

**PLANO CITY COUNCIL
PLANNING AND ZONING COMMISSION
WORKSESSION
February 23, 2012**

COUNCIL MEMBERS PRESENT

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

STAFF PRESENT

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

**PLANNING & ZONING COMMISSION
MEMBERS PRESENT**

Christopher J. Caso, Chair
Michael Coleman
Tracy S. Dry
David L. Downs
Doug Hazelbaker, 1st Vice Chair
Alan E. Smith
Douglas B. Cargo

**PLANNING & ZONING COMMISSION
MEMBERS ABSENT**

Fred Balda, 2nd Vice Chair

The worksession was called to order following dinner on Thursday, February 23, 2012, at 6:32 p.m. in the Plano Municipal Center, 1520 K Avenue, Plano, Texas. Quorums of Council Members and Planning and Zoning Commissioners were present.

Dinner and Viewing of the Comprehensive Plan Update Video

Director of Planning Jarrell introduced a video produced to encourage public participation in the Comprehensive Plan Update process.

Discussion and Direction on Remaining Undeveloped Land and Current Comprehensive Plan Policies

Ms. Jarrell spoke to the session as an opportunity for the City Council and Planning & Zoning Commission to jointly discuss issues and provide direction on new policies related to the use of Plano's undeveloped land which may result in direction from the Council on new policy recommendations for the Comprehensive Plan. She spoke to managing the supply of land, looking for redevelopment opportunities, and determining how the use can best support the City's long term goals and interests.

Ms. Jarrell spoke to determining where additional residential development should occur while considering employment and tax base benefits of non-residential uses. She spoke to consideration of different types of residential uses and their impact on infrastructure and schools and characteristics of mixed-use development.

Senior Planner Sims advised that there is 4,325 acres of undeveloped land available with 549 acres in flood plains and 83% zoned for non-residential uses. He spoke to policies for undeveloped land included in the Comprehensive Plan (Land Use and Economic Development Elements) and policy statements related to rezoning to meet demand, housing density, infill housing and mixed-use. Mr. Sims spoke to the current residential setback along S.H. 121 of 1,200 feet as being consistent with other municipalities, the potential application to other expressway corridors, and the Commission's recommendation of 750 feet.

Discussion and Direction on Policies Related to Residential and Commercial Development and Use of Remaining Undeveloped Land

Planning Manager Firgens spoke to considering the long-term economic growth needs of the City by reserving land for economic development and employment uses in traditional areas which support a nonresidential tax base and the need for large tracts of land, business park locations, expressway access, visibility and tract depth. She spoke to attaining well designed residential development which attracts residents and businesses and includes diverse and desirable housing choices with access to services/amenities. Ms. Firgens spoke to the role of mixed-use development in meeting the future housing needs and presented the following recommendations:

All residential rezoning requests should be evaluated to determine the impact on infrastructure, public safety response, school capacity, and access to and availability of amenities and services.

Isolated residential development should not be permitted; residential rezoning requests need to establish a complete new neighborhood or expand an existing neighborhood or an urban mixed-use center.

The 1,200-foot setback for residential uses along State Highway 121 should be retained and applied to the Dallas North Tollway, State Highway 190, and U.S. Highway 75.

No new multifamily development should be allowed south of Tennyson Parkway, along the Dallas North Tollway between Communications Parkway and Parkwood Boulevard. However, mid-rise multifamily development (5-12 stories) may be considered by SUP in this corridor.

New multifamily zoning should require a minimum density of 40 dwelling units per acre.

Establish two new zoning districts – an urban mixed-use district and neighborhood mixed-use district. An option to allow mid-rise residential buildings (5-12 stories) by SUP should be considered in major corridors and in urban mixed-use districts.

Mayor Dyer spoke to the recommendations as guidelines and the opportunity for future input during consideration by the Council and Commission. He opened the floor for public comments.

Robbie Robinson spoke to the Staff recommendations discouraging zoning for residential uses in prime economic corridors and rezoning to permit multifamily development. He spoke in support of a long-term perspective when considering rezoning, particularly when deviating from the Comprehensive Plan and referred to the benefits of non-residential zoning on the tax base. Mr. Robinson spoke regarding the high quality of life and national reputation of Legacy Town Center and the need by companies for available land and easy access. He referred to the adverse impact on the school district when properties are rezoned residential and requested the Council look at the long-term vision.

Lucilo A. Peña, of Billingsly Company, spoke to creating compelling districts with remaining land that provide a connection between existing uses/elements and new ones. He spoke to the need for more than just density in future growth and mixed-use communities. Mr. Peña spoke to the challenges of providing 40 units per acre while addressing need for a variety of housing types in a development. He advised that U.S. 75 and the Dallas North Tollway contain the majority of commercial office space.

Bill Dahlstrom, representing Wolverine Equities and North Dallas Joint Venture, spoke regarding the Mapleshade area along SH 190 and the opportunity for a residential component. He stated that residential and economic development issues should not be exclusive in the context of a mixed-use development and to a value capture concept. Mr. Dahlstrom spoke to instilling the concept in the Comprehensive Plan and economic development policies to determine the efficiency of land uses and their impact on City services to create sustainable development. He referred to areas of the City that have remained undeveloped for years and adapting to the market with flexible zoning.

Richard Matkin, of the Plano Independent School District (PISD), spoke regarding the partnership between the City and district and the differences in boundaries between the two entities. He spoke to capacity concerns in the southern corridor, redistricting efforts, the potential for new campuses and continuing the dialogue to address long-term issues. Mr. Matkin advised that there is a decline in elementary school enrollment and that Legacy Town Center does not have a significant impact on area schools. Mr. Sims advised that there may be an impact on PISD with development of 1,000 new housing units in Richardson and 1,500-2,000 in Dallas.

David Smith, representing the Plano Homeowners Council, spoke to discussions in the 1990's recommending a ratio of multifamily to single-family housing of 25/75 and current multifamily zoning nearing 31% putting demands on infrastructure and schools. He spoke to maintaining a long-term vision and resisting the short-term demands of the market, in favor of the recommendations and advised that the Homeowners Council would be available for input. Mayor Dyer closed the public comments of the session and the opened discussion by the Council and Commission.

All residential rezoning requests should be evaluated to determine the impact on infrastructure, public safety response, school capacity, and access to and availability of amenities and services.

Ms. Jarrell advised that Staff currently provides information and some analysis regarding impact, accessibility and amenities for consideration and spoke to including additional information in the future including cost figures. The Council stated a consensus directing Staff to move forward.

Isolated residential development should not be permitted; residential rezoning requests need to establish a complete new neighborhood or expand an existing neighborhood or an urban mixed-use center.

Ms. Jarrell advised that the recommendation will reinforce patterns, thus creating good neighborhoods that are attractive with nearby amenities. She spoke to issues of the long-term viability of isolated neighborhoods and responded to Mayor Dyer regarding consideration of senior citizen housing. Council Member Dunlap spoke to interpretation of the term “isolated” and Council Member Davidson spoke to the language strictly limiting some development. Ms. Jarrell advised that the recommendations will be utilized as guidelines and that Council will have the flexibility to consider items on a case-by-case basis. The Council stated a consensus directing Staff to move forward.

The 1,200-foot setback for residential uses along State Highway 121 should be retained and applied to the Dallas North Tollway, State Highway 190, and U.S. Highway 75.

Ms. Jarrell spoke to corridors and expressways as prime areas for commercial economic development and the Commission’s consensus that a 750-foot setback may be appropriate. She spoke to properties where a portion of development encroaches into the setback. Planning and Zoning Chair Caso spoke to the Commission’s discussion of mixed-use development and Council Member Dunlap spoke to apparent strip zoning and differences in the environment/function of U.S. 75. The Council stated a consensus directing Staff to move forward.

