



CITY COUNCIL

**1520 K Avenue, Plano, Texas 75074 and via
Videoconference**

DATE: June 8, 2020

TIME: 7:00 PM

This Council Meeting will be held in the Senator Florence Shapiro Council Chambers. The facility will not be open to the public.

Members of the public are entitled to participate remotely via broadcast by webinar at the following URL location (registration is required by 5:00 p.m. on the day of the meeting):

https://plano.zoom.us/webinar/register/WN_is7xDkAKTY2KVQmVVoGbZA

The meeting will be live streamed on Plano's website at www.planotv.org for those wanting to watch the meeting but not address the Council.

Emails regarding agenda items may be submitted to councilcomments@plano.gov

CALL TO ORDER

INVOCATION:

PLEDGE OF ALLEGIANCE / TEXAS PLEDGE:

OUR VISION - PLANO IS A GLOBAL ECONOMIC LEADER BONDED BY A SHARED SENSE OF COMMUNITY WHERE RESIDENTS EXPERIENCE UNPARALLELED QUALITY OF LIFE.

The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.

PROCLAMATIONS AND SPECIAL RECOGNITIONS

Proclamation: June 19th is Juneteenth Day in the city of Plano commemorating the end of slavery in the United States. **Presented**

COMMENTS OF PUBLIC INTEREST

This portion of the meeting is to allow up to three (3) 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.

CONSENT AGENDA

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. The Presiding Officer will establish time limits based upon the number of speaker requests.

Approval of Minutes

- (a) May 26, 2020
Approved

Approval of Expenditures

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

- (b) RFP No. 2020-0046-BR for a five (5) year contract with two (2) City optional five-year renewals for Water Meter Test Bench System for the Public Works Department to OW Investors LLC dba MARS Company, in the estimated amount of \$343,714 for the first term, and an estimated expenditure of \$191,857 for the first renewal and \$236,269 for the second renewal, for a total estimated contract value of \$771,840; and authorizing the City Manager to execute all necessary documents. **Approved**
- (c) RFB No. 2020-0429-B for Intersection Improvements - Park Boulevard at Coit Road, Custer Road, Alma Drive, K Avenue, and Jupiter Road, Project No. 5989.1, for the Engineering Department to Jim Bowman Construction Company, L.P. in the amount of \$4,206,319; and authorizing the City Manager to execute all necessary documents. **Approved**

Purchase from an Existing Contract

- (d) To approve the purchase of software support services for NetMotion for Technology Services in the amount of \$54,929 from Mobile Wireless, LLC through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR Contract No. DIR-TSO-3810) **Approved**
- (e) To approve the purchase of one (1) John Deere Model 5100M Utility Tractor for Fleet Services to be utilized by Grounds Maintenance Services in the amount of \$69,076 from United Ag and Turf through an existing contract; and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. GR01-20) **Approved**

- (f) To approve the purchase of sixty (60) Electronic Ticket Writers consisting of Zebra TC75X handheld computers, Zebra ZQ520 portable printers, software licenses, accessories, and four (4) annual license renewals for the Police Department in the amount of \$228,544 from Tyler Technologies through an existing contract; and authorizing the City Manager to execute all necessary documents. (NJPA/Sourcwell Contract No. 110515-TTI) **Approved**

Approval of Change Order

- (g) To approve an increase to the current awarded contract amount of \$7,377,784 by \$1,760,054, for a total contract amount of \$9,137,838, for Residential Concrete Pavement Repair Zone 17, Project No. 6922, from Advance Construction, Inc., dba Advance Contracting Group for the Public Works Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2018-0313-B; Change Order No. 5) **Approved**

Approval of Expenditure

- (h) To approve an expenditure for a Professional Services Agreement for the Material Testing III - Arterial 2020, Project No. 7275, in the amount of \$200,000 from Braun Intertec Corporation for the Public Works Department; and authorizing the City Manager to execute all necessary documents. **Approved**
- (i) To ratify an expenditure in the amount of \$109,325 for the purchase of ten (10) welloStation X temperature scanning units and three (3) welloDASH units from Wello Inc.; and authorizing the City Manager to execute all necessary documents. **Approved**
- (j) To approve an expenditure for Centralized Irrigation Control Supply Contract for a one (1) year contract with two (2) one-year City optional renewals in the estimated annual amount of \$150,000 from Interspec LLC for the Parks and Recreation Department; and authorizing the City Manager to execute all necessary documents. **Approved**

Adoption of Resolutions

- (k) **Resolution No. 2020-6-1(R):** To repeal and replace Resolution No. 2019-7-2(R) regarding a contract with the Texas Department of Housing and Community Affairs for the Homeless Housing and Services Program under Texas Government Code §2306.2585 because the amount of the contract has increased by \$6,550 for a new not to exceed amount of \$140,339; designating the City Manager as Chief Executive Officer and authorized representative of the City for the purpose of executing the contract consistent with this resolution, giving required assurances, acting in connection with said contract, and providing required information; and providing an effective date. **Adopted**
- (l) **Resolution No. 2020-6-2(R):** To ratify the allocation of Collin CARES Emergency Housing and Living Assistance Grant Funding to subrecipients; and providing an effective date. **Adopted**

Adoption of Ordinances

- (m) **Ordinance No. 2020-6-3:** To repeal Chapter 11, Licenses and Business Regulations, Article VIII, Special Events, of the Code of Ordinances and adopting new special events permit regulations by repealing Ordinance No. 2006-5-9, as amended, in its entirety and replacing it as follows, and providing a repealer clause, a savings clause, a severability clause, a penalty clause, a publication clause, and an effective date. **Adopted**

ITEMS FOR INDIVIDUAL CONSIDERATION:

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 amend these times as deemed necessary.

Non-Public Hearing Items:

The Presiding Officer will permit 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.

- (1) **Public Hearing and adoption of Ordinance No. 2020-6-4** as requested in Zoning Case 2020-008 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 131 for Outdoor Commercial Amusement on 1.1 acres of land located at the northwest corner of Mapleshade Lane and Talbert Drive, in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1; 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: Plain Old Texas, LLC **Conducted and adopted**
- (2) **Public Hearing and adoption of Ordinance No. 2020-6-5** to amend the Comprehensive Zoning Ordinance, Ordinance No. 2015-5-2, as heretofore amended, to repeal the provisions regarding the reasonable accommodation process of the Board of Adjustment in Article 5, Variances and Appeals of Administrative Decisions, Section 5.200, Jurisdiction, Subsection 5.200.2 Part E as authorized by the Planning & Zoning Commission under Zoning Case 2020-007 and amend the Code of Ordinances to repeal the provisions regarding the reasonable accommodation process for the Building Standards Commission in Chapter 6, Buildings and Building Regulations, Article I, In General, Division 2, Building Standards Commission, Section 6-3, Building standards commission organization and authority, Subsections (c)(1)(f), (c)(2)(i) and a portion of (c)(3)(a)(2) and replace the provisions with a new reasonable accommodation process by the Accommodations Review Board in Articles III and IV, Reasonable Accommodations, Chapter 9.5, Human Relations of the City Code of Ordinances; and providing a penalty clause, a repealer clause, a severability clause, a publication clause and an effective date. **Conducted and adopted**

- (3) Consideration to approve a Term Sheet to sell City of Plano real property identified as ID 1860203 – 2505 K Avenue, ID 163637 – 1005 E Park Boulevard, and ID 163628 – K Avenue, Plano consisting of approximately 207,346 square feet to the Plano Housing Authority; and authorizing the City Manager to execute all necessary documents. **Denied**
- (4) **Resolution No. 2020-6-6(R):** To provide the City Manager authority related to personnel, procurement, public meetings and City Code and policy decisions necessary for issues that arise during the state and federal emergency declarations related to the novel coronavirus (COVID-19); and providing an effective date. **Adopted with termination date of July 29, 2020.**

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.

CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020

DEPARTMENT: City Secretary

DIRECTOR:

This Council Meeting will be held in the Senator Florence Shapiro Council Chambers. The facility will not be open to the public.

Members of the public are entitled to participate remotely via broadcast by webinar at the following URL location (registration is required by 5:00 p.m. on the day of the meeting):

AGENDA ITEM: https://plano.zoom.us/webinar/register/WN_is7xDkAKTY2KVQmVVVoGbZA

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RECOMMENDED ACTION: Location Link

ITEM SUMMARY

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CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020
DEPARTMENT: City Manager
DIRECTOR:
AGENDA ITEM:
RECOMMENDED ACTION: Proclamations and Special Recognition

ITEM SUMMARY

Proclamation: June 19th is Juneteenth Day in the city of Plano commemorating the end of slavery in the United States. **Presented**

ATTACHMENTS:

Description	Upload Date	Type
Proclamation	6/3/2020	Other

Proclamation

JUNETEENTH – 2020

FRIDAY, JUNE 19

WHEREAS, Juneteenth, also known as Freedom Day, commemorates the announcement of the abolition of slavery at the end of the Civil War that was fought in the United States from 1861 to 1865; and

WHEREAS, the Emancipation Proclamation declaring the slaves would have absolute equality of personal rights was signed by President Abraham Lincoln on September 22, 1862 and became official throughout the states on January 1, 1863; and

WHEREAS, the Proclamation was recognized in Texas on June 19, 1865 when Union Major General Gordon Granger and his soldiers landed in the city of Galveston to take possession of the state and announce the war's end; and

WHEREAS, celebrations of June 19 began in Texas the following year in 1866 and they quickly spread to being held in neighboring states of Louisiana, Arkansas and Oklahoma; and

WHEREAS, in many parts of Texas, freed men and women purchased “emancipation grounds” of which to use for annual gatherings celebrating June 19; four acres of park land in Houston named Emancipation Park was purchased for this purpose as early as 1872; and

WHEREAS, Juneteenth, a combination of the words June and Nineteenth, was coined in 1903; and

WHEREAS, in 1980, Texas became the first state to recognize June 19 as a state holiday through the efforts of state legislator Al Edwards; and

WHEREAS, the City of Plano celebrated its 2017 Juneteenth event with the ribbon-cutting and dedication of Stimpson-Drake Park, formerly Douglass Neighborhood Park, in honor of early notable Plano African American settlers Mose Stimpson and Andy Drake.

NOW, THEREFORE, I, HARRY LAROSILIERE, MAYOR OF THE CITY OF PLANO, TEXAS, do hereby proclaim **Friday, June 19, 2020** as “**Juneteenth Day**” in Plano and the State of Texas and I do thereby encourage all citizens to join me and the Plano City Council in celebrating these historical events that have greatly shaped our country.



Plano
City of Excellence

Office of the Mayor



CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020
DEPARTMENT: City Secretary
DIRECTOR: Lisa Henderson, City Secretary
AGENDA ITEM: Approval of Minutes
RECOMMENDED ACTION: Approval of Minutes

ITEM SUMMARY

May 26, 2020

Approved

ATTACHMENTS:

Description	Upload Date	Type
Preliminary Open Meeting Minutes	6/2/2020	Minutes
Regular Session Minutes	6/2/2020	Minutes

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
May 26, 2020**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Rick Smith, Mayor Pro Tem
Anthony Ricciardelli, Deputy Mayor Pro Tem
Maria Tu
Rick Grady
Kayci Prince– arrived at 5:01 p.m.
Shelby Williams
Lily Bao – arrived at 5:01 p.m.

STAFF PRESENT

Mark Israelson, City Manager
Jack Carr, Deputy City Manager
Shelli Siemer, Deputy City Manager
Greg Rushin, Deputy City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere called the meeting to order at 5:00 p.m., Monday, May 26, 2020, via videoconference. A quorum was present. Mayor LaRosiliere stated the Council would retire into Executive Session, via Skype conference call, in compliance with Chapter 551, Government Code, Vernon's Texas Codes Annotated in order to consult with an attorney to receive Legal Advice and discuss Litigation, Section 551.071; to discuss Real Estate matters, Section 551.072; and to discuss Personnel Matters, Section 551.074: for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor LaRosiliere reconvened the meeting back into the Preliminary Open Meeting at 6:55 p.m. via videoconference.

- **Consideration and action resulting from Executive Session discussion**
 - Personnel-Appointment/Reappointment**
 - a) **Designation of Mayor Pro Tem and Deputy Mayor Pro Tem**
The Mayor designated Kayci Prince as Mayor Pro Tem and Anthony Ricciardelli as Deputy Mayor Pro Tem.
 - b) **DART Board of Directors**
The Council will reappoint Paul Wageman and Robert Dye via resolutions on the Consent Agenda.
- **Personnel**
 - Appointments to 2021 Bond Referendum Citizen Advisory Committee** – This item was discussed during the regular meeting.
- **Council appointments to various boards, commissions, committees, and organizations** – This item was discussed during the regular meeting.
- **Collin County CARES Program Presentation** – This item was discussed during the regular meeting.
- **Special Events Ordinance Update Presentation** – This item was discussed during the regular meeting.

- **Consent and Regular Agendas**
- **Council items for discussion/action on future agendas**

With no further discussion, the Preliminary Open Meeting was adjourned at 6:59 p.m.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary

**PLANO CITY COUNCIL
REGULAR SESSION
May 26, 2020**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Kayci Prince, Mayor Pro Tem
Anthony Ricciardelli, Deputy Mayor Pro Tem
Maria Tu
Rick Grady
Shelby Williams
Lily Bao
Rick Smith

STAFF PRESENT

Mark Israelson, City Manager
Jack Carr, Deputy City Manager
Shelli Siemer, Deputy City Manager
Greg Rushin, Deputy City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Tuesday, May 26, 2020 at 7:00 p.m. via videoconference. A quorum was present.

Invocation and Pledge

Mayor Pro Tem Prince led the invocation and Council Member Grady led the Pledge of Allegiance and Texas Pledge.

Proclamations and Special Recognitions

Proclamation: May is National Historic Preservation Month, a time to encourage the saving of American historic treasures.

Certificates of Appreciation

North Texas Municipal Water District Board - James R. Hogan
Planning and Zoning Commission - Joyce Beach

Comments of Public Interest

No one requested to speak.

Consent Agenda

MOTION: Upon a motion made by Council Member Williams and seconded by Council Member Grady, the Council voted 8-0, to approve all items on the Consent Agenda, as follows:

Approval of Minutes

May 5, 2020
May 11, 2020
(Consent Agenda Item “A”)

Approval of Expenditures

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

Rejection of RFB No. 2020-0335-B for Residential Concrete Pavement Repair Zone G3 - West from all Bidders. (Consent Agenda Item “B”)

RFB No. 2020-0325-B for the Residential Concrete Pavement Repair Zone G3 East, Project 7096, for the Public Works Department to Alvand Construction, Inc., dba Advance Contracting Group, in the amount of \$3,792,650; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

RFB No. 2020-0373-B for Bob Woodruff Park Southeast Trail Replacement, Project No. 7151, for the Parks and Recreation Department to William H Company LLC in the amount of \$408,486; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

CSP No. 2020-0239-B for Oak Point Lobby Restroom Renovation, Project No. 7208, for the Facilities Department to North American Commercial Construction, L.P. in the amount of \$141,796; and authorizing City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Purchase from an Existing Contract

To approve the purchase of Infoblox Software and Services to include five (5) years of maintenance and support for Technology Services in the amount of \$330,060 from Netsync Network Solutions through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR Contract No. DIR-TSO-4288) (Consent Agenda Item “F”)

To approve the purchase of licensing and maintenance for JD Edwards and PeopleSoft for Technology Services in the amount of \$457,134 from Oracle America, Inc. through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR Contract No. DIR-TSO-4158) (Consent Agenda Item “G”)

Approval of Contract Modification

To approve an expenditure to add one (1) year with three (3) City optional renewals for Wireless Voice and Data Services for Technology Services in the estimated total amount of \$423,056 from Cellco Partnership d/b/a Verizon Wireless; and authorizing the City Manager to execute all necessary documents. (Contract No. 2016-0414-O; Modification No. 1) (Consent Agenda Item “H”)

Approval of Change Order

To approve an increase to the current awarded contract amount of \$5,050,248 by \$71,135, for a total contract amount of \$5,121,383, for 18th Street and Rigsbee Drive Reconstruction, Project No. 6651, from Jim Bowman Construction Company, L.P. for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (2019-0204-B; Change Order No. 2) (Consent Agenda Item “I”)

Approval of Request

To approve the naming of the park trail, located along DART right-of-way between PGBT and 12th Avenue, to Sanders Trail. (Consent Agenda Item “J”)

To approve the naming of the 16.896 acre parcel, located on the south side of FM 544, west of Dublin Road, to Rowlett Creek Park. (Consent Agenda Item “K”)

To approve the naming of the 50.927 acre parcel, located on the northwest corner of Alma Drive and Park Boulevard, to Hall Park. (Consent Agenda Item “L”)

Approval of Expenditure

To approve an expenditure for four (4) Police Special Event Barrier Kits in the amount of \$313,154 from Meridian Rapid Defense Group, LLC for the Police Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “M”)

To approve an additional expenditure for downloadable content (e-books and e-audio library materials) with Kindle functionality in the amount of \$300,000 from OverDrive, Inc. for Library Services; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “N”)

To approve an expenditure for Inform CAD software support for one (1) year in the estimated amount of \$268,852 from TriTech Software Systems for Technology Services; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “O”)

To approve an expenditure for Landscape Architect professional services for Caddo Park Renovation, Project No. 7220, in the amount of \$114,840 from Dunaway Associates, L.P. for the Parks and Recreation Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “P”)

To approve an expenditure for engineering design related services in the amount of \$192,750 from Kimley-Horn and Associates, Inc. for the Closed Circuit Television (CCTV) Expansion Project for the Engineering Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “Q”)

Adoption of Resolutions

Resolution No. 2020-5-7(R): To appoint a board member to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors as provided in Chapter 452 of the Texas Transportation Code and providing an effective date. (Consent Agenda Item “R”)

Resolution No. 2020-5-8(R): To affirm the appointment of a shared board member with the City of Farmers Branch to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors as provided in Chapter 452 of the Texas Transportation Code and providing an effective date. (Consent Agenda Item “S”)

Resolution No. 2020-5-9(R): To certify that the City is eligible to receive financial assistance under the Collin County Parks and Open Space Project Funding Assistance Program; certifying that the City's matching share is readily available; designating the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano; certifying that the Preston Ridge Trail Connector has been dedicated for public park and recreational purposes; and providing an effective date. (Consent Agenda Item “T”)

Resolution No. 2020-5-10(R): To nominate Columbia Medical Center of Plano Subsidiary, L.P. 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 “U”)

Adoption of Ordinances

Ordinance No. 2020-5-11: To repeal Ordinance No. 97-3-21 codified as Chapter 2, Administration, Article I, In General, Section 2-6 Adoption of public works specifications, of the Code of Ordinances of the City of Plano; and providing a repealer clause and an effective date. (Consent Agenda Item “V”)

END OF CONSENT

Personnel – Appointments to 2021 Bond Referendum Citizen Advisory Committee

MOTION: Upon a motion made by Mayor LaRosiliere and seconded by Council Member Smith, the Council voted 8-0 to appoint members and liaisons, as follows:

Council Member Grady and Council Member Williams, Liaisons
Jim Watkins, Mayor LaRosiliere appointee
Magesh Kandavadivel, Council Member Smith appointee
Vinny Minchillo, Deputy Mayor Pro Tem Ricciardelli appointee
Council Member Tu deferred her appointment to June 8, 2020
Craig Perry, Council Member Grady appointee
Joseph Frisz, Mayor Pro Tem Prince appointee
Connor Nathaniel Barron, Council Member Williams appointee
Council Member Bao deferred her appointment to June 8, 2020

Council appointments to various boards, commissions, committees, and organizations

Mayor LaRosiliere made the following appointments:

Animal Shelter Advisory Committee – Deputy Mayor Pro Tem Anthony Ricciardelli and Lily Bao

Board of Adjustment – Deputy Mayor Pro Tem Anthony Ricciardelli and Rick Grady

Building Standards Commission – Maria Tu and Shelby Williams

Civil Service Commission - City Manager Mark D. Israelson

Collin County Appraisal District Board –Shelby Williams and Lily Bao

Community Relations Commission – Mayor Pro Tem Kayci Prince and Rick Grady

Cultural Affairs Commission – Deputy Mayor Pro Tem Anthony Ricciardelli and Rick Smith

DART Board of Directors – Paul Wageman and Mayor Robert Dye

Heritage Commission – Rick Smith and Maria Tu

Library Advisory Board – Deputy Mayor Pro Tem Anthony Ricciardelli and Shelby Williams

North Texas Municipal Water District Board – Rick Smith and Lily Bao

Parks and Recreation Planning Board – Deputy Mayor Pro Tem Anthony Ricciardelli and Lily Bao

Planning and Zoning Commission – Mayor Pro Tem Kayci Prince and Deputy Mayor Pro Tem Anthony Ricciardelli

Plano Housing Authority – Rick Grady and Shelby Williams

Retirement Security Plan Committee – City Manager Mark D. Israelson

Senior Advisory Board – Rick Smith and Lily Bao

Tax Increment Financing Reinvestment Zone No. 2 and No. 3 Boards – Mayor Pro Tem Kayci Prince and Maria Tu

Airport Master Plan Planning Advisory Committee – Mayor Pro Tem Kayci Prince

Collin County Mayors Committee – Mayor Harry LaRosiliere

Council Legislative Committee – Mayor Harry LaRosiliere, Mayor Pro Tem Kayci Prince, and Deputy Mayor Pro Tem Anthony Ricciardelli

Dallas Regional Mobility Coalition – Rick Grady

Council appointments (Cont'd.)

Designation of Official North Central Texas Council of Governments Voting

Representative - Mayor Harry LaRosiliere

Metroplex Mayors Committee - Mayor Harry LaRosiliere, Mayor Pro Tem Kayci Prince (Alternate)

North Texas Commission – Mayor Harry LaRosiliere

Plano Health Facilities Development Corporation – Mayor Pro Tem Kayci Prince (2021), Maria Tu (2022) and Rick Smith (2022)

Regional Transportation Council – NCTCOG – Rick Grady and Mayor Pro Tem Prince (Alternate)

Emergency Preparedness Planning Council (EPPC) – NCTCOG – Rick Grady and Shelby Williams (Alternate)

Board and Commission Review Committee – Rick Smith, Maria Tu, and Lily Bao

Community Finance – Shelby Williams and Lily Bao

Joint PISD/Council Committee – Rick Grady and Shelby Williams

Comprehensive Plan Review Committee – Rick Grady and Maria Tu

Multi-Cultural Outreach Roundtable – Rick Smith and Maria Tu

2021 Bond Referendum Citizens Advisory Committee – Rick Grady and Shelby Williams

Collin County CARES Program Presentation

Special Events Ordinance Update Presentation

Public Hearing and adoption of Ordinance No. 2020-5-12 as requested in Zoning Case 2020-005 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 130 for Vehicle Leasing and Renting on 0.2 acre of land located 293 feet east of Alma Road and 225 feet south of Legacy Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-99-Retail; 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: 6900 Alma B, LLC (Regular Item 1)

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

MOTION: Upon a motion made by Mayor Pro Tem Prince and seconded by Council Member Grady, the Council voted 8-0, to grant Specific Use Permit No. 130 for Vehicle Leasing and Renting on 0.2 acre of land located 293 feet east of Alma Road and 225 feet south of Legacy Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-99-Retail; as requested in Zoning Case 2020-005; and further to adopt Ordinance No. 2020-5-12.

Public Hearing and adoption of Ordinance No. 2020-5-13 as requested in Zoning Case 2020-006 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Urban Mixed-Use-3 on 103.6 acres of land located on the east side of Alma Drive, 760 feet south of 15th Street, in the City of Plano, Collin County, Texas, to increase the size of Block S from 8.9 to 9.2 acres and Block Y from 3.8 to 5.1 acres, presently zoned Urban Mixed-Use-3 and located within the 190 Tollway/Plano Parkway Overlay District; repealing and replacing Exhibit B and Blocks S and Y in Exhibit C of Ordinance No. 2019-4-13; 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. Applicants: MM CCM 48M, LLC; MM CCM 7AJ, LLC; MM CCM 12S, LLC; MM CCM 13MC, LLC; and JC Penney Co. Inc. (Regular Item 2)

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

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ricciardelli and seconded by Council Member Bao, the Council voted 8-0, to amend Urban Mixed-Use-3 on 103.6 acres of land located on the east side of Alma Drive, 760 feet south of 15th Street, in the City of Plano, Collin County, Texas, to increase the size of Block S from 8.9 to 9.2 acres and Block Y from 3.8 to 5.1 acres, presently zoned Urban Mixed-Use-3 and located within the 190 Tollway/Plano Parkway Overlay District; repealing and replacing Exhibit B and Blocks S and Y in Exhibit C of Ordinance No. 2019-4-13; as requested in Zoning Case 2020-006; and further to adopt Ordinance No. 2020-5-13.

Public Hearing and adoption of Ordinance No. 2020-5-14 to repeal and replace Chapter 21, Utilities, Article I, In General, of the Code of Ordinances of the City of Plano to update the best management practices and to modify the fees for residential and non-residential customers of Municipal Drainage Utility System; providing a severability clause, a repealer clause, a savings clause, a penalty clause, a publication clause and an effective date. (Regular Item 3)

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

MOTION: Upon a motion made by Council Member Grady and seconded by Council Member Bao, the Council voted 8-0, to repeal and replace Chapter 21, Utilities, Article I, In General, of the Code of Ordinances of the City of Plano to update the best management practices and to modify the fees for residential and non-residential customers of Municipal Drainage Utility System; and further to adopt Ordinance No. 2020-5-14.

Consideration to approve RFB No. 2020-0310-B for Red Tail Pavilion Branding and Signage, Project No. 7149, for the Parks and Recreation Department to A T Construction, LLC in the amount of \$165,000; and authorizing the City Manager to execute all necessary documents. (Tabled at April 13, 2020, City Council meeting.) (Regular Item 4)

MOTION: Upon a motion made by Council Member Williams and seconded by Council Member Tu, the Council voted 6-2, with Mayor LaRosiliere and Council Member Grady in opposition, to deny RFB No. 2020-0310-B for Red Tail Pavilion Branding and Signage, Project No. 7149, for the Parks and Recreation Department to A T Construction, LLC in the amount of \$165,000.

Resolution No. 2020-5-15(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and County of Collin, Texas for Municipal Direct Expense Funding to address and respond to COVID-19, authorizing its execution by the City Manager; and providing an effective date. (Tabled at May 11, 2020, City Council meeting.) (Regular Item 5)

MOTION: Upon a motion made by Council Member Grady and seconded by Council Member Smith, the Council voted 8-0, to approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and County of Collin, Texas for Municipal Direct Expense Funding to address and respond to COVID-19; and further to adopt Resolution No. 2020-5-15(R).

Resolution No. 2020-5-16(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and County of Collin, Texas for the COVID-19 Emergency Housing and Living Assistance Program, authorizing its execution by the City Manager; and providing an effective date. (Tabled at May 11, 2020, City Council meeting.) (Regular Item 6)

MOTION: Upon a motion made by Council Member Smith and seconded by Council Member Williams, the Council voted 8-0, to approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and County of Collin, Texas for the COVID-19 Emergency Housing and Living Assistance Program; and further to adopt Resolution No. 2020-5-16(R).

With no further discussion, the Regular City Council Meeting adjourned at 8:52 p.m.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary

CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020
DEPARTMENT: Public Works
DIRECTOR: Gerald Cosgrove, P.E., Director of Public Works
AGENDA ITEM: Purchase of a Water Meter Test Bench System
RECOMMENDED ACTION: Award/Rejection of Bid/Proposal

ITEM SUMMARY

RFP No. 2020-0046-BR for a five (5) year contract with two (2) City optional five-year renewals for Water Meter Test Bench System for the Public Works Department to OW Investors LLC dba MARS Company, in the estimated amount of \$343,714 for the first term, and an estimated expenditure of \$191,857 for the first renewal and \$236,269 for the second renewal, for a total estimated contract value of \$771,840; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

Public Works Operations is seeking to purchase a new water meter test bench system that includes turn-key installation of the system and a maintenance contract. Through the request for proposal process, proposals were received from two vendors: Ferguson Enterprise LLC (Ferguson Waterworks) and OW Investors, LLC dba MARS Company.

The Evaluation Team was first provided the proposals without the price information to ensure the pricing did not influence their evaluations. The proposals were evaluated on the following technical aspects (% of overall score): Proposed Solution (25%); Quality of Proposal (20%); Work History/Company (10%); and Added Value (5%). After completing the technical score, it was determined that Ferguson Enterprise was non-responsive and OW Investors, LLC dba MARS Company, was identified as the best value proposal. Public Works staff recommends OW Investors LLC dba MARS Company to be awarded the water meter test bench system.

The Meter Shop currently uses a water meter test bench system that was purchased more than thirty years ago. Replacement parts for this system are hard to find. The age of the system and the manual operations make testing water meters time consuming and labor intense. The new system will provide streamlined testing with automated testing/data recording/storage and will utilize current technology that will provide improved accuracy.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2019-20 Meter Services Budget. The term of this contract is a five-year contract with two (2) five-year renewals. The approximate total cost of the five-year contract and two (2) five-year renewals is \$771,840, assuming all renewals are executed. The annual financial breakdown is: 2019-20 \$246,103; 2020-21 \$0; 2021-22 \$31,227; 2022-23 \$32,517; 2023-24 \$33,867; 2024-25 \$35,279; 2025-26 \$36,756; 2026-27 \$38,300; 2027-28 \$39,916; 2028-29 \$41,606; 2029-30 \$43,376; 2030-31 \$45,226; 2031-32 \$47,163; 2032-33 \$49,191; and 2033-34 \$51,313. Funding for future year expenditures will be available in the Meter Services Budget and are dependent on contract renewals. All future year expenditures will occur within Council approved appropriations.

Authorizing approval of this contract for the Water Meter Test Bench System relates to the City's Strategic

Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Proposal Recap	6/1/2020	Bid Recap

CITY OF PLANO

Proposal No. 2020-0046-BR RFP Water Meter Test Bench System Proposal Recap

Proposal opening Date/Time: December 17, 2019 @ 2:00 PM

Number of Vendors Notified: 105

Vendors Submitting "No Bids": 1

Number of Non-Responsive Proposals Submitted: 1

Number of Responsive Proposals Submitted: 1

Vendor Name

OW Investors LLC dba MARS Company

Total Base Proposal

\$ 771,840.00

Recommended Vendor(s):

OW Investors LLC dba MARS Company

\$ 771,840.00

Nancy Corwin

Nancy Corwin, Sr. Buyer

December 17, 2019

Date

CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020

DEPARTMENT: Engineering

DIRECTOR: B. Caleb Thornhill, P.E., Director of Engineering

AGENDA ITEM: Award of bid in the amount of \$4,206,319 for Intersection Improvements - Park Boulevard at Coit Road, Custer Road, Alma Drive, K Avenue, and Jupiter Road, Project No. 5989.1

RECOMMENDED ACTION: Award/Rejection of Bid/Proposal

ITEM SUMMARY

RFB No. 2020-0429-B for Intersection Improvements - Park Boulevard at Coit Road, Custer Road, Alma Drive, K Avenue, and Jupiter Road, Project No. 5989.1, for the Engineering Department to Jim Bowman Construction Company, L.P. in the amount of \$4,206,319; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

The Engineering Department accepted bids on May 13, 2020 for the Intersection Improvements - Park Boulevard at Coit Road, Custer Road, Alma Drive, K Avenue, and Jupiter Drive, Project No. 5989.1. The project includes installation of right turn lanes and median improvements at the intersections of Park Boulevard at Coit Road, Custer Road, Alma Drive, K Avenue, and Jupiter Road.

The lowest responsive and responsible bid was submitted by Jim Bowman Construction Company, L.P. in the amount of \$4,206,319. There were a total of 611 vendors notified of this project. Seven (7) complete bids were received for the project as shown in the attached bid recap.

If this project is not awarded, the result will be continued traffic congestion at the five intersections, having a negative impact on the quality of life in these areas.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2019-20 Street Improvements CIP and is planned for 2020-21, as well. The construction contract for the Intersection Improvements - Park Boulevard at Coit Road, Custer Road, Alma Drive, K Avenue, and Jupiter Drive project, in the total amount of \$4,206,319, will leave a current year balance of \$80,389 available for future project expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factors of being an Excellent, Innovative, and Accountable City Government and offering Multi-Modal Transportation and Mobility Solutions and meets the Plano Tomorrow Pillar of Built Environment.

ATTACHMENTS:

Description	Upload Date	Type
Bid Recap	5/26/2020	Bid Recap
Location Map	5/26/2020	Map

CITY OF PLANO

RFB CIP

Bid No. 2020-0429-B

**Intersection Improvements - Park Blvd at Coit Rd, Custer Rd, Alma
Dr, K Ave, and Jupiter Rd
Project No. 5989.1
Bid Recap**

<u>Bid Opening Date/Time:</u>	May 14, 2020, at 2:00 PM
<u>Number of Vendors Notified:</u>	611
<u>Vendors Submitting "No Bids":</u>	7
<u>Number of Non-Responsive Bids Submitted:</u>	0
<u>Number of Responsive Bids Submitted:</u>	7

<u>Vendor:</u>	<u>Total Bid:</u>
Jim Bowman Construction Company, L.P.	\$ 4,206,318.60
McMahon Contracting, LP	\$ 4,990,021.50
Tiseo Paving Company	\$ 5,509,897.20
Urban Infraconstruction LLC	\$ 5,818,944.95
Pavecon Public Works LP	\$ 5,881,319.95
FNH Construction, LLC	\$ 6,406,998.00
Rebcon, Inc.	\$ 6,968,193.50

Recommended Vendor:

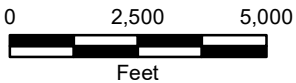
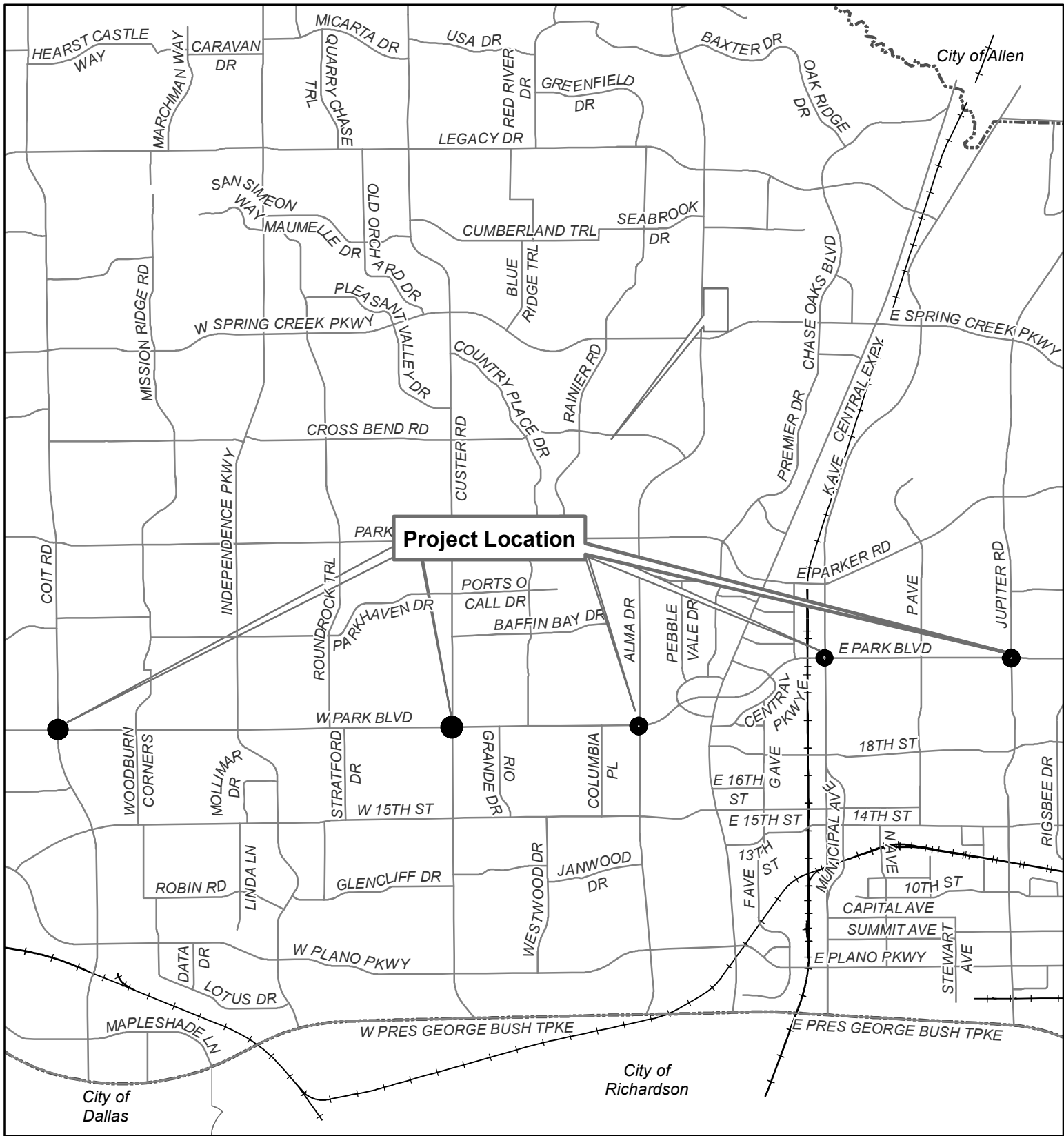
Jim Bowman Construction Company, L.P.	\$ 4,206,318.60
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Dave Leong

Dave Leong, Contract Administrator

18-May-20

Date

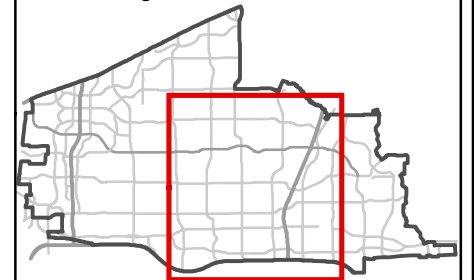


City of Plano, BI/GIS
February 2020

Intersection Improvements - Park Blvd at Coit Rd, Custer Rd, Alma Dr, K Ave & Jupiter Rd

Project No. 5989.1

Project Location



CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020
DEPARTMENT: Technology Services
DIRECTOR: Shelli Siemer, Deputy City Manager
AGENDA ITEM: Purchase of NetMotion Software Support Services
RECOMMENDED ACTION: Purchase from Existing Contract

ITEM SUMMARY

To approve the purchase of software support services for NetMotion for Technology Services in the amount of \$54,929 from Mobile Wireless, LLC through an existing contract; and authorizing the City Manager to execute all necessary documents. (DIR Contract No. DIR-TSO-3810) **Approved**

BACKGROUND

Technology Services proposes purchasing software support services for NetMotion from Mobile Wireless, LLC. We currently use NetMotion to provide VPN connectivity for our users including public safety personnel.

NetMotion Mobility transforms mobile access for both mobile users and the Technology Services support team that manages and supports them. NetMotion Mobility insulates applications from the instabilities in networks enabling them to roam seamlessly between Wi-Fi and mobile operator networks without user intervention for “always-on” connectivity.

NetMotion also adds a layer of intelligence that is situationally aware of the connections, devices and applications that a worker is using at any moment. It adjusts for the ever-changing network conditions to ensure mobile workers always get the best user experience from their mobile devices and applications.

Mobile Wireless, LLC is authorized to provide this equipment and services under the State of Texas Department of Information Resources (DIR) Contract Number DIR-TSO-3810. Mobile Wireless, LLC is the recommended vendor based on a Cooperative Quote request, in which the City received four (4) responsive quotes. The total amount for software support services is \$54,929. The dates of coverage are July 1, 2020 through June 30, 2021.

The purchase of this support and maintenance is for providing connectivity to mobile users into the City’s network. These functions are critical to ensuring connectivity to the City data network for Police and Fire-Rescue personnel and for the continued level of service offered to the citizens.

The City is authorized to purchase from the State Contract list pursuant to Chapter 271 Subchapter D of the Texas Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (DIR Contract No. DIR-TSO-3810 / City of Plano Internal Contract No. 2020-0532-OR)

FINANCIAL SUMMARY/STRATEGIC GOALS

This request is to purchase one year of software support for NetMotion from Mobile Wireless, LLC, in the amount of \$54,929, which is available in the 2019-20 Technology Services Budget.

Approval of this agenda item supports the City's Strategic Plan Critical Success Factors of Excellent, Innovative, and Accountable City Government and Safe, Vibrant Neighborhoods.

ATTACHMENTS:

Description	Upload Date	Type
Cooperative Quote Recap	5/13/2020	Cooperative Quote Recap

**CITY OF PLANO
SOLICITATION NO. 2020-0532-OR
NETMOTION SOFTWARE MAINTENANCE
COOPERATIVE QUOTE RECAP**

Number of Vendors Contacted: 7

Number of Quotes Received: 4

Mobile Wireless, LLC via DIR-TSO-3810	\$54,929.00
AT&T Mobility via DIR-TSO-3420	\$56,504.78
SHI Government Solutions via BuyBoard 579-19	\$59,919.00
GTS Technology Solutions via DIR-TSO-4174	\$61,123.12

Recommended Vendor:

Mobile Wireless, LLC via DIR-TSO-3810	\$54,929.00
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Lincoln Thompson

Lincoln Thompson
Senior Buyer

May 13, 2020

Date

CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020
DEPARTMENT: Fleet Services
DIRECTOR: Gerald Cosgrove, P.E., Director of Public Works
AGENDA ITEM: Utility Tractor Purchase through HGAC Contract No. GR01-20
RECOMMENDED ACTION: Purchase from Existing Contract

ITEM SUMMARY

To approve the purchase of one (1) John Deere Model 5100M Utility Tractor for Fleet Services to be utilized by Grounds Maintenance Services in the amount of \$69,076 from United Ag and Turf through an existing contract; and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. GR01-20) **Approved**

BACKGROUND

It is the recommendation of Fleet Services to purchase one (1) John Deere Model 5100M Utility Tractor in the amount of \$69,076 from United Ag and Turf through HGAC Contract No. GR01-20. Fleet Services and Purchasing have reviewed multiple Cooperative Contract quotes and found this to be the best value for the City.

This unit is a scheduled replacement from Capital Outlay FY19-20 for unit 04143 Tractor in Cost Center 644 Grounds Maintenance Services District 1. Due to operational demands, it is necessary to purchase at this time.

The purchase of this unit is necessary for the following reasons:

1. This unit is essential to this department's daily operations and is required to maintain current service levels.
2. The old unit is in need of replacement. The determination for the need of replacement is based on age, usage, maintenance cost, and re-sale value. Based on these criteria, Fleet Services recommends the replacement of the above unit.
3. If this unit is not replaced, we will incur additional maintenance costs and the salvage value will be greatly depreciated. In addition, the older, aging unit will limit the users' ability to perform their duties because of increased breakdowns and additional downtime for repairs.

The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 271 Subchapter F of the Texas Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (HGAC Contract No. GR01-20 / City of Plano Internal Contract No. 2020-0536-O)

FINANCIAL SUMMARY/STRATEGIC GOALS

Funds are available in the FY 2019-20 Adopted Budget to purchase one (1) John Deere Utility Tractor for the scheduled replacement of unit 04143 in Cost Center 644 / Grounds Maintenance Service District 1. The remaining balance of \$10,224 will be used for other Equipment Replacement Fund purchases.

Approval of this purchase will support the City's Strategic Plan Critical Success Factors of being an Excellent, Innovative, and Accountable City Government as well as Multi-Modal Transportation and Mobility Solutions and meets the Plano Tomorrow Plan Pillar of a Built Environment.

ATTACHMENTS:

Description	Upload Date	Type
Cooperative Quote Recap	5/14/2020	Cooperative Quote Recap
Photograph of John Deere 5100M Utility Tractor	5/22/2020	Exhibit

CITY OF PLANO
SOLICITATION NO. 2020-0536-O
JOHN DEERE MODEL 5100M UTILITY TRACTOR
COOPERATIVE QUOTE RECAP

Number of Vendors Contacted: 1

Number of Quotes Received: 2

United Ag and Turf via HGAC GR01-20	\$69,075.93
United Ag and Turf via BuyBoard 529-17	\$70,383.44

Recommended Vendor:

United Ag and Turf via HGAC GR01-20	\$69,075.93
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Lincoln Thompson
Lincoln Thompson
Senior Buyer

May 14, 2020
Date



This picture is a John Deere Model 5100M Utility Tractor with a triple flail mower attachment. This agenda item is to approve the purchase of an additional John Deere Model 5100M Utility Tractor without any attachments.

CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020
DEPARTMENT: Police
DIRECTOR: Ed Drain, Chief of Police
AGENDA ITEM: Purchase of sixty (60) additional electronic ticket writers
RECOMMENDED ACTION: Purchase from Existing Contract

ITEM SUMMARY

To approve the purchase of sixty (60) Electronic Ticket Writers consisting of Zebra TC75X handheld computers, Zebra ZQ520 portable printers, software licenses, accessories, and four (4) annual license renewals for the Police Department in the amount of \$228,544 from Tyler Technologies through an existing contract; and authorizing the City Manager to execute all necessary documents. (NJPA/Sourcewell Contract No. 110515-TTI) **Approved**

BACKGROUND

In 2016, the Police Department acquired 50 Zebra TC75 handheld computers and 50 Zebra ZQ520 portable printers, to replace the aging Motorola handhelds and printers that had been in use for several years. Municipal court administrative staff, City of Plano management, and the Police Department's Planning and Research Unit have long advocated the use of electronic citations for the following reasons:

- Elimination of the need for wasteful, redundant data entry by Municipal Court Clerks and Police Records Unit personnel.
- Greatly increased accuracy in the collection of racial profiling data and other critical information; virtually eliminating the need for post-issuance modifications due to incorrect entries, illegible print, or information omitted by officers.
- Much faster transfer of citation information from officers to existing records databases for access by Municipal Court clerks and Police Department personnel.
- Minimization of the need for expensive citation books, which must be specially printed, secured, distributed, and audited by Police Department personnel.
- Barcode scanners integrated into the devices help increase data collection efficiency.
- Integrated cameras and microphones allow officers to capture valuable still images, audio, and/or video recordings of citizen contacts.

In 2019, an additional 150 sets of equipment were procured and distributed to additional officers, further reducing the quantity of handwritten citations and warnings being issued. The Police Department now seeks to complete the expansion of this important program by procuring 60 additional handheld computers and portable printers, along with 60 new Brazos E-Citation software licenses. The necessary hardware and software is available from Tyler Technologies through Sourcewell cooperative purchasing agreement #110515-TTI, which represents the best value option for the City of Plano. It is to be utilized for procurement of the following equipment and software:

- Sixty (60) Zebra TC75X Rugged Android touch computers (part #TC75EK-2MB22AB-US) with 5-Year warranty.
- Sixty (60) Zebra ZQ520 portable printers (part #ZQ52-AUE0000-00).
- Sixty (60) Brazos E-Citation software site licenses and data hosting fees.

- Various charging cables and other accessories for these devices.

Use of the Traffic Safety Fund has been approved for the purchase of all described equipment and software, with an initial cost of \$185,740 and \$10,701 in recurring fees for software licensing and data hosting (total anticipated five-year cost of \$228,544). Many important benefits, as described above, have already been realized as a result of electronic citation issuance, and expansion of the program has long been a goal of the Police Department. Failure to acquire these additional devices will negatively impact our ability to provide outstanding police services to the citizens of Plano.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item, for the purchase of sixty (60) Electronic Ticket Writers, approves price quotes. Funding for the purchase of handheld computers, accessories, and licenses is available in the Traffic Safety Fund. The total estimated amount to be spent is \$228,544 (\$185,740 in FY 2019-20 and \$10,701 in each of FYs 2020-21, 2021-22, 2022-23, & 2023-24).

Approval of this item will support the City's Strategic Plan Critical Success Factors of being an Excellent, Innovative, and Accountable City Government with Safe, Vibrant Neighborhoods and meets the Plano Tomorrow Pillar of Built Environment.

CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020

DEPARTMENT: Public Works

DIRECTOR: Gerald Cosgrove, P.E., Director of Public Works

AGENDA ITEM: Approve Change Order No. 5, in the amount of \$1,760,054, for additional construction for the Residential Concrete Pavement Repair Zone 17 project

RECOMMENDED ACTION: Approval of Change Order

ITEM SUMMARY

To approve an increase to the current awarded contract amount of \$7,377,784 by \$1,760,054, for a total contract amount of \$9,137,838, for Residential Concrete Pavement Repair Zone 17, Project No. 6922, from Advance Construction, Inc., dba Advance Contracting Group for the Public Works Department; and authorizing the City Manager to execute all necessary documents. (Contract No. 2018-0313-B; Change Order No. 5) **Approved**

PREVIOUS ACTION/PRESENTATION

On May 29, 2018, City Council awarded a construction bid in the amount of \$7,310,886 for the removal and reconstruction of reinforced concrete pavement on residential streets, alleys and sidewalks for the Residential Concrete Pavement Repair Zone 17 project.

On September 12, 2018, City Manager approved a change order, in the amount of \$35,000 to install new sidewalk, where no sidewalk currently existed for the Residential Concrete Pavement Repair Zone 17 project.

On April 11, 2019, City Manager approved a change order, in the amount of \$13,295.25, for the installation of an inlet at Cheyenne Trail for the Residential Concrete Pavement Repair Zone 17 project.

On June 18, 2019, City Manager approved a change order, in the amount of \$9,415.55, for the removal and installation of speed bumps for the Residential Concrete Pavement Repair Zone 17 project.

On October 28, 2019, City Manager approved a change order, in the amount of \$9,187, for the removal and installation of 4 Grate Inlet Special for the Residential Concrete Pavement Repair Zone 17 project.

BACKGROUND

This change order is to allow for the repair of additional quantities of street, sidewalk, manhole and barrier free ramp repairs that have been identified in the field since the original inventory was taken in the fall of 2017. This change order will add 104 working days to the contract, bringing the total number to 600 working days.

Public Works Department recommends the approval of Change Order No. 5 to Advance Construction, Inc., dba Advance Contracting Group. The total contract amount will be \$9,137,838, which is a 24.99% increase of the original amount of \$7,310,886.

If this change order is not approved by Council, these repairs will not take place, leaving the additional

areas in Residential Zone I7 in an unsafe condition.

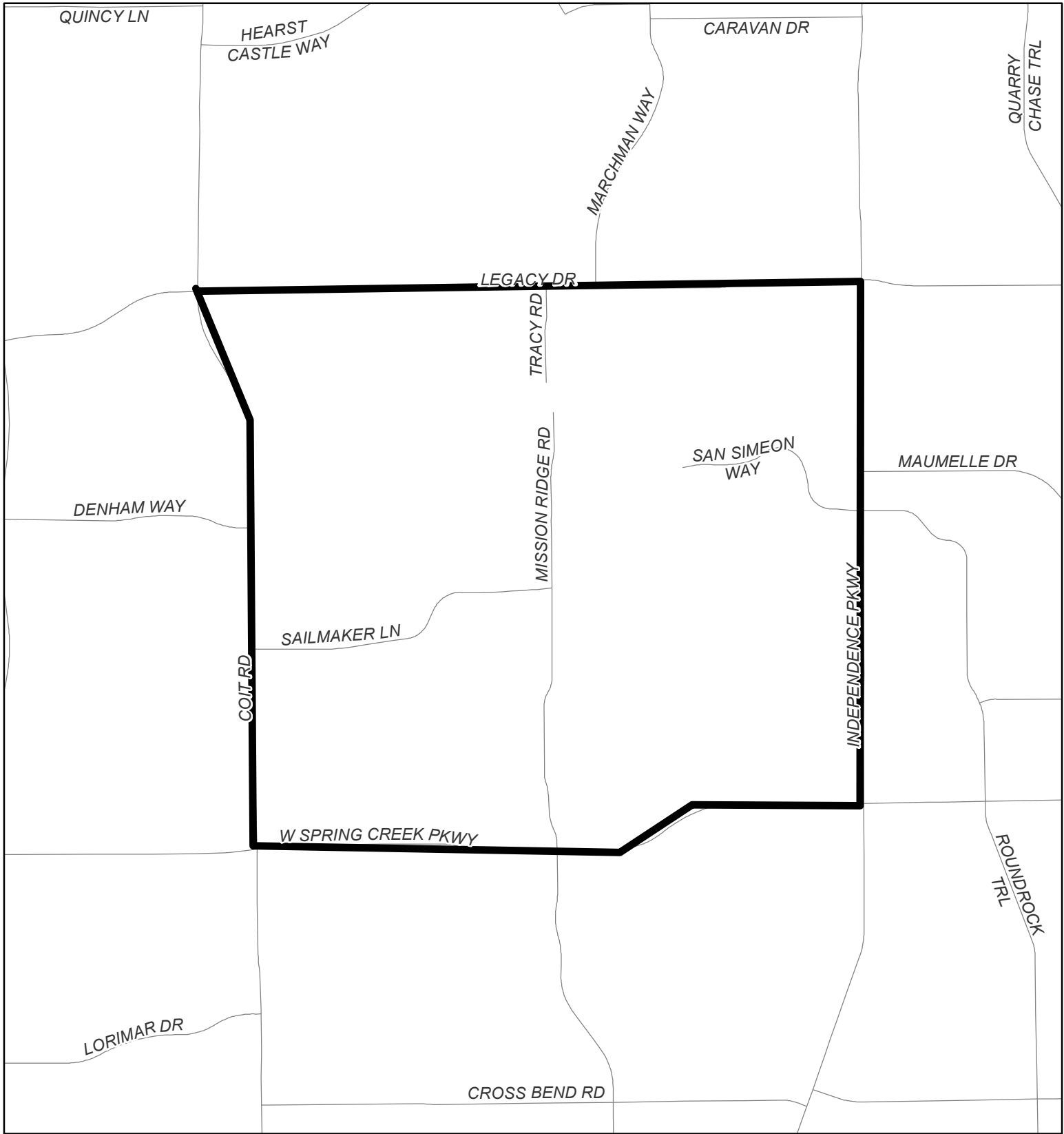
FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2019-20 Street Improvements CIP and is planned for 2020-21, as well. The fifth change order to the existing construction contract for the Residential Concrete Pavement Repair, Zone I7 project, in the total amount of \$1,760,054, will leave a current year balance of \$2,163,761 available for future project expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factors of being an Excellent, Innovative, and Accountable City Government and offering Multi-Modal Transportation and Mobility Solutions and meets the Plano Tomorrow Pillar of Built Environment.

ATTACHMENTS:

Description	Upload Date	Type
Location Map	5/12/2020	Map



0 600 1,200
Feet

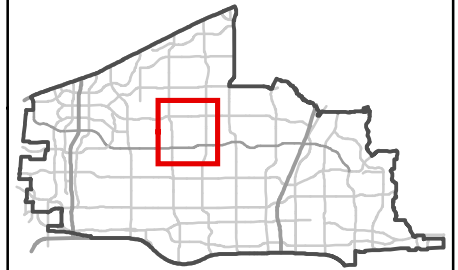


City of Plano BI-GIS Division
May 2020

Residential Concrete Pavement Repair Zone I7

Project No.6922

Project Location



CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020

DEPARTMENT: Public Works

DIRECTOR: Gerald Cosgrove, P.E., Director of Public Works

AGENDA ITEM: Approval of an expenditure in the amount of \$200,000 for a Professional Services Agreement for the Material Testing III - Arterial 2020 project

RECOMMENDED ACTION: Approval of Expenditure

ITEM SUMMARY

To approve an expenditure for a Professional Services Agreement for the Material Testing III - Arterial 2020, Project No. 7275, in the amount of \$200,000 from Braun Intertec Corporation for the Public Works Department; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

This Professional Services Agreement is for the material testing services, required for arterial roadway repairs, at various locations throughout the City of Plano. The testing ensures that contractors performing concrete repairs on arterial roadways throughout the City are using materials, required by the City, that allow for a safe and lasting repair.

Contract fee for this service is \$200,000.00. If this expenditure is not approved, the City cannot verify that the materials used meet the City's standards for a safe and lasting repair.

Braun Intertec Corporation was deemed qualified based on their Statement of Qualifications submission for RFQ No. 2019-0397-X.

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2019-20 Street Improvements CIP and planned for 2020-21, as well. Professional services for the Material Testing III - Arterial 2020 project, in the total amount of \$200,000, will leave a current year balance of \$2,643,761 for future project expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factors of being an Excellent, Innovative, and Accountable City Government and offering Multi-Modal Transportation and Mobility Solutions and meets the Plano Tomorrow Pillar of Built Environment.

CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020
DEPARTMENT: Purchasing
DIRECTOR: Ed Drain, Chief of Police
AGENDA ITEM: Ratification of the purchase of ten (10) welloStation X temperature scanning units and three (3) welloDASH units.
RECOMMENDED ACTION: Approval of Expenditure

ITEM SUMMARY

To ratify an expenditure in the amount of \$109,325 for the purchase of ten (10) welloStation X temperature scanning units and three (3) welloDASH units from Wello Inc.; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

The Police Department requests City Council to ratify the expenditure for the purchase of ten (10) welloStationX hands-free high-volume temperature screening units and three (3) welloDASH units that allow for monitoring of the welloStationX units. The Wello self-service units are FDA-cleared temperature scanners that were purchased under the Health and Safety exemption. Due to the high volume of requests for these items and the high potential of delayed receipt due to the Texas re-opening plans following the COVID-19 pandemic it was necessary to purchase quickly and seek ratification of this purchase.

These high-volume temperature scanning units are critical to the health and safety of employees and citizens during the re-opening of city facilities and expansion of city services to the public. These units will be utilized and tested in high-volume traffic areas such as the jail, municipal courts, city hall, and police facilities to ensure individuals, who may be exhibiting signs of COVID-19, are not admitted into city facilities in the effort to minimize the spread of infection.

The City is exempt from the competitive bid process for this purchase as allowed by Texas Local Government Code Chapter 252 Subchapter B Section 252.022(a)(2). (City of Plano Internal Contract No. 2020-0558-X)

FINANCIAL SUMMARY/STRATEGIC GOALS

Approval of this item will ratify the purchase of ten (10) high-volume temperature screening units to be utilized in high-volume traffic areas of City operations, three (3) welloDASH units and extended warranty coverage. Funds for this purchase, in the total amount of \$109,325, are available in the Disaster Relief Fund.

Approval of this item will support the City's Strategic Plan Critical Success Factor of being an Excellent, Innovative, and Accountable City Government and meets the Plano Tomorrow Pillar of Built Environment.

CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020
DEPARTMENT: Parks
DIRECTOR: Ron Smith, Director of Parks and Recreation
AGENDA ITEM: Centralized Irrigation Control Supply Contract
RECOMMENDED ACTION: Approval of Expenditure

ITEM SUMMARY

To approve an expenditure for Centralized Irrigation Control Supply Contract for a one (1) year contract with two (2) one-year City optional renewals in the estimated annual amount of \$150,000 from Interspec LLC for the Parks and Recreation Department; and authorizing the City Manager to execute all necessary documents. **Approved**

BACKGROUND

This annual contract is required to purchase replacement parts, supplies, and services for the City's park Irrigation Central Control (ICC). ICC is a proprietary landscape irrigation control and management system consisting of a network of over 450 computerized field irrigation control units. These units are necessary to remotely monitor, send and receive data, control, and program over 500 irrigation systems citywide. ICC delivers necessary supplemental irrigation for approximately 1,200 acres of turf and landscaped spaces. This includes irrigation to neighborhood parks, community parks, athletic complexes, special use areas, public buildings, along with much needed supplemental water to approximately 6,000 median trees. In addition, the supplemental irrigation provided by ICC not only protects living assets, such as turf, landscaped areas, and trees; it is also key in maintaining safe grounds and open spaces, while also providing necessary soil moisture around building foundations, walkways, and structures.

ICC has been in use by the department for more than 30 years. Because of the planned size of the City's park system and inventory of park maintained properties, it was necessary to procure a centralized irrigation control system that would meet Plano's current and future needs. After evaluating available technology and functionality, it was determined that ICC (Toro-Motorola at the time) was the only vendor capable of fully meeting the City's requirements. The decision to purchase ICC made the difficult task of efficient and effective irrigation application and management possible for all of the City's sites and assets, while providing advanced equipment and technology that remains exclusive to their brand, worldwide.

Since ICC is a proprietary system with exclusive features, technology and components; services, maintenance parts, and supplies are not available through open source. This requires all purchases to be made through a licensed distributor. All items to be purchased using 2020-0172-XR Centralized Irrigation Control Annual Supply Contract shall be acquired from Interspec LLC. Interspec LLC is the sole source distributor for all ICC related products in this region. It is the recommendation of the Parks and Recreation Department to proceed with the award of this sole source contract for all ICC related goods and services named in this contract.

Upon approval, Parks and Recreation intends to procure, as needed, all necessary ICC related goods and services directly from Interspec LLC. The total annual expenditure of this contract is \$150,000. The total duration of this contract is one-year, with (2) optional one-year renewals. The total expenditure amount of this contract, including the initial one-year term and all renewals, is \$450,000. Projected expenditures by

Budget Year are as follows: BY 2019-20 \$75,000; BY 2020-21 \$150,000; BY 2021-22 \$150,000; BY 2022-23 \$75,000. The funding source for this contract is CMF Acct # 53361 Irrigation Technology & Mechanical. The total purchase amounts fall within the estimated expenditure.

As previously mentioned, this contract is necessary to acquire maintenance parts, supplies, and services critical to the support and operation of the City's Irrigation Central Control. These components are essential in keeping the system functioning properly for the purpose of responsible and responsive irrigation water management and control. This provides protection for city infrastructure and assets, including highly-visible living landscapes, turf, and trees. This contributes to, and fully aligns with, the outcome of "Great Neighborhoods – 1st Choice to Live."

Should this recommendation be rejected, parts of the City's ICC will no longer receive the required maintenance, parts, and service needed to perform in the way in which they were intended. The eventual results will be system failures, outages, and malfunctions. This will place valuable City assets at risk of loss due to lack of proper supplemental water applications during periods of little or no precipitation. In addition, ICC is essential to irrigation water conservation and water management, as well as maintaining safe and usable sites for park users and the citizens of Plano. A citywide irrigation system consisting of over 450 computerized field irrigation control units can only be operated and managed efficiently and effectively using a properly maintained and functioning central control system.

The City is exempt from the competitive bid process for this purchase as allowed by Texas Local Government Code Chapter 252 Subchapter B Section 252.022(a)(7)(A). (City of Plano Internal Contract No. 2020-0172-XR)

FINANCIAL SUMMARY/STRATEGIC GOALS

Funding for this item is available in the 2019-20 Capital Maintenance Fund and is planned for 2020-21, 2021-22, and 2022-23, as well. The contract to purchase replacement parts, supplies, and services for the city's park Irrigation Central Control, for a term of one (1) year with two (2) optional one-year renewals, in the total amount of \$450,000, will leave a current year balance of \$667,017 for future project expenditures.

Approval of this item will support the City's Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government and meets the Plano Tomorrow Pillar of Natural Environment. .

CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020

DEPARTMENT: Community Services

DIRECTOR: Lori Schwarz, Director of Neighborhood Services

AGENDA ITEM: Consideration of an amendment to Resolution 2019-7-2-(R) for a contract with the Texas Department of Housing and Community Affairs.

RECOMMENDED ACTION: Adoption of Resolutions

ITEM SUMMARY

Resolution No. 2020-6-1(R): To repeal and replace Resolution No. 2019-7-2(R) regarding a contract with the Texas Department of Housing and Community Affairs for the Homeless Housing and Services Program under Texas Government Code §2306.2585 because the amount of the contract has increased by \$6,550 for a new not to exceed amount of \$140,339; designating the City Manager as Chief Executive Officer and authorized representative of the City for the purpose of executing the contract consistent with this resolution, giving required assurances, acting in connection with said contract, and providing required information; and providing an effective date. **Adopted**

BACKGROUND

On March 31, 2020, the City of Plano received notice of a Homeless Housing and Services Program (HHSP) award of \$6,550 in reallocated 2018 and 2019 funds from the Texas Department of Housing and Community Affairs (TDHCA) to serve homeless persons or persons at-risk of homelessness who have been economically impacted by COVID-19. The funds will be added to the City's current contract for HHSP General Set-Aside funds and will be used to provide housing payments and essential services to participants of the City's Rapid Rehousing program who have been economically impacted by COVID-19.

FINANCIAL SUMMARY/STRATEGIC GOALS

Approval of this item will increase the existing Homeless Housing and Services Program contract under Texas Government Code §2306.2585 by an additional \$6,550. This resolution repeals and replaces the original resolution to add the \$6,550 to the original contract for \$133,789, making the new total amount not to exceed \$140,339.

Approval of this resolution will support the City's Strategic Plan Critical Success Factor of Safe, Vibrant Neighborhoods.

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/3/2020	Resolution

A Resolution of the City of Plano, Texas, repealing and replacing Resolution No. 2019-7-2(R) regarding a contract with the Texas Department of Housing and Community Affairs for the Homeless Housing and Services Program under Texas Government Code §2306.2585 because the amount of the contract has increased by \$6,550 for a new not to exceed amount of \$140,339; designating the City Manager as Chief Executive Officer and authorized representative of the City for the purpose of executing the contract consistent with this resolution, giving required assurances, acting in connection with said contract, and providing required information; and providing an effective date.

WHEREAS, the City of Plano (the “City”) adopted Resolution No. 2019-7-2(R) to authorize the City Manager to contract with the Texas Department of Housing and Community Affairs (the “Department”) for the Homeless Housing and Services Program under Texas Government Code §2306.2585 in the amount of \$133,789 based on the 2019 Texas Department of Housing and Community Affairs allocations for eligible cities; and

WHEREAS, the City of Plano (the “City”) is eligible to receive additional reallocated funds for COVID-19 response under the Homeless Housing and Services Program from the Texas Department of Housing and Community Affairs (the “Department”) in the amount of \$6,550 based on the 2019 Texas Department of Housing and Community Affairs allocations for eligible cities; and

WHEREAS, the City wishes to repeal Resolution No. 2019-7-2(R) and replace it with this resolution to allow the City Manager, or his authorized designee to enter into a contract with the Department in an amount not to exceed \$140,339 for the Homeless Housing and Services Program under Texas Government Code §2306.2585 for construction, development or procurement of housing for homeless persons; rehabilitation of structures targeted to serving homeless persons or persons at-risk of homelessness; provision of direct services and case management to homeless persons or persons at-risk of homelessness; or, other homelessness-related activity as approved by the Department and to designate the City Manager as the Chief Executive Officer and authorized representative of the City of Plano; and

WHEREAS, it is in the public interest of the citizens of the City of Plano that the City repeal and replace Resolution No. 2019-7-2(R) with this resolution and allow the City Manager to enter into a contract with the Department for such funding.

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

SECTION I. Resolution No. 2019-7-2(R) is hereby repealed and replaced with this resolution.

SECTION II. The City Manager, or his authorized designee, is hereby authorized to enter into a contract with the Department in the amount of up to \$140,339 for Homeless Housing and Services Program funds under § 2306.2585 of the Texas Government Code, on behalf of the City for the purpose of construction, development or procurement of housing for homeless persons; rehabilitation of structures targeted to serving homeless

persons or persons at-risk of homelessness; provision of direct services and case management to homeless persons or persons at-risk of homelessness; or, other homelessness-related activity as approved by the Department; and to provide assurances, act in connection with the contract, and provide information as may be required.

SECTION III. The City Manager is hereby designated as the Chief Executive Officer and authorized representative of the City of Plano, Texas, for the purpose of acting in connection with the contract and providing such additional information and assurances as may be required.

SECTION IV. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED THIS THE 8TH DAY OF JUNE, 2020.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

Approved as to form:

Paige Mims, CITY ATTORNEY

CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020

DEPARTMENT: Community Services

DIRECTOR: Lori Schwarz, Director of Neighborhood Services

AGENDA ITEM: Resolution to ratify the allocation of Collin CARES Emergency Housing and Living Assistance Grant Funding to subrecipients; and providing an effective date.

RECOMMENDED ACTION: Adoption of Resolutions

ITEM SUMMARY

Resolution No. 2020-6-2(R): To ratify the allocation of Collin CARES Emergency Housing and Living Assistance Grant Funding to subrecipients; and providing an effective date. **Adopted**

BACKGROUND

On May 27, 2020, the Collin County Emergency Housing and Living Assistance Committee, with representatives from the cities of Allen, Frisco, McKinney, and Plano, met to make funding recommendations based on responses to the EHLA Request for Proposals (RFP). A total of 15 organizations submitted proposals for funding assistance. The Committee is recommending funding for eleven organizations to administer housing and/or food assistance to eligible families. Organization funding was split between cities, based on the zip codes that the organization requested to assist.

Our agreement with Collin County is in the amount of \$11,933,277. The attachment shows a breakdown of organizations that applied and were selected for funding, along with the recommended funding amount. This item approves the Plano subrecipient contracts totaling \$10,895,146. The remaining amount will be used for food cards (\$525,000) and administrative costs (\$513,131), as shown on the attachment.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item ratifies the proposed allocation of Collin CARES Emergency Housing and Living Assistance grant funding, from the Department of Treasury, to the City of Plano. The total amount to be provided to sub-recipients in FY 2019-20 and FY 2020-21 is not to exceed \$10,895,146.

Approval of this item relates to the City's Strategic Plan Critical Success Factor of Safe, Vibrant Neighborhoods.

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/2/2020	Resolution
EHLA Attachment	6/2/2020	Attachment

A Resolution of the City of Plano, Texas, to ratify the allocation of Collin CARES Emergency Housing and Living Assistance Grant Funding to subrecipients; and providing an effective date.

WHEREAS, the City Council approved an Interlocal Agreement with Collin County, Texas for the COVID-19 Emergency Housing and Living Assistance (EHLA) Program via Resolution No. 2020-5-16(R); and

WHEREAS, the Collin County EHLA Committee, comprised of representatives from the cities of Allen, Frisco, McKinney and Plano, met to make funding recommendations to various subrecipients based on responses to the EHLA Request For Proposal; and

WHEREAS, the City Manager, pursuant to his emergency powers, entered into contracts with the subrecipients listed below to provide the allocated emergency funds.

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

SECTION I. The funding allocations for the City of Plano Collin CARES EHLA funds are hereby ratified as follows:

All (Allen) Community Outreach	\$4,252,812
Assistance Center of Collin County	\$150,000
Catholic Charities	\$4,267,334
Islamic Association of CC	\$200,000
Jewish Family Services	\$1,875,000
Texas Women's Muslim Foundation	\$75,000
Wellness Center of Collin County	\$75,000

SECTION II. The City Manager, or his authorized designee, may amend contracts and related grant subrecipient agreements with the agencies listed in Section I, including reallocation of funds, as necessary to achieve EHLA program goals in conformance with the recommendations of the Collin County EHLA Committee.

SECTION III. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2020.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

Approved as to form:

Paige Mims, CITY ATTORNEY

EHLA Attachment

Organization Name	Allen Allocation	Frisco Allocation	McKinney Allocation	Plano Allocation	Total Funding
Catholic Charities	\$0	\$2,766,000	\$2,966,666	\$4,267,334	\$10,000,000
Jewish Family Services	\$775,000	\$1,125,000	\$1,225,000	\$1,875,000	\$5,000,000
Community Lifeline	\$0	\$0	\$200,000	\$0	\$200,000
Islamic Association of CC	\$0	\$0	\$0	\$200,000	\$200,000
Texas Women's Muslim Foundation	\$0	\$25,000	\$0	\$75,000	\$100,000
Wellness Center of Collin County	\$0	\$45,000	\$80,000	\$75,000	\$200,000
Cornerstone Assistance Network	\$0	\$200,000	\$0	\$0	\$200,000
Assistance Center of Collin County	\$62,000	\$90,000	\$98,000	\$150,000	\$400,000
All (Allen) Community Outreach	\$2,602,091	\$1,643,898	\$1,498,699	\$4,252,812	\$9,997,500
Frisco Family Services*	\$0	\$0	\$0	\$0	\$0
Islamic Association of Allen	\$312,500	\$0	\$0	\$0	\$312,500
Food Cards	\$525,000.000	\$525,000.000	\$525,000.000	\$525,000.000	\$2,100,000.000
Admin	<u>\$192,156.000</u>	<u>\$288,459.000</u>	<u>\$296,254.00</u>	<u>\$513,131.000</u>	<u>\$1,290,000.000</u>
Total Funding	\$4,468,747	\$6,708,357	\$6,889,619	\$11,933,277	\$30,000,000

*This organization only requested to distribute food cards. Therefore, cards will be provided for distribution.

