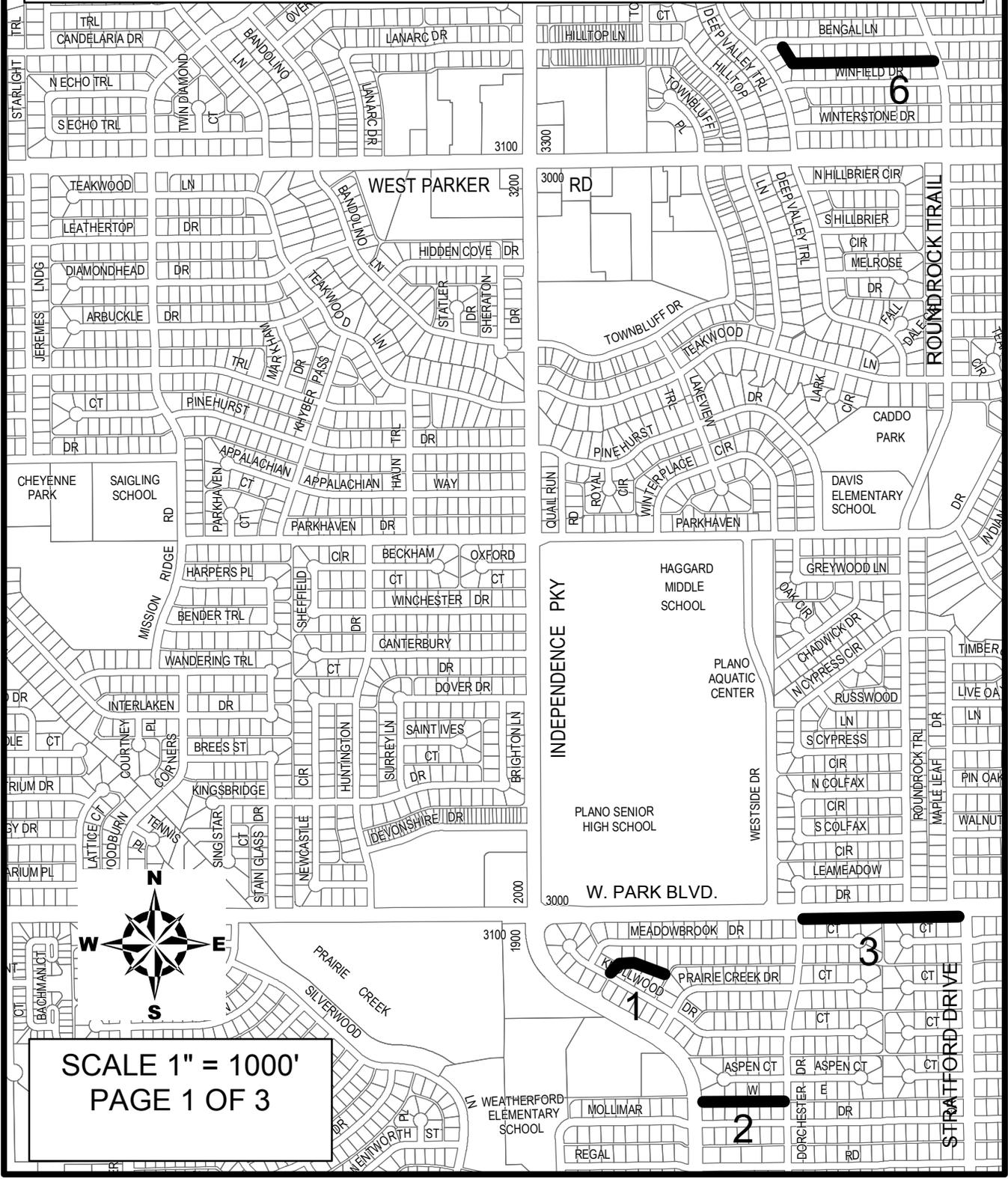
Diane Zucco, City Secretary



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

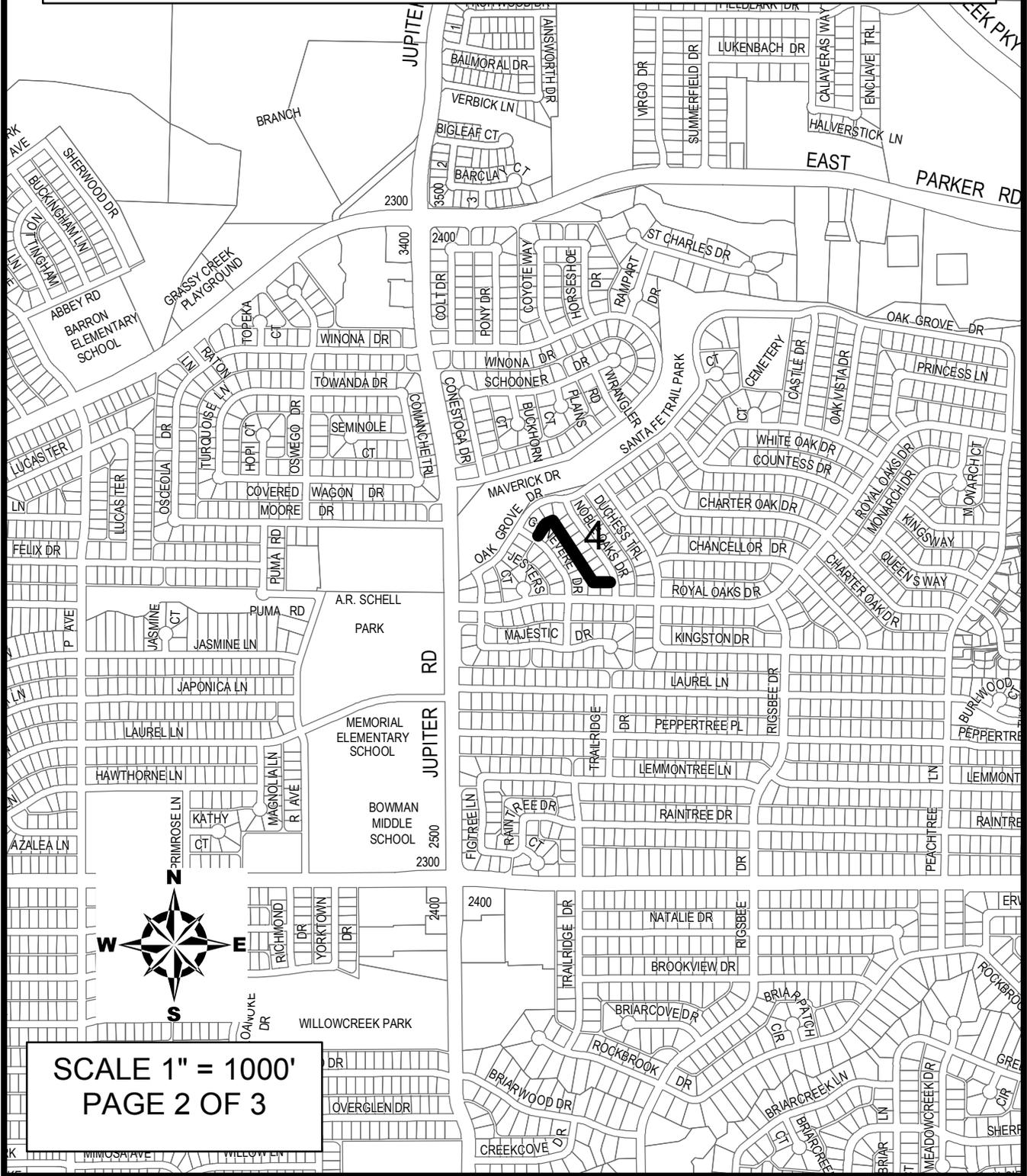
<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		04/08/13		
Department:		Public Works		
Department Head:		Gerald P. Cosgrove, P.E.		
Agenda Coordinator (include phone #):		Kathleen Schonne (7198)		Project No. 6153
<b>CAPTION</b>				
Bid No. 2013-165-B for Prairie Creek and Cloisters Alley Reconstruction to P & E Contractors, Inc. in the amount of \$522,486 and authorizing the City Manager to execute all necessary documents.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: <b>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	70,200	534,800	241,000	<b>846,000</b>
Encumbered/Expended Amount	-70,200	-2,800	0	<b>-73,000</b>
This Item	0	-522,486	0	<b>-522,486</b>
BALANCE	0	9,514	241,000	<b>250,514</b>
<b>FUND(S):    STREET IMPROVEMENT CIP</b>				
<p><b>COMMENTS:</b> Funds are included in the FY 2012-13 Street Improvement CIP. This item, in the amount of \$522,486, will leave a current year balance of \$9,514 for the Prairie Creek and Cloisters Alley Reconstruction project.</p> <p><b>STRATEGIC PLAN GOAL:</b> Reconstruction of concrete alleys relates to the City's Goal of a Financially Strong City with Service Excellence.</p>				
<b>SUMMARY OF ITEM</b>				
<p>Staff recommends bid of P &amp; E Contractors, Inc. in the amount of \$522,485.50 for Alternate Number 1 Bid (Cement Meets/Below TCEQ Source Cap Emission Limits), be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents.</p> <p>The second vendor being recommended is Jim Bowman Construction Co., L.P. in the amount of \$541,110.50. Engineer's estimate was \$590,000.</p> <p>The project consists of pavement reconstruction of the following six (6) alleys:</p> <ol style="list-style-type: none"> <li>1. Alley on north side of Knollwood Drive just south of Meadowbrook Drive</li> <li>2. Alley north of Mollimar Drive from Independence Parkway to Dorchester Drive</li> <li>3. Alley adjacent to south side of West Park Boulevard from Dorchester Drive to Stratford Drive</li> <li>4. Alley between Guinevere Drive and Noble Oaks Drive</li> <li>5. Alley south of Clinton Drive serving lots fronting on Mariposa Circle</li> <li>6. Alley south of Bengal Lane west of Roundrock Trail</li> </ol>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Maps, Bid Recap			N/A	

# PRAIRIE CREEK AND CLOISTERS ALLEY RECONSTRUCTION PROJECT NO. 6153



SCALE 1" = 1000'  
PAGE 1 OF 3

# PRAIRIE CREEK AND CLOISTERS ALLEY RECONSTRUCTION PROJECT NO. 6153



SCALE 1" = 1000'  
PAGE 2 OF 3



# CITY OF PLANO

## BID NO. 2013-165-B PRAIRIE CREEK AND CLOISTERS ALLEY RECONSTRUCTION – PROJECT NO. 6153

### BID RECAP

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**Bid opening Date/Time:** March 15, 2013 @ 2:00 PM

**Number of Vendors Notified:** 10,269

**Vendors Submitting “No Bids”:** 0

**Bids Evaluated Non-Responsive to Specifications:** 0

**Number of Bids Submitted:** 4

	<b><u>Total Base Bid</u></b>	<b><u>Total Alternate Bid</u></b>
<b>P &amp; E CONTRACTORS, INC.</b>	<b>\$522,485.50</b>	<b>\$522,485.50</b>
JIM BOWMAN CONSTRUCTION	\$541,110.50	\$541,110.50
URBAN CONSTRUCTION GROUP	\$542,773.00	\$542,773.00
NASHCM, INC	\$700,314.26	\$735,868.40

**Recommended Vendor(s):**

P & E CONTRACTORS, INC. \$522,485.50

JIM BOWMAN CONSTRUCTION \$541,110.50

*Perry Neeley*

March 20, 2013

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Perry Neeley, Buyer

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Date



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		4/8/13			
Department:		Parks and Recreation			
Department Head		Amy Fortenberry			
Agenda Coordinator (include phone #): <b>Susan Berger (7255)</b>					
<b>CAPTION</b>					
Bid Number 2012-322-C for a one (1) year contract with three (3) City optional one year renewals for the purchase and installation of trees at various locations citywide to Lillard Lawn and Landscaping, Inc. in the estimated annual amount of \$145,000; and authorizing the City Manager or his designee to execute all necessary documents.					
<b>FINANCIAL SUMMARY</b>					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	<b>FY 2012-13 thru FY 2015-16</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget		25,833	1,407,609	735,000	<b>2,168,442</b>
Encumbered/Expended Amount		-25,833	-886,485	0	<b>-912,318</b>
This Item		0	-145,000	-435,000	<b>-580,000</b>
BALANCE		0	376,124	300,000	<b>676,124</b>
<b>FUND(S):    GENERAL FUND, CAPITAL RESERVE FUND</b>					
<p><b>COMMENTS:</b> Funds are included in the General Fund and Capital Reserve Fund for the purchase and installation of trees. This item is a one year contract with three (3) City optional renewals in the estimated amount of \$145,000 per year and will leave a current year balance \$376,124 to be used for these projects. Future year payments will be made from approved budget appropriations.</p> <p>STRATEGIC PLAN GOAL: Keeping medians and public building landscapes in good condition relates to the City's Goal of Great Neighborhoods - 1st Choice to Live.</p>					
<b>SUMMARY OF ITEM</b>					
This contract will be used to supplement the Parks and Recreation reforestation process by aiding in the replacement of trees lost due to drought and/or age citywide.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Memo					

# MEMO

**Date:** 03-18-2013  
**To:** Purchasing Department, Nicole Griffin  
**From:** Doug Green, Superintendent  
**Through:** Jim Fox, Park Services Manager

**Re: Award Recommendation: 2012-322-C Tree and Ornamental Supply and Installation Price Agreement**

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## **Recommendation:**

It is the recommendation of Parks and Recreation to award **2012-322-C Tree and Ornamental Supply and Installation Price Agreement** to Lillard Lawn and Landscaping, Inc. Lillard Lawn and Landscaping, Inc. appears to be the lowest responsive, responsible bidder for this scope. Parks and Recreation recommends accepting Lillard Lawn and Landscaping, Inc. as the vendor for all items described within this bid.

## **Purchasing Prospective:**

- 508 vendors were notified via BidSync
- 22 vendors viewed the solicitation
- 0 Companies attended the Pre bid meeting
- No questions were asked and no addendum were issued
- One bid was received from Lillard Lawn and Landscaping, Inc.

## **Award:**

Lillard Lawn and Landscaping, Inc. was the sole bidder on this proposed contract, however, their pricing is within budget and consistent with the most current pricing for this type and scope of work. Planted tree and labor prices submitted in this bid are at, or below, the initial unit cost estimate and consistent with current wholesale prices at their respective quantities. The recommendation of this award to Lillard Lawn and Landscaping, Inc. is based upon their successfully submitted lowest responsive bid to the items within this bid package.

## **Award Exception Notes:**

Included below are the department's assumed circumstances related specifically to this bid that may have directly affected any additional vendor participation.

- This contract is without specific quantity guarantees. The nature of the contract will not allow for guaranteed quantities since it is on demand. This makes it more useful, but may be a concern for bidders.
- Vendors are likely reluctant quoting plant material prices in advance since they are a commodity subject to market changes.
- Most vendors may not be comfortable with the difficulties and hazards associated with median planting. The one bidder currently does mowing on medians contractually, and has experience with the site requirements and conditions.
- The contract requires that all plant material for this contract be purchased from a supplier that is within 50 miles of the City of Plano. This to help insure the greatest potential for plant survival.

**Locations:**

This contract will be used to make tree and ornamental replacements citywide as needed at Park maintained properties. This includes medians and right-of-ways, neighborhood parks, community parks, public buildings, along with athletic sites.

**Contract Expenditures:**

Lillard Lawn and Landscaping, Inc. is recommended for award of 2012-322-C in the amount of \$145,000 annually. Total future costs for three (3) annual city optional renewals will be \$435,000.

**Action Requested:**

The total amount related to this purchase is within the estimated expenditure for these items. Please review and begin the necessary steps for the award of this contract.

**Expenditure Justification:**

Contract Purpose – Annually the City loses trees through normal attrition. Causes include motor vehicle accidents, weather damage, pests, and other natural causes. Unfortunately, loss has increased over the past years due to drought related conditions. The annual quantity needing to be replaced now exceeds what the Parks and Recreation Department can complete in house. This contract will be used to supplement the Parks and Recreation reforestation process by aiding in the replacement of lost trees and ornamentals citywide. This operation will be performed in annual phases for the duration of this contract for as long as funding is available.

Non-Approval Implication – If this contract is not awarded, numerous Park and Recreation maintained properties will not receive planned tree and ornamental replacements. Trees are necessary to help offset the environmental effects of population growth and development and are beneficial for the overall aesthetics of the City. They help maintain adjacent property values. Some trees must be replaced when there are site requirements related to buildings and paved areas.

Cc:

Amy Fortenberry, Director of Parks and Recreation

Robin Reeves, Chief Park Planner



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		4/8/2013		
Department:		Technology Services		
Department Head		David Stephens		
Agenda Coordinator (include phone #): <b>Dianna Wike x7549</b>				
<b>CAPTION</b>				
To approve the purchase of cabling and installation services in the amount of \$345,910 from Able Communications, Inc. through an existing Department of Information Resources contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1904)				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	<b>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
				<b>TOTALS</b>
Budget		148,223	7,612,777	0
Encumbered/Expended Amount		-148,223	-5,235,782	0
This Item		0	-345,910	0
BALANCE		0	2,031,085	0
<b>FUND(s):    MUNICIPAL FACILITIES CIP</b>				
<b>COMMENTS:</b> Funds are included in the FY 2012-13 Municipal Facilities CIP. This item, in the amount of \$345,910, will leave a current year balance of \$2,031,085 for the Technology Services Facility project.				
STRATEGIC PLAN GOAL: Installation of fiber optic cable within the City of Plano's data Center relates to the City's Goal of a Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
Technology Services staff recommends approval of the purchase of cabling and installation services from Able Communications, Inc. in the amount of \$345,910 through an existing Department of Information Resources contract, conditioned upon timely execution of any necessary contract documents. These services are required as part of the renovation project to move the existing data center to a more energy efficient and optimized data center. The City is authorized to purchase from the State Contract list pursuant to Chapter 271 Subchapter D of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (DIR-SDD-1904)				
List of Supporting Documents: Memorandum			Other Departments, Boards, Commissions or Agencies	

# Memo

Date: 3/18/2013

To: Diane Palmer-Boeck, Chief Purchasing Officer

From: David Stephens, Director Technology Services

RE: Cabling and installation services of new Data Center

Technology Services proposes purchasing cabling and installation services from Able Communications, Inc. as part of the Technology Services Data Center renovation project. The City of Plano provides access to computing resources to all City departments through our centralized data center. As part of the renovation project Technology Services will be moving from our existing data centers into a more energy efficient and optimized data center. This cabling and installation services will allow us to grow and accommodate future information needs of the City's departments.

Able Communications, Inc. has an agreement with the State of Texas Department of Information Resources to provide software maintenance and support under contract DIR-SDD-1904. The amount of the City of Plano agreement with Able Communications would be \$345,910.05.

If the City of Plano were not to purchase this cabling and installation services from Able Communications, Inc. then the functionality of the renovated data center would be limited and we would not be able to move our servers from our existing data center to the renovated facility.



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		4/8/13		
Department:		Public Works		
Department Head:		Gerald P. Cosgrove, P.E.		
Agenda Coordinator (include phone #): <b>Kathleen Schonne (7198)</b>				<b>Project No. 5925</b>
<b>CAPTION</b>				
A Resolution of the City Council of the City of Plano, Texas, 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.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: <b>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	222,439	2,328,561	993,000	<b>3,544,000</b>
Encumbered/Expended Amount	-222,439	-109,280	0	<b>-331,719</b>
This Item	0	-64,556	0	<b>-64,556</b>
<b>BALANCE</b>	0	2,154,725	993,000	<b>3,147,725</b>
FUND(S) STREET IMPROVEMENT CIP				
<b>COMMENTS:</b> Funds are included in the FY 2012-13 Street Improvement CIP. This item, in the amount of \$64,556 will leave a current year balance of \$2,154,725 for the Preston Road Corridor Improvements project.				
STRATEGIC PLAN GOAL: Acquiring right of way to improve traffic flow relates to the City's Goal of Great Neighborhoods - 1 <sup>st</sup> Choice to Live.				
<b>SUMMARY OF ITEM</b>				
This purchase is for the acquisition of a 6,755 sq. ft. of land for Street Right of Way, located at the northwest corner of Preston Road and Spring Creek Parkway. The City will pay \$64,556 for the Street Right of Way.				
The tract is needed to construct a dedicated right turn lane for southbound Preston Road and staff recommends approval.				
List of Supporting Documents: Resolution; Exhibit A			Other Departments, Boards, Commissions or Agencies N/A	

**A Resolution of the City Council of the City of Plano, Texas, 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.**

**WHEREAS**, the City of Plano (“City”) wants to acquire 6,755 sq. ft. of land for Street Right of Way, attached hereto as Exhibit “A” from Passco Waters Edge, LP, for the Preston Road Corridor intersection improvements project (the “Project”); and

**WHEREAS**, the Public Works Department requests that City Council authorize the purchase of the Right of Way for the Project in the amount of SIXTY FOUR THOUSAND FIVE HUNDRED FIFTY SIX AND NO/100 DOLLARS (\$64,556.00) (the “Purchase Price”) ; and

**WHEREAS**, upon full review and consideration of the acquisition request, and all matters attendant and related thereto, the City Council finds that it is in the best interest of the City to approve the amount of the Purchase Price for the acquisition of the Street Right of Way for the Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The Purchase Price for the acquisition of the Street Right of Way by the City from Passco Waters Edge, LP, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City and its citizens, is hereby in all things approved.

**Section II.** The City Manager, or his authorized designee, is hereby authorized to execute all documents in connection therewith on behalf of the City to facilitate the purchase of the Street Right of Way.

**Section III.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** this the 8th day of April, 2013.

\_\_\_\_\_  
Phil Dyer, MAYOR

ATTEST:

\_\_\_\_\_  
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

## EXHIBIT "A"

County: Collin  
Highway: SH 289  
STA. 1374+89.99 to 1378+94.32  
R.O.W. CSJ: 0091-05-057

Page 1 of 3  
December 22, 2011

### Description for Parcel 4

BEING 6,755 square feet of land, more or less, in the Jesse Stiff Survey, Abstract No. 793, City of Plano, Collin County, Texas, and being a portion of Lot 2R, Block C of the Waters Edge Apartments, an addition to the City of Plano as recorded in Cabinet K, Page 639 of the Plat Records of Collin County, Texas, and being a portion of a tract of land as described in deed to Passco Waters Edge S, LP and Passco Waters Edge H, LP, as recorded in Instrument Number 20061003000142490, Official Property Records Collin County, Texas (O.P.R.C.C.T.), said 6,755 square feet of land being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found with cap stamped "BBW" at the most northerly northeast corner of said Lot 2R, said corner being on the southerly right-of-way line of Whitestone Lane, a 60.0 foot wide right-of-way (no deed of record found);

THENCE South 58 degrees 36 minutes 38 seconds East along the southwesterly right-of-way line of Whitestone Lane and the northeasterly line of said Lot 2R, a distance of 11.83 feet to a 5/8 inch iron rod with Texas Department of Transportation (TxDOT) 3-1/4 inch aluminum cap set on the new westerly right-of-way line of State Highway 289 (Preston Road) and being the POINT OF BEGINNING at Station 1374+89.99, 61.40 feet Right: and having a Texas State Plane Coordinate System, N.A.D.83, North Central Zone (4202), surface coordinate of North 7,073,276.3859, East 2,490,906.9502;

- 1) THENCE South 58 degrees 36 minutes 38 seconds East continuing along the southwesterly right-of-way line of Whitestone Lane and the northeasterly line of said Lot 2R, a distance of 2.35 feet to a City of Plano aluminum monument found at the most easterly corner of said Lot 2R, said corner being on the existing westerly right-of-way line of State Highway 289;
- 2) THENCE South 14 degrees 15 minutes 36 seconds East along the existing westerly right-of-way line of State Highway 289 and easterly line of said Lot 2R a distance of 86.28 feet to a point for corner, from which a 5/8 inch iron rod found bears North 49 degrees 09 minutes 45 seconds East a distance of 0.34 feet;
- 3) THENCE South 14 degrees 41 minutes 13 seconds East continuing along the existing westerly right-of-way line of State Highway 289 and easterly line of said Lot 2R a distance of 296.49 feet to the most easterly southeast corner of said Lot 2R, said corner being at the northeasterly end of a corner clip for Spring Creek Parkway right-of-way, a variable width right-of-way, as described in instrument to the City of Plano, as recorded in Instrument Number 92-0027646 (O.P.R.C.C.T.);
- 4) THENCE South 30 degrees 18 minutes 47 seconds West along the southeasterly line of said Lot 2R and the existing northwesterly right-of-way line of Spring Creek Parkway, a

EXHIBIT "A"

County: Collin  
Highway: SH 289  
STA. 1374+89.99 to 1378+94.32  
R.O.W. CSJ: 0091-05-057

Page 2 of 3  
December 22, 2011

Description for Parcel 4

distance of 29.43 feet to a point for corner (unable to set in water) on the new westerly right-of-way line of State Highway 289;

- 5) THENCE departing the existing northwesterly right-of-way line of Spring Creek Parkway and the southeasterly line of said Lot 2R, North 14 degrees 41 minutes 35 seconds West along the new westerly right-of-way line of State Highway 289, a distance of 254.48 feet to a 5/8 inch iron rod with TxDOT 3-1/4 inch aluminum cap set;
- 6) THENCE North 07 degrees 11 minutes 18 seconds West continuing along the new westerly right-of-way line of State Highway 289, a distance of 152.09 feet to the POINT OF BEGINNING and containing 6,755 square feet (0.1551 acres) of land, more or less.

\*\* The monument described and set in this call, if destroyed during construction, may be replaced with a TxDOT Type II Right of Way Marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

All bearings are based on the Texas State Plane Coordinate System, N.A.D. 83, North Central Zone. All coordinates shown are surface and may be converted to grid by dividing by the TxDOT conversion factor of 1.000152710.

For Huitt-Zollars, Inc

  
D. Rex Winchester

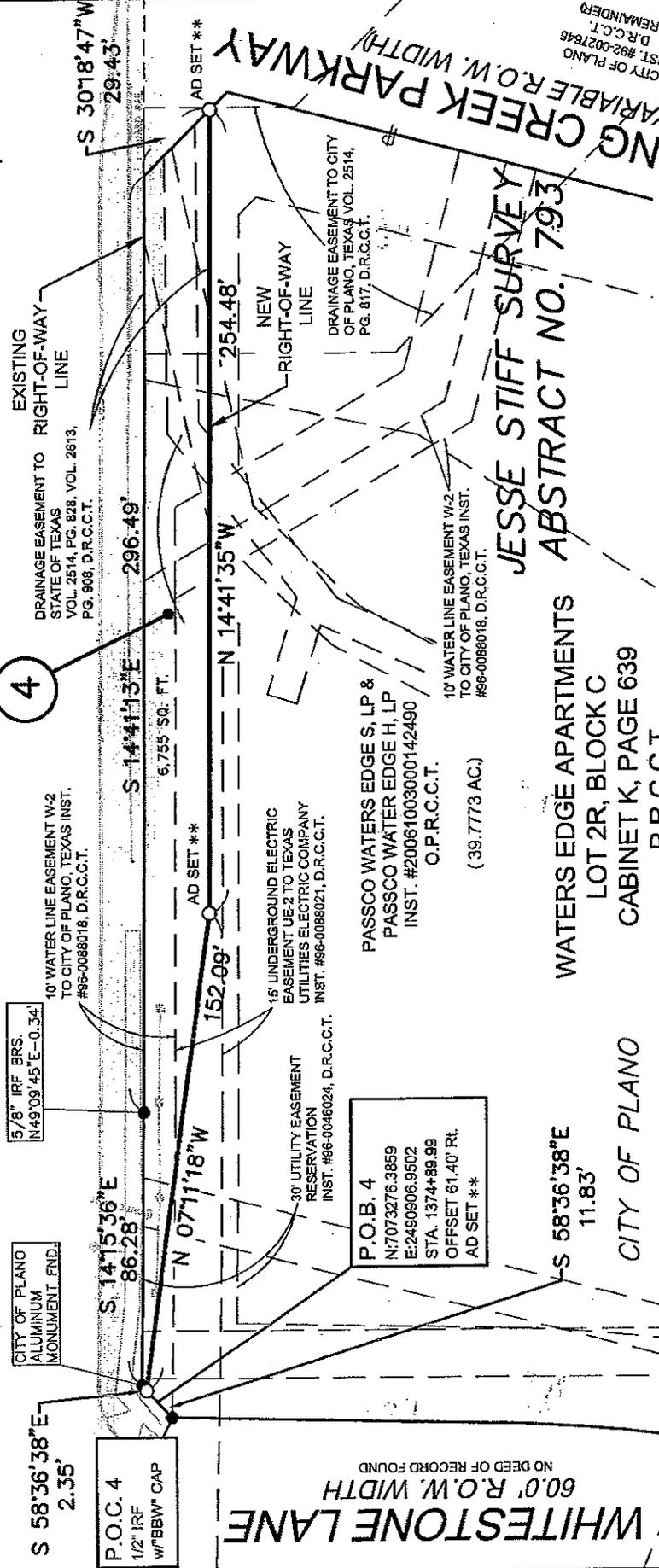
1-3-2012

Registered Professional Land Surveyor  
Texas Registration No. 5191  
Huitt-Zollars, Inc.  
1717 McKinney Avenue  
Suite 1400  
Dallas, Texas 75202-1236  
Ph. (214) 871-3311  
Date: December 22, 2011



EXHIBIT "A"  
Page 3 of 3  
S.H. 289 (PRESTON RD.)

1375+00 1376+00 1377+00 1378+00 1379+00  
(VARIABLE R.O.W. WIDTH)



**LEGEND**  
 EXISTING RIGHT OF WAY LINE  
 NEW RIGHT OF WAY LINE  
 PROPERTY LINE  
 SURVEY LINE  
 EXISTING EASEMENT LINE  
 ACCESS DENIAL LINE  
 ACCESS IS PROHIBITED ACROSS THE "ACCESS DENIAL LINE"  
 TO THE HIGHWAY FACILITY FROM THE ADJACENT PROPERTY.  
 P.O.B. = POINT OF BEGINNING  
 D.R.O.C.T. = DEED RECORDS DENTON COUNTY TEXAS  
 IRF = IRON ROD FOUND  
 AD = TPOOT 3-1/4 INCH ALUMINUM CAP SET ON TOP OF A  
 5/8-INCH IRON ROD UNLESS OTHERWISE NOTED  
 BD = TPOOT BRONZE DISK SET IN CONCRETE  
 CD = TPOOT 2 INCH ALUMINUM CAP SET ON TOP OF A  
 5/8-INCH IRON

**WATER EASEMENT TO RIGHT-OF-WAY LINE**  
 STATE OF TEXAS  
 VOL. 2514, PG. 828, VOL. 2813,  
 PG. 908, D.R.C.C.T.

**NEW RIGHT-OF-WAY LINE**  
 DRAINAGE EASEMENT TO CITY  
 OF PLANO, TEXAS VOL. 2514,  
 PG. 817, D.R.C.C.T.

**10' WATER LINE EASEMENT W-2**  
 TO CITY OF PLANO, TEXAS INST.  
 #96-0088018, D.R.C.C.T.

**10' UNDERGROUND ELECTRIC  
 EASEMENT UE-2 TO TEXAS  
 UTILITIES ELECTRIC COMPANY  
 RESERVATION**  
 INST. #96-0046024, D.R.C.C.T.

**30' UTILITY EASEMENT  
 RESERVATION**  
 INST. #96-0046024, D.R.C.C.T.

**P.O.B. 4**  
 N:7073276.3859  
 E:2490906.9502  
 STA. 1374+89.99  
 OFFSET 61.40' RT.  
 AD SET \*\*

**10' WATER LINE EASEMENT W-2**  
 TO CITY OF PLANO, TEXAS INST.  
 #96-0088018, D.R.C.C.T.  
 (39.7773 AC)

**PASSCO WATERS EDGE S, LP &  
 PASSCO WATER EDGE H, LP**  
 INST. #20061003000142490  
 O.P.R.C.C.T.

**WATERS EDGE APARTMENTS  
 LOT 2R, BLOCK C  
 CABINET K, PAGE 639  
 P.R.C.C.T.**

**JESSE STIFF SURVEY  
 ABSTRACT NO. 793**

**A PLAT OF A SURVEY OF  
 PARCEL 4  
 FOR STATE HIGHWAY 289  
 A 6,755 SQ. FT., [0.1551 AC.]  
 TRACT OF LAND IN THE  
 JESSE STIFF SURVEY  
 ABSTRACT NUMBER 793  
 CITY OF PLANO  
 COLLIN COUNTY, TEXAS  
 DATE: DECEMBER 22, 2011**

**WHITESTONE LANE**  
 60.0' R.O.W. WIDTH  
 NO DEED OF RECORD FOUND

**SPRING CREEK PARKWAY**  
 (VARIABLE R.O.W. WIDTH)

**CITY OF PLANO**

**GRAPHIC SCALE**  
 0 25' 50'

**BASIS OF BEARING:** TEXAS STATE PLANE COORDINATE SYSTEM, N.A.D. 83, NORTH CENTRAL ZONE (4202). ALL COORDINATES SHOWN HEREON ARE SURFACE COORDINATES USING A COMBINED SURFACE ADJUSTMENT FACTOR OF 1.000152116.

**\*\* THE MONUMENT DESCRIBED AND SET IN THIS CALL, IF DESTROYED DURING CONSTRUCTION, MAY BE REPLACED WITH A TPOOT TYPE II RIGHT OF WAY MARKER UPON THE COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR EITHER EMPLOYED OR RETAINED BY TPOOT.**

**CITY OF PLANO  
 D.R.C.C.T.  
 INST. #92-0027649  
 (REMAINDER)**

**DATE:** March 19, 2013  
**TO:** Honorable Mayor & City Council  
**FROM:** Chris Caso, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of March 18, 2013

**AGENDA ITEM NO. 6A - PUBLIC HEARING  
ZONING CASE 2013-04  
APPLICANT: PLANO RIVERWALK DEVELOPMENT PARTNERS, LTD**

Request for a Specific Use Permit for Assisted Living Facility on 2.4± acres located on the east side of Alma Drive, 205± feet north of 16th Street. Zoned Corridor Commercial.

**APPROVED:** 5-0 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

**LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA:** **SUPPORT:** 0 **OPPOSE:** 0

**LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA:** **SUPPORT:** 0 **OPPOSE:** 0

**PETITION(S) RECEIVED:** N/A **# OF SIGNATURES:** N/A

**STIPULATIONS:**

Recommended for approval as submitted.

**FOR CITY COUNCIL MEETING OF:** April 8, 2013 (To view the agenda for this meeting, see [www.planotx.org](http://www.planotx.org))

**PUBLIC HEARING - ORDINANCE**

JH/dc

xc: David Roehm, Plano Riverwalk Development Partners, Ltd.  
Emmanuel & Constance Akara, Cedar Ridge Healthcare System, LLC  
Cliff Bormann, Permit Services Manager

CITY OF PLANO  
PLANNING & ZONING COMMISSION

March 18, 2013

**Agenda Item No. 6A**

**Public Hearing:** Zoning Case 2013-04

**Applicant:** Plano Riverwalk Development Partners, LTD

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**DESCRIPTION:**

Request for a Specific Use Permit for Assisted Living Facility on 2.4± acres located on the east side of Alma Drive, 205± feet north of 16th Street. Zoned Corridor Commercial.

**REMARKS:**

The requested zoning is for a Specific Use Permit (SUP) for Assisted Living Facility. An assisted living facility is defined as a building or buildings, other than a single-family dwelling, designed and staffed to provide housing for residents who require some type of support for daily living, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services, such as meals, housekeeping, transportation, and community facilities, such as central dining rooms and activity rooms. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

The subject property is currently zoned Corridor Commercial (CC). The CC district is intended to provide for retail, service, office, and limited manufacturing uses within major regional transportation corridors. The regulations and standards of this district are reflective of the high traffic volumes and high visibility of these regional highways. An assisted living facility is an allowed use within the CC district subject to approval of an SUP.

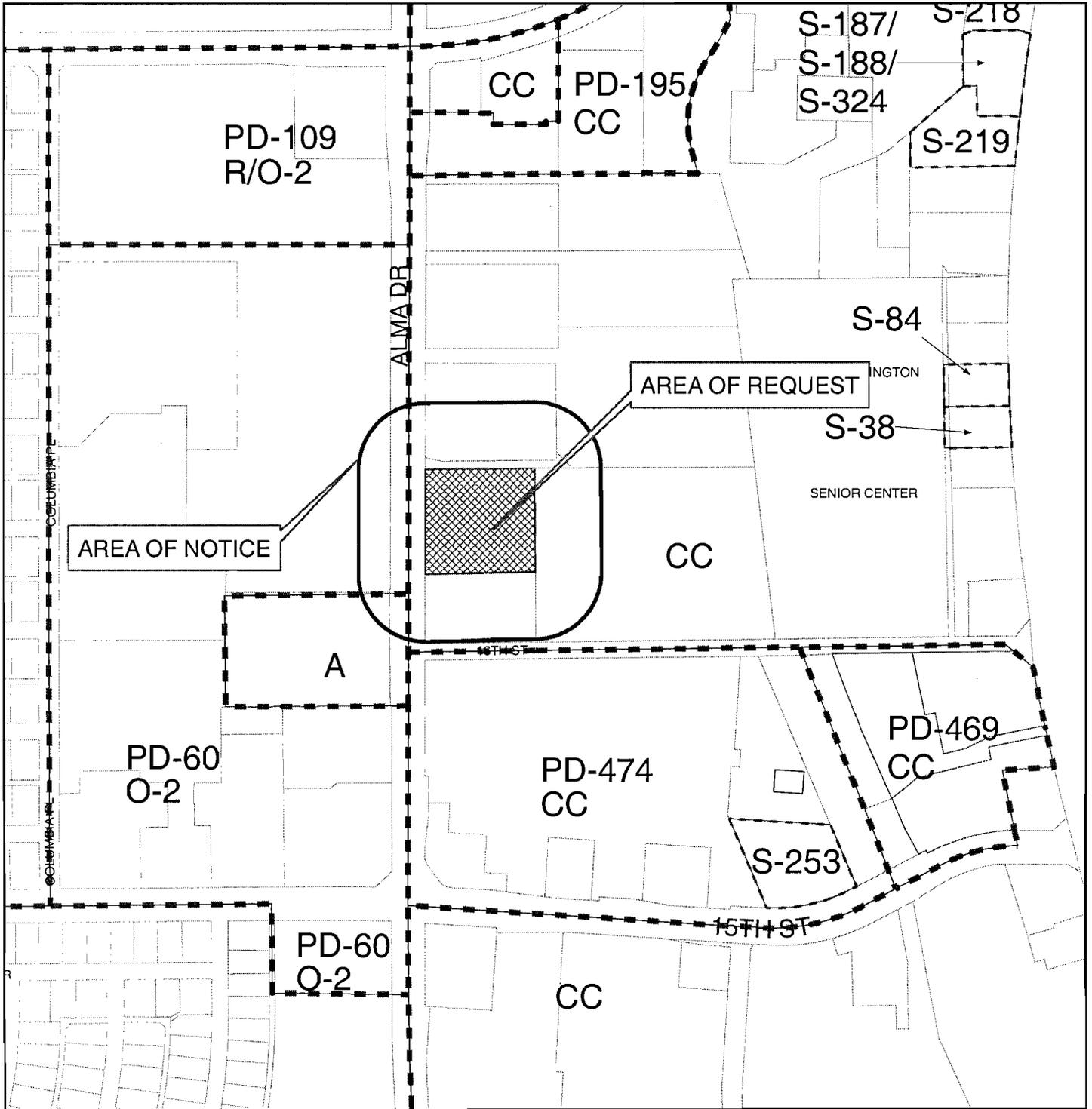
A preliminary site plan, Cedar Ridge Addition, Block 1, Lot 1, accompanies this request and is contingent upon approval of the requested SUP.

The land to the west of the area of request, across Alma Drive, is zoned Planned Development-60-General Office and is undeveloped. To the north, east, and south of the request, the land is zoned CC. The property to the north is developed as general offices and the property to the east is developed as multifamily residences. To the south, the property is developed as an electrical substation.

The assisted living facility use is complimentary to the adjacent multifamily residential and office uses. The existing multifamily residential development combined with the park and existing nonresidential developments to the east serve as a buffer between the subject property and U.S. Highway 75. The site will derive its primary access from Alma Drive with additional access to a median opening from a proposed offsite fire lane, access, and utility easement from the adjacent property to the north. In addition, the requested use is appropriate because it does not rely upon visibility from U.S. Highway 75 unlike other uses currently allowed within the CC zoning district. For these reasons, staff believes this is an appropriate location for an assisted living facility.

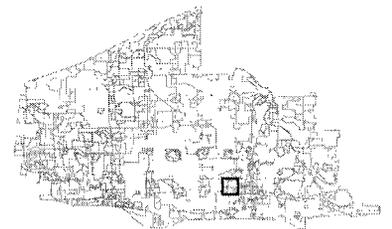
**RECOMMENDATION:**

Recommended for approval as submitted.

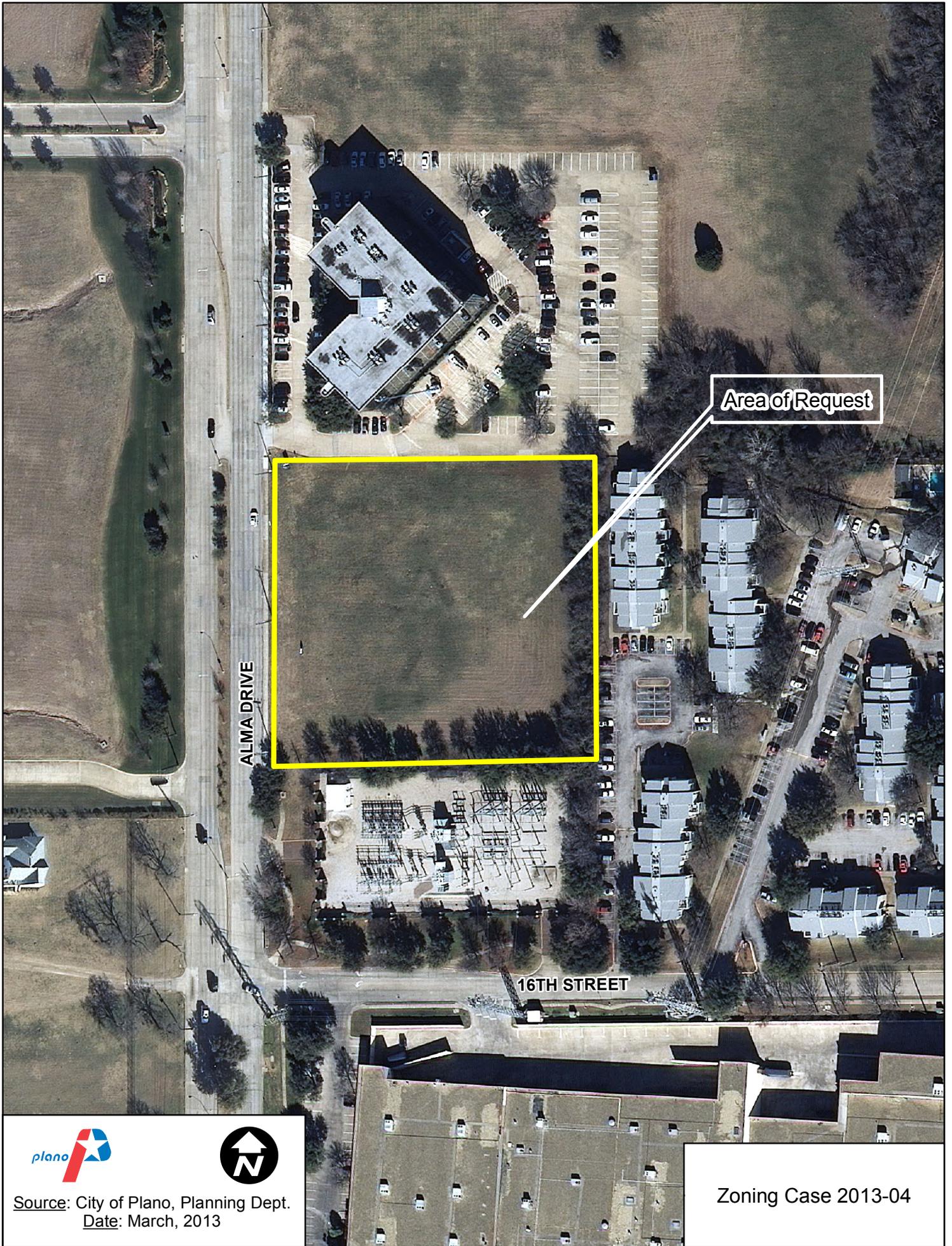


Zoning Case #: 2013-04

Existing Zoning: CORRIDOR COMMERCIAL



○ 200' Notification Buffer



Area of Request

ALMA DRIVE

16TH STREET



Source: City of Plano, Planning Dept.  
Date: March, 2013

Zoning Case 2013-04





## Zoning Case 2013-04

**An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 637 so as to allow the additional use of Assisted Living Facility on 2.4± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the east side of Alma Drive, 205± feet north of 16th Street, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; 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.**

**WHEREAS**, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 8th day of April, 2013, for the purpose of considering granting Specific Use Permit No. 637 for the additional use of Assisted Living Facility on 2.4± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the east side of Alma Drive, 205± feet north of 16th Street, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; and

**WHEREAS**, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 8th day of April, 2013; and

**WHEREAS**, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 637 for the additional use of Assisted Living Facility on 2.4± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the east side of Alma Drive, 205± feet north of 16th Street, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

**WHEREAS**, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

**IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 637 for the additional use of Assisted Living Facility on 2.4± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the east side of Alma Drive, 205± feet north of 16th Street, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial, said property being more fully described on the legal description in Exhibit "A" attached hereto.

**Section II.** It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

**Section III.** All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section IV.** The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

**Section V.** Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Section VI.** It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**Section VII.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED THIS THE 8TH DAY OF APRIL, 2013.**

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2013-04

WHEREAS, Plano Bank & Trust is the owner of a tract of land situated in the Joseph Klepper Survey, Abstract No. 213, City of Plano, Collin County, Texas and being more particularly described as follows:

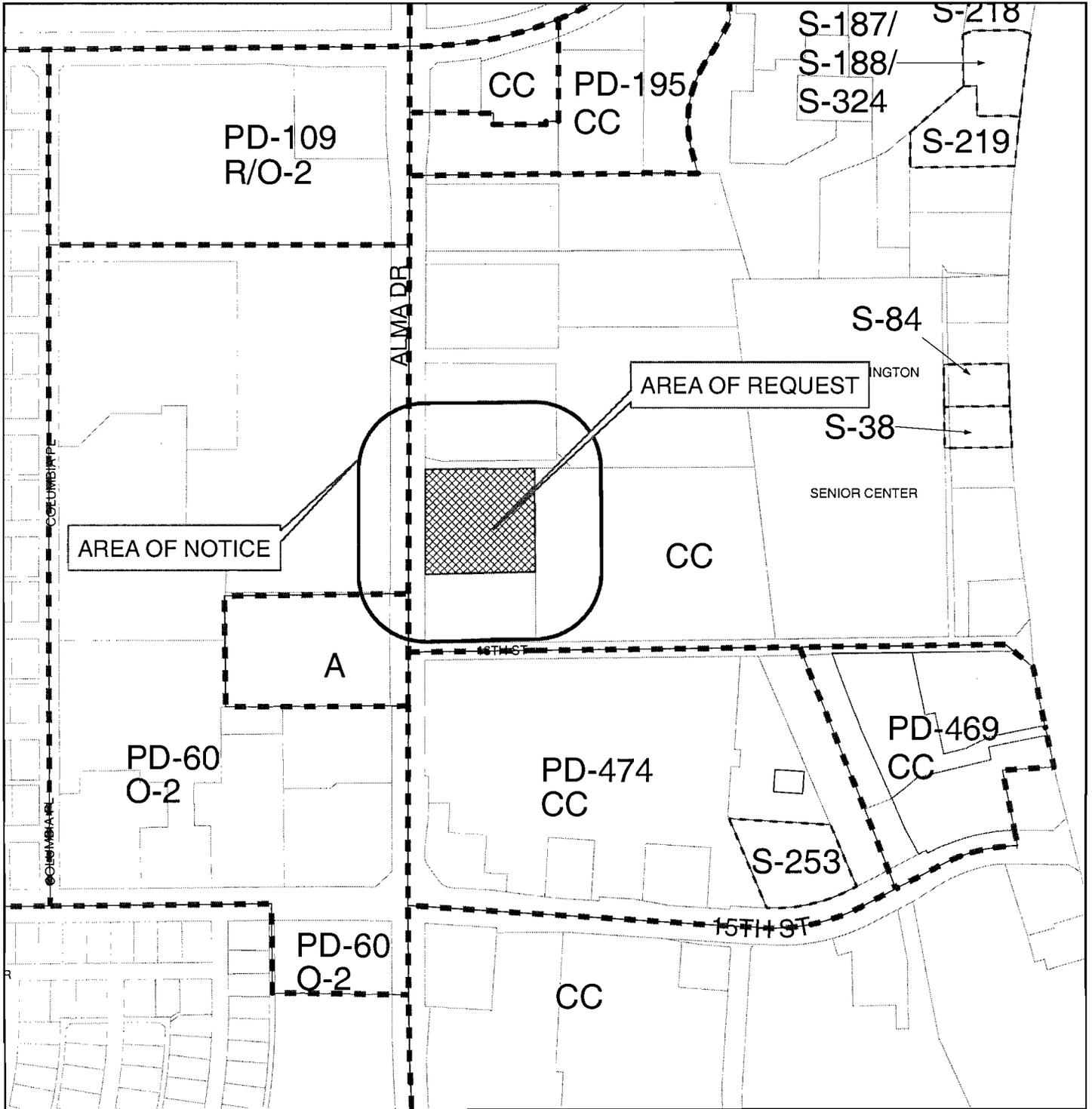
BEGINNING at an iron rod found for a corner on the east right-of-way line of Alma Road (a 100-foot right-of-way) at the southwest corner of a tract of land conveyed to Plano Bank & Trust, by deed recorded in Volume 1581, Page 185, Deed Records of Collin County, Texas; said point bears North,  $00^{\circ} 13' 20''$  West, a distance of 209.13 feet from a found iron rod at the intersection of the north right-of-way line of 16th Street (a 50-foot right-of-way) with the east right-of-way line of Alma Road;

THENCE North,  $00^{\circ} 17' 10''$  West, along the east right-of-way line of Alma Road a distance of 316.69 feet to an iron rod found for a corner at the northwest corner of said bank tract; said point also being the southwest corner of the Harrington Center, an addition to the City of Plano;

THENCE North,  $89^{\circ} 56' 35''$  East, along the north line of said bank tract and the south line of said Harrington Center a distance of 332.67 feet to an iron rod set for a corner at the northeast corner of said bank tract and the northwest corner of the Stone Pony Apartments, an addition to the City of Plano;

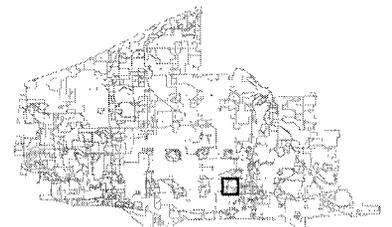
THENCE South,  $00^{\circ} 09' 50''$  East, along the east line of said bank tract and the west line of said Stone Pony Apartments and with a fence a distance of 311.71 feet to an iron rod found for a corner at the southeast corner of said bank tract and the northeast corner of a tract of land conveyed to T.P. & L. Co., by deed recorded in Volume 1359, Page 749, Deed Records of Collin County, Texas;

THENCE South,  $89^{\circ} 05' 00''$  West, along the south line of said bank tract and the north line of said T.P. & L. Co. tract and with a fence a distance of 332.02 feet to the POINT OF BEGINNING and CONTAINING 104,419 sq. feet. or 2.3971 acres of land.



Zoning Case #: 2013-04

Existing Zoning: CORRIDOR COMMERCIAL



○ 200' Notification Buffer