No new multifamily development should be allowed south of Tennyson Parkway, along the Dallas North Tollway between Communications Parkway and Parkwood Boulevard. However, mid-rise multifamily development (5-12 stories) may be considered by SUP in this corridor.

Ms. Jarrell spoke to development occurring on the Dallas North Tollway, its configuration and reserving land for office development south of Tennyson Parkway. She spoke to the potential and appropriateness of mid-rise multifamily development. She responded to Council Member Duggan, advising that this recommendation is specific to the tollway because of its prominence in attracting office development and is structured as a guideline.

Commission Member Hazelbaker spoke to mid-rise development as having a higher rental cost and potentially limiting the residents in that area. He spoke to finding ways to attract families to the City, the evolution of multifamily housing, and the impact of multiple families in single-family homes. Mayor Dyer spoke to affordable housing throughout the City and creating environments that are conducive to singles and couples. The Council stated a consensus directing Staff to move forward.

New multifamily zoning should require a minimum density of 40 dwelling units per acre.

Ms. Jarrell spoke to the need for a wide range of housing types, the quantity of multifamily development with lower densities and the recommended density resulting in a mixed-use environment. She advised that there is very little land currently zoned multifamily that would be impacted and spoke regarding the definition of mixed-use to include multifamily, retail, office, employment, hotel, and structured parking in a walkable development. Ms. Jarrell spoke to the potential for “horizontal” mixed-use, the development of Legacy Town Center since 1997, and the potential for a mix of housing units. The Council stated a consensus directing Staff to move forward.

Establish two new zoning districts – an urban mixed-use district and neighborhood mixed-use district. An option to allow mid-rise residential buildings (5-12 stories) by SUP should be considered in major corridors and in urban mixed-use districts.

Ms. Jarrell spoke to establishing expectations related to mixed-use development to expedite the process for applicants and Staff and spoke to the neighborhood mixed-use district’s appropriateness for the redevelopment of corner shopping centers. The Council stated a consensus directing Staff to move forward.

Ms. Jarrell advised that Staff will bring recommendations before the Commission to further discuss language following which they will come forward to the Council. Mayor Dyer spoke to future opportunities for input. Nothing further was discussed. The meeting was adjourned at 8:23 p.m.

Phil Dyer, MAYOR

Christopher J. Caso, Chair –Planning and Zoning Commission

ATTEST:

Diane Zucco, CITY SECRETARY

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
February 27, 2012**

COUNCIL MEMBERS PRESENT

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

STAFF PRESENT

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Victoria Huynh, Deputy City Attorney
Diane Zucco, City Secretary

Mayor Dyer called the meeting to order at 5:07 p.m., Monday, February 27, 2012, 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; receive information regarding Economic Development, Section 551.087; discuss Real Estate, Section 551.072 and to discuss 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 6:04 p.m.

Consideration and action resulting from Executive Session discussion

No items were brought forward.

Discussion and Direction regarding The Arts Center of North Texas

City Manager Glasscock briefed Council in regards to a resolution passed by The Arts Center of North Texas Board recommending creation of a separate 501(c)(3) entity which would relieve the cities of their financial commitments. He stated the City of Frisco declined the recommendation and currently the attorneys of the three owner cities are working with the attorneys at The Arts Center of North Texas to bring back recommendations clarifying ownership of the assets. Mr. Glasscock stated there is no action required on the part of the Council at this time and advised that he will provide future updates. Mayor Dyer stated the City would not be issuing any more bonds, and that the revocation of the bonds will be placed on the ballot of the May 2013 election.

Report regarding Backflow Process

Director of Public Works Cosgrove spoke regarding the Backflow and Cross Connection Program advising that the Federal Safe Drinking Water Act (SDWA) does not require a cross connection program; however, backflow contamination could be responsible for a water system's failure to maintain SDWA standards. He also stated the Texas Commission on Environmental Quality (TCEQ) has a rule that no water connection from any public drinking water supply system shall be allowed to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination. Mr. Cosgrove informed Council the purpose of the program is to: (1) protect the public water supply from possible contamination from the customer's premise; (2) eliminate or control, actual or potential, connection between the public water system and a non-potable water system; and (3) provide for testing and maintenance of existing cross connection control assemblies. He spoke to avoiding both health and non-health hazards and advised the program is managed by reviewing construction plans, inspecting existing properties, registering third party testers, observing testers, mailing out notices when annual tests are due and reviewing test reports. He stated the City does not provide testing service to the public; but, that a third party performs the testing. Mr. Cosgrove informed Council that over 12,000 high hazard devices were tested in 2011 and that there are 175 registered testers and approximately 1,000 devices that didn't pass the test which were either replaced or repaired. He stated the program consists of four employees with expenses of \$340,000 and is self-funded through revenues budgeted at \$410,000.

Discussion and Direction regarding Appointment Criteria for Heritage Commission and Community Relations Commission

Director of Planning Jarrell spoke to the three commissions that make recommendations for grants to the City (Cultural Affairs, Community Relations and Heritage). She spoke to the requirements that the Cultural Affairs Commission currently has in place that "no member shall have served on a board of an affected Cultural Affairs organization or agency for the previous 12 months" and advised that it is not in place for the other boards. Ms. Jarrell mentioned that members step down for consideration and discussion when grant applications come up for review. She stated that the commissioners bring a lot of experience and understanding of non-profits to grant consideration. The Heritage Commission typically reviews 4 to 5 grants, and the Community Relations Commission receives grant applications from about 40 different groups, similar to the Cultural Affairs Commission. Ms. Jarrell mentioned that a one-year disqualification period could eliminate many desirable appointees bringing needed experience to consideration of the grants.

Council Member Davidson spoke of her preference for consistency in the criteria for the three commissions. Mayor Dyer spoke to board members stepping down on consideration of organizations/agencies with which they had association in the previous 12-24 months. The Council discussed standardization of timeframes and stated a preference for two years. Council Member Davidson requested input from the Cultural Affairs Commission and Ms. Jarrell stated Staff could collect this information, bring it to the Heritage and Community Relations Commissions and bring back recommendations for Council.

Discussion and Direction regarding Temporary Sign Ordinance – Sail Banners

Chief Building Official Mata spoke to the increase in the number and size of sail banners, permitting and lack of regulations. He spoke of the picket fence effect, negative impact on traffic control, improper placement, distraction, and the banners not being attractive. He stated an alternate option is regulation of the number, size and space requirements of these types of banners. Mr. Mata described the banners and stated that 194 promotional permits were issued last year which included sail banners, banners, pennants, flags, balloons, etc. He stated two 2-week period permits are allowed annually for businesses with three weeks for a grand opening. Mr. Mata responded to Council regarding the number of permits, complaints, enforcement issues and advised that there are no regulations for the number of signs. Council spoke to visibility triangles and requested Staff bring forward options for restrictions on placement (setbacks and separation).

Comprehensive Monthly Financial Report

Director of Finance Tacke advised that the January 2012 report finds General Fund revenues up slightly as a percentage of budget as compared to last year while Water and Sewer revenues are down slightly. She stated that actual General Fund revenues are up \$12.3 million, primarily due to an increase in ad valorem taxes and an increase in sales tax resulting from an audit adjustment. Ms. Tacke also stated revenues were up in court fines, electric and cable franchises and ambulance services. Ms. Tacke advised that General and Water & Sewer Fund expenditures are up slightly as a percentage of budget, as well as Golf Course Fund expenditures. She advised that the unemployment rate is down to 6.0%. Ms. Tacke stated sales tax collections for the month of February are up by \$1.4 million due in part to a favorable audit adjustment.

Mayor Dyer spoke in regards to paying for water in light of water conservation and inquired if the City has enough reserves to pay for any additional shortfall. City Manager Glasscock responded that the City is currently at a rate of 1.49 and will be going to 1.84 driven by the North Texas Municipal Water District's (NTMWD) \$350 million dollar pipeline project and routine increase in rates. Ms. Tacke stated that the City has reserves, but not enough to absorb the rate increases and advised that the City is almost completely self-funded in the Water/Sewer Fund. Mr. Glasscock spoke to issues related to the NTMWD Texoma pipeline: (1) Lacey Act restricting the transport of invasive species across state lines, (2) Presidential Executive Order (similar to the Lacey Act), and (3) a dispute between the two core districts of North Texas and Oklahoma.

Mr. Israelson spoke to blending the water to a ratio to make it usable within our system and connection of the pipeline with the Wylie treatment plant. Mr. Glasscock spoke to meeting with other City Managers and Council Member Harris requested updates on progress.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

Deputy Mayor Pro Tem Smith requested Consent Agenda Item “N”, to authorize the purchase of downloadable content (ebooks, music, video, and e-audio library materials) with Kindle functionality in an amount not to exceed the sum of \$150,000 from OverDrive, Inc., the sole source provider of such library materials for the City of Plano - Plano Public Library System, be removed for individual consideration.

Staff requested Consent Agenda Item “D”, to approve the purchase of a False Alarm Tracking and Billing System to include Software Licenses, Installation, Data Conversion and Training for the Plano Police Department in the amount of \$66,825 from Dell Marketing L.P., through an existing contract/agreement with Department of Information Resources (DIR Contract #SDD-890), be pulled and held.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:51 p.m.

Phil Dyer, MAYOR

ATTEST

Diane Zucco, City Secretary

PLANO CITY COUNCIL
February 27, 2012

COUNCIL MEMBERS PRESENT

Phil Dyer, Mayor
Pat Miner, Mayor Pro Tem
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Ben Harris
André Davidson
James Duggan
Patrick Gallagher
Lee Dunlap

STAFF PRESENT

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Victoria Huynh, Deputy City Attorney
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, February 27, 2012, at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Assistant Pastor Kelvin Foley of Prestonwood Baptist Church led the invocation and Cadette Girl Scout Troop 2206 of Rice Middle School led the Pledge of Allegiance.

PROCLAMATIONS & SPECIAL RECOGNITION

The presentation of a check by the Collin County Commissioners Court from the Collin County Parks and Open Space Matching Grant Program to the City of Plano was postponed to a future Council meeting.

OATHS OF OFFICE

Mayor Dyer administered the Oath of Office to Peter Pennesi, a newly appointed member of the Photographic Traffic Signal Advisory Committee.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Staff requested Consent Agenda Item “D” be pulled and held.

Deputy Mayor Pro Tem Smith requested Consent Agenda Item “N” be removed for individual consideration.

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

Approval of Minutes (Consent Agenda Item "A")
February 13, 2012

Approval of Expenditures

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

Bid No. 2012-101-B for the purchase of twenty (20) Chevrolet Black & White Police Tahoe's for Fleet Services to be utilized by the Police Department from Caldwell Country Automotive in the amount of \$538,680 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Purchase from an Existing Contract

To approve the purchase and installation of playground equipment for Cross Bend, Forest Creek East, and Prairie Meadow Parks through PISD Contract (2011-59-I/PISD #2010-052) in the amount of \$328,905; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

To approve the purchase of a False Alarm Tracking and Billing System to include Software Licenses, Installation, Data Conversion and Training for the Plano Police Department in the amount of \$66,825 from Dell Marketing L.P., through an existing contract/agreement with Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR Contract #SDD-890) (Consent Agenda Item "D") (Pulled and held)

To approve a contract for the purchase of Commvault-Galaxy Software Premium Support Coverage, in the amount of \$118,423 from CDW Government, LLC, through an existing contract with The Cooperative Purchasing Network (TCPN), and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R5106) (Consent Agenda Item "E")

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

To approve a Professional Services Agreement by and between the City of Plano and Birkhoff, Hendricks & Carter, L.L.P., in the amount of \$66,000 to prepare a performance specification for the replacement of the City's Water and Wastewater Supervisory Control and Data Acquisition (SCADA) and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

To approve a Professional Services Agreement by and between the City of Plano and Birkhoff, Hendricks, and Carter, L.L.P., in the amount of \$424,000 for the renovation of the Stadium Pump Station and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "G")

Adoption of Resolutions

Resolution No. 2012-2-10(R): To approve the terms and conditions of an agreement by and between the City of Plano and SolarBee, Inc., the sole source provider of SolarBee Potable Water Mixers; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “H”)

Resolution No. 2012-2-11(R): To suspend the March 6, 2012, effective date of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex”) requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with Atmos Cities Steering Committee (“ACSC”) and other cities in the Atmos Mid-Tex service area to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of cities’ rate case expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company; ACSC’s legal counsel; and providing an effective date. (Consent Agenda Item “I”)

Resolution No. 2012-2-12(R): To authorize the filing of application for federal funds in an amount not to exceed \$35,700 under the Edward Byrne Memorial Justice Assistance Grant (JAG) State Formula Program through the Office of the Governor of Texas, Criminal Justice Division; designating Gregory W. Rushin as authorized representative of the City of Plano for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. (Consent Agenda Item “J”)

Resolution No. 2012-2-13(R): To approve the terms and conditions of an Amended and Restated Tax Abatement Agreement consolidating the prior agreements into a single document by and among the City of Plano, Texas, a home rule municipal corporation of Collin and Denton Counties, Texas, the County of Collin, Texas, and Capital One, National Association, a national banking association; and authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2012-2-14(R): To approve the hiring of an Assistant City Attorney II by the City Attorney; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2012-2-15(R): To approve the hiring of an Assistant City Attorney II by the City Attorney; and providing an effective date. (Consent Agenda Item “M”)

Adoption of Ordinances

Ordinance No. 2012-2-16: To amend Section 12-101 of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to prohibit stopping, standing, or parking of motor vehicles on certain sections of Bishop Road, Dickens Drive, Gifford Drive, Infinity Avenue, and Wedgeway Drive within the city limits of the City of Plano; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “O”)

Ordinance No. 2012-2-17: To transfer the sum of \$15,000 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2011-12 for the purpose of providing funds for auditing of additional programs outside the scope of the audit engagement with Grant Thornton; amending the budget of the City and Ordinance 2011-9-8, declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item "P")

END OF CONSENT

Resolution No. 2012-2-18(R): To authorize the purchase of downloadable content (ebooks, music, video, and e-audio library materials) with Kindle functionality in an amount not to exceed the sum of \$150,000 from OverDrive, Inc., the sole source provider of such library materials for the City of Plano - Plano Public Library System; and authorizing its execution by the City Manager to execute all necessary documents; and providing an effective date. (Consent Agenda Item "N")

Director of Libraries Ziegler spoke in regards to the purchase of e-books and advised that Overdrive is the one vendor that includes Kindles as well as all other e-readers. Ms. Ziegler responded to Council regarding how long the City has ownership/digital rights to the e-books. Director of Collection Development Torstad stated that downloadable software will be required for the user to access the e-books. Ms. Torstad responded to Council regarding how many persons could check out the same e-book, types of books, how usage would be tracked, promotion, software, and citizen downloading. She stated checkouts would be limited at the beginning due to the small number of e-books available.

Upon a motion made by Deputy Mayor Pro Tem Smith, and seconded by Mayor Pro Tem Miner, the Council voted 8-0 to authorize the purchase of downloadable content with Kindle functionality in an amount not to exceed the sum of \$150,000 from OverDrive, Inc., and further to adopt Resolution No. 2012-2-18(R).

Mayor Dyer mentioned the next Council meeting will be Tuesday, March 6 moved from Monday, March 12 due to Spring Break.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 7:15 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary