

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
April 9, 2012**

**COUNCIL MEMBERS PRESENT**

Phil Dyer, Mayor  
Pat Miner, Mayor Pro Tem  
Lissa Smith, Deputy Mayor Pro Tem  
Ben Harris  
André Davidson  
James Duggan (arrived at 5:10 p.m.)  
Patrick Gallagher  
Lee Dunlap

**STAFF PRESENT**

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

Mayor Dyer called the meeting to order at 5:02 p.m., Monday, April 9, 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; 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 5:54 p.m.

**Consideration and action resulting from Executive Session discussion – Personnel:  
Reappointment – North Texas Municipal Water District Board**

Upon a motion made by Council Member Harris and seconded by Council Member Duggan, the Council voted 8-0 to reappoint Shep Stahel.

**UT Dallas Update**

David E. Daniels, President of UT Dallas, reviewed the history of the campus and spoke to its focus on science, engineering and business. He spoke regarding contributions to the community including an influx of residents, talent pool for local companies, and an expanding incubator program for start-up companies. Mr. Daniels spoke regarding plans for construction, the university's guaranteed four-year fixed rate tuition plan, and building a national reputation.

## **Update, Discussion and Direction Regarding Temporary Sign Ordinance – Sail Banners**

Chief Building Official Mata reviewed two options for consideration of each of which includes the same size and spacing requirements with differences in the number of banners permitted per business (Option #1 – two per business, Option #2 – three per business). He spoke to the creation of definitions and procedures to include setback requirements, visibility triangle restrictions, notification of banner locations and permit business tenants with a current certificate of occupancy to obtain permits while tenants in a multi-occupational building shall be required to obtain the signature of the center’s manager/owner as a joint applicant.

Mr. Mata advised that there may be a limited number of businesses who have purchased more than three banners and clarified the setback and spacing requirements. City Attorney Wetherbee spoke to placement on private property and at least ten feet back from the curb. Council Member Dunlap spoke to the impact of spacing and driveways on the placement of banners on adjacent properties and Mr. Mata advised Staff would review. The Council stated a consensus in support of Option #1 to include two sail banners per business.

## **Engage Plano – Overview of Crowdsourcing and Interactive Internet Forum**

Recreation Superintendent Miller spoke to implementation of an interactive forum powered by Mind Mixer on May 1, 2012. She advised regarding questions posed for citizen comment, and spoke to utilization of response data, rewards for participants and a twitter feed feature. City Manager Glasscock spoke to utilization of an internal component. Director of Technology Services Stephens provided the Council a preview of the City’s online property tax calculator.

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

No items were discussed.

## **Consent and Regular Agendas**

Council Member Dunlap requested that Consent Agenda Item “C,” Bid 2012-115-B Canyon Valley Trail - Silverstone Drive to Parker Road - Project No. 6100 to Jim Bowman Construction Co., LP, in the amount of \$393,980 be removed for individual consideration due to a possible conflict of interest.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:43 p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary

**PLANO CITY COUNCIL**  
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Lee Dunlap

**STAFF PRESENT**

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Frank Turner, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, April 9, 2012, at 7:04 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 Mayor Dyer led the Pledge of Allegiance.

**PROCLAMATIONS & SPECIAL RECOGNITION**

Mayor Dyer recognized Motorcycle Safety Awareness Month.

**COMMENTS OF PUBLIC INTEREST**

Sandy Daniels of Garland, Texas requested consideration of posting “Share the Road” signs on City thoroughfares.

**CONSENT AGENDA**

Upon the request of Council Member Dunlap, Consent Agenda Item “C” was removed for individual consideration due to a possible conflict of interest.

