PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
April 22, 2013

COUNCIL MEMBERS PRESENT
Phil Dyer, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner (arrived at 6:15 p.m.)
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 5:49 p.m., Monday, April 22, 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 for which a certified agenda is not required.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 6:14 p.m.

Consideration and action resulting from Executive Session discussion

No items were brought forward.

Comprehensive Monthly Financial Report – March 2013

Director of Finance Tacke advised that the March 2013 report finds General Fund revenues down slightly as a percentage of budget as compared to last year while Water and Sewer revenues are up. She stated that actual General Fund revenues are up $1.5 million, primarily due to an increase in ad valorem taxes. She spoke to a decrease in sales tax due to an audit adjustment and advised that General Fund expenditures are up in the areas of personnel services and contract expenses for park field services. She advised that the unemployment rate is at 5.8%.

Update Regarding Water Restrictions

City Manager Glasscock spoke regarding Lake Lavon elevations and a spike that occurred in 2012 as a result of heavy rains. He advised that the current trend has been downward and the outlook from the National Oceanic and Atmospheric Association (NOAA) is for continued drought conditions. Mr. Glasscock spoke to the current level of 484.1 with Stage 3 restrictions at 478.0 and Stage 4 at 475.0. He further advised that area inflows are expected to be the same as the previous two years and that the North Texas Municipal Water District has determined that area cities have not achieved the desired district-wide reductions. He spoke to the rainfall that would be needed to avoid a Stage 3 trigger and the district's forthcoming recommendation to implement Stage 3 (once per week watering) on June 1. Mr. Glasscock spoke to providing notification, future inflow from Lake Texoma and stated that all member cities are prepared to move forward.

Storm Season Preparedness

Director of Emergency Management/Public Safety Communications Timmons spoke to Plano's designation as a StormReady community having demonstrated a means to conduct warnings, monitor conditions and implement aggressive public awareness programs. He spoke to lessons learned during the 2012 Metroplex tornado season including: communications issues; situation awareness; false reports; parents/reunification; debris management; organizing volunteers; and recovery. Mr. Timmons reviewed the outdoor warning system, intended to provide notification to those outdoors advising them to seek shelter, and recommended the use of National Oceanic and Atmospheric Association (NOAA) weather radios and local stations for those indoors. He advised the Council that the City participates with others in the county and the Office of Homeland Security in coordinating efforts.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

City Manager Glasscock advised that Consent Agenda Item "P," consideration of resolution to repeal and replace Resolution No. 2001-7-15(R) regarding revised rates of fare for taxicabs and limousines operating within the City of Plano will be pulled and held.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:44 p.m.

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Phil Dyer, MAYOR

ATTEST

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Diane Zucco, City Secretary

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Mayor Dyer convened the Council into the Regular Session on Monday, April 22, 2013, at 7:00 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 480 of Haggar Elementary led the Pledge of Allegiance.

Mayor Dyer presented special recognition to Rex Burkhead as the 2012 Uplifting Athletes Rare Disease Champion and a Certificate of Appreciation to Janet Denney for her service on the Self Sufficiency Committee.

COMMENTS OF PUBLIC INTEREST

Citizen Arthur Townsend stated concern regarding actions and unresponsiveness of Plano Police officers.

CONSENT AGENDA

City Secretary Zucco advised that Consent Agenda Item "P" will be pulled and held.

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 remaining items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")
April 8, 2013

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

RFP No. 2013-2-C for a one (1) year contract with four (4) City optional renewals for Credit Card Payment Processing Services for multiple departments to U.S. Bank with Elavon, Inc., a U.S. Bancorp Company, in the estimated annual amount of $617,664 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Bid No. 2013-143-B for the purchase of LED light fixtures from Groves Electrical Service, Inc., in the amount of $125,998, for Oak Point Recreational Center and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Rejection of Bid No. 2013-116-C for Temporary Labor Services Waste Collections from all Bidders. (Consent Agenda Item "D")

Purchase from an Existing Contract

To approve the purchase of emergency equipment for nine (9) police Tahoes in the total amount of $50,163 from GT Distributors, Inc. through an existing contract with BuyBoard (No.363-10), Defender Supply, Lone Star Products and Equipment, LLC, and Big Country Supply through Tarrant County (No. 2012-128) and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

To approve the purchase of material testing services for the Spring Creek Parkway Corridor project, in the amount of $101,978 from GME Consulting Services, Inc. through an existing contract (No. 2012-339-D), authorizing the City Manager or his designee to execute all necessary documents. (Consent Agenda Item "F")

Approval of Contract Modification

To approve Modification No. 6 for the ratification of expenditures exceeding the approved amount by $244,468 and approve additional funds in the amount $500,000 for the purchase of water meters and installation services from HD Supply Waterworks Ltd to be utilized by Public Works, Customer & Utility Services, and Warehouse, and authorizing the City Manager to execute all necessary documents (2007-223-C). (Consent Agenda Item "G")

Approval of Change Order

To L C Jordan & Son, increasing the contract by $77,505 for the Bridge Repair project, Change Order No. 1. Original Bid No. 2013-27-B. (Consent Agenda Item "H")

To Laughley Bridge and Construction, Inc., increasing the contract by $143,803 for the 2011-12 Pavement Maintenance Phase I – Plano Parkway and Custer Road, Project No. 6170, Change Order No. 2, Bid No. 2012-47-B. (Consent Agenda Item "I")

Adoption of Resolutions

Resolution No. 2013-4-3(R): To authorize the filing of an application for federal funds in an amount not to exceed $80,000 under the Edward Byrne Memorial Justice Assistance Grant (JAG) State Formula Program through the Office of the Governor of Texas, Criminal Justice Division; designating Chief of Police 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. 2013-4-4(R): To approve the purchase of thirty-six (36) month maintenance service, Windows 7 upgrade, and Liber8 software upgrade for the Plano Public Library System's Radio Frequency Identification devices from Bibliotheca, LLC, a sole source provider, for an estimated total $178,166; authorizing its execution by the City Manager; and providing an effective date (Consent Agenda Item "K")

Resolution No. 2013-4-5(R): To approve the terms and conditions of a Local Transportation Project Advance Funding Agreement for a Congestion Mitigation and Air Quality (CMAQ) improvement project for the construction of a continuous bicycle and pedestrian trail from 12th Place to SH 190 President George Bush Turnpike; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "L")

Resolution No. 2013-4-6(R): To approve the terms and conditions of a First Amendment to the Employment Agreement by and between Bruce D. Glasscock and the City of Plano for City Manager services; authorizing its execution by the Mayor; and providing an effective date. (Consent Agenda Item "M")

Resolution No. 2013-4-7(R): To approve the purchase of 2,048 sq. ft. of land for a Street Easement and 269 sq. ft. for a Temporary Construction Easement located at the northwest corner of the Independence Parkway and 15th Street intersection by and between M Muffin 2 LLC, a Delaware limited liability company, Samurai Solomon 2 LLC, a Delaware limited liability company, and Anthony Solomon 2 LLC, a Delaware limited liability company and the City of Plano; and authorizing the City Manager to execute any necessary documents; and providing an effective date. (Consent Agenda Item "N")

Resolution No. 2013-4-8(R): To authorize continued participation with the Atmos Cities Steering Committee; authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation; and providing an effective date. (Consent Agenda Item "O")

To repeal and replace Resolution No. 2001-7-15(R) regarding revised rates of fare for taxicabs and limousines operating within the City of Plano, Texas; and providing an effective date. (Consent Agenda Item "P") (Item Pulled and Held)

Resolution No. 2013-4-9(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, Columbus Realty Partners, Ltd., Encana Oil & Gas (USA) Inc. and Blue Horseshoe, Ltd for the purpose of providing for cost reimbursement for development and oversizing of the Legacy Town Center North Lift Station; and authorizing its execution by the City Manager or his authorized designee; and providing an effective date. (Consent Agenda Item "Q")

Adoption of Ordinances

Ordinance No. 2013-4-10: 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, Brockman Court, Daniel Road, Elijah Drive, Libby Road, and Martin Road, 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 repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item "R")

Ordinance No. 2013-4-11: To repeal and replace Ordinance No. 2013-3- 10 correcting an error in the list of certain Heritage Resources located in the City of Plano, Texas approved for a partial exemption from the current year Ad Valorem Taxation in the amount of $35,076 providing a severability clause and an effective date. Applicant: City of Plano (Consent Agenda Item "S")

END OF CONSENT

Ordinance No. 2013-4-12 to amend Ordinance No. 2010-10-13, codified as Section 2-1 Official logo of Article I in General, of Chapter 2 Administration of the Code of Ordinances of the City of Plano, Texas to replace the official logo, retain the prior official logo and adopt a brand identity for the City of Plano, Texas; providing a severability clause, a repealer clause, a savings clause, a penalty clause, a publication clause and an effective date.

Director of Marketing and Community Engagement Vail-Grube spoke to Council's consensus in support of the brand "City of Excellence" and direction to bring forward an ordinance for consideration of the brand and updated logo. She advised regarding revision to the font, colors, star, and word placement and the ability to use the logo/brand together or individually. Mayor Dyer spoke regarding the evolution of logos and Mayor Pro Tem Smith spoke to moving into the future. Council Member Gallagher spoke to the history and effectiveness of the current logo.

Ordinance No. 2013-4-12 (cont'd)

City Manager Glasscock responded to Mayor Pro Tem Smith, advising that the Council may amend the ordinance as desired to revise either the logo or the brand and to Council Member Dunlap regarding the gradual transition to the new brand for the Visitors and Convention Bureau and Economic Development Department.

A motion was made by Council Member Miner and seconded by Council Member Davidson to approve amending Ordinance No. 2010-10-13 codified as Section 2-1 Official logo of Article I in General, of Chapter 2 Administration of the Code of Ordinances of the City of Plano, Texas to replace the official logo, retain the prior official logo and adopt a brand identity for the City of Plano, Texas. The Council voted 6-2 with Council Members Dunlap and Gallagher voting in opposition. The motion carried and Ordinance No. 2013-4-12 was adopted.

Public Hearing and adoption of Ordinance No. 2013-4-13 as requested in Zoning Case 2013-07 to amend Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, amending Heritage Resource Designation No. 18 to allow paver stones as an additional paving material for the driveway and off-street parking, on 0.2± acre of land situated in the Sanford Beck Survey, Abstract No. 45, in the City of Plano, Collin County, Texas, located at the northwest corner of M Avenue and 15th Street, presently zoned General Office with Heritage Resource No. 18 Designation; directing a change accordingly in the official zoning map of the City; and providing a repealer clause, a savings clause, a penalty clause, a severability clause and an effective date. Applicant: City of Plano (Regular Agenda Item "2")

Development Review Manager Firgens spoke to the property as the site of the Hood House, designated as a heritage resource in 1996 and utilized as an office for a paver stone business. She advised that the applicant is requesting to showcase his business product by installation of stone on the driveway and off-street parking area and provided examples. Ms. Firgens advised that the Council has approved similar requests in the past and stated that the Heritage Commission and Planning and Zoning Commission both recommend approval of the request as submitted.

Mayor Dyer opened the Public Hearing. No one 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 amend Heritage Resource Designation No. 18 to allow paver stones as an additional paving material for the driveway and off-street parking, on 0.2± acre of land located at the northwest corner of M Avenue and 15th Street; as requested and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2013-4-13.

Public Hearing and adoption of Ordinance No. 2013-4-14 as requested in Zoning Case 2013-05 to amend an Ordinance of the City of Plano amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to expand Specific Use Permit No. 561 for the additional use of New Car Dealer on 1.4± acres of land located at the southeast corner of Dallas North Tollway and Plano Parkway, in the City of Plano, Collin County, Texas, presently zoned Planned Development-211-Light Commercial; 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: 5930 West Plano Parkway LTD (Regular Agenda Item "3")

Development Review Manager Firgens advised that the owner of the adjacent new car dealer site has acquired the property for expansion which requires a specific use permit. She further advised that the Planning and Zoning Commission recommended approval as submitted.

Mayor Dyer opened the Public Hearing. No one spoke for or against the request. 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 expand Specific Use Permit No. 561 for the additional use of New Car Dealer on 1.4± acres of land located at the southeast corner of Dallas North Tollway and Plano Parkway; as requested in Zoning Case 2013-05 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2013-4-14.

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2013-02 to amend an Ordinance of the City of Plano amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 63.0± acres of land located on the west side of Coit Road, 950± feet north of Mapleshade Lane in the City of Plano, Collin County, Texas, from Corridor Commercial and Light Industrial-1 to Urban Mixed-Use No. 1; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Crow-Billingsley Ltd. No. 10, Billingsley 121 Coppell Ltd. and University Business Park Phase II, Ltd. (Regular Agenda Item "4")

Director of Planning Jarrell advised that the Urban Mixed-Use (UMU) district is intended to provide a regulatory and management framework for design of these centers and requires a development plan which may only be amended through the Public Hearing process. She stated that the applicant's plan shows a private grid street pattern with retail buildings and surface parking fronting Coit Road, a main street running perpendicular to Coit Road, three- and four-story multi-family buildings with live/work/retail uses on the ground floor, a variety of pubic open spaces and several three-story office buildings with structured parking on the western side.

Zoning Case 2013-02 (cont'd)

Ms. Jarrell referred to the following requested exceptions to district regulations:

1. Structured parking and tuck-under garages shall be included in the calculation of lot coverage.
2. The maximum block size shall be 3.5 acres for Blocks E, F, and S only.
3. For Blocks A and B only:
    a. The maximum front yard setback shall not apply to buildings that front Coit Road.
    b. Minimum lot coverage shall be 15%.
    c. Minimum Floor-Area-Ratio (FAR) shall be 0.3:1.

Ms. Jarrell advised that the request is in conformance with the Future Use Plan, water and sanitary sewer services are available, there are no existing neighborhoods or linear parks to serve the area and the Plano Independent School District has determined that all four schools in the area are at capacity. She advised that there is no recommendation from Planning and Zoning Commission as they made two motions, one to approve and one to deny, both of which failed with a 3-3 tie vote and further that only a simple majority of the Council is required to approve the request. Ms. Jarrell responded to Council Member Gallagher, advising that Staff recommended approval of the request.

Mayor Dyer opened the Public Hearing. Lucy Billingsley of Billingsley Company spoke to the low number of office developments along S.H. 190 and utilizing the mixed-use category to bring in multiple uses beginning with retail and residential followed by office. She spoke to the importance of density, amenities and parking with 80% in garages, 6% surface and 14% street. Robert Miller, representing the Plano Homeowners' Council spoke in opposition, noting that the location is one of the last large areas with light-industrial zoning and the increase in the percentage of multi-family housing in the City. Lucio A. Peña of Billingsley Company referred to the number of apartments in the City and spoke to the inability to market the property with the current zoning and the quality of their other projects. Kirk Williams, representing the applicant, spoke to work done with Staff to develop the item and their favorable recommendation. No one else spoke for or against the request. The Public Hearing was closed.

Council Member Miner spoke to other developments meant to be mixed-use, which resulted in additional apartment buildings when other uses could not be established and potential issues of land price in attracting projects. Council Member Gallagher stated concern that the property may never develop as Light-Industrial and spoke in support of Staff's recommendation. Council Member Duggan spoke regarding the order of development from residential, to retail to office and the potential for other less desirable uses. Deputy Mayor Pro Tem Harris stated concern regarding capacity of schools in the area, resulting in an increase in taxes. He further referenced other mixed-use developments that are not progressing as planned. Mr. Williams responded to Council Member Duggan regarding the anticipated number of children that would reside in the development and the minimal impact on schools. Mayor Pro Tem Smith spoke to school capacity and commercial construction as a later phase rather than earlier.

Zoning Case 2013-02 (cont'd)

Council Member Davidson stated concern regarding traffic in the area, school capacity, and available amenities. Council Member Dunlap spoke to the lack of interest in developing the site as light-industrial, potential uses under that zoning category, the need for residential development to balance out retail, and the flow of traffic in the area. Mayor Dyer spoke to finding the best use for the City and stated concern that office uses will not be developed until the last phase.

A motion was made by Council Member Dunlap and seconded by Council Member Gallagher to approve the request as recommended by Staff. Council Member Duggan spoke to helping developers move forward with mixed-use developments. The Council voted 3-5 with Mayor Dyer, Mayor Pro Tem Smith, Deputy Mayor Pro Tem Harris and Council Members Miner and Davidson voting in opposition. The motion failed.

Council Member Miner made a motion to deny with prejudice. Ms. Jarrell advised that this motion would result in the applicant's inability to submit subsequent plans for the property for the next two years. Mr. Miner revised and stated his motion to deny without prejudice. Mayor Pro Tem Smith seconded the revised motion and the Council voted 5-3 with Council Members Dunlap, Gallagher and Duggan voting in opposition. The motion carried.

Consideration of a Concept Plan for Coit Crossings Addition, Block 1, Lot 9 - General office on one lot on 30.0± acres located 100± feet north of Mapleshade Lane, 1,900± feet west of Coit Road. Zoned Corridor Commercial and Light-Industrial-1. Applicant: Crow-Billingsley Ltd. No. 10, Billingsley 121 Coppell Ltd. and University Business Park Phase II, Ltd. (Regular Agenda Item "5")

Kirk Williams, representing the applicant, withdrew the request.

Public Hearing and Consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2013-06 and Development Plan - Request to rezone 36.3± acres located on the west side of Preston Road, 1,600± feet south of State Highway 121 from Commercial Employment to Urban Mixed-Use. Zoned Commercial Employment/State Highway 121 and Preston Road Overlay Districts. Applicant: Lincoln Property Company. (Regular Agenda Item "6")

Director of Planning Jarrell advised that the applicant's development plan shows a private grid street pattern with restaurant buildings and surface parking fronting Preston Road; retail, restaurant, office and multi-family buildings located along the proposed main street running perpendicular to Preston Road; and a large centralized open space area. She referred to the following requested exemptions to district regulations:

1. Structured parking and tuck-under garages shall be included in the calculation of lot coverage.
2. The minimum lot coverage shall be as follows:
    a. Blocks A and B: 12%
    b. Blocks D, E, F, H, and J: 40%

Zoning Case 2013-06 (cont'd)

3. The minimum floor area ratio shall be as follows:
    a. Blocks A and B: 0.12:1
    b. Block F: 0.5:1
4. The maximum block size for Blocks B and C shall be 3.5 acres.
5. The maximum parking provided for Blocks A and B shall be one space per 85 square feet.
6. No more than 60% of the parking for the entire development shall be surface parking.
7. The maximum front yard setback shall not apply to properties that have frontage along Preston Road.
8. Surface parking lots:
    a. Shall not be required to be designed as future development sites.
    b. Shall not be required to be located on the outside edge of the development.
9. One-story buildings shall be permitted along the main street provided that the minimum height is 30 feet.

Ms. Jarrell advised that the request is in conformance with the Future Use Plan, water and sanitary sewer services are available, that there are no existing neighborhoods or linear parks to serve the area and that the Frisco Independent School District has determined that Riddle Elementary School is at capacity. She advised that the Comprehensive Plan discourages rezoning for residential uses in prime economic development areas of the City and that the location does not expand an existing neighborhood or establish a new one. She advised that the Planning and Zoning Commission stated concerns regarding the integration of uses, amount of surface parking, the number of exemptions requested, and noted that with the amount of office development in the area, multi-family may not be the best use. She stated that the Commission denied the request, therefore a three-quarter vote of the Council is needed for approval.

Mayor Dyer opened the Public Hearing. Kirk Williams, representing the applicant, spoke regarding the request as an alternative use that would be appropriate for the site. He advised regarding plans to develop 450,000 square feet of retail/restaurant to the north along S.H. 121 which are not a part of the request, stating that Council may prefer flex office (180,000 square feet) rather than the proposed mixed-use. Robert Dozier of Lincoln Property Company responded to Mayor Dyer, advising that the five-story office building will be tenant-specific and constructed upon request. He further spoke regarding the anticipated level of parking for the site. Larry Good of Good, Fulton & Farrell provided information regarding the design of the mixed-use development, the housing opportunity for those employed in the area and planned phases beginning with retail/residential followed by office. Mr. Williams spoke to the anticipated low impact on school enrollment and taxes that will be generated. Robert Miller, representing the Plano Homeowners' Council, spoke to the percentage of City property zoned multi-family rather than what is currently developed. He spoke positively regarding Lincoln Property Company, but stated concern regarding the location, requested amendments, and the delay in construction of five-story office building. No one else spoke for or against the request. The Public Hearing was closed.

Zoning Case 2013-06 (cont'd)

Ms. Jarrell spoke to Staff concerns regarding surface parking, requested exceptions and the general layout of development with emphasis on surface parking as opposed to trying to create dense development.

Mayor Dyer and Deputy Mayor Pro Tem Harris spoke regarding the quality of the developer and the inclusion of retail at the location, but stated concern regarding the appropriateness of the site for multi-family development. Mr. Harris spoke regarding the impact on the Frisco School District. Council Members Gallagher and Duggan stated support for the request. Council Member Dunlap spoke for the potential of different development at this location.

A motion was made by Council Member Gallagher and seconded by Council Member Duggan to approve the appeal of the Planning & Zoning Commission's Denial of Zoning Case 2013-06 and Development Plan - Request to rezone 36.3± acres located on the west side of Preston Road, 1,600± feet south of State Highway 121 from Commercial Employment to Urban Mixed-Use. The Council voted 3-5 with Mayor Dyer, Mayor Pro Tem Smith, Deputy Mayor Pro Tem Harris and Council Members Dunlap and Davidson voting in opposition. The motion failed.

A motion was made by Mayor Dyer and seconded by Deputy Mayor Pro Tem Harris to deny the appeal of the Planning & Zoning Commission's Denial of Zoning Case 2013-06 and Development Plan - Request to rezone 36.3± acres located on the west side of Preston Road, 1,600± feet south of State Highway 121 from Commercial Employment to Urban Mixed-Use. The Council voted 5-3 with Council Members Miner, Duggan and Gallagher voting in opposition. The motion carried.

Nothing further was discussed. Mayor Dyer adjourned the meeting at 9:02 p.m.

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Phil Dyer, MAYOR

ATTEST

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Diane Zucco, City Secretary