

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
JANUARY 28, 2013**

**COUNCIL MEMBERS PRESENT**

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

**STAFF PRESENT**

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

Mayor Dyer called the meeting to order at 5:02 p.m., Monday, January 28, 2013, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor Dyer then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071 and to receive information regarding Economic Development, Section 551.087 and Personnel, 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 Dyer reconvened the meeting back into the Preliminary Open Meeting at 6:28 p.m.

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

Upon a motion made by Council Member Miner and seconded by Council Member Gallagher, the Council voted 8-0 to appoint Richard Michael Grady to an interim term expiring October 31, 2013.

**Update and Overview of Street Lights and Electric Services**

Oncor Area Manager Michael Baldwin provided an overview of facilities maintained in Plano, advising that there are 1,658 miles of underground and 411 miles of overhead distribution lines. He stated that there are 105,505 electric meters and 13,297 street lights and reviewed the levels of maintenance as reported to the Public Utility Commission. Mr. Baldwin advised that during 2012, routine repairs to street lights were completed within five calendar days 98.37% of the time; circuit repairs (underground along thoroughfares) were completed within 15 calendar days 83.3% of the time; and knockdowns were repaired within 30 days 93.3% of the time.

Mr. Baldwin reviewed a project started in 2010 which reviewed the effectiveness of light emitting diodes in street lights. He spoke to installation of 46 lights in the City, incidences of high temperatures and severe storms, and the overall failure rate by vendors of 11%. Mr. Baldwin advised that, at this time, projected energy savings do not offset the high initial costs. He reviewed enhancements to customer communications including an updated website, mobile applications and "Ask Oncor." He responded to Council Member Miner, advising that Oncor asks customers to provide location information when home and street lights are out of service, and that the rate structure is designed for repair/maintenance and not aesthetic painting of light poles; but that homeowner associations may repaint them. He advised that only a few residences are without the advanced metering system and that Oncor will review leaning poles when provided information regarding their locations. He further stated that a piece of equipment will be installed soon at the electrical substation on Legacy Drive and Coit Road and that landscaping will be provided. He further advised the Council that street lights are controlled by photocells.

### **Comprehensive Monthly Financial Report**

Director of Finance Tacke advised that the December 2012 report finds General Fund revenues down as a percentage of budget as compared to last year while Water and Sewer revenues are up slightly. She stated that actual General Fund revenues are down \$3.9 million, primarily due to a decrease in collection of ad valorem taxes which will self-correct. She spoke to the overall improvement in sales tax figures. She advised that General Fund expenditures are up due to a 3% non-civil and 2% civil service pay increase effective in October and she spoke to the annual maintenance agreement for the new radio system and contract for park field services. She advised that the unemployment rate is at 5.2%.

### **Screening Wall Update**

Public Works Director Cosgrove advised that in the mid-1970's, the City instituted a policy wherein homes that back to a street or alley/street were required to have a screening wall. He spoke to the Zoning Ordinance requiring a wall when a non-residential use abuts a residential one which is the responsibility of the owner rather than the City. Mr. Cosgrove advised that there are 153 miles of screening walls in the City, with 50% the responsibility of the City to maintain. He spoke to a 1974 resolution, providing City participation to those requesting a wall, advising that the level of contribution is not nearly the cost of construction today. He reviewed various examples of wall structure, design and maintenance issues including brick, concrete and living screens. Mr. Cosgrove spoke to Council consideration of repealing the 1974 resolution and Staff review and reporting to Council regarding issues of concern. The Council concurred with the recommendations and Deputy Mayor Pro Tem Harris requested consideration of the sustainability of the program and City involvement. Mr. Cosgrove responded to Council Member Davidson, advising that the repair of walls is expensive and the only recourse for addressing privately-owned situations is through Property Standards.

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

No items were discussed.

**Consent and Regular Agendas**

No items were discussed

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 7:04 p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary

**PLANO CITY COUNCIL**  
**January 28, 2013**

**COUNCIL MEMBERS PRESENT**

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

**STAFF PRESENT**

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

Mayor Dyer convened the Council into the Regular Session on Monday, January 28, 2013, at 7:08 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Council Member Dunlap led the invocation and Cub Scout Pack 63 of Carlisle Elementary led the Pledge of Allegiance.

Mayor Dyer read a proclamation recognizing National Wear Red Day.

**COMMENTS OF PUBLIC INTEREST**

Larry Contreras of Liberty Tax Service requested reconsideration of recent revisions to the sign ordinance related to sail banners. City Manager Glasscock spoke to consideration of the increasing visual clutter at intersections and right-of-ways and impact on visibility for drivers. He spoke to public hearings held at the Planning and Zoning Commission and City Council and offered to meet with Mr. Contreras.

**CONSENT AGENDA**

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

**Approval of Minutes** (Consent Agenda Item "A")  
January 14, 2013

**Bid No. 2012-175-C** for a one (1) year contract with three (3) City optional renewals for repair of City pools to Sunbelt Pools, Inc. in the estimated annual amount of \$120,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

**Bid No. 2013-46-C** for a one (1) year contract with three (3) City optional renewals for Urban Forestry Management for the Parks and Recreation Department to Somerset Landscape Maintenance, Inc., in the annual amount of \$200,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

**Bid No. 2012-313-B** for the removal of underground fuel storage tanks at Parkway Service Center and Fire Station No. 7 for the Fleet Department, to Holloway Welding and Piping, LP in the amount of \$117,500 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

**RFQ No. 2013-19-B** for a one (1) year contract with three (3) additional one (1) year City optional renewals for a Public Relations Firm for Plano Convention and Visitors Bureau to Tucker & Associates, LLC in the estimated annual amount of \$58,975 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

**RFP No. 2013-3-G** for Continuity of Operations Plan Development and Exercise for Emergency Management to URS Corporation in the amount of \$88,391 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

**Ratification of award of Bid No. 2010-116-C** to Carruthers Landscape Management, Inc., for the annual amount of \$116,946 for years one (1) and two (2) and the annual amount of \$85,096 for years three (3) and four (4) and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

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

To approve the purchase of replacement Cisco switch hardware and maintenance for 9 Fire Stations, in the amount of \$62,825 from INX, LLC a Presidio Company through an existing Department of Information Resources (DIR) contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1386) (Consent Agenda Item “H”)

To approve the purchase of replacement Cisco switch hardware and maintenance for the Parkway Service Center, in the amount of \$94,832 from INX, LLC a Presidio Company through an existing Department of Information Resources (DIR) contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1386) (Consent Agenda Item “I”)

#### **Approval of Contract Modification**

To approve and authorize Contract Modification No. 1 for the purchase of Engineering Services for the City Pond Water Quality Upgrades project in the amount of \$42,183 from Freese and Nichols, Inc. (Consent Agenda Item “J”)

To approve the Fourth Amendment to the Administrative Services Agreement with United Healthcare Insurance Company, Contract No. 2006-90-C RFP, to add Biometric Screening services at a cost of \$53.00 per participant with the total estimated annual cost of \$100,000. (Consent Agenda Item “K”)

Termination of Contract No. 2011-57-B for Tree Planting and Irrigation Project- Park Boulevard and Brand Road. (Consent Agenda Item “L”)

### **Adoption of Resolutions**

**Resolution No. 2013-1-14(R):** To approve the terms and conditions of a Restated Interlocal Agreement between Collin County and the City of Plano concerning the engineering and construction of the 2007 Bond Project 07- 057 Major Thoroughfare Rehabilitation on Custer Road, from SH 190 to Spring Creek Parkway; Spring Creek Parkway, from Custer Road to Preston Road; F Avenue, from Plano Parkway to 14th Street; Park Boulevard, from Ohio Drive to Ventura Drive; and Spring Creek Parkway, from K Avenue to Jupiter Road, 2010 Funding; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “M”)

**Resolution No. 2013-1-15(R):** To approve the terms and conditions of a Software Support and Maintenance Agreement by and between the City of Plano and The Active Network, Inc. the sole source provider of software support, maintenance, upgrade and update services for the Parks and Recreation Program Registration and Facility Booking System; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “N”)

**Resolution No. 2013-1-16(R):** To accept the findings and opinions of the Annual Audit; authorizing the City Manager, or in his absence the Director of Finance, to publish the results thereof; and providing an effective date. (Consent Agenda Item “O”)

### **Adoption of Ordinances**

**Ordinance No. 2013-1-17:** To repeal Ordinance No. 2012-9-28; establishing the number of certain classifications within the Fire Department for fiscal year 2012-13; establishing the authorized number and effective dates of such positions for each classification; establishing a salary plan for the Fire Department effective January 28, 2013; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “P”)

### **END OF CONSENT**

**Public Hearing** to provide the citizens and residents with the opportunity to review and provide comment on the projects for the proposed 2013 Bond Referendum. (Regular Agenda Item “1”)

No one appeared to regarding the item.

**Discussion and direction on Parks and Recreation projects for the proposed 2013 Bond Referendum** (Regular Agenda Item “2”)

Parks and Recreation Director Fortenberry spoke to planning for the 2013 bond referendum and reviewing feedback from citizens and the Council. She advised that the project list has been refined to include seven projects with a value of \$41.5 million and highlighted recreation center projects (renovations of Jack Carter Pool, High Point Tennis Center and Liberty Recreation Center) and park improvement projects (recreational trails, Oak Point Park and Nature Preserve, park improvements and Carpenter Park Recreation Center renovation). Ms. Fortenberry spoke to prioritization of projects in a five-year program, consideration of operations and maintenance costs, and including projects approved in 2005 and 2009 referendums. She responded to Mayor Dyer, advising that information regarding operations and maintenance reflects additional costs above existing levels, citing plans for expansion at Jack Carter Pool and Liberty Recreation Center. Budget and Research Director Rhodes-Whitley spoke to consideration of debt coming off the tax rolls and the estimated impact on the property tax rates. The Council stated a consensus to move forward with the projects recommended.

**Discussion and direction on the proposed 2013 Bond Referendum** (Regular Agenda Item “3”)

Budget and Research Director Rhodes-Whitley spoke to the revised list of projects totaling \$125.3 million as a reduction of \$30 million and Council consideration at the February 11 meeting of the order of bond items. She advised that the total tax rate impact for \$125.3 million would be \$1.36 per \$100 valuation and \$.35 for \$90 million. Ms. Rhodes-Whitley spoke to inclusion of an item calling for revocation of funding for the arts hall and responded to Mayor Dyer regarding matching funds available for streets projects. Mayor Dyer expressed the desire to keep the project total under \$100 million and requested information at the next meeting regarding the actual dollar of existing bonds that will be retired to offset the new authority.

**Public Hearing and consideration of Ordinances requested in Zoning Cases 2012-41 through 2012-44, and 2012-46 through 2012-49** all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano. All locations are located within the City of Plano, Collin County, Texas, and the repeal of each ordinance will amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings, clause, a severability clause, and an effective date. (Regular Agenda Item “4”)

**Ordinance No. 2013-1-18:** Zoning Case 2012-41 - To rescind Specific Use Permit #469 for Private Club on 0.1± acre located 110± feet east of Coit Road and 143± feet south of Mapleshade Lane. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #469 for Private Club.

**Ordinance No. 2013-1-19:** Zoning Case 2012-42 - To rescind Specific Use Permit #73 for Private Club on 1.2± acres located on the east side of U.S. Highway 75, 270± feet north of 13th/14th Connector. Zoned Corridor Commercial with Specific Use Permit #73 for Private Club.

**Ordinance No. 2013-1-20:** Zoning Case 2012-43 - To rescind Specific Use Permit #131 for Private Club on 133.4± acres located on the south side Parker Road, and 570± feet east of Marsh Lane. Zoned Single-Family Residence-9 with Specific Use Permit No. 80 for Country Club and Specific Use Permit #131 for Private Club.

**Ordinance No. 2013-1-21:** Zoning Case 2012-44 - To rescind Specific Use Permit #186 for Private Club on 0.1± acre located generally at the southeast corner of Greenway Drive and 15th Street. Zoned Planned Development-79-Retail with Specific Use Permit #186 for Private Club.

**Ordinance No. 2013-1-22:** Zoning Case 2012-46 - To rescind Specific Use Permit #481 for Private Club on 0.2± acre located on the west side of U.S. Highway 75, 2,200± feet south of Heritage Drive. Zoned Corridor Commercial with Specific Use Permit #481 for Private Club.

**Ordinance No. 2013-1-23:** Zoning Case 2012-47 - To rescind Specific Use Permit #538 for Private Club on 0.1± acre located at the southeast corner of K Avenue and Vontress Drive. Zoned Downtown Business/Government with Specific Use Permit #538 for Private Club.

**Ordinance No. 2013-1-24:** Zoning Case 2012-48 - To rescind Specific Use Permit #547 for Private Club on 0.3± acre located 350± feet west of Coit Road and 320± feet north of Spring Creek Parkway. Zoned Retail with Specific Use Permit #547 for Private Club and Specific Use Permit #548 for Arcade.

**Ordinance No. 2013-1-25:** Zoning Case 2012-49 - To rescind Specific Use Permit #220 for Private Club on 2.6± acres located at the southwest corner of Plano Parkway and Accent Drive. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District with Specific Use Permit #220 for Private Club.

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

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

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Miner, the Council voted 8-0 to adopt all the ordinances listed as recommended by the Planning and Zoning Commission and as designated by their zoning case number.

**Connect4Health - 2012 MP3 Presentation by the MP3 Class of 2012** (Regular Agenda Item “5”)

Controller Cockrell introduced the class and spoke to empowering employees to make smart healthcare decisions by connecting them with providers, education and resources. She spoke to moving to a model of accountability and the potential savings of \$2 million annually. Ms. Cockrell reviewed information regarding the City’s plan participants (4600 members) and claims (\$22.3 million) with 80% being medical in natures. She spoke to the small percentage of claims (7%) comprising preventative care with the majority of costs spent on treatment. Ms. Cockrell spoke to connecting members with a primary care physician for prevention and early detection. Recreation Supervisor Hergenrader spoke to encouraging preventative care, removing barriers and simplifying the process through a consumer advocate thus providing education, information and screenings. She spoke to addressing awareness, accountability and participation through partnership with United Healthcare. Facilities Manager Razhina spoke to reviewing trends, targeting initiatives that focus on primary care to reduce costs and the plan resulting in members that are more active and accountable. He spoke to utilizing health care providers that deliver the right care at the right price and the City/UHC working together to get knowledge in the hands of the employees. Mayor Dyer complimented the group on the program.

Nothing further was discussed. Mayor Dyer adjourned the meeting at 9:36p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary