

**PLANO CITY COUNCIL
REGULAR SESSION
November 28, 2016**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Rick Grady
Ron Kelley
Tom Harrison
David Downs

COUNCIL MEMBERS ABSENT

Angela Miner

STAFF PRESENT

Bruce Glasscock, City Manager
Jim Parrish, Deputy City Manager
Jack Carr, Deputy City Manager
Mark Israelson, Deputy City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Monday, November 28, 2016, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Pastor Paul Mussachio with Preston Meadow Lutheran Church led the invocation and Cadette Troop 3482 with Haggard Middle School led the Pledge of Allegiance and Texas Pledge.

Mayor LaRosiliere recognized the City House Roving Team and the Salvation Army Christmas Campaign and proclaimed December as Plano Kindness Month.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon a motion made by Council Member Downs and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to approve and adopt all items on the Consent Agenda, with the exception of Item "F" and Item "J", as follows:

Approval of Minutes

November 14, 2016
(Consent Agenda Item “A”)

Approval of Expenditures

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

CSP No. 2016-0007-B for a Call Handling/Protocol Software System, to include five (5) years of support and recurring services for Public Safety Communications to PowerPhone, Inc. in the total estimated amount of \$299,626; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Purchase from an Existing Contract

To approve the purchase of Commvault license and support for Technology Services in the amount of \$151,000 from CDW Government, LLC through an existing contract; and authorizing the City Manager to execute all necessary documents. (National IPA 130733) (Consent Agenda Item “C”)

To approve the purchase of two (2) Caterpillar Forklifts to be utilized by Fleet Services and Inventory Control and Asset Disposal (ICAD) in the amount of \$77,084 from Darr Equipment Company through an existing TASB/BuyBoard contract; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 424- 13) (Consent Agenda Item “D”)

To approve the purchase of retro reflective and non-reflective sign sheeting material for an initial term of seven (7) months with four (4) City optional one-year renewals for the Public Works Department in the estimated annual amount of \$100,000 from 3M Company through an existing contract; and authorizing the City Manager to execute all necessary documents. (City of Fort Worth Contract No. 16-0198). (Consent Agenda Item “E”)

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

To approve a Professional Services Agreement by and between the City of Plano and Kimley-Horn and Associates, Inc., in the amount of \$89,300, for the Legacy West Wastewater Force Main Project No. 6775; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

To approve a Professional Services Agreement by and between the City of Plano and Kimley-Horn and Associates, Inc., in the amount of \$151,000, for the Legacy West Lift Station Project No. 6764; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

Approval of Contract Modification

To approve and authorize Contract Modification No. 2 for the purchase of private network and internet access in the amount of \$2,027,810 from Frontier Communications Corporation for Technology Services. This modification will provide site-to-site connectivity for an additional 22 locations, increase bandwidth to all locations, reduce dependency on the wireless backhaul network, and provide for an additional 32 months of service. (Contract No. 2013-340-C) (Consent Agenda Item “I”)

Adoption of Resolutions

Resolution No. 2016-11-5(R): To approve the Investment Portfolio Summary for the quarter ending September 30, 2016 and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2016-11-6(R): To review and approve the City’s official Public Funds Investment Policy; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2016-11-7(R): To approve the Service Plan and Assessment Plan for the Downtown Plano Public Improvement District as recommended by the Public Improvement District Advisory Board, directing the preparation of a proposed assessment roll for the Public Improvement District, authorizing the City Manager or his designee to publish required notice of a public hearing to consider the levying of the proposed assessments on owners of real property within the Public Improvement District, and establishing an effective date. (Consent Agenda Item “M”)

Adoption of Ordinances

Ordinance No. 2016-11-8: To amend Ordinance No. 2009-7-11 codified as Section 18-2, Article I of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, Texas; amending the definition of Downtown Merchants to include downtown merchants on the north side of 15th Street which will result in a changed rate structure for those merchants as set forth in Ordinance No. 2011-11-8 and codified as Section 18-36; and providing a repealer clause, a severability clause, and an effective date. (Consent Agenda Item “N”)

Ordinance No. 2016-11-9: To abandon all right, title and interest of the City, in and to a portion of that certain 15-foot Sanitary Sewer Easement, recorded in Volume 1004, Page 425, of the Deed Records of Collin County, Texas and being situated in the William Beverly Survey, Abstract No. 75, and the Samuel Klepper Survey, Abstract No. 216, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the owner of the property underlying the easement, JBGL HAWTHORNE, 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 “O”)

Ordinance No. 2016-11-10: To abandon all right, title and interest of the City, in and to a portion of that certain 20-foot Sanitary Sewer Easement, recorded in Volume 1011, Page 858, and Volume 1011, Page 861, of the Deed Records of Collin County, Texas and being situated in the William Beverly Survey, Abstract No. 75, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the owner of the property underlying the easement, JBGL HAWTHORNE, 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 “P”)

END OF CONSENT

To approve the purchase of fitness equipment for the Carpenter Park, Oak Point, and Tom Muehlenbeck Recreation Centers in the amount of \$466,952 from Team Marathon Fitness through an existing contract with BuyBoard; and authorizing the City Manager to execute all necessary documents (BuyBoard Contract No. 502-16). (Consent Agenda Item “F”)

Director of Parks and Recreation Reeves discussed the current replacement policy for fitness equipment. In response to Mayor Pro Tem Smith, he advised due to equipment age and use, the equipment for Liberty Recreation Center would be replaced with the facility renovation.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 7-0, to approve the purchase of fitness equipment for the Carpenter Park, Oak Point, and Tom Muehlenbeck Recreation Centers in the amount of \$466,952 from Team Marathon Fitness through an existing contract with BuyBoard.

Resolution No. 2016-11-11(R): To nominate At Home Stores LLC to the Office of the Governor Economic Development and Tourism (“OOGEDT”) through the Economic Development Bank (“Bank”) for designation as a qualified business and an enterprise project (“Project”) under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (“Act”); and providing an effective date. (Consent Agenda Item “J”)

Council Member Grady stepped away from the dais due to a potential conflict of interest.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 6-0, with Council Member Grady abstaining, to nominate At Home Stores LLC to the Office of the Governor Economic Development and Tourism (“OOGEDT”) through the Economic Development Bank (“Bank”) for designation as a qualified business and an enterprise project (“Project”) under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (“Act”); and further to adopt Resolution No. 2016-11-11(R).

Council Member Grady returned to the dais.

Public Hearing on the proposed General Obligation Bond Referendum scheduled for May 6, 2017. (Regular Item 1)

Director of Budget and Research Rhodes-Whitley gave a brief overview of the process and stated that this is the first public hearing and two additional public hearings will be conducted in January. She advised detailed information on the proposed projects would be presented at future meetings. In response to Council Member Downs, Ms. Rhodes-Whitley stated detailed operation and maintenance information would be included in the December 12th materials. She reported financial implications of the referendum would be discussed at future meeting.

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

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2016-034 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 25 for Used Automobile Dealer on 2.2 acres of land located at the northwest corner of Lexington Drive and Premier Drive, 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: Wildcat Resources, LC. (Regular Item 2)

Development Review Manager Hill spoke to the project location, current property use, surrounding property uses, provided site photos, and discussed the other automobile dealerships in the area. He stated Staff and the Planning and Zoning Commission recommended approval with the following stipulations:

- Maximum Vehicle Inventory: 116
- An irrigated living screen must be installed along the western property line. Evergreen shrubs used for the landscape screen shall be placed so as to create at least a 6-foot tall solid screen within 2 years of installation.

In response to Council, Mr. Hill stated the adjacent property is zoned General Office and provided additional information on the existing dealerships and surrounding properties.

Mayor LaRosiliere opened the public hearing. Larry Craghead, representing the applicant stated he was available for questions. Mayor LaRosiliere closed the public hearing.

Mayor Pro Tem Smith expressed concern due to the close proximity to residential properties. Council Member Kelley expressed concern regarding the notification of the residential property owners. Mayor LaRosiliere stated this is not rezoning property but consideration of a Special Use Permit. City Attorney Mims advised each Special Use Permit and parcel of land is considered individually. Deputy Mayor Pro Tem Harris stated he does not see this as best use for the property.

Public Hearing and consideration of Ordinance as requested in Zoning Case 2016-034 (Cont'd.)

Upon a motion made by Council Member Downs and seconded by Mayor LaRosiliere, the Council voted 3-4, with Mayor Pro Tem Smith, Deputy Mayor Pro Tem Harris, Council Member Kelley, and Council Member Harrison in opposition, to grant Specific Use Permit No. 25 for Used Automobile Dealer on 2.2 acres of land located at the northwest corner of Lexington Drive and Premier Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; as requested in Zoning Case 2016-034; motion failed.

Public Hearing and adoption of Ordinance No. 2016-11-12 as requested in Zoning Case 2016-36 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 31 for Day Care Center on 7.7 acres of land and repealing in its entirety Ordinance No. 2003-6-22, thereby rescinding Specific Use Permit No. 493 for Private Club on 0.6 acre located at the northwest corner of Enterprise Drive and Premier Drive, 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: Life Central Church (Regular Item 3)

Development Review Manager Hill spoke to the project location and advised the request included rescinding an existing Specific Use Permit on the property. He stated Staff and the Planning and Zoning Commission recommend approval.

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

Upon a motion made by Council Member Downs and seconded by Council Member Grady, the Council voted 7-0, to grant Specific Use Permit No. 31 for Day Care Center on 7.7 acres of land and repeal in its entirety Ordinance No. 2003-6-22, thereby rescinding Specific Use Permit No. 493 for Private Club on 0.6 acre located at the northwest corner of Enterprise Drive and Premier Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; as requested in Zoning Case 2016-036; and further to adopt Ordinance No. 2016-11-12.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 7:44 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Lisa C. Henderson, City Secretary