Organization Applied and Not Funded

- Community Services Inc. - Corsicana
- Alliance of Elite Youth Leadership
- New Jerusalem Baptist Church
- Under 1 Roof

CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020
DEPARTMENT: Parks
DIRECTOR: Ron Smith, Director of Parks and Recreation
AGENDA ITEM: Ordinance Adopting New Special Events Permit Regulations
RECOMMENDED ACTION: Adoption of Ordinances

ITEM SUMMARY

Ordinance No. 2020-6-3: To repeal Chapter 11, Licenses and Business Regulations, Article VIII, Special Events, of the Code of Ordinances and adopting new special events permit regulations by repealing Ordinance No. 2006-5-9, as amended, in its entirety and replacing it as follows, and providing a repealer clause, a savings clause, a severability clause, a penalty clause, a publication clause, and an effective date.
Adopted

PREVIOUS ACTION/PRESENTATION

Proposed changes to Chapter 11, Article VIII, Special Events were presented to Council during the Preliminary Open Meeting on May 26, 2020.

BACKGROUND

In 2018, a cross-departmental working group formed to undertake a comprehensive review of the Special Events ordinance and recommend proposed changes to the ordinance.

Some of the salient changes to the ordinance address cost recovery, private events, event impact, event review process, and permitting processes. The ordinance establishes a Special Events Approval Team consisting of representatives from various City departments commonly involved in the review/permitting process and authorizes the Special Events Approval Team to approve/deny special event permit applications.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item has no fiscal impact.

This item directly supports the Strategic Plan Critical Success Factor of Excellent, Innovative, and Accountable City Government and the Plano Tomorrow Plan Pillar of Social Environment.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	6/1/2020	Ordinance

An Ordinance of the City of Plano, Texas, repealing Chapter 11, Licenses and Business Regulations, Article VIII, Special Events, of the Code of Ordinances and adopting new special events permit regulations by repealing Ordinance No. 2006-5-9, as amended, in its entirety and replacing it as follows, and providing a repealer clause, a savings clause, a severability clause, a penalty clause, a publication clause, and an effective date.

WHEREAS, on May 8, 2006 the City of Plano (the "City") repealed prior ordinances regarding special events and replaced those ordinances with Ordinance No. 2006-5-9; and

WHEREAS, on February 26, 2007, Ordinance No. 2007-2-16 was approved and amended Ordinance No. 2006-5-9; and

WHEREAS, on October 24, 2011, Ordinance No. 2011-10-14 was approved and amended Ordinance No. 2006-5-9; and

WHEREAS, staff recommends repealing Ordinance No. 2006-5-9, as amended, with this ordinance to update the process for issuing special event permits and to provide guidance for private special events that wish to utilize city personnel; and

WHEREAS, the City's public safety personnel are better able to respond to issues affecting public safety when they are alerted in advance to the timing, location, and nature of events occurring in the City; and

WHEREAS, citizens need to quickly access public space to respond to current events through spontaneous speech; and

WHEREAS, when more than one event occurs in the same general area, the occupancy level of adjacent city streets and sidewalks increase, which may create an unsafe condition and strain the City's resources and infrastructure; and

WHEREAS, many special events are conducted on an annual basis and have been operating in substantially the same form for at least 20 years, and these events contribute to the City's identity; and

WHEREAS, after consideration of the recommendation of staff and all matters attendant and related thereto, the City Council finds that it is in the interests of the health, safety and welfare of the residents of the City of Plano to repeal Ordinance No. 2006-5-9, as amended, codified as Chapter 11, Licenses and Business Regulations, Article VIII, Special Events of the Code of Ordinances of the City of Plano and replace it as follows.

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

Section I. Ordinance No. 2006-5-9, as amended, codified as Chapter 11, Licenses and Business Regulations, Article VIII, Special Events, of the Code of Ordinances of the City of Plano is hereby repealed in its entirety and replaced as follows:

"ARTICLE VIII. –SPECIAL EVENTS

DIVISION 1. – GENERALLY

Sec. 11-300. – Purpose and Conflicting Ordinances.

Gatherings or organized activities, due to their size and requirements, may place unique demands on public resources or pose a danger to public health, safety and/ or welfare. In order to plan for these demands on public resources and to ensure that public health and safety is protected, it is necessary that the city receive advance notice of these events. The provisions of this division are intended to address those concerns and are not intended to place unnecessary burden on any individual's right to association or freedom of

expression. In the case of conflict between requirements of this article and other provisions of the City Code of the City of Plano, this article controls.

Sec. 11-301. – Definitions.

- (a) *Amusement Ride* is as defined in Section 2151.002 of the Texas Occupations Code, as amended.
- (b) *Applicant* means a Person who has filed an application for a Special Event permit.
- (c) *Approval Team* means an inter-departmental team of city departments that regulate, permit and/or host special events in the City of Plano.
- (d) *City* means the City of Plano, Texas.
- (e) *City Street* means any thoroughfare or public driveway, other than an alley and more than 22 feet in width, which has been dedicated or deeded to the public for public use, but does not include a Private Street.
- (f) *Event Organizer* means the Person, Persons, or agency responsible for a gathering that requires a Special Event Permit per this ordinance. Typically the point of contact for the event. The Event Organizer may also be the Applicant, but the two are not always synonymous.
- (g) *Parade/Distance Event* means any assembly, march, run, walk, demonstration, or procession upon City Streets consisting of a hundred (100) or more persons, animals, or vehicles with an intent of attracting public attention and that is reasonably likely to interfere with the normal flow or regulation of traffic upon City Streets.
- (h) *Person* means a natural person (an individual), corporation, company, association, partnership, firm, Limited Liability Company, joint venture, Joint Stock Company or association, and other such entity who owns or controls events.
- (i) *Private, Non-Permitted Event* means any event within the official city boundary limits of Plano, Texas, that does not meet the requirements of a Special Event and:
 - i. The Event Organizer requests the use of City owned or provided resources, including personnel and equipment; and
 - ii. City Staff, in partnership with the Event Organizer, determines that five (5) or more City personnel from the Police and/ or Fire- Rescue Department or that specifically trained personnel (e.g. SWAT, Bomb Technicians, Tactical Medics, etc.) in any number from the Police and/ or Fire-Rescue Departments are necessary for the event.
- (j) *Private Street* means a private vehicular access way shared by and serving two (2) or more lots, which is not dedicated to the public and is not publicly maintained, but may be encumbered with a public-access easement. Private streets and alleys may be established only under the terms of the Subdivision Ordinance. The term "Private Street" shall be inclusive of alleys.
- (k) *Private Sidewalk* means a private paved area between the curb line or edge of pavement of the roadway and the adjacent property lines for the use of pedestrians. A Private Sidewalk may be encumbered with a public-access easement.
- (l) *Public Sidewalk* means a paved area in a roadway right-of-way between the curb line or edge of pavement of the roadway and the adjacent property lines for the use of pedestrians.
- (m) *Unified Commander* means in events involving multiple jurisdictions, a single jurisdiction with multiagency involvement, or multiple jurisdictions with multiagency involvement, unified commander allows agencies with different legal, geographic, and functional authorities and responsibilities to work together effectively without affecting individual agency authority,

responsibility, or accountability. For most events this would be a representative of the Police Department or Fire Department.

- (n) *Special Event* means an event that is not a Private, Non-Permitted Event and:
 - i. Is reasonably expected to have a hundred (100) or more attendees per day at a City facility outside of the facility's normal, daily, and intended use; or
 - ii. Impacts City property, a City Street, or other City public right-of-way in a manner that requires dedicated City resources to maintain public safety other than as permitted under [Chapter 19, Article V- Street and Thoroughfare Closures](#); or
 - iii. Is temporary, is reasonably expected to have a hundred (100) or more attendees per day; and
 - a. Is inconsistent with the permanent use to which the property (public or private) may legally be used or zoned, or the occupancy levels permitted on the property; and
 - b. Includes one of the following: set up of temporary structures including, but not limited to, tents, stages, fence, Amusement Rides; use of sound amplification equipment such that the sound is plainly audible on private property or for fifty (50) feet or more onto public property; or provision of food and/or beverages, including alcohol.
- (o) *Special Event Application* means the document filled out completely by the Applicant, submitted to the Special Event Coordinator, and initially reviewed by the Approval Team.
- (p) *Special Event Coordinator* means a City staff person who will act as the Applicant's point of contact for the Approval Team and will assist the Applicant with the process for a Private, Non-Permitted Event or to obtain a Special Event Permit.
- (q) *Special Event Impact Area* means the geographic area surrounding a Special Event venue that is subject to the requirements in Sec. 11-317.
- (r) *Special Event Permit* means the document given to the Applicant when all the requirements deemed necessary by the Approval Team have been met and the event is authorized to take place as outlined in the document.

Sec. 11-302. – Application of Article; Exceptions.

- (a) All special events, except for those set forth in Subsection 11-302 (b), must conform to all applicable provisions of this article.
- (b) The following are exempt from the provisions of this article unless otherwise required per city ordinance; i.e., sign and/ or health permit:
 - i. Block Parties as defined in [Chapter 19, Sec. 93, Div. II.](#)
 - ii. Motorcades which comply with all traffic laws.
 - iii. Parades held on thoroughfares other than type T, AA, A, B+, B, C or D as defined in the [Thoroughfare Standards Ordinance](#).
 - iv. Events which are authorized under a separate agreement or permit issued by the City.
 - v. Spontaneous events for which an attendee or Event Organizer cannot provide the level of advance notice required by this article, such as an event occasioned by recent news or current affairs, that is conducted solely on city right-of-way or parkland. A spontaneous event is subject to other law. To help ensure public safety, an organizer of a spontaneous event is not required to, but is encouraged to notify the Plano Police Department on the date, time, place, and an estimate of the approximate number of persons who will be participating.
- (c) Special Exceptions- Portions of the public streets and public sidewalks within the City are located and managed by management associations comprised of property and business owners including but not limited to Legacy Association, Historic Downtown Plano Association (HDPa), Granite Properties, and Heritage Creekside Development. Events proposed in these locations must have

written permission from the governance association for the proposed event before applying for a Special Event Permit.

Sec. 11-303 Approval Team.

- (a) The Approval Team shall review Special Event Applications for Special Event Permits; and shall approve or deny applications in compliance with this section.
- (b) In carrying out its duties, the Approval Team may:
 - i. Impose reasonable conditions on the event based on public health, safety and welfare;
 - ii. Coordinate the Special Event Permit issuance or authorizations with other City departments;
 - iii. Require additional permits dependent on the nature and activities of the event;
 - iv. Adopt rules governing the administration and enforcement of this section, including the application process, the application requirements and provisions for inter-departmental review.
- (c) The Approval Team may establish a Special Event Impact Area in the geographic area surrounding a Special Event.

Secs. 11-304 – 11.310. – Reserved.

DIVISION 2. – PERMIT

Sec. 11-311. – Permit Required.

- (a) It shall be unlawful for any Person to conduct a Special Event without first having obtained a Special Event permit.
- (b) It shall be unlawful for any Person in charge of, or responsible for the conduct of, a Special Event to knowingly fail to comply with any condition of the Special Event Permit.
- (c) A Special Event Permit is non-transferrable and non-refundable.
- (d) As a condition of a Special Event Permit, the Applicant or a Person who represents the Applicant shall:
 - i. Provide access to a Special Event venue for City staff with inspection and enforcement duties related to the Special Event;
 - ii. Be present at all times during the operating hours for the Special Event;
 - iii. Provide the Special Events Coordinator with the contact information for an individual who is responsible for set-up and take-down of the Special Event;
 - iv. Ensure compliance with all applicable ordinances, regulations, rules, and the Special Event Permit;
 - v. Accept all notices of violation, citations and closure orders.

Sec. 11-312. – Application for Permit.

- (a) A Person seeking a Special Event Permit shall file a Special Event Permit Application with the City of Plano's Arts, Culture and Heritage division.
- (b) A Special Event Application will be designated into one of four levels:
 - i. A Level 1 event has a reasonably estimated attendance of 25,001 or greater per day.
 - ii. A Level 2 event has a reasonably estimated attendance of 10,001- 25,000 per day.
 - iii. A Level 3 event has a reasonably estimated attendance of 2,501- 10,000 per day.
 - iv. A Level 4 event has a reasonably estimated attendance of 100-2,500 per day.

Sec. 11-313. – Filing Period and Procedure for Review and Issuance of Permit.

- (a) Special Event Application deadlines:
 - i. Level 1 Event Application must be submitted nine (9) months before the event.
 - ii. Level 2 Event Application must be submitted six (6) months before the event.
 - iii. Level 3 Event Application must be submitted ninety (90) days before the event.
 - iv. Level 4 Event Application must be submitted sixty (60) days before the event.
 - v. Filming Application deadline is stated in Sec. 11-364.
- (b) A Special Event Application may not be filed more than thirteen (13) months in advance of the intended event date.
- (c) Procedure for review of Special Event Application:
 - i. Upon receipt of the application, the Approval Team will review the application to determine if the Applicant may proceed in planning the event as proposed in the Special Event Application, based upon the requirements of this article.
 - ii. If the Approval Team determines that the Applicant may proceed, a Special Event Checklist will be provided to the Applicant indicating the notice to proceed, additional event planning information needed, requirements needed for the proposed event, and applicable deadlines. While completing the Special Event Checklist, the Special Event Coordinator will engage in an interactive process with the Applicant.
 - iii. The Special Event Checklist must be completed at least ten (10) days before the event date. A Special Event Permit cannot be issued until the Checklist is complete. Once the Special Event Checklist is complete, a Special Event Permit will be issued and must be signed by the Special Event Coordinator and the Applicant or their designee.
 - iv. A Special Event Permit may be revoked in whole or in part if the event set-up does not pass all required inspections.
- (d) The City acknowledges certain events are unforeseeable and time-sensitive due to being in response to another happening and may not be able to wait sixty (60) days. The Approval Team will review these exceptions and determine if the City can accommodate the event.

Sec. 11-314. – Submittal Requirements.

The Special Event Application for a Special Event Permit shall include:

- (a) The name and description of the event.
- (b) Anticipated attendance for each day of the event, as well as throughout the duration of the event.
- (c) The date(s) and time(s) the event will start and terminate.
 - i. The event start and termination times shall include all set-up and clean-up times.
 - ii. If the event involves any road closure, provide the specific times that the roadways will be shutdown, along with a list of specifically effected roadways.
- (d) The name, address and telephone number of the Applicant and any other main Event Organizers.
- (e) Proposed event map including, but not limited to, event site, map of streets and pedestrian ways, tents/tent area, food/vendor area, stage/structures, restroom area, Amusement Rides, fencing.
- (f) Detailed information concerning activities, public safety planning, and emergency preparedness for the Special Event, including:
 - i. The number of bands or other musical units.
 - ii. The number of theatrical performances.
 - iii. The proposed size, location, and orientation of loudspeakers.
 - iv. The ancillary activities that will be associated with the event.
 - v. Description of any activities that could have an environmental impact.

- vi. The types of non-emergency vehicles to be used for the event.
- vii. Food and/or beverages, including alcohol.
- viii. The proposed location of portable sanitation facilities (including handwashing facilities, if applicable).
- ix. The proposed location of all trash containers.
- x. Provision for queuing event attendees on streets, sidewalks, or other city right-of-ways.
- xi. Other equipment or services necessary to conduct the event with due regard to public health, safety, and the environment.

Sec. 11-315. – Standards for Issuance of Permit.

The Approval Team may deny or revoke a Special Event Permit if:

- (a) The event will unnecessarily interrupt the safe and orderly movement of traffic near its location, route or Special Event Impact Area.
- (b) The event will require the diversion of so great a number of public safety officers to properly ensure safety of the event locale or line of movement and the adjacent areas as to diminish normal protection for the City and/or emergency response capabilities.
- (c) The event will interfere with the movement of authorized emergency vehicles in route to an emergency or if the concentration of people, animals, and vehicles at assembly points will unduly interfere with proper fire and police protection to areas near such assembly points.
- (d) In the case of a Parade/Distance Event, the event cannot be scheduled to move from its point of origin to its point of termination without unreasonable delays in route.
- (e) The event provides insufficient crowd control and safety measures.
- (f) The Event provides insufficient safety, health, or portable sanitation equipment, services, or facilities that are reasonably necessary to ensure that the event will be conducted with due regard for health and safety.
- (g) The event will conflict in time, location, and/or city resources with another event for which a permit has already been granted.
- (h) The Applicant fails to complete all required items on the Special Event Checklist prior to the 10 day deadline.
- (i) The Applicant fails to comply with or the event will violate an ordinance of the City or any other applicable law.
- (j) The Applicant makes or permits the making of a false or misleading statement or omission of material fact on the Special Event Application.
- (k) The Applicant has been convicted of violating this ordinance or has had a permit revoked within the preceding twelve (12) months.
- (l) The Applicant fails to provide proof of a license or permit required by this or another City ordinance or by state law.
- (m) The Applicant fails to comply with a condition of the Special Event Permit.

Sec. 11-316. – Appeal of Denial or Revocation.

Denial of an application for a Special Event Permit by the Approval Team or the imposition of costs, additional restrictions or conditions upon the granting of a Special Event Permit may be appealed to the

City Manager, or in his/her designee. Such appeal shall be in writing and shall be filed with the City Manager's Office within five (5) business days after the issuance of a decision by the Approval Team. When making a determination regarding the appeal, the City Manager, or his/ her designee, shall consider the appeal under the standards provided in this article and sustain or overrule the Approval Team's decision. The decision of the City Manager, or his/her designee, shall be issued within five (5) business days and shall be final.

Sec. 11-317. – Special Event Impact Area.

- (a) In the interests of public health, safety, and welfare, the Approval Team may designate a Special Event Impact Area that surrounds a Special Event. If a Special Event Impact Area is designated, The Approval Team may limit the number of permits, applications and/or approvals within the Special Event Impact Area.
- (b) The Approval Team will set the duration and boundaries of a Special Event Impact Area:
 - i. Consulting with the effected City Departments and Public Agencies; and
 - ii. Balancing the needs of the Special Event with public health, safety and welfare.
- (c) A business or property, including a licensed vendor, located within the area of the Special Event Impact Area will not be required to seek additional permits in order to conduct its business in a manner consistent with its existing permits and the Zoning Ordinance.

Sec. 11-318. – Duration of Permit.

The permit granted under the terms of this article shall not exceed a period of fourteen (14) days. The Approval Team may modify this time limitation above upon review of location of the event, time of the event, type of event, safety of the event, and proximity to residential properties.

Secs. 11-319 – 11-329. – Reserved.

DIVISION 3. – SPECIAL PROVISIONS

Sec. 11-330. – Americans with Disabilities.

Americans with Disabilities Act (ADA) compliance plan is required by federal law for any event being held on public property or which is open to the public. Refer to the ADA [Planning Guide for Making Temporary Events Accessible to People with Disabilities](#) for guidelines.

Sec. 11-331. – Applicant Parking Requirements.

Applicant shall submit evidence that sufficient parking has been provided to accommodate the projected number of users with a ten (10) percent surplus. If parking is to be on private property adjacent to the event, or when off-site private parking will be used, a written permission letter from the property owner allowing the parking shall be submitted. When the location is not an established parking area, a plan shall be submitted which shows how the needed parking will be achieved and arranged. The number of parking spaces and layout of parking area, including aisle widths and size of parking spaces, shall be included in the submittal. Plans shall be submitted which will show how off-site parking and transfer of attendees will be accomplished. Such parking shall otherwise comply with all City ordinances and regulations.

Sec. 11-332. – City Authority over Parking.

The City shall have authority, when reasonably necessary as determined by the Police Department, to prohibit or restrict the parking of vehicles along a City Street or highway or part thereof adjacent to the site of the Special Event. The City shall post signs or markings to such effect, and it shall be unlawful for any Person to park or leave unattended any vehicle in violation thereof.

Sec. 11-333. – Trailers.

Trailers or other vehicles may be temporarily occupied as living quarters at the site of permitted special events and may be parked on an unpaved surface, with approval of the temporary occupation and place of parking from the Approval Team. Such vehicles and trailers shall be parked a minimum of three hundred (300) feet from any residential district. Such vehicles shall otherwise comply with all City ordinances and regulations.

Sec. 11-334. – Amusement.

Amusement Rides shall conform to the statutory rules and regulations set forth in the [Occupations Code Chapter 2151. Regulation of Amusement Rides](#), designated the Amusement Ride Safety Inspection and Insurance Act, as amended. Copies of inspection reports will be required, as well as copies of the approved state inspection form, issued inspection stickers, and proof of insurance of the vendor providing the amusement (s). Amusement Rides in enclosed areas greater than one thousand (1,000) square feet are required to have fire sprinklers.

Sec. 11-335. – Hours of Operation.

A Special Event may be conducted only between the hours of 7:00 a.m. and 10:00 p.m. Sunday - Thursday & 7:00 a.m. and 11:00 p.m. Friday - Saturday. The Approval Team may alter the hours limitation upon review of location of the event, time of the event, type of the event, safety of the event and proximity to residential properties. Appeals of time limit restrictions may be according to Sec. 11-318 hereof. Set-up of the event shall be allowed prior to 7:00 a.m., provided the noise generated by such activity will not disturb surrounding neighborhoods.

Sec. 11-336. – Tents and Temporary Structures.

Any Special Event which includes the use of a tent, canopy, or temporary structure shall meet the requirements in the Fire Code except that a separate permit is not required when a Special Event Permit has been obtained. Fire lanes for emergency equipment must be allotted for and the site prepared in a manner so as not to be a fire hazard as determined by the Fire Chief, or his/her designee.

Sec. 11-337. – Food and Alcohol Service.

Where food or alcohol service is provided, said operation shall be in compliance with all applicable provisions of [Chapter 9 Food Code](#) and Texas Alcohol and Beverage Commission (TABC) regulations as well as all other applicable state and local laws.

Sec. 11-338. – Sanitary Facilities.

A sufficient number of portable type sanitary facilities must be provided on the premises as determined necessary by the Director of Environmental Health and Sustainability or their designee using standards as established by the [Portable Sanitation Association International \(PSAI\)](#). [Americans for Disabilities Act Title II, Chapter 5](#) includes additional requirements for handicap facilities.

Sec. 11-339. – Animals.

Waste from animals used in a Special Event shall be removed daily from the grounds. Should animals be kept within the city limits at night, they shall be kept not less than three hundred (300) feet from any occupied residential or commercial uses. The Applicant shall provide cleanup for animals at the conclusion of the event. [Chapter 4, Article VIII, Sec. 4-122](#).

Sec. 11-340. – Water Usage and Disposal of Waste Water.

- (a) Any Special Event desiring use of water from the City of Plano Water System must coordinate with the utility operations department to obtain a temporary meter. Deposit for the meter and payment for water used shall be in accordance with ordinances of the City of Plano.
- (b) Applicant shall submit a plan for the disposal of waste water, including capture and containment, and shall be approved by the Department of Environmental Health and Sustainability. All water generated must be disposed of through an approved sanitary sewage system that is constructed, maintained, and operated according to law.

Sec. 11-341. – Trash Disposal.

Trash disposal containers must be provided on-site for all Special Events. Applicants utilizing commercial dumpsters should make arrangements for the provision of such dumpsters with a commercial solid waste disposal company.

Sec. 11-342. – Loudspeakers and Noise.

When loudspeakers, or any other amplifying device, are to be used in conjunction with the event, the location and orientation of these devices shall be indicated on the event site map along with the planned hours of use.

Speakers which are positioned so as not to adversely affect an adjacent residential district may be used per hours of operation above, when a Special Event permit has been obtained.

Sec. 11-343. - Signage.

Signage used in accordance with the event shall comply with the Sign Regulations of the City of Plano under the provisions for special event and promotional signage, [Chapter 6, Art. XII, Div 3, Sec 6-496](#). All special event signage promoting the event before the event date must also be approved by the Approval Team to ensure that the signage will not conflict with another activity at the location.

