

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
February 25, 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 5:00 p.m., Monday, February 25, 2013, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor Dyer then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071 and to receive information regarding Economic Development, Section 551.087 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 5:22 p.m.

Consideration and action resulting from Executive Session discussion

No items were brought forward.

Medical Priority Dispatch

Chief Crawford spoke to the current dispatch system used by Plano Fire-Rescue which sends a minimum of one major apparatus (engine or truck), along with an ambulance to every emergency medical call running lights and sirens, regardless of the type. He spoke to increases in medical calls (70% of responses), inefficiencies and risks and a more contemporary medical dispatch mode with caller interrogation utilized by cities across the United States. Chief Crawford advised that Public Safety Communications personnel would categorize calls by chief complaint into levels ranging from "Minor" to "Immediately Life Threatening" and dispatch the proper resource, thus leaving other units in their assigned districts and available for more critical calls as they occur with subsequent decreases in overall response time. He advised that the new procedure ensures that the dispatched resources respond in the proper mode, either with or without lights and sirens and spoke to risks of vehicle collisions involving emergency units.

Chief Crawford spoke to review of the proposal by Plano's Medical Director and advised that personnel respond to every call for service and transport everyone needing transportation. He advised that the department recoups 70% of the cost for services provided and spoke to the potential decrease in response time. Director of Public Safety Communication Timmons spoke to the ability of dispatchers to override the process and provide resources deemed necessary. The Council indicated a consensus directing Staff to move forward.

Retail Incentive Framework

City Manager Glasscock spoke to Staff development of framework for use in responding to inquiries for retail development incentives and considering opportunities on a case-by-case basis. He spoke to utilization of real property or business personal property tax abatement, Chapter 380 grants or Neighborhood Empowerment Zones (NEZ). He spoke to criteria including the unique nature of the establishment and whether or not it will compete with current businesses; providing goods/services to underserved markets; drawing consumers from outside the trade area; projected retail sales per square foot; the value of sales collection by the City; additional infrastructure required by the City; potential for revitalization of adjacent properties; potential to draw ancillary retail development; realization of a community goal; impact on existing residential neighborhoods; environmental impact; necessary zoning changes and compatibility with the Comprehensive Plan; company history/store tenure; and competitive/financial issues. The Council indicated a consensus directing Staff to move forward. Council Member Gallagher requested consideration of a supermajority vote for approval.

Discussion and Direction Regarding revising the requirement for a private club permittee to submit a certification instead of an annual audit

City Manager Glasscock spoke to the provision requiring private clubs to provide an annual audit as being cumbersome and financially impactful to permit holders. He spoke to a recommendation, revising the Zoning Ordinance, to remove the audit requisite and require establishments provide a letter of certification. City Attorney Wetherbee spoke to private club regulations contained in the Zoning Ordinance and regarding penalties for failure to file certification including a potential revocation of the specific use permit or assessing a penalty. Mike Brignole, of The End Zone, spoke to issues related to private club licensing including the need to provide food service and thanked the Council for considering revision of the audit requirement. He referenced requirements in the Legacy Town Center and Downtown areas and Ms. Wetherbee provided clarification on the various types of licenses held by restaurants and Texas Alcoholic Beverage enforcement. City Manager Glasscock responded to the Council regarding the prior lack of enforcement related to food-to-beverage ratios and Ms. Wetherbee advised that Staff would review available penalties. The Council concurred in directing the Planning and Zoning Commission to consider recommendations.

Council items for discussion/action on future agendas

No items were discussed.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:03 p.m.

Phil Dyer, MAYOR

ATTEST

Diane Zucco, City Secretary

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Mayor Dyer convened the Council into the Regular Session on Monday, February 25, 2013, at 7:00 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Keith Gray, Student Ministry Pastor of Meadows Baptist Church led the invocation and Brownie Troop 2739 of Davis and Hughston Elementary Schools led the Pledge of Allegiance.

Mayor Dyer and the City Council recognized retiring Texas Legislator, The Honorable Senator Florence Shapiro.

Mayor Dyer administered oaths of office to incoming board/commission members, Judy Drotman (Community Relations Commission) and Ethel Lean Jernigan (Self Sufficiency Committee).

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

City Secretary Zucco advised that Consent Agenda Item “N” would be pulled and held.

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

Approval of Minutes (Consent Agenda Item “A”)
February 11, 2013

Approval of Expenditures

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

Bid No. 2013-88-B for Tennis Court Lighting Improvements to NEMA 3 Electrical Contractors, Inc. in the amount of \$369,255 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2013-118-B for Frank Beverly Park Renovation to Schmoltdt Construction, Inc. in the amount of \$854,508 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Bid No. 2013-107-C for a one (1) year contract with three (3) City optional renewals to purchase Tire Re-Capping Services for Inventory Control & Asset Disposal (ICAD) from Southern Tire Mart in an estimated annual amount of \$60,470 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

RFP No. 2012-210-C for two (2) years with five (5) City optional one (1) year renewals for Occupational Health Provider Services for multiple departments to Occupational Health Centers of the SWPA, dba Concentra Medical Centers, in the estimated annual amount of \$166,870 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Purchase from an Existing Contract

To approve the purchase of carpet replacement at the Parr Library in the amount of \$129,776 from Shaw Contract Flooring Services, Inc. d/b/a Spectra Contract Flooring through an existing contract and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 391-12) (Consent Agenda Item “F”)

To approve the purchase of carpet replacement at the Police Building and the Municipal Center in the amount of \$272,572 from Gomez Floor Covering, Inc. through an existing contract and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 391-12) (Consent Agenda Item “G”)

To approve the purchase of one (1) Arrow Master Model 1350T Mobile Hydraulic Hammer from Hi-Way Equipment Co., in the amount of \$101,944 for the Fleet Department to be utilized by Public Works, through an existing contract/agreement with HGAC, and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. EM06-11) (Consent Agenda Item “H”)

To approve the purchase of Hewlett-Packard Server Hardware and Software maintenance in the amount of \$67,458 from Hewlett-Packard Company through an existing Department of Information Resources (DIR) contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1364) (Consent Agenda Item “I”)

To approve the purchase of Infoblox Network Hardware, Installation and Maintenance for one (1) year with three (3) City optional one (1) year renewals, in the amount of \$184,055 from Future Com, LTD. through an existing Department of Information Resources (DIR) contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1887). (Consent Agenda Item “J”)

To approve the purchase of replacement Cisco switch hardware and maintenance for the Technology Services Data Center, in the amount of \$652,919 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 “K”)

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 Binkley & Barfield – C&P, Inc., in the amount of \$129,280 for the Bridge Repairs Phase 2 Project No. 6154.1 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “L”)

To approve a Professional Services Agreement by and between the City of Plano and RJN Group, Inc., in the amount of \$292,565 for I & I Program 2013 Project No. 6255; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “M”)

Approval of Contract Modification

To approve Contract Modification No. 2 for the purchase of additional engineering services for the 14th Street – E Avenue to F Avenue project in the amount of \$16,907 from Hayden Consultants, Inc. and to authorize the City Manager to execute all related documents. (Consent Agenda Item “N”) (Pulled and Held)

To approve Contract Modification No. 2 for the purchase of additional engineering services for the Windhaven Parkway – Spring Creek Parkway to West City Limit Project No. 5741 in the amount of \$85,481 from Teague Nall and Perkins, Inc. and authorizing the City Manager to execute all related documents. (Consent Agenda Item “O”)

Termination of Contract for Electronic Recycling, 2011-30-C. (Consent Agenda Item “P”)

Approval of Expenditure

To approve a one (1) year contract with three (3) City optional one (1) year renewals for the purchase of Traffic Signal Pre-Emption Equipment for Inventory Control & Asset Disposal (ICAD) from Consolidated Traffic Controls, Inc. in the estimated annual amount of \$85,215 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “Q”)

Adoption of Resolutions

Resolution No. 2013-2-9(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Natural Polymer International Corporation, a Delaware corporation, and the City of Plano, Texas; authorizing its execution by the City Manager and providing an effective date. (Consent Agenda Item “R”)

Resolution No. 2013-2-10(R): To repeal Resolution No. 74-12-4(R) for City participation in the cost of screening wall construction; and providing an effective date. (Consent Agenda Item “S”)

Resolution No. 2013-2-11(R): To approve the terms and conditions of a Second Amendment to an Advance Funding Agreement by and between the City of Plano and the Texas Department of Transportation for Preston Road Corridor, authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “T”)

Resolution No. 2013-2-12(R): To approve the terms and conditions of a First Amendment to Communications Facilities License by and between the City of Plano, Texas, and Sprint Spectrum Realty Company, LP, a Delaware limited partnership, successor to Sprint Wireless Broadband Company, LLC, a Delaware limited liability company authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “U”)

Resolution No. 2013-2-13(R): To approve the terms and conditions of a First Amendment to Communications Facilities License by and between the City of Plano, Texas, and Sprint Spectrum Realty Company, LP, a Delaware limited partnership, authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “V”)

Resolution No. 2013-2-14(R): To approve the Investment Portfolio Summary for the quarter ending December 31, 2012 and providing an effective date. (Consent Agenda Item “W”)

Resolution No. 2013-2-15(R): To approve the settlement of the lawsuit styled Richard T. Naibert v. City of Plano, Case Number 416-04912-2012, in the 416th District Court of Collin County, Texas, in the amount of \$60,000; authorizing the City Manager to execute any and all documents necessary to settle such lawsuit; and providing an effective date. (Consent Agenda Item “X”)

Resolution No. 2013-2-16(R): To authorize the City Manager to enter into a Joint Election Agreement with the Plano Independent School District, Collin County Community College District and the Frisco Independent School District for the purpose of conducting a joint election on May 11, 2013; and providing an effective date. (Consent Agenda Item “Y”)

Adoption of Ordinances

Ordinance No. 2013-2-17: To order an election to be held on May 11, 2013, for the purpose of electing four (4) Members of Council, Place No. 2 (District 2), Place No. 4 (District 4), Place No. 6 (Mayor) and Place No. 8 to the City Council to hold office for a period of four years; designating locations of polling places; ordering notices of election to be given as prescribed by law in connection with such election; and providing an effective date. (Consent Agenda Item “Z”)

Ordinance No. 2013-2-18: To amend Ordinance No. 2013-2-8, ordering a Special Election to be held in conjunction with the General Election in and throughout the City of Plano, Texas, on Saturday, May 11, 2013, for the purpose of approving the legal sale of all alcoholic beverages for off premise consumption only, by amending the lists of early voting and election day polling locations for Denton County residents; and providing a repealer clause, and an effective date. (Consent Agenda Item “AA”)

END OF CONSENT

Resolution No. 2013-2-19(R): To support the Cotton Belt Project to include filing of legislation to form a special district; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “1”)

City Manager Glasscock advised regarding Council’s previous action designating the Council of Governments (COG) as the entity to represent cities on the Cotton Belt Project and to this item indicating support for continuing pursuit of legislation to create a special district to facilitate its development, but not endorsement of a specific bill.

Upon a motion made by Council Member Davidson and seconded by Council Member Miner, the Council voted 8-0 to support the Cotton Belt Project to include filing of legislation to form a special district; and further to adopt Resolution No. 2013-2-19(R).

Resolution No. 2013-2-20(R): To accept and approve the “Downtown Plano Vision and Strategy Update” as a guide for the development of future policies and projects related to the continued revitalization of Downtown Plano and the DART Rail Corridor; and providing an effective date. Applicant: City of Plano (Regular Agenda Item “2”)

Director of Planning Jarrell advised that the update sets forth goals for additional housing, commercial development and improvements to the economic vitality of Downtown Plano, surrounding neighborhoods and the DART rail corridor, and recommends infrastructure projects and other actions to further these goals and advised that its adoption does not obligate expenditures. She further stated that the plan has been reviewed and well received by the Historic Downtown Plano Association and recommended for approval by the Planning and Zoning Commission.

Upon a motion made by Council Member Miner and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to accept and approve the “Downtown Plano Vision and Strategy Update” as a guide for the development of future policies and projects related to the continued revitalization of Downtown Plano and the DART Rail Corridor; as recommended by the Planning and Zoning Commission and further to adopt Resolution No. 2013-2-20(R).

Public Hearing and adoption of Ordinance No. 2013-2-21 as requested in Zoning Case 2013-01 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 635 so as to allow the additional use of Trade/Commercial School on 0.4± acre of land located 380± feet south of Park Boulevard, 470± feet west of Preston Road, in the City of Plano, Collin County, Texas, presently zoned 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: Plano Market Street, LP (Regular Agenda Item “3”)

Director of Planning Jarrell advised that this request is complementary with surrounding tenants, has sufficient parking, and is recommended for approval as submitted by the Planning and Zoning Commission. She responded to Deputy Mayor Pro Tem Harris regarding the broad nature of the trade/commercial school category. City Attorney Wetherbee spoke to additional use restrictions that may be in place per the location’s landlord.

Mayor Dyer opened the Public Hearing. Bobby Kubin, representing the applicant was available for questions. No one else spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Duggan and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to grant Specific Use Permit No. 635 so as to allow the additional use of Trade/Commercial School on 0.4± acre of land located 380± feet south of Park Boulevard, 470± feet west of Preston Road, in the City of Plano; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2013-01; and further adopt Ordinance No. 2013-2-21.

To approve the purchase of the equipment replacement and upgrades to the PTN control room, in the amount of \$582,073 from Digital Resources, Inc., through an existing TIPS/TAPS (The Interlocal Purchasing System and Texas Arkansas Purchasing System) contract and authorizing the City Manager to execute all necessary documents. (TIPS/TAPS 101262) (Regular Agenda Item “4”)

Director of Marketing and Community Engagement Vail-Grube spoke to the current equipment and configuration of the Plano Television Network (PTN) in place since 1991 and this upgrade maintaining the high quality of broadcasts and offering an efficient use of space/personnel. She spoke to funding available through Public Education and Government (PEG) fees collected by cable franchises which are restricted in their use to support only public service production and programming, and not staffing. Ms. Vail-Grube advised regarding future conversion of cameras to provide high-definition programming and spoke to plans to have renovations in place for July Council meetings. She further responded to the Council, advising that revisions to the sound system will take place in the coming weeks utilizing this funding source.

Upon a motion made by Council Member Miner and seconded by Council Member Duggan, the Council voted 8-0 to approve the purchase of the equipment replacement and upgrades to the PTN control room, in the amount of \$582,073 from Digital Resources, Inc.

Resolution No. 2013-2-22(R): To call a Special Election to be held with the City on May 11, 2013, for the purpose of authorizing general obligation bonds and revoking certain prior voted bond authorization; making provisions for the conduct of the election and other provisions incident and related to the purpose of this Resolution; and providing an effective date. (Regular Agenda Item “5”)

Director of Budget and Research Rhodes-Whitley spoke to Council review of the project list and to this item ordering the bond referendum with propositions totaling \$98.3 million to include: \$43.8 million for street improvement, \$27 million for park improvements, \$12.5 million for recreation center improvements, \$15 million for public infrastructure improvements related to revitalization of existing commercial facilities, and revocation of \$14.1 million for a creative and performing arts center. Council Member Dunlap spoke to the performing arts center no longer being a three-city project and City Manager Glasscock advised that the local option proposition will appear last on the ballot.

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to call a Special Election to be held with the City on May 11, 2013, for the purpose of authorizing general obligation bonds and revoking certain prior voted bond authorization; and further to adopt Resolution No. 2013-2-22(R).

Nothing further was discussed. Mayor Dyer adjourned the meeting at 7:39 p.m.

Phil Dyer, MAYOR

ATTEST

Diane Zucco, City Secretary