Upon a motion made by Council Member Harris and seconded by Mayor Pro Tem Miner, 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”)

March 22, 2012  
March 26, 2012

## **Approval of Expenditures**

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

**Bid No. 2012-110-O** for the purchase of Police Parking Lot Expansion Part III at the Police Administration Building from Williams & Thomas, L.P. dba Jamail & Smith Construction in the amount of \$173,544 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

**Bid No. 2012-111-C** for a one (1) year contract term with three (3) optional one (1) year renewals for Overhead Door Inspection and Maintenance for the Plano Facilities Department to Commercial Door Company of Dallas, Inc. dba Overhead Door Company of Dallas-Commercial in the estimated annual amount of \$66,044 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

**Bid No. 2012-51-B** for the purchase of two (2) Self-Unloading Belt Trailers for Fleet Services to be utilized by Compost Operations from Trinity Trailer Sales Inc. in the amount of \$171,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

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

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 “F”)

To approve the purchase of one (1) Kenworth Truck/Tractor for Fleet Services to be utilized by Compost Operations in the amount of \$105,993 from MHC Kenworth through an existing contract/agreement with Buy Board, and authorizing the City Manager to execute all necessary documents. (Buy Board Contract #358-10) (Consent Agenda Item “G”)

### **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 Walter P. Moore and Associates, Inc., in the amount of \$108,540 for the Oak Hollow & Brandon Court project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

### **Adoption of Resolutions**

**Resolution No. 2012-4-1(R):** To approve the terms and conditions of a First Amendment to the Economic Development Incentive Agreement between the City of Plano, Texas, and Sears Holdings Management Corporation; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “I”)

**Resolution No. 2012-4-2(R):** To approve the terms and conditions of a Second Amendment to the Tax Abatement Agreement by and between the City of Plano, Texas, Plano Tech Center Partners, Ltd., and GE Power Electronics, Inc. formerly Lineage Power Corporation; and authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “J”)

**Resolution No. 2012-4-3(R):** To approve the terms and conditions of a First Modification of Agreement by and between the City of Plano and Legends Sales & Marketing, LLC, successor to CSL Marketing Group, LLC, authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

**Resolution No. 2012-4-4(R):** To authorize a Partial Release of Public Improvement Agreement dated March 7, 1995, by Hagggar-Jezzeen Partners, a Texas general partnership (“Hagggar-Jezzeen”), J.M. Hagggar, Jr., an individual (“Mr. Hagggar”) (collectively, “Hagggar”) and the City of Plano, Texas, a home rule municipal corporation (“City”), authorizing the City Manager to execute the Release; and providing an effective date. (Consent Agenda Item “L”)

**Resolution No. 2012-4-5(R):** To approve expenditures for required and customary payroll contributions in the settlement of the lawsuit styled Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similarly situated individuals v. City of Plano, Civil Action No. 4:10-cv-372, United States District Court, Eastern District of Texas, Sherman Division in addition to the previously approved amount of \$554,333; authorizing the City Manager to execute any and all documents necessary to authorize such expenditure; and providing an effective date. (Consent Agenda Item “M”)

### **Adoption of Ordinances**

**Ordinance No. 2012-4-6:** To amend Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to amend the prima facie maximum speed limits for motor vehicles operating on certain sections of 14th Street within the corporate limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “N”)

**Ordinance No. 2012-4-7:** 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 Ridgetop Lane, 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; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “O”)

**Ordinance No. 2012-4-8:** To abandon all right, title and interest of the City, in and to that certain 15' Temporary Drainage Easement recorded in Volume 4590, Page 950, of the Land Records of Collin County, Texas and being situated in the Samuel Brown Survey, Abstract No. 108, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Legacy North PT MFA V, L.P., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item "P")

**Ordinance No. 2012-4-9:** To repeal Ordinance No. 2011-9-32; establishing the number of certain classifications within the Police Department for fiscal year 2011-12; establishing the authorized number and effective dates of such positions for each classification effective April 9, 2012 respectively; establishing a salary plan for the Police Department effective April 9, 2012; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item "Q")

**Ordinance No. 2012-4-10:** To adopt and enact Supplement Number 98 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date. (Consent Agenda Item "R")

#### **END OF CONSENT**

Due to a possible conflict of interest, Council Member Dunlap stepped down on the following agenda item.

**Bid 2012-115-B** Canyon Valley Trail - Silverstone Drive to Parker Road - Project No. 6100 to Jim Bowman Construction Co., LP, in the amount of \$393,980 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Upon a motion made by Deputy Mayor Pro Tem Smith and seconded by Council Member Harris, the Council voted 7-0 to approve Bid 2012-115-B Canyon Valley Trail - Silverstone Drive to Parker Road - Project No. 6100 to Jim Bowman Construction Co., LP, in the amount of \$393,980.

Council Member Dunlap resumed his seat at the bench.

**Public Hearing and consideration of an Ordinance** to amend the Land Use Element of the Comprehensive Plan originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said chapter as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date. Applicant: City of Plano (Regular Agenda Item "1")

Senior Planner Sims spoke to the joint meeting held with the Council and Planning and Zoning Commission to discuss revisions to the Comprehensive Plan and address undeveloped land and redevelopment recommendations. He reviewed the six recommendations: 1) All residential rezoning requests should be evaluated to determine the impact on infrastructure, public safety response, school capacity, and access to/availability of amenities and services; 2) 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. Mid-rise and special needs housing is an exception, if surrounding land use is compatible; 3) The

## **Consideration of an Ordinance to amend the Land Use Element of the Comprehensive Plan (cont'd)**

1,200-foot setback for residential uses along S.H. 121 should be retained and applied to the Dallas North Tollway (DNT), S.H. 190 and US 75. Factors including topography, creeks, vegetation and existing development patterns should be considered; 4) No new low-rise multifamily development less than 5 stories should be allowed south of Tennyson Parkway, along the DNT between Communications Parkway and Parkwood Boulevard. Mid-rise (5-12 stories) may be considered with a specific use permit (SUP); 5) New multifamily zoning should require a minimum density of 40 dwelling units per acre with phased development at minimum average of 40 units per acre (No phase at less than 40 units per acre should be built. Only allowed if future phase would maintain density or built concurrently with higher density phase.); 6) Establish two new zoning districts: urban mixed-use district and neighborhood mixed-use district. Allow an option to include mid-rise multifamily with an SUP (Only within expressway corridors. Urban mixed-use zoning districts where designated as appropriate in the Comprehensive Plan). Mr. Sims advised that the Planning and Zoning Commission recommended approval as submitted. Director of Planning Jarrell advised that the Comprehensive Plan, while not as rigid as ordinances, is used as a guideline by developers and Staff in processing requests and making recommendations to the Council and Commission.

Mayor Dyer opened Council discussion for each recommendation. The Council had no comments related to Item No. 1. Mr. Sims responded to the Council, advising that the only exceptions for Item No. 2 related to preventing isolated residential neighborhoods would be mid-rise (5-12 story) and special needs housing. Senior Planner Firgens and Mr. Sims responded to Council regarding Item No. 3, advising that there may be some instances where residential development may encroach into the 1,200 foot setback along S.H. 121, DNT, S.H. 190 or US 75, but that the recommendation considers factors such as noise and traffic congestion. Council Member Dunlap stated concern regarding the definitions of mixed-use development and Staff advised regarding future development of definitions and policy statements. Mr. Sims referenced information from the *Urban Land Institute* which finds that mixed-use is defined by three parts including three or more significant revenue-producing uses, significant functional and physical integration of project components and conformance with a coherent plan. Ms. Jarrell responded to the Council regarding Item No. 4, advising that while the DNT should be reserved for commercial uses, there may be some opportunity for mid-rise residential development and that 5-12 story structures utilize different construction types (steel versus wood frame). She spoke to inclusion of a specific use permit process to allow for review by the Commission and Council. Ms. Jarrell further advised that the first floor could be reserved for retail rather than residential and spoke to reductions in parking requirements. Staff responded to Council Member Dunlap regarding Item No. 5 and the timing of development to maintain a minimum average of 40 units per acre, advising that the intent is to apply the requirement throughout development. The Council had no comments related to Item No. 6.

Mayor Dyer opened the Public Hearing. Dr. Robbie Robinson, designer and developer of The Shops at Legacy spoke to its success, stated concern regarding the potential for additional residential units, and spoke to strengthening regulations. Rutledge Haggard stated concern regarding development of 5-12 story structures in the area south of Spring Creek Parkway between Parkwood Boulevard and the DNT, citing future lease rates resulting from higher construction costs.

## **Consideration of an Ordinance to amend the Land Use Element of the Comprehensive Plan (cont'd)**

Lucy Billingsley spoke regarding current lifestyles and the demographics of Austin Ranch. She spoke to the importance of magnitude in preventing isolated neighborhoods and Gramercy on the Parks in North Dallas using structured parking as a buffer along the DNT. Ms. Billingsley spoke to issues related to vertical mixed-use products and advised that Austin Ranch has an approximate overall density of 35 units to the acre with no structures over 4 stories. Council Members Dunlap and Duggan spoke to the structural differences between steel and wood construction. No one else spoke for or against the request. The Public Hearing was closed.

Mayor Dyer opened Council discussion for each recommendation. Council Member Gallagher recommended tabling the item to receive additional public comment. Council Member Dunlap spoke regarding Item No. 1 and future interpretation of terminology for residential requests (e.g. "access" "availability") and recommended including reference to both public and private infrastructure to which the Council indicated support. Ms. Jarrell provided clarification for Item No. 2, advising that the recommendation requires mixed-use developments to include amenities typically provided for in single-family neighborhoods (parks/schools). The Council stated a general consensus in support. The Council discussed the setback requirements in Item No. 3 and application of the guidelines. Ms. Jarrell spoke to inclusion of a setback preserving prime properties along the DNT for economic development and to some areas where residential development may encroach into the setback. The Council stated a consensus in agreement while allowing some flexibility.

Ms. Jarrell advised that mid-rise residential development may not achieve 40 units per acre, and that the goal is to preserve areas for commercial economic development while including these as an option for Item No. 4. The Council discussed meeting density objectives without a five-story requirement, expenses associated with five stories, and the potential for taller structures. Council Member Dunlap spoke to differentiating between mid-block versus high density urban core developments. Mayor Dyer, Mayor Pro Tem Miner and Deputy Mayor Pro Tem Smith stated support, only if multifamily areas are associated with distinct developments. Ms. Firgens spoke to challenges of blending a neighborhood development into the area south of Spring Creek Parkway along the DNT corridor. She spoke to the demand in the corridor for office development and property viable for higher densities.

Council Member Dunlap stated concern regarding the lack of clarity in the definition of mixed-use development and its application when considering the number of units per acre as proposed in Item No. 5. Ms. Firgens advised that the recommendation includes a phasing option to accommodate developments that offer various types of residential products. Ms. Jarrell spoke regarding Item No. 6 advising that when complete, specific definitions for mixed-use will clarify expectations. Mr. Sims spoke to the three locations recommended for urban mixed-use (Preston Road/Park Boulevard, Collin Creek Mall and the Parker Road Dart Station). Ms. Firgens spoke to the defined districts facilitating discussion based on land use and zoning and Ms. Jarrell spoke to mixed-use definitions including expectations of including three or more uses. The Council stated concern regarding the potential for phased-in projects developing retail uses prior to residential and for additional multi-family in areas across the City including The Shops at Legacy.

**Consideration of an Ordinance to amend the Land Use Element of the Comprehensive Plan (cont'd)**

The Council spoke to receiving additional input. Upon a motion made by Mayor Pro Tem Miner and seconded by Deputy Mayor Pro Tem Smith, the Council voted 8-0 to table the item until April 23, 2012.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 9:06 p.m.

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**Phil Dyer, MAYOR**

ATTEST:

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Diane Zucco, City Secretary