Sec. 11-344. – Alcohol.

- (a) It is the responsibility of the applicant to ensure that if alcoholic beverages will be possessed and consumed during a special event, that they have obtained all necessary property owners' approval for such possession and use.
- (b) For Special Events requiring a permit from the Texas Alcoholic Beverage Commission (TABC), a copy of the state permit shall be required prior to the issuance of a Special Event Permit.
- (c) Host Liquor Liability Insurance must be added to the event's Certificate of Insurance and submitted to the city before a Special Event Permit will be issued.

Sec. 11-345. – Inspections.

Inspections may be required to show compliance with city ordinances. Submitting an application for a Special Event Permit indicates permission for the City to enter the property onto which the Special Event will occur at reasonable times to conduct inspections.

Sec. 11-346. - Direction of Traffic.

Traffic control and direction upon city rights-of-way shall be allowed only by a Plano Police Officer or other sworn law enforcement officer. Traffic control and direction by private citizens is prohibited.

Sec. 11-347. – Police Protection.

When the presence of law enforcement officers is necessary for Special Events as determined by the Approval Team, the applicant shall be responsible for reimbursing the city for the cost of providing police personnel. The cost for city provided police personnel shall be the actual cost for the services provided. Actual cost shall include salary, overtime, and any equipment usage costs. There is a minimum four (4) hour cost per officer. City estimated cost must be paid to the City before permit issuance.

- (a) Event considerations used to determine the number of law enforcement officers include, but are not limited to:
 - i. General traffic conditions in the area requested, both vehicular and pedestrian, as well as the proximity of the event to mass transit and roadways
 - ii. Route to be taken, if the event is a Parade or Distance Event
 - iii. Duration of the event
 - iv. Whether all or any portion of a roadway will be closed
 - v. Reasonably expected amount of people who will attend
 - vi. Uses adjacent to the event such as residential or commercial areas
 - vii. Time and date of the event
 - viii. Alcoholic beverages available for consumption at the event
 - ix. Fireworks and/or other pyrotechnics at the event
 - x. Physical security features of the location and the need for safety zones (firework launch area, balloon/ helicopter launch or landing area, etc.)
 - xi. Criminal intelligence regarding the risk and threat level associated with the event
 - xii. Potential presence of dignitaries and/or media personnel
 - xiii. Ease with which public safety resources can access all portions of the venue during the event taking into consideration the layout and concentration of people within the venue
 - xiv. Whether this event or similar events have resulted in a need for crowd control in other cities or in the past in the City of Plano
- (b) All reasonable alternative routes, times, and locations will be considered so as to offer the Applicant the option that will provide the lowest costs consistent with the general public's health, safety and welfare.
- (c) The Supervising Police Officer at a Special Event may, at his or her discretion, reduce the number of peace officers posted at a special event.
- (d) The Applicant or Event Organizer shall not be required to provide or pay for the cost of City personnel who are present to protect event attendees from counter-demonstrators or members of the public who are hostile to the event.
- (e) If approved by the Approval Team, an Applicant may hire private security for personal safety or property security during a Special Event to supplement the services provide by the Plano Police Department.

Private Security employed must:

- i. Be in uniform
- ii. Be able to contact City Police, Fire or Emergency Medical Services, if necessary
- iii. Remain on-site during the Special Event
- iv. Be licensed by the State of Texas
- v. Not consume an alcoholic beverage

Sec. 11-348. – Fire Safety.

In addition to local law and Fire Code, any use of fireworks or pyrotechnic displays shall require proof of application for a State Permit prior to issuance of a Special Event Permit.

- (a) An Applicant shall comply with all applicable [International Fire Code](#) requirements as adopted and amended in Title 25 (Land Development Code) including, but not limited to:
- i. Fire lanes and public safety access
 - ii. Tents and Temporary Membrane Structures
 - iii. Fireworks, pyrotechnics, open flames
 - iv. Theatrical flame or laser performances
 - v. Occupant loads, exiting and egress
 - vi. Use of decorative materials and finishes
 - vii. Use, location, storage of propane or other fuel type equipment
 - viii. Crowd Management
- (b) When the presence of fire personnel is necessary for the event as determined by the Approval Team, the Applicant is responsible for reimbursing the City for the cost of providing Fire personnel. The cost for City Fire personnel shall be the actual for the services provided. Actual costs shall include salary, overtime, and any equipment usage costs. There is a minimum four (4) hour cost per firefighter. City estimated cost must be paid to the City before permit issuance. The City will consider the following in determining the estimated cost:
- i. Weather conditions, such as burn bans, thunderstorms, etc.
 - ii. Number of food tents
 - iii. Occupant loads, exiting and egress
 - iv. Location of the Event

Sec. 11-349. – Medical Personnel.

When the presence of City of Plano Fire personnel is necessary for special events as determined by the Approval Team, the Applicant shall be responsible for reimbursing the city for the cost of providing Fire personnel. The cost for city-provided medical personnel shall be the actual cost for the services provided. Actual cost shall include salary, overtime, and any equipment usage costs. There is a minimum four (4) hour cost per personnel. City estimated cost must be paid to the City before permit issuance.

- (a) Event considerations used to determine the number of Fire personnel include, but are not limited to:
- i. Weather conditions, such as extreme hot or cold, etc.
 - ii. Alcohol consumption
 - iii. Duration of the event
 - iv. Animal Interactions
 - v. Participant activity, such as a parade or distance event
 - vi. Time of day
 - vii. Whether this event or similar events have resulted in a need for enhanced medical personnel in other cities or in the past in the City of Plano
- (b) If approved by the Approval Team, an Applicant may hire private medical providers, including licensed medical providers that are not employed by the City, for medical support for a Special Event to supplement the services provided by the City of Plano Fire Department.
- (c) Unless otherwise directed by the City of Plano Fire Department, only medical service responders employed by the City may respond to 911 requests within a Special Event or provide medical transport from a special event.

Sec. 11- 350 – Emergency Cancellations and Delays.

The incident or unified commander will consult with the Event Organizer when circumstances such as weather or other threats may affect the event and suggest it should be canceled or delayed. The incident or unified commander will have the ultimate authority to cancel or delay any event in furtherance of public safety.

Secs. 11-351 – 11.355. Reserved.

DIVISION 4. - INSURANCE, INDEMNIFICATION, SURETY BOND AND COSTS

Sec. 11-356. – Insurance for Special Events.

- (a) The Applicant must possess or obtain insurance to protect the City against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the Special Event that impacts or occurs on City property, including City facilities and City Streets, City Sidewalks and other right-of-way.
- (b) The insurance shall name the City, the City Council and its members, the City's agents, officers, directors and employees as additional insured under the commercial general liability policy, including coverage for City with respect to liability arising out of the completed operations.
- (c) The Applicant is responsible for any expense incurred by the city for clean-up or remediation of environmental pollution or hazards resulting from the Special Event.
- (d) Failure to maintain insurance immediately preceding, during the Special Event, and until the conclusion of the permit period is grounds to revoke the Special Event Permit.
- (e) The City will determine the necessary amount of insurance.
- (f) The insurance required by this section is not a substitute for insurance requirements that may be imposed by other City permits.

Sec. 11-357. – Indemnification.

An Applicant who applies for a Special Event Permit must execute a written agreement to indemnify and defend the City and its officers and employees against all claims, including but not limited to injury or damage to persons or property, whether public or private, arising out of alleged willful or negligent acts or omissions of the Applicant, its officers, agents, or employees in connection with the Special Event.

Sec. 11-358. – Bond Required.

- (a) The Applicant may be required to post a surety bond in the assurance that the City property is cleaned and returned to the original condition prior to the event. A bond shall be required when any of the following exists:
 - i. The event is held over a period of two (2) or more days at any location.
 - ii. The event requires any type of excavation to assemble any type of equipment (tents, Amusement Rides, etc.)
 - iii. The event has an anticipated attendance of five thousand (5,000) persons or more.
- (b) The Risk Manager or his/her designee shall determine whether a bond is required. Appeals shall be heard as set forth in Sec. 11-317.
- (c) The surety bond shall be returned to the Applicant within ten (10) days after said permit expires upon certification by the Risk Manager that all conditions of this article have been complied with.

Sec. 11-359. – Fees/ Costs.

- (a) Issuance of a Special Event Permit or the approval of a Special Event Permit Application does not obligate or require the City to provide services, equipment, or personnel in support of an event.
- (b) If the City provides services, equipment, or personnel in support of a Special Event, the City will charge the Applicant the actual cost of:
 - i. The wages or salaries for personnel involved in traffic control, event security, fire safety, medical safety, waste management, and other facility or event support.

- ii. The use of City equipment, city-contracted services, and other non-personnel expenses.
- iii. Any clean-up activity directly related to the Special Event, not provided by the Applicant that is required to restore the area to the same condition that existed prior to the Special Event.

- (c) The City may also charge any other fees set by separate ordinance to recover costs associated with Special Events.

Sec. 11-360. – Reserved.

DIVISION 5. – OFFENSES AND PENALTY.

Sec. 11-361. – Offenses and Penalty.

- (a) A Person who violates a provision of this article or a requirement or condition of a Special Event Permit is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.
- (b) For offenses punishable by a fine not to exceed \$500, a culpable mental state is not required for the commission of an offense under this article.
- (c) Each offense is punishable by fine not to exceed:
 - i. \$2,000 for a violation of a provision of this article or a requirement or condition of a Special Event Permit governing Fire Safety, Zoning, or Public Health and Sanitation, including dumping of refuse.
 - ii. \$500 for all other violations of this article or requirement or condition of a Special Event Permit.

DIVISION 6. – PRIVATE NON-PERMITTED EVENTS.

Sec. 11-362. – Private Non-Permitted Events.

- (a) Private, Non-Permitted Events must comply with requirements of all other applicable local regulations, including but not limited to, health and sanitation, animal services and noise regulations.
- (b) Extra-Duty Requests are smaller scale, private events where Event Organizers request City personnel to assist with their event (e.g. a police officer for general security at a party or an emergency medical technician for potential medical assistance at a 5K) in a manner that does not meet the definition of a Private, Non-Permitted Event.
- (c) The Event Organizer for Private, Non-permitted Events and for Extra-Duty Requests must agree to reimburse the City for all off-duty personnel costs necessary for the event at each employee's overtime rate of pay and for any chargeable City equipment used during the event.

Sec. 11-363. – Standards for Private, Non-Permitted Events.

- (a) When the City receives a request for personnel and/or equipment consistent with this policy from an Event Organizer, Police and Fire-Rescue staff will develop a staffing and operational plan to ensure the safety of the event. Police and Fire-Rescue staff will arrange for personnel and/or equipment from any other needed City department.
- (b) Police and/or Fire-Rescue staff will present the plan to the Event Organizer along with estimated costs. The Event Organizer shall pay the estimated costs before the event.

- (c) After the event, Police and/or Fire-Rescue staff will present a final invoice for the event with all billable personnel and equipment costs. Any difference from the estimate will be reconciled with the Event Organizer. Billable costs include:
 - i. Personnel costs include the following:
 - a. Overtime rates of pay for all City personnel who work the event in addition to or outside of their regular duty hours.
 - b. Regular rates of pay for City personnel who work the event during the regular duty hours.
 - ii. Estimated equipment costs for all billable City equipment used during the event and requested by the Event Organizer and charged by individual departments.
- (d) If a Private, Non-Permitted Event Organizer should refuse to pay for billable personnel or equipment costs prior to the event occurring, the primary objective of the City is to ensure public safety. Police and Fire-Rescue staff will deploy regular, on-duty resources as available to ensure public safety. However, no resources may be deployed if Police and Fire-Rescue staff determine there to be no public safety concern.
- (e) If a Private, Non-Permitted Event Organizer should refuse to pay for billable personnel or equipment costs after the event begins or concludes and the City has provided services, the City may pursue criminal and civil remedies as appropriate.

Sec. 11.364- Reserved.

DIVISION 7. – FILMING.

Sec. 11-365. - Filming.

The Film Ordinance is intended for promoting economic development activity within Plano and the vicinity of the City, and to protect the personal and property rights of Plano, Texas residents and businesses, and to promote public health, safety and welfare. The Approval Team reserves the right to impose additional regulations in the interest of public health, safety and welfare, or if otherwise deemed appropriate by the Approval Team.

This is intended to cover requests for commercial use of City-owned property (including but not limited to City Streets, rights-of-way, parks, and/or public buildings), commercial use of private property which may affect adjacent public or private property, and the use of City equipment and personnel in all types of motion picture production, including, but not limited to, feature films, television programs, commercials, music videos, student filmmaking and corporate films.

Sec. 11-366. – Permit.

A Film Permit is subject to a modified Approval Process. All affected City Departments will be contacted for approval once a Film Permit Application is received by the Special Event Coordinator. A Film Permit Applicant is required to follow the same Certificate of Insurance and Indemnification regulations as the Special Event Permit.

- (a) If the production will include any of the following, a film permit must be obtained:
 - i. Impacts a City right-of-way (Streets, Sidewalks, etc.)
 - ii. Occurs on City owned property
 - iii. Require Traffic control measures (barricades, lane closures, etc.)
 - iv. Involves firearms or simulated firearms
 - v. Involves pyrotechnics
 - vi. Involves dangerous stunts

(b) It shall be unlawful for any Person to conduct filming without first having obtained a permit from the Approval Team.

(c) A Film Permit is non-transferrable.

Sec. 11-367. – Filing Period.

A Film Permit Application must be filed to be considered:

(a) Commercials or episodic television

i. A minimum of two (2) business days prior to the commencement of filming or any substantial activity related to the project.

(b) Feature films

i. A minimum of five (5) business days prior to the commencement of filming or any substantial activity related to the project.

Sec. 11-368. – Submittal Requirements.

(a) Title of the project and type of production

(b) Proposed Filming Location(s)

(c) Date and times of being on location and filming period

(d) Production company, address, phone number, and point of contact

(e) Contact information of the location manager

(f) Production schedule

(g) Number of people involved and number and type of vehicles

(h) Anticipated City resources needed

(i) A site map

(j) Public areas in which the public will be restricted

(k) Describe any alterations to public property

(l) Any other information that the City shall find necessary under the standards for issuance.”

Section II. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

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

Section IV. 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(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section V. The repeal of any Ordinance or part of Ordinances effectuated 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 at the time of passage of this ordinance.

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

DULY PASSED AND APPROVED this the 8th day of June, 2020.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020
DEPARTMENT: Zoning
DIRECTOR: Christina Day, Director of Planning
AGENDA ITEM: Public Hearing and consideration of an Ordinance as requested in Zoning Case 2020-008.
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Public Hearing and adoption of Ordinance No. 2020-6-4 as requested in Zoning Case 2020-008 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 131 for Outdoor Commercial Amusement on 1.1 acres of land located at the northwest corner of Mapleshade Lane and Talbert Drive, in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1; 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: Plain Old Texas, LLC **Conducted and adopted**

PREVIOUS ACTION/PRESENTATION

P&Z recommended approval by a vote of 7-0.

FINANCIAL SUMMARY/STRATEGIC GOALS

Approval of this agenda item will support the City's Critical Success Factor of Residential and Commercial Economic Vitality. For detailed comments on the comprehensive plan related to this item, please see the attached write-up.

ATTACHMENTS:

Description	Upload Date	Type
ZC2020-008 - Follow-Up	5/28/2020	P/Z Follow-up Memo
ZC2020-008 - Write-Up	5/28/2020	Staff Report
ZC2020-008 - Locator	5/28/2020	Map
ZC2020-008 - Aerial	5/28/2020	Map
ZC2020-008 - Zoning Exhibit with Bold	5/28/2020	Map
ZC2020-008 - Applicant Letter	5/28/2020	Letter
ZC2020-008 - Ordinance	5/28/2020	Ordinance

DATE: May 19, 2020

TO: Honorable Mayor & City Council

FROM: John Muns, Chair, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of May 18, 2020



**AGENDA ITEM NO. 3 - PUBLIC HEARING
ZONING CASE 2020-008**

Request for a Specific Use Permit for Outdoor Commercial Amusement on 1.1 acres located at the northwest corner of Mapleshade Lane and Talbert Drive. Zoned Light Industrial-1 and located within the 190 Tollway/Plano Parkway Overlay District. Project #ZC2020-008.

APPROVED: 7-0 **DENIED:** **TABLED:**

Speaker Card(s) Received Support: 0 Oppose: 0 Neutral: 0

Letters Received Within 200' Notice Area: Support: 0 Oppose: 0 Neutral: 0

Petition Signatures Received: Support: 0 Oppose: 0 Neutral: 0

Other Responses: Support: 0 Oppose: 0 Neutral: 0

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: June 8, 2020 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

CF/amc

xc: Tim Carroll, Plain Old Texas, LLC
Mike Martinie, Spiars Engineering
Jeanna Scott, Building Inspections Manager

<https://goo.gl/maps/NFaC3fvyu1TCvDNM7>

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 18, 2020

Agenda Item No. 3

Public Hearing: Zoning Case 2020-008

Applicant: Plain Old Texas, LLC

DESCRIPTION:

Request for a Specific Use Permit for Outdoor Commercial Amusement on 1.1 acres located at the northwest corner of Mapleshade Lane and Talbert Drive. Zoned Light Industrial-1 and located within the 190 Tollway/Plano Parkway Overlay District. Project #ZC2020-008.

REMARKS:

This is a request for a Specific Use Permit (SUP) for Outdoor Commercial Amusement. The Zoning Ordinance defines outdoor commercial amusement as an outdoor area or structure, open to the public, which provides entertainment or amusement primarily by and for participants for a fee or admission charge. Typical uses include batting cages, miniature golf, go-kart tracks, and carnivals. 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.

The subject property is zoned Light Industrial-1 (LI-1). The LI-1 district is intended to provide areas for light manufacturing firms engaged in processing, assembling, warehousing, research and development, and incidental services that are developed in accordance with the same performance standards applicable to all other zoning districts.

The property under consideration is currently vacant, but the applicant has submitted plans to develop a restaurant and health/fitness center. As a part of the development, the applicant is requesting to utilize the rear of the property as outdoor commercial amusement and construct a rock climbing facility. This request is associated with the adjacent indoor commercial amusement development to the north (also a rock climbing facility), and is described in the attached letter.

The subject property has frontage on Mapleshade Lane and Talbert Drive and derives its access off of Talbert Drive. The proposed outdoor commercial amusement use will be situated to the rear of the property behind the proposed building, but will be visible from Mapleshade Lane, State Highway 190 and adjacent properties.

Surrounding Land Use and Zoning

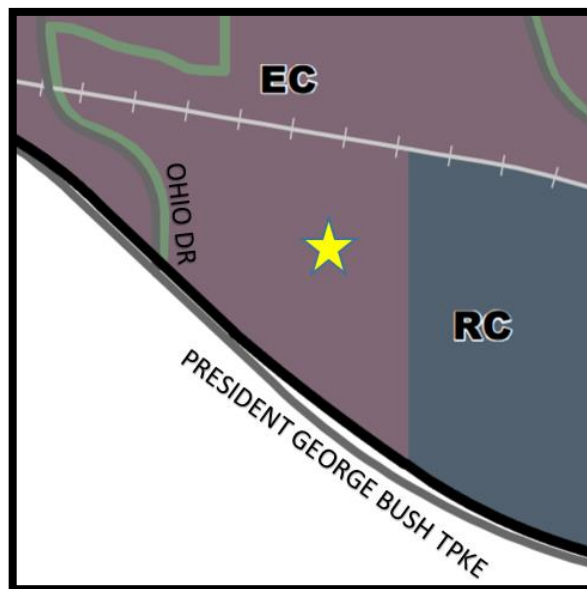
North	Existing indoor commercial amusement zoned LI-1
East	Existing mini-warehouse/public storage zoned LI-1
South	Across Mapleshade Lane is an existing commercial pet sitting/indoor kennel use and vacant land zoned Corridor Commercial (CC)
West	Vacant land and utility distribution/transmission lines zoned LI-1

Conformance to the Comprehensive Plan

Future Land Use Map - The Future Land Use Map of the city's Comprehensive Plan designates the subject property as Employment Center (EC).

The Employment Center future land use category applies to business centers. The primary uses for employment centers are commercial uses which provide corporate office campuses, medical centers, educational facilities, technology centers, and research facilities. Limited manufacturing and warehouse uses may be allowed to support the employment centers. Adequate building setbacks must be considered when development is proposed near neighborhoods. Residential development is not appropriate within these centers in order to ensure the city's ability to attract and maintain employment generating uses.

The proposed outdoor commercial amusement will provide for an additional entertainment use within this corridor, consistent with the adjacent indoor commercial amusement use to the north. The subject property is not adjacent to any residences, and the UMU-2 district to the east is approximately 900 feet from the property boundary. The UMU-2 development plan shows the closest residential building to be approximately 1300 feet away from the subject property line and separated by a wooded floodway area generally 300 feet wide. The request will complement the nonresidential uses in the general area. This request is in conformance with the EC designation.



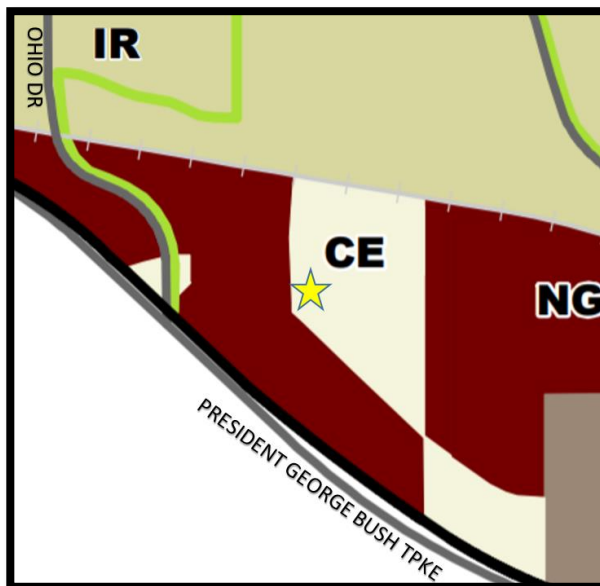
Growth and Change Map - The Growth and Change Map designates the subject property as Conserve and Enhance (CE).

These areas are expected to retain the current form of development, but will experience some minor infill and ongoing rehabilitation consistent with the present form and character.

The outdoor commercial amusement use would include development of a small, vacant lot. The request, as proposed, does not vary the form of development and is consistent with the variety of nonresidential uses in the general area. This request is in conformance with the CE designation.

Outdoor Commercial Amusement Use

The applicant is proposing to develop an outdoor commercial amusement use (outdoor rock climbing facility) on the subject property. This request is associated with and will be complementary to the adjacent indoor commercial amusement use (indoor rock climbing facility) to the north. The subject property and requested use will be visible from State Highway 190, Mapleshade Lane, and adjacent properties.



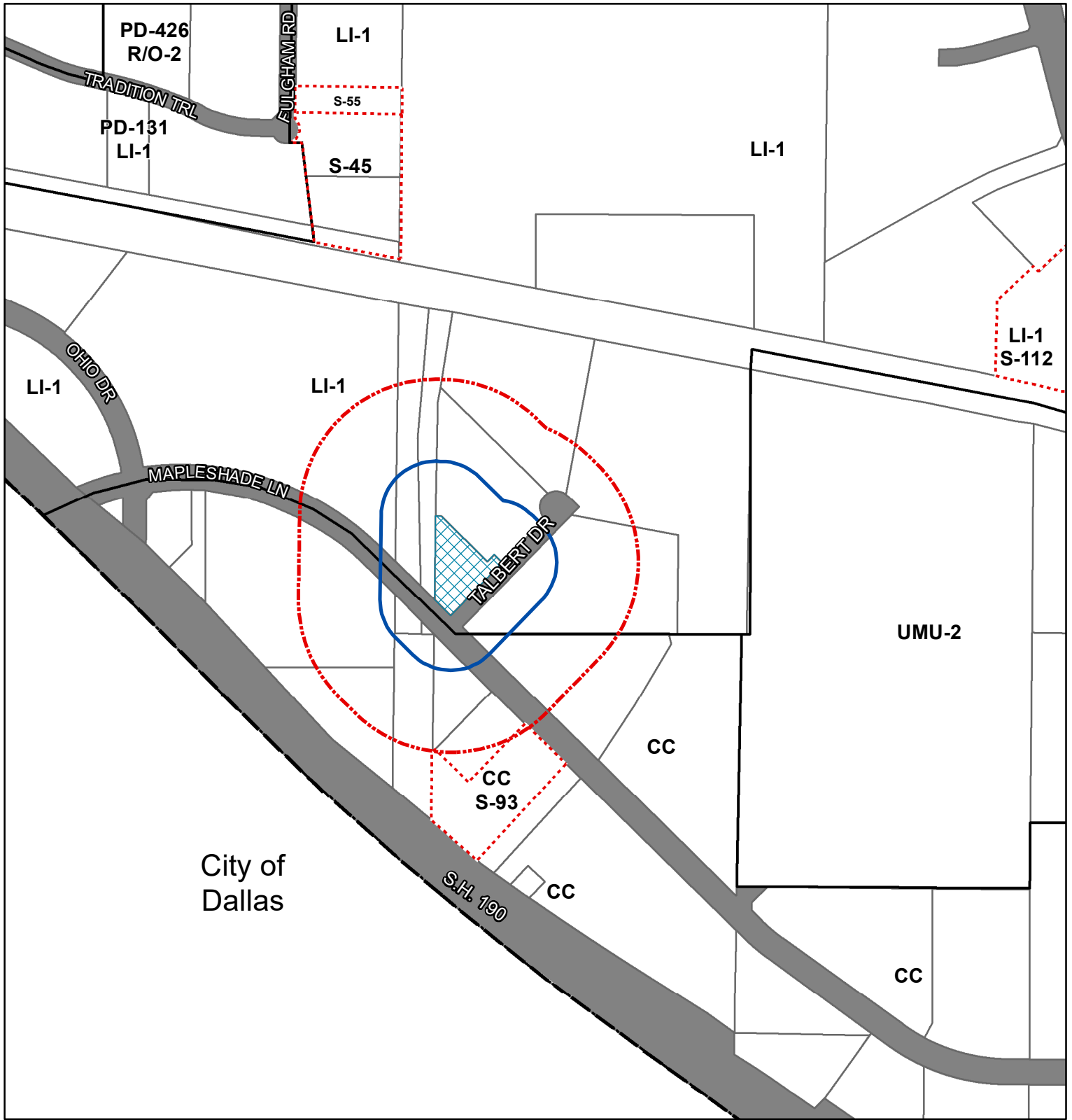
Outdoor commercial amusement uses may include a variety of operations, such as go kart tracks, miniature golf, and other entertainment uses. The SUP request is limited to 1.1 acres, which would restrict the size of any associated improvements. As a minor infill, the request is complementary to the restaurant and health/fitness center on the subject property, and other nonresidential uses within the general area.

SUMMARY:

The applicant is requesting an SUP for Outdoor Commercial Amusement. The requested SUP is complimentary to the adjacent indoor commercial amusement facility and nonresidential uses and zoning in the general area. The request is in conformance with the Comprehensive Plan. For these reasons, staff is in support of the SUP request.

RECOMMENDATION:

Recommended for approval as submitted.

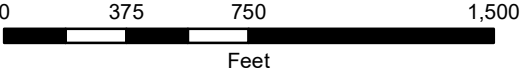
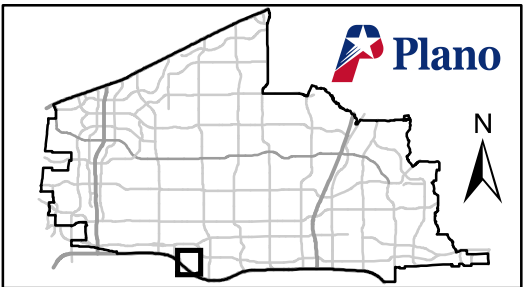


Zoning Case: ZC2020-008

Existing Zoning: Light Industrial-1 and located within the 190 Tollway/Plano Parkway Overlay District

Proposed Zoning: Specific Use Permit for Outdoor Commercial Amusement

- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Subject Property
- Streets
- Zoning Boundary Change/SUP
- Specific Use Permit
- Municipal Boundaries
- Zoning Boundary



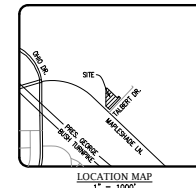
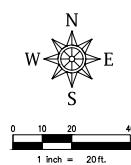


Zoning Case ZC2020-008



Area of Request





LEGAL DESCRIPTION

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS Plain Old Texas, LLC, is the owner of a tract situated in the M. McBride Survey, Abstract No. 553, City of Plano, Collin County, Texas, being all of Lot 1, Block A, Spike Diamond Addition according to the plat recorded in Cabinet 2017, Page 986 of the Plat Records, Collin County, Texas (PROCT), with the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "SPIARSEN" set for the intersection of the northeast line of Mapleshade Lane, a 92-foot right-of-way, with the northwest line of Talbert Drive, a 60-foot right-of-way;

THENCE N 46°41'20" W, 86.00 feet along the northeast line of Mapleshade Lane to a 5/8" iron rod with plastic cap found on the east line of a tract conveyed to Oncor Electric Delivery Company, recorded in Volume 869, Page 405, Deed Records, Collin County, Texas;

THENCE N 00°09'03" E, 304.46 feet along the east line thereof to to the southwest corner of Lot 5, Block A, Spike Diamond Addition according to the plat recorded in Cabinet 2019, Page 541 PRCT;

THENCE along the southwest line of Lot 5, the following

S 89°50'57" E. 20.00 feet:

S 46°41'20" E 237.67 feet

N. 43°18'40" E. 36.00 feet.

S 46°41'20" E, 42.00 feet to a City of Plano concrete monument found for the lower east corner of Lot 5;

THENCE along Talbert Drive S 43°18'40" W, 271.76 feet to the POINT OF BEGINNING with the subject tract containing 47,663 square feet or 1.094 acres of land.

LEGEND	
o	1/2" IRON ROD WITH PLASTIC CAP STAMPED "SPARSENG" SET, UNLESS OTHERWISE NOTED
IRF	IRON ROD FOUND
CRF	CAPPED IRON ROD FOUND
CM	CONTROL MONUMENT
(STP)	BY THIS PLAT
R.O.W.	RIGHT-OF-WAY
DEED	DEED RECORDS, COLLIN COUNTY, TEXAS
PLAT	PLAT RECORDS, COLLIN COUNTY, TEXAS

NOTES:

1. Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plot, or plan, approval of development standards shown herein, or the initiation of the development process. Planning and Zoning Commission, City Council action or studies, plans, or plans relating to development of this property shall be considered as an action separate from actions taken on this zoning case.
2. Basis of bearing: State Plane Coordinate System, North Texas Central Zone 4202, North American Datum of 1983. Adjustment Relocation 2011.
3. Selling a portion of this addition by metes and bounds is subject to the City of Dallas and county law and subject to fines and withholding of utilities and building permits.

ZONING EXHIBIT: CASE NO. ZC2020-008

SUP for Outdoor Commercial Amusement

SPIKE DIAMOND ADDITION

LOT 1, BLOCK A
BEING A 1.094 ACRE TRACT IN THE
M. McBRIDE SURVEY, ABSTRACT NO. 553
CITY OF PLANO, COLLIN COUNTY, TEXAS

OWNER / APPLICANT
Plain Old Texas, LLC
809 Shorecrest Drive
Southlake, Texas 76092
Telephone (817) 271-7916

ENGINEER / SURVEYOR
Sparsi Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TBPE No. F-2121 / TBPLS No. F-10043100
Contact: Mike Martinie

April 20, 2020

Planning & Zoning Commission
City of Plano
1520 K Avenue
Plano, TX 75074

Re: **Spike Diamond Addition, Lot 1, Block A – Summit Retail**
SUP Approval Request (ZC2020-008)
SEI Job No: 19-207

To the City of Plano Planning & Zoning Commission,

We are requesting the approval of a Specific Use Permit to allow “outdoor commercial amusement” on the subject property. Our purpose for this request is to construct an outdoor climbing area including a climbing wall. This area will complement the existing Summit Indoor Climbing Facility located on the adjacent lot to the North (Lot 5, Blk A). The outdoor wall will be gated and secured for private use only. Enclosed in this package you will find the conceptual renderings and layout of the proposed outdoor climbing area.

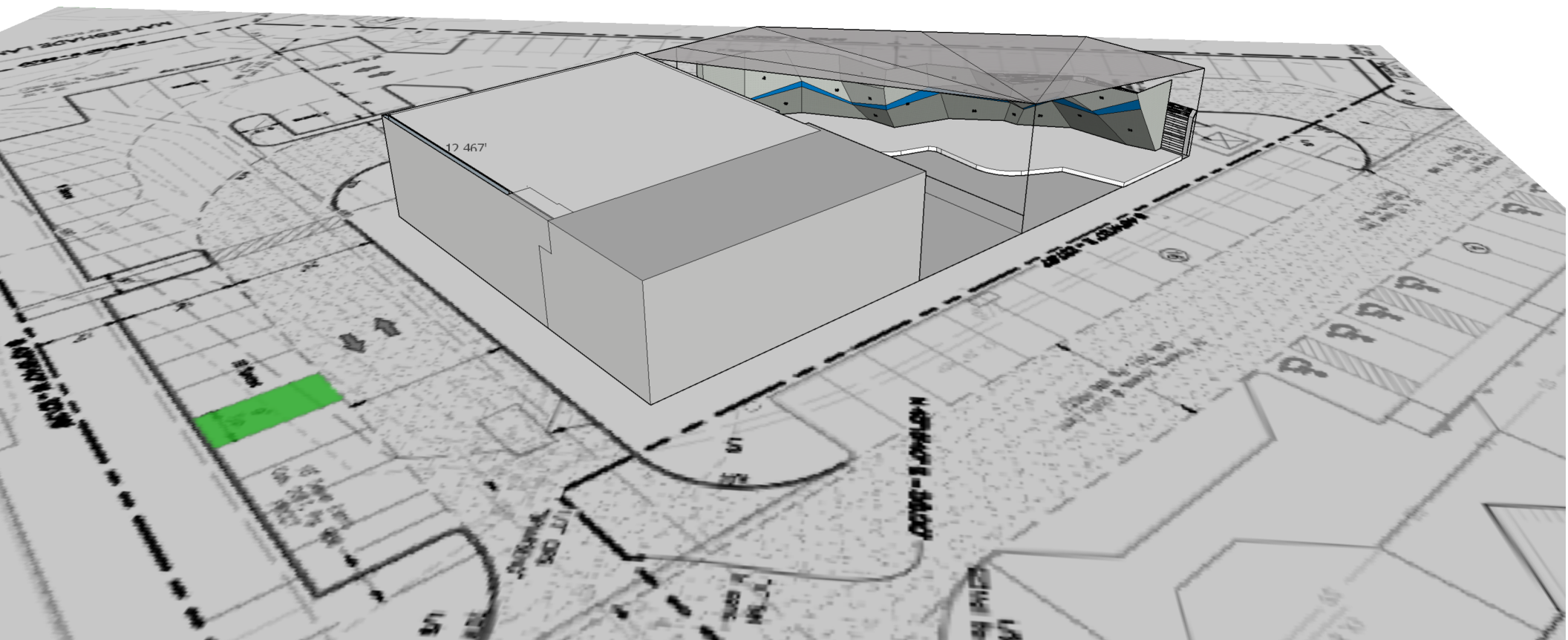
If you have any questions, please do not hesitate to contact me.

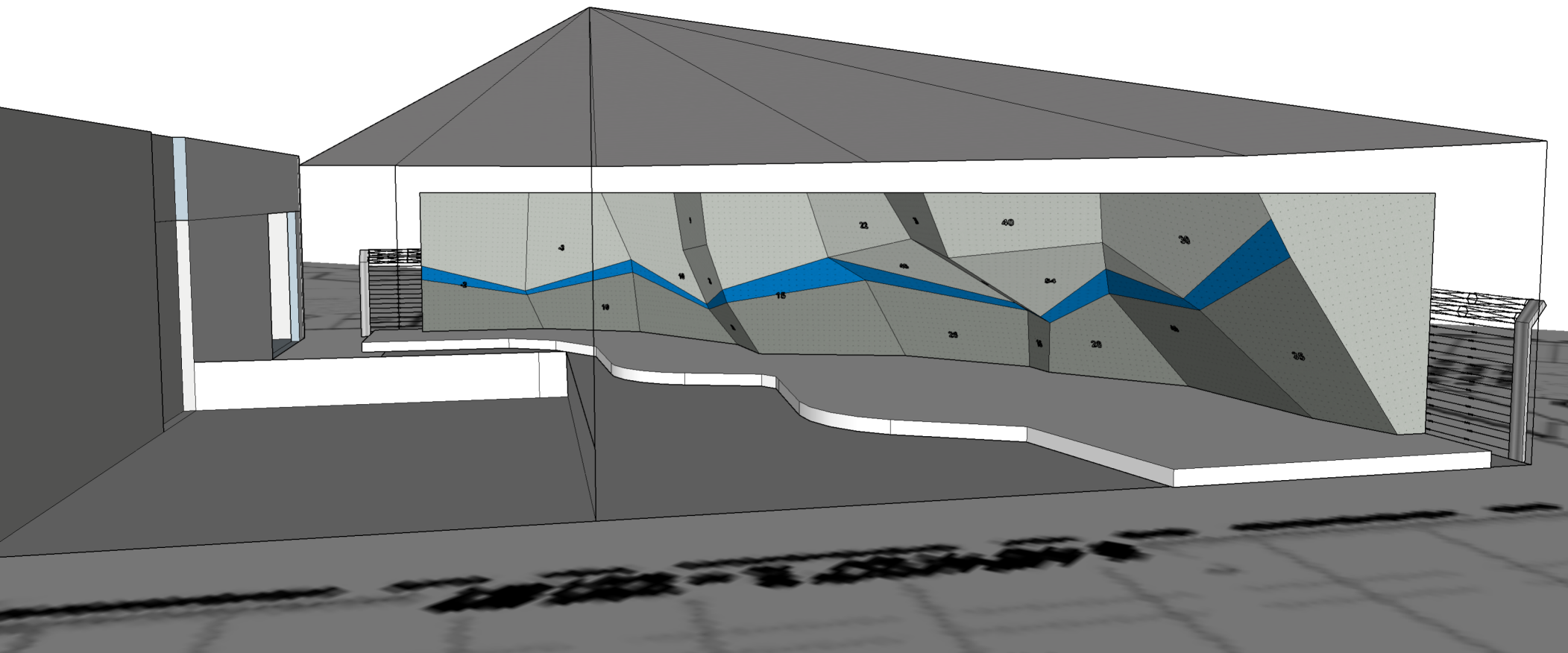
Sincerely,

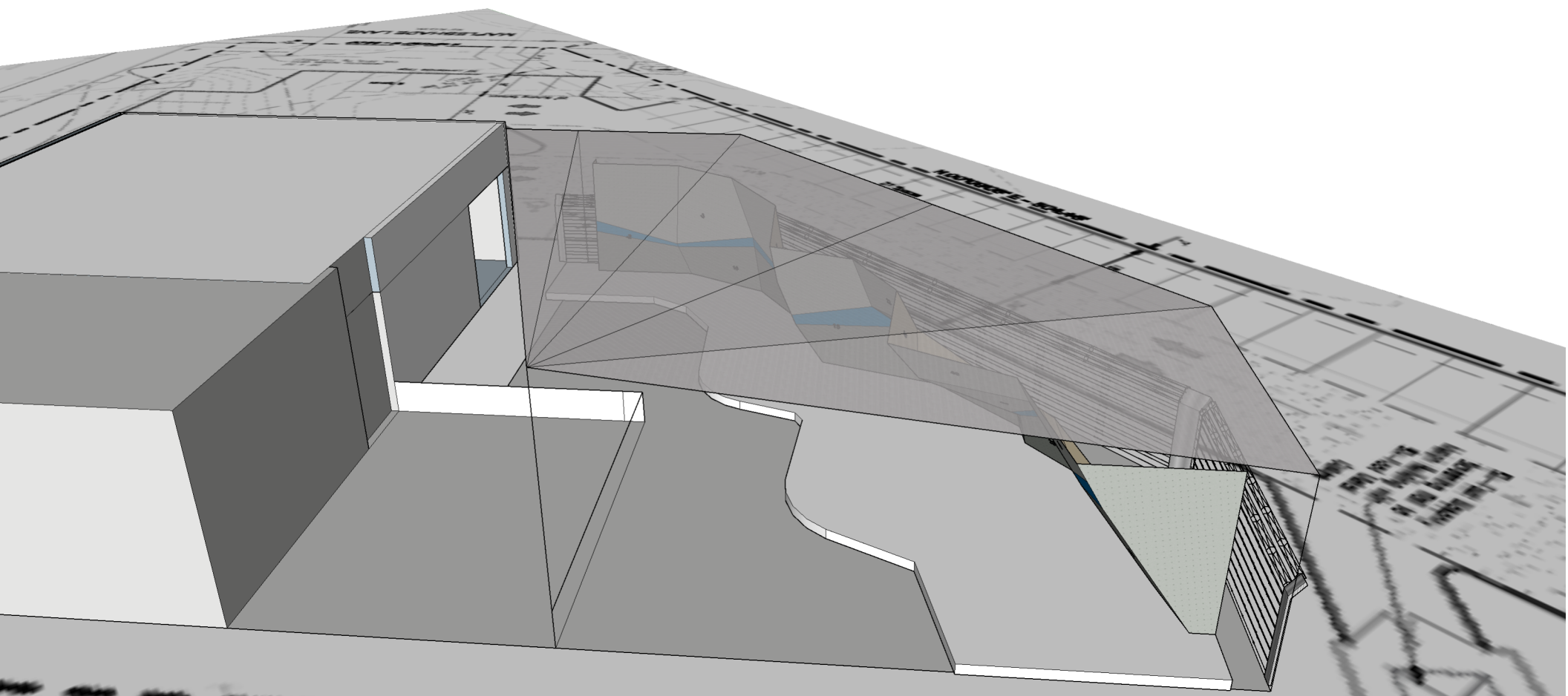
Spiars Engineering, Inc.

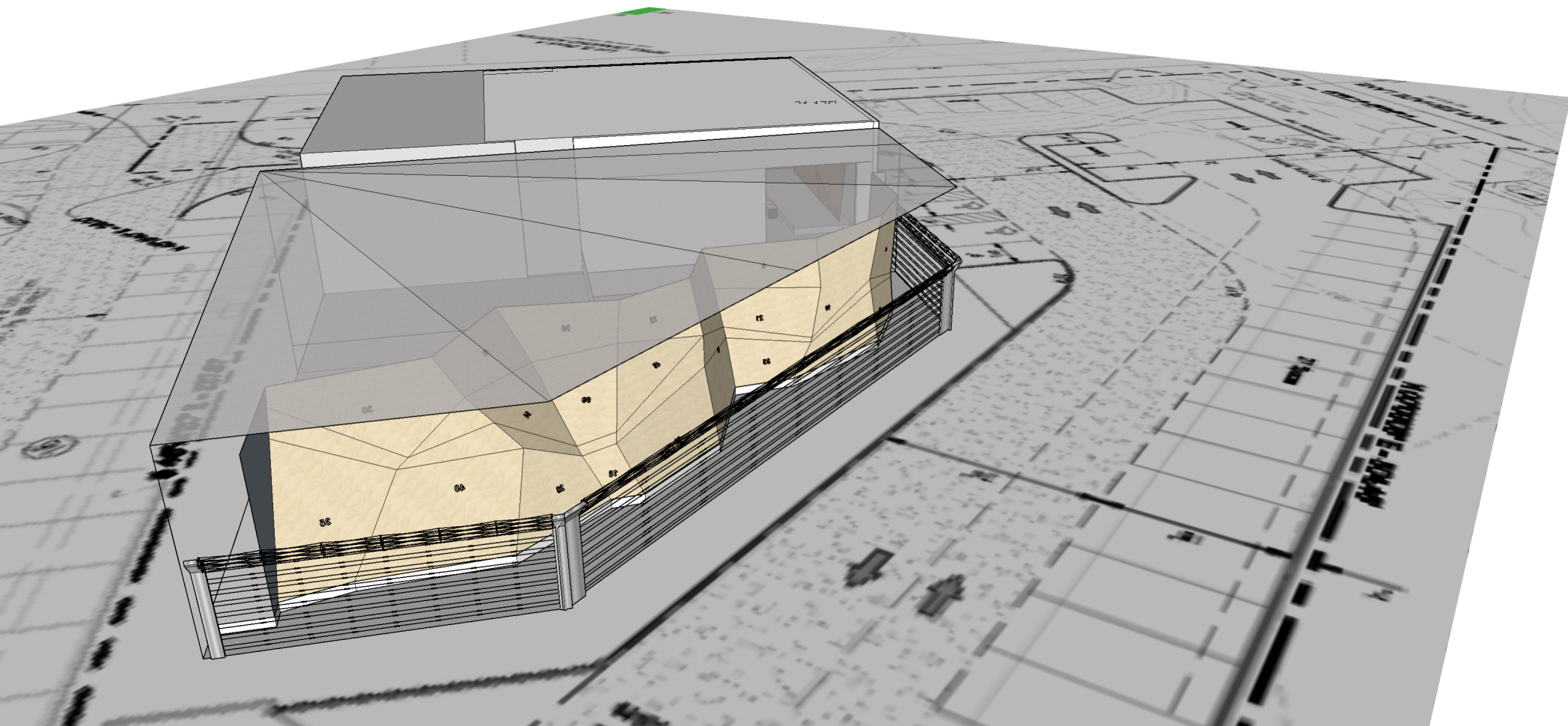


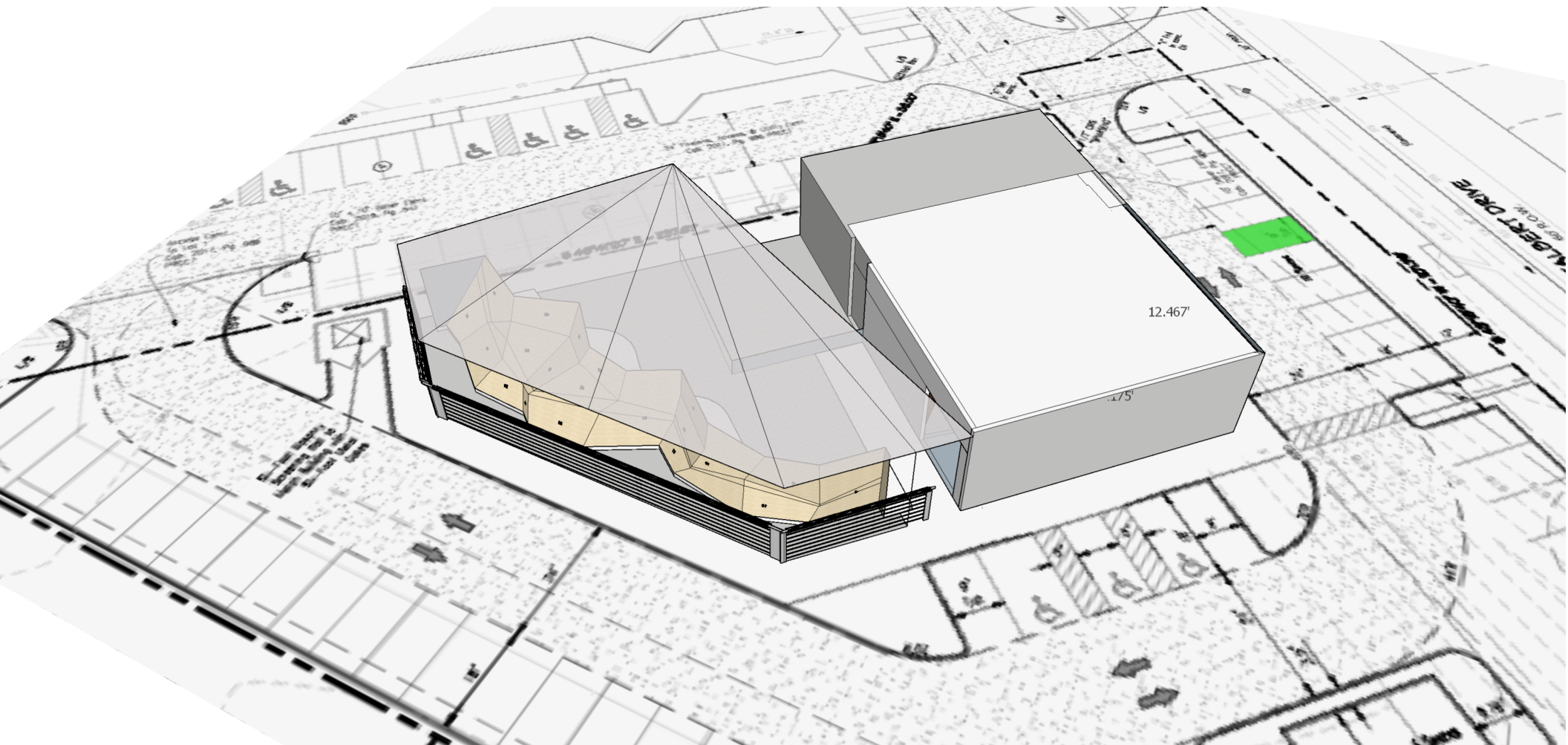
Michael T Martinie, P.E. (#122071)











Zoning Case 2020-008

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 131 for Outdoor Commercial Amusement on 1.1 acres of land out of the M. McBride Survey, Abstract No. 553, located at the northwest corner of Mapleshade Lane and Talbert Drive, in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1; 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 June 2020, for the purpose of considering granting Specific Use Permit No. 131 for Outdoor Commercial Amusement on 1.1 acres of land out of the M. McBride Survey, Abstract No. 553, located at the northwest corner of Mapleshade Lane and Talbert Drive, in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1; 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 June 2020; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 131 for Outdoor Commercial Amusement on 1.1 acres of land out of the M. McBride Survey, Abstract No. 553, located at the northwest corner of Mapleshade Lane and Talbert Drive, in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1, 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. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 131 for Outdoor Commercial Amusement on 1.1 acres of land out of the M. McBride Survey, Abstract No. 553, located at the northwest corner of Mapleshade Lane and Talbert Drive, in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1, 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 effectuated 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 JUNE 2020.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

ZONING CASE 2020-008

BEING a tract of land situated in the M. McBride Survey, Abstract No. 553, City of Plano, Collin County, Texas, the subject tract BEING all of Lot 1, Block A, Spike Diamond Addition according to the plat recorded in Cabinet 2017, Page 986 of the Plat Records, Collin County, Texas (PRCCT), with the subject tract BEING more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the intersection of the northeast line of Mapleshade Lane, a 92-foot right-of-way, with the northwest line of Talbert Drive, a 60-foot right-of-way;

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THENCE N 00°09'03" E, 304.46 feet along the east line thereof to the southwest corner of Lot 5, Block A, Spike Diamond Addition according to the plat recorded in Cabinet 2019, Page 541 PRCCT;

THENCE along the southwest line of Lot 5, the following:

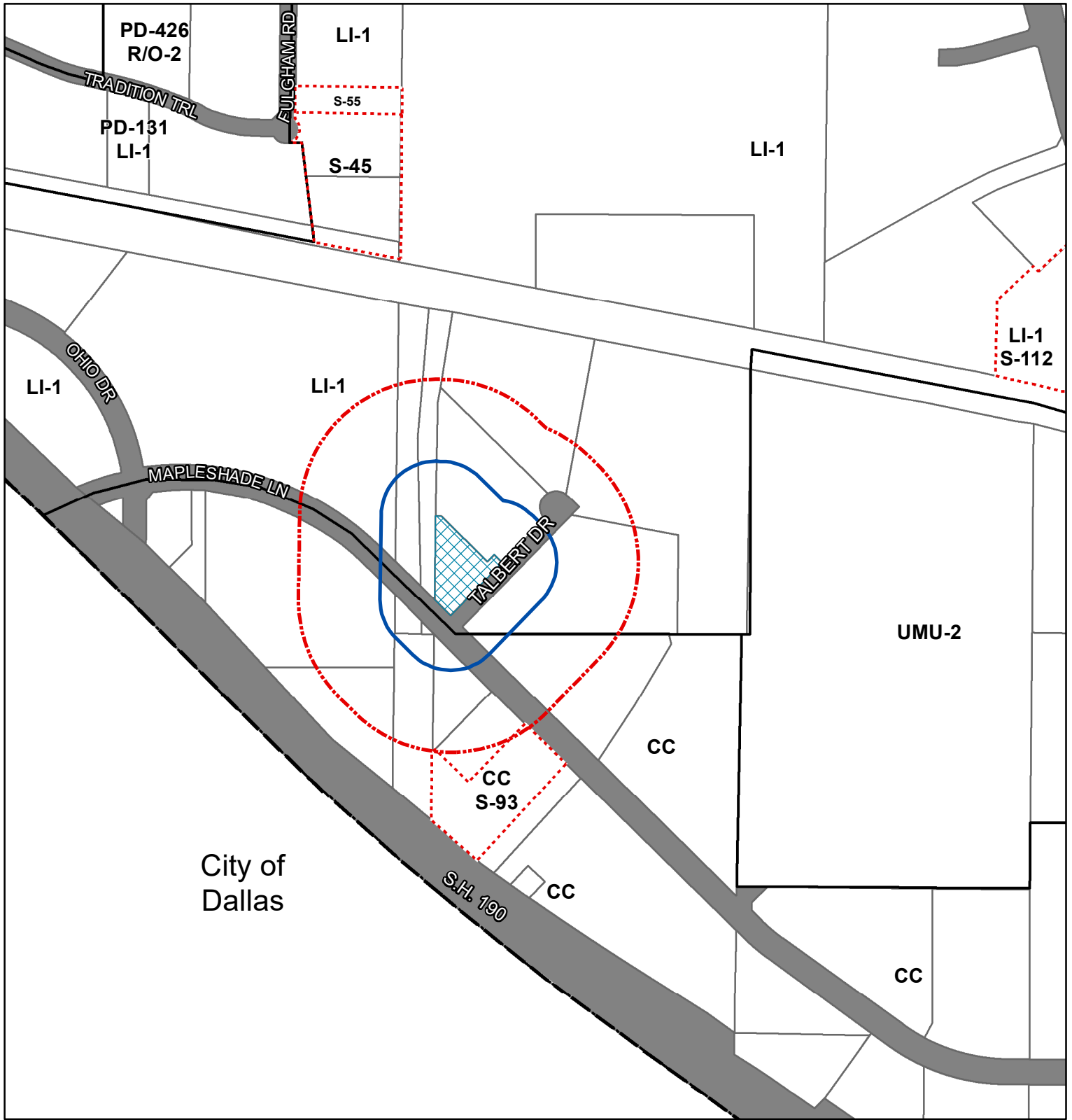
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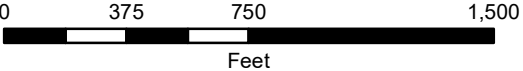
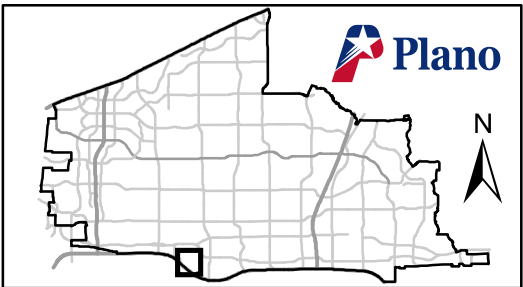


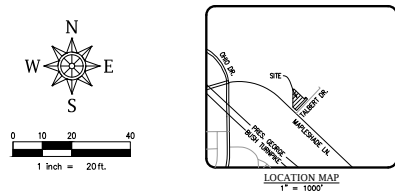
Zoning Case: ZC2020-008

Existing Zoning: Light Industrial-1 and located within the 190 Tollway/Plano Parkway Overlay District

Proposed Zoning: Specific Use Permit for Outdoor Commercial Amusement

- | | | |
|-----------------------------------|----------------------------|---------------------|
| 500' Courtesy Notification Buffer | Streets | Zoning Boundary |
| 200' Notification Buffer | Zoning Boundary Change/SUP | Specific Use Permit |
| Subject Property | Municipal Boundaries | |





LEGEND	
○	1/2" IRON ROD WITH PLASTIC CAP STAMPED "SPARSENG" SET, UNLESS OTHERWISE NOTED
IRF	IRON ROD FOUND
CRF	CAPPED IRON ROD FOUND
CM	CONTROL MONUMENT
(BTP)	BY THIS PLAT
R.O.W.	RIGHT-OF-WAY
DRCT	DEED RECORDS, COLLIN COUNTY, TEX.
PLCT	PLAT RECORDS, COLLIN COUNTY, TEX.

1. Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plot, or plan, approval of development standards shown herein, or the initiation of the development process. Planning and Zoning Commission and City Council action on the study, plots, or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.
2. Basis of bearing: State Plane Coordinate System, North Texas Central Zone 4202, North American Datum of 1983. Adjustment: Realization 2011.
3. Selling a portion of this addition by metes and bounds is a violation of City ordinance and state law and is subject to civil and criminal penalties and civil and criminal penalties.

<u>OWNER / APPLICANT</u>	<u>ENGINEER / SURVEYOR</u>
Plain Old Texas, LLC	Spars Engineering, Inc.
809 Shorecrest Drive	765 Custer Road, Suite 100
Southlake, Texas 76092	Plano, TX 75075
Telephone (817) 271-7916	Telephone: (972) 422-0077
Contact: Timothy Carroll	TBPE No. F-2121 / TBPLS No. F-10043100
	Contact: Mike Martinie

CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020
DEPARTMENT: Zoning
DIRECTOR: Christina Day, Director of Planning
AGENDA ITEM: Public Hearing and consideration of an Ordinance regarding Reasonable Accommodations process
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Public Hearing and adoption of Ordinance No. 2020-6-5 to amend the Comprehensive Zoning Ordinance, Ordinance No. 2015-5-2, as heretofore amended, to repeal the provisions regarding the reasonable accommodation process of the Board of Adjustment in Article 5, Variances and Appeals of Administrative Decisions, Section 5.200, Jurisdiction, Subsection 5.200.2 Part E as authorized by the Planning & Zoning Commission under Zoning Case 2020-007 and amend the Code of Ordinances to repeal the provisions regarding the reasonable accommodation process for the Building Standards Commission in Chapter 6, Buildings and Building Regulations, Article I, In General, Division 2, Building Standards Commission, Section 6-3, Building standards commission organization and authority, Subsections (c)(1)(f), (c)(2)(i) and a portion of (c)(3)(a)(2) and replace the provisions with a new reasonable accommodation process by the Accommodations Review Board in Articles III and IV, Reasonable Accommodations, Chapter 9.5, Human Relations of the City Code of Ordinances; and providing a penalty clause, a repealer clause, a severability clause, a publication clause and an effective date. **Conducted and adopted**

PREVIOUS ACTION/PRESENTATION

P&Z recommended approval by a vote of 7-0 regarding the changes to the zoning ordinance in this request as part of Zoning Case 2020-007.

BACKGROUND

Per the Zoning Ordinance, the Board of Adjustment (BOA) hears reasonable accommodation requests. An example of such an item could be a disability as defined by the Fair Housing Amendment Act to seek an increase in the number of allowed residents in a dwelling under the Zoning Ordinance to accommodate a group home. Concurrently, the City's Municipal Code of Ordinances allows requests to the Building Standards Commission (BSC) for an accommodation request on requirements in the city's building and fire codes. An application is made to the Chief Building Official in each case with the BOA or BSC conducting a hearing to determine if the request for reasonable accommodation should be granted.

PROPOSED

Reorganize reasonable accommodation requests to be heard by one board. The Board of Adjustment members will hear all requests for reasonable accommodation. When the BOA performs in this capacity, they will be known as the "Accommodations Review Board." In addition, one reasonable accommodation application form will be created and no fees will be required for an accommodation request. The building fee ordinance will be revised to reflect this change.

The Building Standards Commission will retain existing duties for code enforcement and code hearings.

SUMMARY

1. The Building Standards Commission will no longer hear reasonable accommodation requests.
2. The Board of Adjustment will assume all duties to hear reasonable accommodation requests.
3. The Board of Adjustment will assume the title of "Accommodations Review Board" when hearing a request for reasonable accommodation.
4. One reasonable accommodation application form will be created.
5. Reasonable accommodation requests will incur no fees.

FINANCIAL SUMMARY/STRATEGIC GOALS

Approval of this agenda item will support the City's Critical Success Factors of Residential and Commercial Economic Vitality; Excellent, Innovative, and Accountable City Government; and Safe, Vibrant Neighborhoods. For detailed comments on the comprehensive plan related to this item, please see the attached write-up.

ATTACHMENTS:

Description	Upload Date	Type
ZC2020-007 - Follow Up	5/28/2020	P/Z Follow-up Memo
ZC2020-007 - Write-Up	5/28/2020	Staff Report
Reasonable Accommodation Request Form	5/29/2020	Attachment
ZC2020-007 Ordinance	6/3/2020	Ordinance

DATE: May 19, 2020

TO: Honorable Mayor & City Council

FROM: John Muns, Chair, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of May 18, 2020



**AGENDA ITEM NO. 2 - PUBLIC HEARING
ZONING CASE 2020-007**

Request to amend Article 5 (Variances and Appeals of Administrative Decisions) and related sections of the Zoning Ordinance to delete regulations pertaining to requests for reasonable accommodations. Project #ZC2020-007.

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

Speaker Card(s) Received

Support: 0 Oppose: 0 Neutral: 0

STIPULATIONS:

Recommended for approval as follows (additions are indicated in underlined text; deletions are indicated in strikethrough text).

Amend Section 5.200 (Jurisdiction) of Article 5 (Variances and Appeals of Administrative Decisions), to read as follows:

5.200 Jurisdiction

- .1 Each case must be heard by at least 75% of the members of the Board of Adjustment.
- .2 When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, after written notice and public hearings, and subject to appropriate conditions and safeguards, authorize or order the following:
 - A. Hear and decide appeals where it is alleged there is error on any order, requirement, decision, or determination made by the Building Official in the enforcement of this ordinance.
 - B. Permit the reconstruction, extension, or enlargement of a building occupied by non-conforming uses, on the lot or tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use.

- C.** Require the discontinuance of nonconforming uses of land or structure under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance. All actions to discontinue a nonconforming use of land or structure shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of property. The Board of Adjustment shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation, or maintenance of any nonconforming use within the city.
- D.** Permit such variance from the terms of the Zoning Ordinance that will not be contrary to the public interest and where, because of special conditions, the enforcement of this ordinance or its amendments would result in an unnecessary hardship, except as provided in Sec. [5.200.2D.ii](#), Sec. [5.200.2D.iii](#) or Sec. [5.200.2D.iv](#). A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district. No variance may be granted if it results in an unnecessary hardship, as herein defined, on another parcel of land.
- i.** In order to make a finding of hardship and to grant a variance from this ordinance, the Board of Adjustment must determine that:
 - a.** The requested variance does not violate the intent of the ordinance or its amendments.
 - b.** Special conditions of restricted area, shape, topography, or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district.
 - c.** The hardship is in no way the result of the petitioner's own actions.
 - d.** The interpretation of the provisions in this ordinance or its amendments would deprive the petitioner of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.
 - ii.** No variance may authorize a use other than those permitted in the district for which the variance is sought.
 - iii.** A petition or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a preliminary site plan, site plan, preliminary plat, or final plat, when

required by this ordinance or the Subdivision Ordinance for any parcel of property or portion thereof, has not been finally acted upon by both the Planning & Zoning Commission and, where required, by the City Council.

- iv. The administrative procedures and requirements of this ordinance and the Subdivision Ordinance, with regard to both Planning & Zoning Commission and the City Council consideration and action, on preliminary site plans, site plans, preliminary plats, and final plats, must be exhausted prior to requesting a variance from the terms of this ordinance.

~~E. Hear and decide requests for reasonable accommodations in the city's zoning and development regulations when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling; in accordance with the following procedures:~~

- ~~i. A request for reasonable accommodation may be made to the Chief Building Official by any person with a disability, their representative or a developer or provider of housing for individuals with disabilities. The request shall state the reason for the accommodation from the zoning and development regulations and the basis for the request.~~
- ~~ii. The Board of Adjustment shall conduct a hearing to determine whether the request for reasonable accommodation should be granted. The applicant or applicant's representative shall have the burden to demonstrate that:~~
 - ~~a. The applicant (or the person on whose behalf the applicant is requesting the accommodation) suffers from a disability as defined by the Fair Housing Amendment Act and~~
 - ~~b. The applicant (or the person on whose behalf the applicant is requesting the accommodation) demonstrates that the accommodation is both reasonable and necessary. An accommodation under this section is "necessary" if without the accommodation the applicant will be denied an equal opportunity to obtain the housing of his or her choice.~~
- ~~iii. If the applicant demonstrates the matter set out in Sec. [5.200.2E.ii.a](#) and Sec. [5.200.2E.ii.b](#), the request for reasonable accommodations shall be granted by the Board of Adjustment unless the accommodation would fundamentally alter the city's land use and zoning patterns or if the use's impact on its surroundings is greater than that of other uses permitted in the district.~~

- ~~iv. A reasonable accommodation for an increase in the number of residents use terminates if the property ceases to be operated as housing for disabled persons as defined by the Fair Housing Amendment Act.~~

FOR CITY COUNCIL MEETING OF: June 8, 2020 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

MS/amc

xc: Jeanna Scott, Building Inspections Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 18, 2020

Agenda Item No. 2

Public Hearing: Zoning Case 2020-007

DESCRIPTION:

Request to amend Article 5 (Variances and Appeals of Administrative Decisions) and related sections of the Zoning Ordinance to delete regulations pertaining to requests for reasonable accommodations. Project #ZC2020-007.

REMARKS:

This is a request to amend Article 5 (Variances and Appeals of Administrative Decisions) of the Zoning Ordinance to delete regulations pertaining to the city's process for considering requests for reasonable accommodations so that this function can be moved to Chapter 9.5 (Human Relations) of the City Code of Ordinances. The city initially adopted its reasonable accommodations process to comply with the Fair Housing Amendments Act of 1988 (FHAA) and the Americans with Disability Act of 1990 (ADA). Reasonable accommodation requests arise from situations where an individual with a disability seeks an equal opportunity to use and enjoy a dwelling. A request for reasonable accommodations can arise from a variety of city regulations beyond what is regulated by the Zoning Ordinance.

Currently the Board of Adjustment reviews requests for reasonable accommodation arising from the Zoning Ordinance, and the Building Standards Commission reviews requests for reasonable accommodation arising from the building and fire codes. This Zoning Ordinance amendment is intended to simplify reasonable accommodations requests into one process that would apply to any such request within the city. This change will allow reasonable accommodations requests to be heard by the Accommodations Review Board, which is a body consisting of members of the Board of Adjustments who are already trained to hear and act on such requests.

With this purpose in mind, staff is recommending to remove the process from the Zoning Ordinance and move it to the Code of Ordinances. To accomplish this, Part E of Subsection 5.200.2 of Section 5.200 (Jurisdiction) of Article 5 (Variances and Appeals of Administrative Decisions) of the Zoning Ordinance will be deleted as specified in the recommendation portion of this report. A companion amendment to the Code of Ordinances will be processed separately consistent with the recommendations of this zoning case.

Conformance with the Comprehensive Plan

Special Housing Needs Policy - *Plano will accommodate senior and special needs housing through inclusive regulations and the goals stated in the Consolidated Plan.*

The requested update to the Zoning Ordinance will consolidate the process for reasonable accommodation requests within the city. This request is in conformance with this policy by making the city's regulations more inclusive.

SUMMARY:

Staff is proposing to amend the Zoning Ordinance to delete regulations pertaining to requests for reasonable accommodation so these can move elsewhere in the Code of Ordinances. This zoning case will be coordinated with an amendment to the Code of Ordinances and is intended to create an improved process for handling requests for reasonable accommodation. This zoning case is in conformance with the recommendations of the Comprehensive Plan. Staff recommends approval as submitted.

RECOMMENDATION:

Recommended for approval as follows (additions are indicated in underlined text; deletions are indicated in strikethrough text).

Amend Section 5.200 (Jurisdiction) of Article 5 (Variances and Appeals of Administrative Decisions), to read as follows:

5.200 Jurisdiction

- .1 Each case must be heard by at least 75% of the members of the Board of Adjustment.
- .2 When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, after written notice and public hearings, and subject to appropriate conditions and safeguards, authorize or order the following:
 - A. Hear and decide appeals where it is alleged there is error on any order, requirement, decision, or determination made by the Building Official in the enforcement of this ordinance.
 - B. Permit the reconstruction, extension, or enlargement of a building occupied by non-conforming uses, on the lot or tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use.
 - C. Require the discontinuance of nonconforming uses of land or structure under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance. All actions to discontinue a nonconforming use of land or structure

shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of property. The Board of Adjustment shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation, or maintenance of any nonconforming use within the city.

- D.** Permit such variance from the terms of the Zoning Ordinance that will not be contrary to the public interest and where, because of special conditions, the enforcement of this ordinance or its amendments would result in an unnecessary hardship, except as provided in Sec. [5.200.2D.ii](#), Sec. [5.200.2D.iii](#) or Sec. [5.200.2D.iv](#). A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district. No variance may be granted if it results in an unnecessary hardship, as herein defined, on another parcel of land.
- i.** In order to make a finding of hardship and to grant a variance from this ordinance, the Board of Adjustment must determine that:
 - a.** The requested variance does not violate the intent of the ordinance or its amendments.
 - b.** Special conditions of restricted area, shape, topography, or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district.
 - c.** The hardship is in no way the result of the petitioner's own actions.
 - d.** The interpretation of the provisions in this ordinance or its amendments would deprive the petitioner of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.
 - ii.** No variance may authorize a use other than those permitted in the district for which the variance is sought.
 - iii.** A petition or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a preliminary site plan, site plan, preliminary plat, or final plat, when required by this ordinance or the Subdivision Ordinance for any parcel of property or portion thereof, has not been finally acted upon by both the Planning & Zoning Commission and, where required, by the City Council.

- iv. The administrative procedures and requirements of this ordinance and the Subdivision Ordinance, with regard to both Planning & Zoning Commission and the City Council consideration and action, on preliminary site plans, site plans, preliminary plats, and final plats, must be exhausted prior to requesting a variance from the terms of this ordinance.

~~E. Hear and decide requests for reasonable accommodations in the city's zoning and development regulations when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling; in accordance with the following procedures:~~

- ~~i. A request for reasonable accommodation may be made to the Chief Building Official by any person with a disability, their representative or a developer or provider of housing for individuals with disabilities. The request shall state the reason for the accommodation from the zoning and development regulations and the basis for the request.~~
- ~~ii. The Board of Adjustment shall conduct a hearing to determine whether the request for reasonable accommodation should be granted. The applicant or applicant's representative shall have the burden to demonstrate that:~~
 - ~~a. The applicant (or the person on whose behalf the applicant is requesting the accommodation) suffers from a disability as defined by the Fair Housing Amendment Act and~~
 - ~~b. The applicant (or the person on whose behalf the applicant is requesting the accommodation) demonstrates that the accommodation is both reasonable and necessary. An accommodation under this section is "necessary" if without the accommodation the applicant will be denied an equal opportunity to obtain the housing of his or her choice.~~
- ~~iii. If the applicant demonstrates the matter set out in Sec. [5.200.2E.ii.a](#) and Sec. [5.200.2E.ii.b](#), the request for reasonable accommodations shall be granted by the Board of Adjustment unless the accommodation would fundamentally alter the city's land use and zoning patterns or if the use's impact on its surroundings is greater than that of other uses permitted in the district.~~
- ~~iv. A reasonable accommodation for an increase in the number of residents use terminates if the property ceases to be operated as housing for disabled persons as defined by the Fair Housing Amendment Act.~~

CITY OF PLANO

REQUEST TO THE ACCOMMODATION REVIEW BOARD

Reasonable Accommodation Request #: _____

PLEASE TYPE OR PRINT USING BLACK INK

Should you need assistance in completing this application, please ask staff in the Building Inspections Department by calling 972-941-7140, or by visiting the department on the lower level of the Plano Municipal Center, 1520 Avenue K, Plano, Texas, Suite 140.

PLEASE NOTE: Do not submit information such as Social Security numbers, date of birth, medical records, or lists of medications.

Requests for reasonable accommodations may be approved when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.

A request for reasonable accommodation may be made to the Accommodation Review Board by any person with a disability, their representative or a developer or provider of housing for individuals with disabilities.

TO THE HONORABLE ACCOMMODATION REVIEW BOARD:

Requestor		Requestor's Phone Number	
Requestor's Street Address	City	State	Zip

Location of the dwelling related to the Request:

Street Address: _____		Zoning District: _____	
Lot Number: _____	Block: _____	Addition: _____	

Describe how the requestor (or the person on whose behalf the requestor is requesting the accommodation) suffers from a disability as defined by the Fair Housing Amendment Act:

Identify the reasonable accommodation requested and the specific regulations, policy, or procedure from which the waiver or deviation is requested.

Give the reason that an accommodation may be necessary for the use and enjoyment of the dwelling.

Please attach any documents that you wish to provide to support your request for an accommodation. In most cases, an individual's medical records or detailed information about the nature of the person's disability is not necessary for this application.

Note: The City may request any other information as necessary in order to make the findings required by Section 9.5.50, et seq. of the City of Plano Code of Ordinance, in accordance with applicable local, state and federal Fair Housing laws. Any personal information regarding disability status identified by a requestor as confidential shall be retained in a manner so as to respect the privacy rights of the requestor and/or person with a disability and shall not be made available for public inspection except as required by law.

A reasonable accommodation for an increase in the number of residents terminates if the property ceases to be operated as housing for disabled persons as defined by the Fair Housing Amendment Act.

This handout is for informational purposes only and should not be relied on in place of official regulations and/or policies. The CITY OF PLANO makes no representations, guarantees, or warranties as to the accuracy, completeness, currency, or suitability of the information provided via the handout. Customers and citizens are personally responsible for complying with all local, state and federal laws pertaining to projects within the city. Copies of the CITY OF PLANO adopted codes and Zoning Ordinances can be found on the city website at www.plano.gov or at the CITY OF PLANO Municipal Center at 1520 Avenue K, Plano, Texas.

PLEASE CHECK ONE:

_____ I will represent this reasonable accommodation request at the Accommodation Review Board meeting.

_____ I will not be able to represent this reasonable accommodation at the Accommodation Review Board meeting. My authorized representative who will represent this reasonable accommodation before the Reasonable Accommodation Board is:

Name	Street Address	City	State	Zip
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I hereby certify that the above statements are true and correct to the best of my knowledge.

Requestor's Signature

STATE OF TEXAS
COUNTY OF COLLIN

Subscribed and sworn to before me this _____ day of _____, 20 _____

Notary Public

(seal) My commission expires: _____

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An Ordinance of the City of Plano, Texas to amend the Comprehensive Zoning Ordinance, Ordinance No. 2015-5-2, as heretofore amended, to repeal the provisions regarding the reasonable accommodation process of the Board of Adjustment in Article 5, Variances and Appeals of Administrative Decisions, Section 5.200, Jurisdiction, Subsection 5.200.2 Part E as authorized by the Planning & Zoning Commission under Zoning Case 2020-007 and amend the Code of Ordinances to repeal the provisions regarding the reasonable accommodation process for the Building Standards Commission in Chapter 6, Buildings and Building Regulations, Article I, In General, Division 2, Building Standards Commission, Section 6-3, Building standards commission organization and authority, Subsections (c)(1)(f), (c)(2)(i) and a portion of (c)(3)(a)(2) and replace the provisions with a new reasonable accommodation process by the Accommodations Review Board in Articles III and IV, Reasonable Accommodations, Chapter 9.5, Human Relations of the City Code of Ordinances; and providing a penalty clause, a repealer clause, a severability clause, a publication clause and an effective date.

WHEREAS, City of Plano adopted Ordinance No. 2008-12-5, creating a process for considering requests for reasonable accommodation arising from the Zoning Ordinance to comply with the Fair Housing Amendments Act of 1988 (FHAA) and the Americans with Disability Act of 1990 (ADA) and Ordinance No. 2009-11-7, creating a process for the Building Standards Commission to review requests for reasonable accommodation arising from the building and fire codes; and

WHEREAS, the reasonable accommodation procedure was codified in the Comprehensive Zoning Ordinance of the City of Plano in Article 5, Variances and Appeals of Administrative Decisions, Section 5.200, Jurisdiction, Subsection 5.200.2 Part E and in the Code of Ordinances Chapter 6, Buildings and Building Regulations, Article I, In General, Division 2, Building Standards Commission, Section 6-3, Building standards commission organization and authority, Subsections (c)(1)(f) ,(c)(2)(i), and a portion of (c)(3)(a)(2); and

WHEREAS, the City wishes to change the process to allow for review and possible approval of a reasonable accommodation arising from the Zoning Ordinance based upon less than a supermajority vote; and

WHEREAS, the City wishes to have one process for reasonable accommodation that applies to all requests for reasonable accommodation arising from City of Plano regulation; and

WHEREAS, the City wishes the Board of Adjustment to sit as the Accommodations Review Board when reviewing applications for reasonable accommodation; and

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 June 2020, for the purpose of considering amending to repeal the provisions regarding the reasonable accommodation process of the Board of Adjustment in Article 5, Variances and Appeals of Administrative Decisions, Section 5.200, Jurisdiction, Subsection 5.200.2 Part E as authorized by the Planning & Zoning Commission under Zoning Case 2020-007 and amend the Code of Ordinances to repeal the provisions regarding the reasonable accommodation process for the Building Standards Commission in Chapter 6, Buildings and Building Regulations, Article I, In General, Division 2, Building Standards Commission, Section 6-3, Building standards commission organization and authority, Subsections (c)(1)(f), (c)(2)(i) and a portion of (c)(3)(a)(2) and replace the provisions with a new reasonable accommodation process by the Accommodations Review Board in Articles III and IV, Reasonable Accommodations, Chapter 9.5, Human Relations of the City Code of Ordinances; 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 June 2020; and

WHEREAS, the City Council finds it is in the public interest to repeal Part E of Subsection 5.200.2 of Section 5.200, Jurisdiction, of Article 5, Variances and Appeals of Administrative Decisions, of the Comprehensive Zoning Ordinance, Ordinance No. 2015-5-2 as heretofore amended, and subsections (c)(1)(f), (c)(2)(i), and a portion of (c)(3)(a)(2) of Section 6-3 of the Code of Ordinances and replace them with Section 9.5 Articles III and IV as described below.

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

Section I. Part E of Subsection 5.200.2 of Section 5.200, Jurisdiction, of Article 5, Variances and Appeals of Administrative Decisions, of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, and subsection (c)(1)(f) and (c)(2)(i) of Section 6-3, Building standards commission organization and authority, of Division 2, Building Standards Commission, of Article I, In General, of Chapter 6, Buildings and

Building Regulations of the Code of Ordinances are hereby repealed and replaced with Article III, Accommodations Review Board and Article IV, Reasonable Accommodations, Chapter 9.5, Human Relations of the City Code of Ordinances as follows:

ARTICLE III. ACCOMMODATIONS REVIEW BOARD

Sec. 9.5-45.- Generally.

The Accommodations Review Board shall consist of the members of the Board of Adjustment and alternate members of the Board of Adjustment and the chairperson shall be the chairperson of the Board of Adjustment. All members of the Accommodations Review Board are subject to removal for cause by the appointing authority upon written charges and after public hearing.

Sec. 9.5-46.- Duties, Responsibilities and Meetings.

The Accommodations Review Board shall be responsible for reviewing requests for reasonable accommodation and granting or denying reasonable accommodations as described in Article IV below. The chair, or, in his or her absence the acting chair, may administer oaths and compel the attendance of witnesses. The Accommodations Review Board shall hold meetings as needed for the conduct of its business, and may establish rules and regulations for the performance of its duties. Such meetings will generally be held before or after regular meetings of the Board of Adjustment. A majority of the regular membership of the Accommodations Review Board shall constitute a quorum. A quorum must be present to convene a meeting and to take action.

ARTICLE IV. REASONABLE ACCOMMODATIONS

Sec. 9.5-50.- Purpose. The City, pursuant to the Fair Housing Amendments Act of 1988 ("FHAA") 42 U.S.C. § 3601, et seq., as amended, and the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12101, et seq., as amended, intends to provide persons with a disability with reasonable accommodations in the City's zoning, subdivision, building code, fire code, and other regulations, policies, practices, and procedures when it is necessary to eliminate barriers to housing opportunities to ensure a person with a disability has an equal opportunity to use and enjoy a dwelling.

Sec. 9.5-51.- Applicability.

- (a) The provisions of this article apply to residential uses that will be used by persons with disabilities.
- (b) The reasonable accommodation granted shall be considered personal to the individual(s) and shall not run with the land. If the structure or property impacted by the reasonable accommodation is sold, or otherwise changes ownership, a reasonable accommodation granted to the previous owner is not transferable to the new owner. Notwithstanding, the

reasonable accommodation shall be in force and effect as long as the person(s) or group of persons with disabilities for whom the reasonable accommodation was sought resides in the structure or on the property that is the subject of the reasonable accommodation.

- (c) Nothing in this article will require the City to expend any funds to achieve a reasonable accommodation except and to the extent required by state or federal law.
- (d) Nothing in this article will alter a person with disabilities' obligation to comply with other applicable federal, state and City regulations.

Sec. 9.5-52.- Definitions.

- (a) Persons with disabilities for the purposes of this article, has the meaning set forth in the federal Fair Housing Act and the Americans with Disabilities Act, as amended.
- (b) Reasonable accommodation (inclusive of modification) means the act of making a dwelling unit or housing facility (ies) readily accessible to and usable by a person with disabilities, through the removal of constraints imposed by the City's requirements.
- (c) Requirement means a provision of city ordinance or resolution or an administrative policy, program or procedure.

Sec. 9.5-53.- Method of submitting a request for a reasonable accommodation; fees; confidentiality.

- (a) A request for a reasonable accommodation may be submitted by any person(s), his or her representative, a developer, or provider of housing for persons with disabilities.
- (b) A request for a reasonable accommodation may be submitted at any time that the reasonable accommodation may be necessary to ensure equal access to housing.
- (c) A request for a reasonable accommodation should be submitted in writing to the Chief Building Official on a form provided by the Building Inspections Department:
 - (1) There is no fee for an application requesting a reasonable accommodation.
 - (2) The city will retain any information identified by an applicant as confidential in compliance with applicable law and will not disclose the information unless required by law.
 - (3) If an individual needs assistance in making a request for a reasonable accommodation, the city will provide assistance to ensure that the application process is accessible to the individual.

Sec. 9.5-54.- Application. An applicant shall submit the following information before an application for a reasonable accommodation is considered to be complete:

- (a) The applicant's name, mailing address, street address, telephone number, and e-mail address.
- (b) The applicant's relation to the individual or individuals with a disability, if applicable.
- (c) The address of the property to which the requested reasonable accommodation would apply.
- (d) If the disability is not obvious, information substantiating that the individual who would obtain the benefit of the reasonable accommodation is disabled.
- (e) The City requirement(s) from which a reasonable accommodation is being requested.
- (f) If the need for the reasonable accommodation is not readily apparent, a brief explanation of why the requested reasonable accommodation is necessary for the individual or individuals with disabilities to have equal access to housing.

Sec. 9.5-55.- Review of application for reasonable accommodation; required findings; appeals.

- (a) Upon receipt of a complete application for a reasonable accommodation, the Accommodation Review Board ("Board"), shall review the application and issue a written ruling that grants, grants with conditions, or denies the application.
- (b) The Board shall hear and consider evidence offered by any interested person; the formal rules of evidence do not apply. The Board's decision must be by a majority vote.
- (c) The Board may impose reasonable conditions on any reasonable accommodation granted consistent with the purpose of this chapter.
- (d) The written decision must be consistent with the FHAA and the determination of whether a request for an accommodation is reasonable is based on a consideration of the following factors:
 - (1) Whether the housing that is the subject of the request will be used by one or more individuals with a disability.
 - (2) Whether the requested accommodation is necessary to make specific housing available to one or more individuals with a disability.
 - (3) Whether the requested accommodation would impose an undue financial or administrative burden to the city.
 - (4) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city requirement.
- (e) The Board shall issue a decision on a request for reasonable accommodation within 45 calendar days of the date of a completed application, and may either grant, grant with alterations or conditions, or deny a request for a reasonable accommodation in accordance with the required finding sets forth in Section (d) above.

- (f) The Board's determination is final once it is signed by the Chairperson and filed with the Board's office.
- (g) If the Board denies an application for a reasonable accommodation, the action is final.
- (h) Nothing herein shall prohibit the applicant, or persons on whose behalf a specific application was filed, from reapplying for a reasonable accommodation based on additional grounds or changed circumstances. Nor shall this provision be construed to affect in any way the rights of a person to challenge the denial of a request for reasonable accommodation as violating the Fair Housing Act, the ADA or any other applicable state, federal or local law.

Section II. Subsection (c)(3)(a)(2) of Section 6-3, Building standards commission organization and authority, of Division 2, Building Standards Commission, of Article I, In General, of Chapter 6, Buildings and Building Regulations of the Code of Ordinances is hereby repealed and replaced as follows:

"2. Interpretations of the fire code or building codes as adopted by the City of Plano."

Section III. 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(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section IV. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

Section V. All provisions of the ordinance of the City of Plano, codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Plano, codified or uncoded, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as provided by law.

DULY PASSED AND APPROVED THIS THE 8TH DAY OF JUNE, 2020.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020
DEPARTMENT: Special Projects
DIRECTOR: Peter Braster, Director of Special Projects
AGENDA ITEM: Approve a Term Sheet for 2505 K and 1005 E Park
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Consideration to approve a Term Sheet to sell City of Plano real property identified as ID 1860203 – 2505 K Avenue, ID 163637 – 1005 E Park Boulevard, and ID 163628 – K Avenue, Plano consisting of approximately 207,346 square feet to the Plano Housing Authority; and authorizing the City Manager to execute all necessary documents. **Denied**

PREVIOUS ACTION/PRESENTATION

In 2002, the City of Plano acquired 4.589 acres (a former Gibson's) at the northwest corner of Park Boulevard and K Avenue. The west side of the site is adjacent to the DART Light Rail Transit (LRT) Red Line and is less than 100 feet from the Parker Road Station platform. The city acquired the site to hold for future redevelopment, ideally as a part of a larger transit-oriented development. The site cost \$1,675,000. Site clearance and environmental remediation cost \$166,000. The city's total cost per square foot is approximately \$9.21. The property is zoned Corridor Commercial which permits a wide range of commercial use.

The long-term objective is to redevelop the site in a manner that reinforces transit use and reinvestment within the DART corridor.

BACKGROUND

In late 2019, the Plano Housing Authority (PHA) approached the City with a proposal to develop the subject site. PHA is interested in the site because of its proximity to the Parker Road Red Line DART Station and it is within walking distance to Collin County Offices that assist all Plano residents, and specifically those that are low income. Residents living in the proposed development will be within a short walk to services provided by the County in their offices located on Park Boulevard, such as Collin County Healthcare services that offers programs like the Women, Infant, and Children (WIC) program and services to veterans at the Collin County Veterans Affairs. In addition, having more residents in the neighborhood will boost the surrounding retail centers.

PHA is proposing a project that will have approximately 254 units, with 80% of each unit type being designated for those with an income at or below 60% of the area median income (AMI). HUD publishes HOME High rents to determine the maximum rent a household at or below 65% of AMI can afford to pay. Using HUD's calculation, there are no affordable apartments within a ½ mile radius of the proposed development. Attached is a Term Sheet for the project. This Term Sheet will be the basis, or the outline, for the future purchase and sale agreement between the City and PHA.

Over the last several years, the City of Plano has been studying housing demand in the City. The housing demand before the COVID-19 pandemic was:

- In the city of Plano, *at least 25% of the number of households are cost burdened.*
- 76% of those renters that are Low to Moderate income are cost burdened according to the U.S. Census Bureau.
- According to HUD'S Comprehensive Housing Affordability Strategy (CHAS) data, the City of Plano has 9,645 renters earning 50% or below of the city's median income, and enough affordable housing units for only 35% of those residents.

Additional information relating to affordable housing issues may also be found in the City of Plano draft Consolidated Plan 2020-2024 at <https://www.plano.gov/3489/2020---2024-Consolidated-Plan> This plan will be coming forward for adoption by City Council in July 2020, which was delayed due to the COVID-19 pandemic.

Background on PHA: PHA was established in the City of Plano, Texas in 1952 to provide safe, decent, and affordable housing assistance to those who are in need of supportive housing. To facilitate large scale project, the Plano Housing Authority PFC was incorporated on February 6, 2015 and the PFC By-Laws address the fact that the creation by the PHA is to further its mission to affordable housing and other purposes as set forth in Chapter 303.021 of the Texas Local Government Code.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item has no financial impact at this time; however, it will serve as the basis for negotiating a formal Purchase Agreement to include \$900,000 in compensation for the property to the City of Plano in the future.

Authorizing the City of Plano to execute the Letter of Intent relates to the City's Strategic Plan Critical Success Factors of Residential and Commercial Economic Vitality and Excellent, Innovative and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Term Sheet	6/1/2020	Agreement

June 9, 2020

Plano Housing Authority
Attn: Earnest Burke
1740 G Avenue
Plano, TX 75074

Re: Approved Term Sheet for purchase and sale of property located at K Avenue and Park Blvd

This approved term sheet constitutes an expression of the City of Plano's interest in selling the Property (as hereinafter defined) to the Plano Housing Authority ("PHA") on the general terms and conditions described herein. It will also serve as the basis for negotiating a definitive purchase and sale agreement for the purchase and sale of the Property (the "Purchase Agreement"). This approved term sheet supersedes all prior oral and written proposals from the City of Plano. The proposed terms and conditions for the sale of the Property are as follows:

1. This approved term sheet is not binding on the parties; it is only an expression of the basic terms and conditions the City wishes to incorporate in a formal written agreement. This approved term sheet does not obligate either party to negotiate in good faith or to proceed to the completion of an agreement. The parties shall not be bound unless and until a formal agreement is executed by the parties, which must be in form and content satisfactory to each party and its counsel in their sole discretion. Neither party may rely on this approved term sheet as creating any legal obligation of any kind and no third party shall have the right to rely on this approved term sheet for any reason whatsoever.
2. The City of Plano (the "City") owns approximately 207,346 sq. ft. of real estate identified as ID 1860203 – 2505 K Ave, ID 163637 – 1005 E Park Blvd, and ID 163628 – K Ave, Plano (the "Property").
3. The City, as owner of the Property, will authorize PHA to bring an application for rezoning of the Property for the purpose of allowing the development of workforce multifamily housing. This approved term sheet and the authorization, however, does not guarantee approval of such zoning by the City. All zoning applications related to the Property will be decided after notice and hearing as required by law.
4. If the City approves rezoning that allows the Property to be developed as workforce multifamily housing, then, after such approval, the City will transfer the Property to PHA by special warranty deed.
5. PHA will develop approximately 254 units of mixed income workforce housing on the Property.
6. PHA will restrict the rents of at least 80% of each type of unit to a maximum of 60% AMI rental rates and no more than 20% of each type of unit will be market rental rates. Effectively 80% workforce and 20% market.

7. PHA will provide a unit mix of approximately 75 units – 1 Bed/1 Bath, 152 units – 2 Bed/1 Bath, and 27 units – 3 Bed/2 Bath.
8. PHA or affiliate of PHA will maintain fee ownership of the Property. The Property may be owned by an entity that has PHA as the General Partner. If PHA wishes to convey ownership before all payments due to the City have been made, then the City must approve the conveyance.
9. As a condition to the conveyance from the City to PHA, PHA will pursue real estate adjacent to the Property from landholders for additional development enhancement.
10. Subject to cashflow from the development of the Property, PHA will provide Nine Hundred Thousand (\$900,000) in compensation for the Property to the City of Plano payable in installments of Forty-Five Thousand (\$45,000) annually.
11. PHA affirmatively commits to utilize all proceeds it gains from the development of the Property in efforts to further advance its mission within the City of Plano.
12. PHA acknowledges that should the development of the Property not achieve a financial closing within 30 months or should PHA use the Property for any purpose other than the development and maintenance of the herein described workforce housing, that the Property shall revert to the City pursuant to language to such effect that will be included in the special warranty deed.

Sincerely,

Mark D. Israelson
City Manager
City of Plano, Texas

CITY COUNCIL AGENDA MEMO

MEETING DATE: 6/8/2020
DEPARTMENT: City Manager
DIRECTOR: Mark D. Israelson, City Manager
AGENDA ITEM: Resolution for City Manager authority
RECOMMENDED ACTION: Items for Individual Consideration

ITEM SUMMARY

Resolution No. 2020-6-6(R): To provide the City Manager authority related to personnel, procurement, public meetings and City Code and policy decisions necessary for issues that arise during the state and federal emergency declarations related to the novel coronavirus (COVID-19); and providing an effective date. **Adopted with termination date of July 29, 2020.**

PREVIOUS ACTION/PRESENTATION

On May 5, 2020, the City Council adopted Resolution No. 2020-5-1(R) to provide the City Manager authority to provide for continuity of service and business. The authority expires at the end of day June 8th. This resolution extends that authority.

FINANCIAL SUMMARY/STRATEGIC GOALS

This item has no financial impact.

Approval of this Resolution relates to the City's Strategic Plan Critical Success Factor of an Excellent, Innovative and Accountable City Government.

ATTACHMENTS:

Description	Upload Date	Type
Resolution	6/3/2020	Resolution

A Resolution of the City of Plano, Texas, providing the City Manager authority related to personnel, procurement, public meetings and City Code and policy decisions necessary for issues that arise during the state and federal emergency declarations related to the novel coronavirus (COVID-19); and providing an effective date.

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic; and

WHEREAS, President Donald Trump declared a State of National Emergency for the United States of America on March 13, 2020; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott declared a statewide public health disaster; and

WHEREAS, the City Council has determined that during the pendency of the federal and statewide public health disaster, the City Manager is authorized to make decisions related to personnel, procurement, public meetings and City Code and policies to address issues that arise related to the COVID-19 emergency as set out herein.

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

SECTION I. The City Council hereby finds that while in a state of disaster, there is a public purpose in maintaining the City workforce and ensuring continuity in staffing while continuing the City's services but recognizing that certain facilities and/or operations may need to be temporarily closed or suspended and/or certain personnel may encounter disaster related events that prevent them from working at full capacity intermittently during the public health emergency. The City Council hereby authorizes the City Manager to make any staffing and compensation related decisions necessary to adapt to the rapidly changing environment created by the public health emergency to meet the objectives stated herein and authorizes the expenditure of City funds to accommodate same. Any expenditure of funds beyond that approved in the FY19-20 budget will come to the City Council for ratification at a City Council meeting, though the expenditure may be made prior to City Council ratification due to the public health emergency.

SECTION II. The City Council hereby finds that while in a state of disaster, immediate procurement may be necessary to preserve and protect public health and safety, and authorizes the City Manager to purchase goods or services as necessary for ratification by the City Council at a later date as long as the procurement is in compliance with state law requirements.

SECTION III. The City Council hereby finds that a public necessity exists to authorize the City Manager, while in a state of disaster, to determine whether it is difficult for a quorum of the members of boards and/or committees of the City to meet in person based on public health and safety concerns related to the pandemic. If such a determination is made, boards and/or committees will be authorized to conduct their public meetings via telephone or video conference if allowed by law. The City Manager is hereby authorized, at his discretion, to exclude the public from in person attendance at board and/or committee meetings to preserve the public health if allowed by law.

SECTION IV. The City Council hereby authorizes the City Manager to temporarily waive any City Code regulations or City policies that are difficult or impossible to comply with during the state of disaster as long as it is not inconsistent with state law.

SECTION V. For purposes of this resolution, the state of disaster referenced herein shall refer to any time period for which a disaster declaration is operative for the City of Plano, the State of Texas, and/or the United States of America for the emergency related to COVID-19.

SECTION VI. This resolution shall terminate at the end of the day on _____, 2020 or upon the expiration of the State of Texas and the United States of America disaster declarations, whichever occurs first. The resolution may be extended by a majority vote of City Council.

This Resolution shall become effective on June 9, 2020.

DULY PASSED AND APPROVED THE 8th DAY OF JUNE 2020.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY