

**PLANO CITY COUNCIL  
SPECIAL CALLED SESSION  
May 4, 2011**

**COUNCIL MEMBERS**

Phil Dyer, Mayor  
Lee Dunlap, Mayor Pro Tem  
Pat Miner, Deputy Mayor Pro Tem  
Ben Harris  
André Davidson  
Lissa Smith  
Harry LaRosiliere  
Jean Callison

**STAFF**

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 6:00 p.m., Wednesday, May 4, 2011, in the Council Chambers of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Callison.

**Opening Remarks**

City Manager Glasscock spoke to the session as a continuation of departmental updates regarding operations and the impact of reductions taken over the last three years.

**Police Department Update**

Chief Rushin spoke to the department's performance measures, organizational structure and accreditations. He reviewed the functions of the Patrol Services Division (PSD) made up of 180 sworn officers who perform law enforcement, crime detection and suppression duties; traffic enforcement and education; crash and crime investigation; order maintenance; and respond to calls for service. Chief Rushin spoke to the High Visibility Enforcement Unit implemented in 2006, enhancing efforts of the Patrol Division with eight officers and one sergeant and concentrating on traffic enforcement on high volume major roadways. He spoke to the K9 Unit including 3 officer handlers and their partners whose duties include criminal apprehension, narcotics/building/article searches, and tracking of suspects.

Chief Rushin spoke to the Neighborhood Police Officer Unit created in 1993 and its 13 officers who partner with residents and business owners to improve the quality of life in neighborhoods. He spoke to the Public Safety Unit comprised of 13 officers, 2 police interns, and 2 supervisors who provide services including street patrol, front desk responsibilities and telephone reporting. Chief Rushin spoke to the Crime Prevention Unit representing the education arm of the department and including alumni members of the Plano Citizens Police Academy and 35 different citizen programs. He spoke to community partnerships and savings provided by volunteer services and reviewed School Crossing Guards, the School Liaison Officer Unit and the Traffic Unit. Chief Rushin spoke to the implementation of red-light cameras in 2006; the Training Unit; Warrants/Court Security Unit; Emergency Services Unit; ESU Tactical Team; ESU Bomb Squad; Homeland Security Unit and Criminal Investigative Services Division; Crime Scene Investigations Unit; Property/Evidence Unit; Quartermaster Unit; Accreditation Unit; Crime Analysis Unit; Records Unit; Alarms and Fiscal Affairs; Public Information Office; the Plano City Jail; and the Professional Standards Unit. He spoke to the Office of the Legal Advisor and the Planning and Research Coordinator who guides the department's strategic planning process.

Chief Rushin spoke to the department's General Fund budget comprised of \$53 million with 90% in salaries and benefits; the Plano/Richardson Police Training Center budget of \$267,711; Criminal Investigation Fund with a balance of \$1.2 million; School Crossing Guard Fund budget of \$425,380; Child Safety Fund with a balance of \$1.2 million; Red Light Camera Program with a balance of \$2.7 million and State Law Enforcement Training Fund with a balance of \$142,240. He spoke to utilization of the Service Standard Index (SSI) to determine staffing needs, budget reductions of \$1.4 million in FY 2008/09, \$2.1 million in FY 2009-10, and reductions in FY 2009/10 with reimbursement of 50% of the School Liaison Officer Program in 2010-11 from the school district. Chief Rushin spoke to cost containment factors related to the use of Tahoes versus Crown Victorias and future efficiencies including risk management initiatives; cost sharing; Adopt-a-Cop expansion; citizen volunteers; government payment services; online crash reporting; integration of technology; community partnerships; and reductions in overtime. He spoke to reductions in wearing apparel, minor apparatus, radios, software, training, contracts, and injury prevention. Chief Rushin spoke to future challenges including the economy and budget, morale of Staff, motivation, population density, aging workforce, transportation, cultural differences, technology, legal challenges, and unfunded mandates. He spoke to the potential impact of future budget reductions on education/preventative programs, potential for higher crime rates, longer response times, lost services, and an overall reduced quality of service.

Chief Rushin responded to the Council, advising that Staff works to educate the public regarding the requirements for alarm permits, spoke to CALEA accreditations setting out the framework for operation, and to budget reductions in 2008-09 and 2009-10. He spoke to cooperation between departments of the City to aid officers in their duties including maintenance of streets and the availability of technology allowing officers to complete reports from their vehicles.

City Manager Glasscock spoke to the cooperative efforts between Emergency Management, which focuses on all hazards, as compared to the police who address law enforcement efforts including specific terrorist issues. Chief Rushin spoke to the use of volunteers in the department, revenues received from the red-light camera program earmarked for traffic safety, and volunteer officers participating in the *Adopt-a-Cop* program serving middle schools. He spoke to City opposition to state legislation which would impact monies received from the *Child Safety Fund* and further spoke regarding charge backs for those causing false alarms and state law requiring a signed complaint in order to initiate police action.

### **Fire Department**

Chief Esparza spoke to the department established in 1886 with volunteers and its current status of 330 personnel, response to over 20,000 incidents annually, and national accreditation which allows the department to benchmark its performance against other agencies and reflects the best practices in fire/ambulance services. He spoke to partnerships and agreements, training and equipment and advised that Mutual Aid Agreements include Plano assistance to other entities while ensuring the same in return. Chief Esparza spoke to the Fire Prevention Unit which provides plan review, engineering, inspections, investigations and special projects services and to the Emergency Medical Services Unit including staffing, patient treatment and outcome, and partnerships. He spoke regarding training provided firefighters and their fitness program; the Resource Division which includes facilities, apparatus, and equipment; and community outreach and education including youth oriented programs, educational programs and partnerships.

Chief Esparza spoke to the department's budget of \$43 million with 88.72% in personnel costs, definitions of the duties of fire fighters and their roles established by state statutes, advising that the department is made up of 321 civil service and 10 civilians. He spoke to reductions and efficiencies including in elimination of six positions in FY 2007-08, elimination of positions in FY 2008-09 along with Special Program/Administrative Overtime, reductions in training costs, use of grant funds, reorganization of meetings, and the loss of the Children's Clown Safety Program. He spoke to the elimination of prevention programs and possible consequences, delays in staffing Station #13, and restructured training to allow for computer-based or alternative site classes. Chief Esparza responded to the Council, advising that the department is beginning implementation of the commercial inspection program. He spoke to some increase in response times and services that were provided by the "demand" ambulance.

### **Public Safety Communications Department**

Public Safety Communications Manager Carr advised that the department was established in 1991 and provides a benefit to citizens by centralizing emergency services (911). She spoke to divisions including Dispatch Operations which includes 80 full-time employees (67 of which are 24/7/356) and their accreditation; the level of call volumes (500,000 in 2010) and an average answering time of less than 10 seconds (92.6% in 2010).

Ms. Carr spoke to the department's status as a recognized center for missing and exploited children and as a storm-ready City. Ms. Carr spoke to the increase in cell phone calls and challenges of determining the location of callers. She spoke to the Plano Cable Override System and Regional Public Safety Radio System and advised that the department's budget is \$6.3 million, with revenues from the 9-1-1 wire line and reimbursements and is 20% revenue supported. Ms. Carr spoke to reductions of \$515,000 over the last three years including modification to maintenance agreements, individual line item reductions, and reimbursement to the General Fund. She spoke to current/future issues including the next generation of technology, public expectations, surge capacity and staffing issues including stress/shift work and loss of employees to other entities.

Ms. Carr responded to the Council regarding revenue generated by fees for emergency services and spoke to cost-sharing agreements with other entities who lease radios and frequencies. Ms. Carr further responded that there are fees on both land-line and cell phones.

### **Conclusion/Next Steps**

City Manager Glasscock spoke to the importance of public education and its reduction in departmental budgets as they look to minimize costs. He spoke to its importance as a proactive step in keeping the City safe and to the integration/interdependence of various departments in the organization. Director of Finance Tacke responded to Mayor Pro Tem Dunlap regarding the impact of Department of Treasury decisions on the City's ability to sell bonds.

Nothing further was discussed. Mayor Dyer adjourned the Session at 8:10 p.m.

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**Phil Dyer, Mayor**

ATTEST:

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Diane Zucco, City Secretary

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
May 9, 2011**

**COUNCIL MEMBERS**

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Diane C. Wetherbee, City Attorney  
Diane Zucco, City Secretary  
Alice Snyder, Assistant City Secretary

Mayor Dyer called the meeting to order at 5:03 p.m., Monday, May 9, 2011, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Council Member Callison arrived at 5:06 p.m. 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; discuss Real Estate, Section 551.072; 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 6:07 p.m.

**Consideration and Action Resulting From Executive Session**

No items were discussed.

**Financial Forecast Update**

Budget and Research Director Rhodes-Whitley spoke to revised revenue projections reducing the City's deficit position for FY 2011-12 from \$9.3 million to \$7 million with a projected deficit of \$20 million in FY 2012-13 and \$18 million in FY 2013-14. She stated that last week, the Central Appraisal Districts, Collin and Denton County, provided their preliminary certified property values which are close to City estimates at \$24.28 billion. Ms. Rhodes-Whitley advised that new property values are \$200 million rather than the \$300 million expected, spoke to the protest period and advised Council that final numbers will be available in mid-July.

Ms. Rhodes-Whitley stated the City will be receiving a settlement check from Oncor for \$790,000 this year, and \$525,000 next year and municipal court fines have increased over the last two months averaging \$580,000 a month. In regards to sales tax, Ms. Rhodes-Whitley stated the City is leading last year by \$2.7 million.

### **Discussion and Direction regarding Community Relations Commission's Grant Program**

Community Services Manager Day stated that the Buffington Community Services Grant currently has two major objectives: (1) all programs funded through this grant meet a short-term urgent economic assistance or care services; and (2) programs meet a consolidated plan goal. Ms. Day advised Council that most of the funds go to meet the objective of "suitable living environment," a HUD term that means the City will provide support to organizations that engage in public services for Plano residents. Ms. Day informed the Council that the United Way of Metropolitan Dallas has shifted their funding focus recently to education, income and health. She stated that applications for City funds include 3 years of budgeting information for the organization and specifically call out grants that are received by the agency so that the Community Relations Commission is able to see whether or not an agency has received United Way funding or any other grants and how that is impacting their overall organization budget not only in past years but future projections as well.

Mayor Dyer spoke to the impact of funding cuts by The United Way on emergency service agencies and to possible reprioritization of grant funding. Ms. Day advised the Council that grant applications are similar to those received in the past and spoke to a further defining of the Buffington Community Service Grants to cover short-term urgent needs. She commented that some of the more preventative services have been moved into the Community Development Block Grants and further advised that funding begins on October 1. Mayor Dyer requested consideration of funding be brought to Council before July. Chairman Grady informed Council that the Commission has looked at each agency receiving United Way funding and advised that a preliminary analysis shows very few of those agencies feel they will receive any monies. The Council thanked the Commission for their service.

Council Member Callison left the bench at 6:28 p.m. and did not return.

### **Post Development Storm Water Quality Control Program**

Public Works Director Cosgrove spoke to the need for a Plano post-development control program by 2012 and Staff's review of the *integrated Storm Water Management* (iSWM) program being developed by the Council of Governments including: criteria, methodology and controls for a City's local drainage system; stream bank protection system; flood conveyance system. He spoke to Phase I of the program which reviewed the City process and compared it to iSWM; established new criteria for water quality, leaving quantity and stream bank protection as is; determined regulations would be incorporated into the Subdivision Ordinance; and developed an outline for implementation. He spoke to Phase II in which the City would establish water quality criteria, development technical requirements for BMPs, develop an ordinance and provide public outreach and education.

Mr. Cosgrove advised that the City will look at using the iSWM Technical Manual with local provisions, deciding what level of treatment is required and what devices will be allowed in the City. He stated in developing the ordinance, consideration will be given to whether sites have natural qualities (streams, trees, etc.) and spoke to bio-retention areas and types of treatment devices (plants, organic filters, compost or mulch, ponds, sand filters, and green roofs). Mr. Cosgrove spoke to maintenance issues and reviewed the schedule, advising that the proposed effective date would be January 1, 2013. He further spoke to implementing an extensive training program.

Mr. Cosgrove responded to Mayor Pro Tem Dunlap, advising that the City is required to take these steps and stated that implementation will impact new development and redevelopment, including residential sites. Mayor Pro Tem Dunlap spoke to the City's adherence to state requirements and issues/costs related to maintenance and inspections. Mr. Cosgrove stated funding would be from drainage fees and responded to Mayor Dyer regarding the uncertainty of grant funding. Council Member Davidson verified that developers will pay for initial installation with City permitting and allocation of maintenance expenses is yet to be determined.

### **Water Quality Report**

Public Works Director Cosgrove stated during the month of April, of 217 water samples taken for Coliform, 23 tested positive and advised that these were scattered throughout the City, occurred within one week and that there has not been a positive test since. Mr. Cosgrove stated the City will notify the public, publish information on the City's website, and provide a press release. He spoke to proposals for additional testing in the future; a computer model for water quantity, to make sure we have enough water to provide to our citizens; and developing a model to determine the age of the water in use. He responded to the Council that City testing exceeds State requirements and that retesting is done until sites pass.

### **Microsoft Exchange Online Migration**

Director of Technology Services Stephens spoke regarding review of the City's e-mail system and criteria including: cost, business continuity, scalability, functionality and compliance. He spoke to costs for upgrading to the current version of Microsoft Exchange and ensuring e-mail is available to employees, no matter what happens to the data center; the cost of replicating hardware and services at the Emergency Operations Center; and issues of regulatory compliance including e-discovery. He advised that the City is providing more electronic records than paper and must have a record of all e-mails going in and out of the system. Mr. Stephens stated the storage requirement has gone up dramatically and spoke to functionality and remote access. Mr. Stephens spoke to utilization of a Business Productivity Online Suite ("BPOS") or hosted (cloud) version of e-mail with Microsoft accepting responsibility for the maintenance of the hardware, the backups, and the increasing storage requirements resulting in an anticipated cost-savings of almost \$900,000 over three years. He spoke to utilization on personal devices, non-City issued cell phones and smart phones and migration expected to be complete by September.

## **Personnel**

Upon a motion made by Council Member Davidson and seconded by Council Member LaRosiliere, the Council voted 7-0 to appoint Karen Mitchell to the Senior Citizens Advisory Board as an interim member.

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

No items were discussed.

## **Consent and Regular Agenda**

Staff requested Consent Agenda Item "L", a resolution to approve the terms and conditions of a First Amendment to Development Agreement by and between the City and Tenth Street Plano, L.P. be pulled.

Mayor Pro Tem Dunlap requested Consent Agenda Item "B", Bid No. 2011-138-B for University Estates Waterline Rehabilitation to RKM Utility Services, Inc. in the amount of \$1,172,862 be removed for individual consideration due to a possible conflict of interest.

Mayor Dyer requested Consent Agenda Items "E," CSP No. 2011-128-C for a contract for Back-up Bank Depository Services for the Treasury Department to LegacyTexas Bank; and "O," an ordinance to rezone 31.3± acres located generally at the northeast corner of Coit Road and Mapleshade Lane in the City, from Corridor Commercial to Planned Development-215-Corridor Commercial, and 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive in the City, from Corridor Commercial and Light Industrial-1 to Planned Development-216-Corridor Commercial be removed for individual consideration due to possible conflicts of interest. He further advised that he would be stepping down on Regular Item "2," Public Hearing and an Ordinance as requested by Zoning Case 2011-07 to rezone 11.1± acres located on the east side of Ohio Drive, 641± feet north of Rasor Boulevard in the City, from Retail to Planned Development-213-Single-Family Residence-6; due to a possible conflict of interest.

Mayor Pro Tem Dunlap requested Consent Agenda Items "J," a resolution to provide for opposition to the Federal Communications Commission notice of inquiry relating to acceleration of broadband deployment and; and "K," a resolution to approve the terms and conditions of a contract between Interfaith Housing Coalition and the City of Plano for Homelessness Prevention and Rapid Re-Housing Program funds in the amount of \$31,465 be removed for individual consideration.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:49 p.m.

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**Phil Dyer, Mayor**

ATTEST:

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Alice Snyder, Assistant City Secretary

**PLANO CITY COUNCIL**  
**May 9, 2011**

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Diane Zucco, City Secretary  
Alice Snyder, Assistant City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, May 9, 2011, at 7:05 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Callison.

The invocation was led by Father Tom Cloherty of Prince of Peace Catholic Community and the Pledge of Allegiance was led by Jr. Girl Scout Troop 68.

Mayor Dyer presented the Standberry Scholarship recipients; presented special recognition to the Plano Senior High School Speech and Debate teams; proclaimed Asian Pacific Heritage Month; proclaimed Bike to Work Week and Day; proclaimed Public Service Recognition Week and recognized Employee of the Year Adrian Magallanes.

**COMMENTS OF PUBLIC INTEREST**

No one appeared to speak.

**CONSENT AGENDA**

Upon the request of Staff, Consent Agenda Item "L" was pulled.

Upon the request of Mayor Pro Tem Dunlap, Consent Agenda Item "B" and was removed for individual consideration due to a possible conflict of interest.

Upon the request of Mayor Dyer, Consent Agenda Items "E" and "O" were removed for individual consideration due to possible conflicts of interest. He further advised that he would step down on Regular Agenda Item "2" due to a possible conflict of interest.

Upon the request of Mayor Pro Tem Dunlap, Consent Agenda Items "J" and "K" were removed for individual consideration.

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Miner, the Council voted 7-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

**Approval of Minutes** (Consent Agenda Item "A")

April 20, 2011

April 25, 2011

**Approval of Expenditures**

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

**CSP No. 2011-114-B** for the construction of Fire Station 4 Addition to Lee Lewis Construction, Inc., in the amount of \$1,926,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

**Bid No. 2011-154-B** for the replacement of a complete underground irrigation system for the Parks and Recreation Department to Jonesplan of Texas, LLC in the amount of \$110,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

**Purchase from an Existing Contract**

To approve the purchase of office, lobby, and classroom furniture for the Carpenter Park Recreation Center renovation in the amount of \$97,253 from Plano Office Supply through existing contracts with Texas Multiple Award Schedule (TXMAS) and Collin College (#B-3059) contracts and authorizing the City Manager to execute all necessary documents. (TXMAS Contracts 3-711010-38, 7-7110140-7, 9-711020-15, City of Plano Interlocal Agreement 2009-74-I). (Consent Agenda Item "F")

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

To approve an Engineering contract by and between the City of Plano and Freese and Nichols, Inc. in the amount of \$120,561 for Stormwater Quality Ordinance Development and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "G")

To approve an Engineering contract by and between the City of Plano and HDR Engineering, Inc., in the amount of \$397,432 for the engineering design of the Spring Creek Parkway Corridor project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "H")

**Adoption of Resolutions**

**Resolution No. 2011-5-1(R):** To approve the terms and conditions of Standard DOT Title VI Assurances between the State of Texas and the City of Plano for the adoption of the Texas Department of Transportations's federally-approved Title VI Program, authorizing its execution by the Mayor; and providing an effective date. (Consent Agenda Item "I")

### **Adoption of Resolutions (cont'd)**

To approve the terms and conditions of a First Amendment to Development Agreement by and between the City of Plano, Texas, and Tenth Street Plano, L.P.; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "L") (Item pulled)

**Resolution No. 2011-5-2(R):** To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for a "Click It or Ticket" Project, to be conducted during Memorial Day Holiday period; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "M")

**Resolution No. 2011-5-3(R):** To authorize the filing of application for federal funds in an amount not to exceed \$47,600 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 "N")

### **END OF CONSENT**

Due to a possible conflict of interest, Mayor Pro Tem Dunlap stepped down from the bench on the following item.

**Bid No. 2011-138-B** for University Estates Waterline Rehabilitation to RKM Utility Services, Inc. in the amount of \$1,172,862 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Upon a motion made by Council Member Harris and seconded by Council Member Davidson, the Council voted 6-0 to approve Bid No. 2011-138-B for University Estates Waterline Rehabilitation to RKM Utility Services, Inc. in the amount of \$1,172,862.

Mayor Pro Tem Dunlap resumed his place at the bench.

Due to possible conflicts of interest, Mayor Dyer stepped down from the bench on the following two items which were considered concurrently.

**CSP No. 2011-128-C** for a 2-year revenue generating contract with 3 City optional renewals for Back-up Bank Depository Services for the Treasury Department to LegacyTexas Bank, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

**Ordinance No. 2011-5-4:** To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 31.3± acres located generally at the northeast corner of Coit Road and Mapleshade Lane in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-215-Corridor Commercial, and 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive in the City of Plano, Collin County, Texas, from Corridor Commercial and Light Industrial-1 to Planned Development-216-Corridor Commercial; 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: Coit 190, L.P. and Harkins Plano L.P. Zoning Case 2011-05 (Public Hearing held and item approved by Council 4/25/11). (Consent Agenda Item “O”)

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member Smith, the Council voted 6-0 to approve CSP No. 2011-128-C for a 2-year revenue generating contract with 3 City optional renewals for Back-up Bank Depository Services for the Treasury Department to LegacyTexas Bank and to adopt Ordinance No. 2011-5-4 to rezone 31.3± acres located generally at the northeast corner of Coit Road and Mapleshade Lane in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-215-Corridor Commercial, and 5.3± acres located at the southwest corner of Mapleshade Lane and Silverglen Drive in the City of Plano, Collin County, Texas, from Corridor Commercial and Light Industrial-1 to Planned Development-216-Corridor Commercial.

Mayor Dyer resumed his place at the bench.

**Resolution No. 2011-5-5(R):** To provide for opposition to the Federal Communications Commission notice of inquiry relating to acceleration of broadband deployment and providing an effective date. (Consent Agenda Item “J”)

Assistant City Manager Israelson stated that the resolution opposes a Federal Communications Commission notice of inquiry gathering information regarding broadband deployment in municipalities, the federal government coming in and looking at management of rights-of way and if there are barriers to deployment of broadband. He stated the City has 100 percent deployment. Mr. Israelson also informed Council that every resident has access to broadband with multiple carriers to choose from and the City believes there should be local control. He stated that he believed cities can contract with the broadband companies to make sure that service is provided within their individual communities.

Mayor Pro Tem Dunlap spoke to the operations of the City and inquired who owned the rights-of-way whereas Mr. Israelson stated the City does (the citizens of Plano). Mayor Pro Tem Dunlap stated that the City has encouraged, supported and received mutual positive relationships with the cable companies; if another company wants to come to the City, they would also want to use the rights-of-way; and that the City would want the companies to put the rights-of-way put back together in a timely way. Mayor Pro Tem Dunlap stated if this would become federal or state legislation, it would preclude this from occurring.

**Resolution No. 2011-5-5(R) (cont'd)**

Mr. Israelson advised that the City is operating under a statewide franchise for telecommunications and cable. He stated the State of Texas has gone a step further as far as granting authority for companies to come in and deploy their services within individual communities. He stated that companies coming into the City file for a franchise with the State of Texas and utilize our rights-of-way and the City works with them as far as the utilization and how they go about the construction practices. Mayor Pro Tem Dunlap thanked Mr. Israelson for the information he provided.

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Deputy Mayor Pro Tem Miner, the Council voted 7-0 to provide for opposition to the Federal Communications Commission notice of inquiry relating to acceleration of broadband deployment and providing an effective date and further adopt Resolution No. 2011-5-5(R).

**Resolution No. 2011-5-6(R):** To approve the terms and conditions of a contract between Interfaith Housing Coalition and the City of Plano for Homelessness Prevention and Rapid Re-Housing Program funds in the amount of \$31,465; and approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item "K")

Community Services Manager Day advised that this item is part of the American Reinvestment and Recovery Act and spoke to contracts with four different service providers. She informed the Council that the only one still operating at the end of the term is Interfaith Housing Coalition. She stated that one of the service providers did not spend all of their funds and the City is requesting that the Council authorize Interfaith Coalition to continue their program through August to expend the additional \$31,000. Ms. Day informed Council if the money is not spent, it will be returned to the federal government and reissued to other cities.

Mayor Pro Tem Dunlap stated that this was federal money given to the City as an effort to create jobs and to using it to help our citizens.

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member Smith, the Council voted 7-0 to approve the terms and conditions of a contract between Interfaith Housing Coalition and the City of Plano for Homelessness Prevention and Rapid Re-Housing Program funds in the amount of \$31,465 and further adopt Resolution No. 2011-5-6(R).

**Public Hearing and adoption of Ordinance No. 2011-5-7** as requested in Zoning Case 2011-06, to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) and Subsection 2.826 (RT-Research/Technology Center) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, with regard to development standards and uses within the Research/Technology Center zoning district; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item "1")

## Public Hearing and adoption of Ordinance No. 2011-5-7 (cont'd)

Planning Manager Firgens spoke of Council direction to develop a plan for the Research/Technology Center district, as well as looking at regulations. She advised that the Planning and Zoning Commission recommended retaining: prohibition of open storage and restriction on delivery vehicles within the district; limitations on the number of dock doors; and limitations on the gross floor area for office-showroom warehouse uses (a minimum of 30% of the floor area for office showroom use has to be dedicated to office use).

Ms. Firgens further stated areas of the ordinance that the City is proposing to amend are those that appear to be adding substantial cost or unnecessary restrictions without providing commensurate benefit to the district. She stated that the Planning and Zoning Commission recommends approval as follows (additions are indicated by underlined text and deletions are indicated by strike-through text).

1. Amend (4) (Off-Street Parking and Loading Requirements) (d) of Subsection 2.826 (RT-Research/Technology Center) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), such portion of subsection to be deleted as follows:

4. Off-Street Parking and Loading Requirements

- ~~d. In order to accommodate future changes in use, approved site plans shall include adequate land area to increase parking to the minimum requirements for office development (one space per 300 square feet) for 75% of the gross floor area of any building.~~

2. Amend (5) (Landscaping) of Subsection 2.826 (RT-Research/Technology Center) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), such portion of subsection to read as follows:

- ~~5. Landscaping (ZC 2006-02; Ordinance No. 2006-4-24)~~

- ~~A minimum of 20% of the total lot area shall be landscaping which may include courtyards, plazas, walkways, water features, and related treatments in addition to plant materials. (See '3.1200 Landscaping Requirements'.) Per the development standards and incentives in Section 3.1700 (Storm Water Management), up to 50% of this required landscape area may be placed outside of the parking lot and/or landscaping along street rights-of-way if designated as storm water conservation area on a site-specific storm water management plan per Section 3.1700.~~

## Public Hearing and adoption of Ordinance No. 2011-5-7 (cont'd)

### 5. Landscaping (See Section 3.1200 Landscaping Requirements and Section 4.700 190 Tollway/Plano Parkway Overlay District).

This would comply with the City's standard landscaping requirements for non-residential developments.

- A landscape edge shall be provided adjacent to all streets
  - Eight square feet of permeable interior landscaping must be provided per parking space.
  - One shade tree or an approved ornamental tree for every 15 parking spaces.
  - For corner lots at the intersection of Type D or larger thoroughfares:
    - A minimum of ten percent of the site area devoted to landscaping.
    - A minimum 15-foot wide landscape edge shall be located along all street right-of-way.
3. Amend (7) (Special District Requirements) (b) of Subsection 2.826 (RT-Research/Technology Center) of Section 2.800 (District Charts) (b) of Article 2 (Zoning Districts and Uses), such portion of subsection to read as follows:

#### 7. Special District Requirements

b. Retail and service uses identified with an “\*” in Subsection 2.502, Schedule of Permitted Uses, may not occupy more than ten percent of the gross floor area\*\* of a building unless the building and the designated location and amount of said uses are part of an approved site plan for more than one building, and the amount of space for these uses does not exceed ten percent of the combined floor area of all constructed buildings. The space for these uses may be redistributed within and among the buildings with the approval of a revised site plan. If a site plan includes multiple lots, all property owners must authorize the application. These uses may not be distributed among noncontiguous parcels of land.

A freestanding (sole use and occupant) restaurant/cafeteria is permitted in an RT district ~~as part of the ten percent allowance described above~~ if it has a minimum of 5,000 square feet of gross floor area\*\* and no drive-in window.

\*\*“Gross Floor Area” means the total floor area of a building from the exterior face of a building or from the centerline of a wall separating two buildings, but shall exclude any space where the floor-to-ceiling height is less than six feet and all patios, balconies, and parking facilities.

4. Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow restaurant/cafeteria by right in the Research/Technology Center zoning district and adding End Note 44 as follows:

**Public Hearing and adoption of Ordinance No. 2011-5-7 (cont'd)**

Permitted uses	Category	Category													
		O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG – Downtown	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial	
<b>Restaurant/ Cafeteria</b>	<b>Service</b>		S	P	P	P	P	P	P	P	P	P <sub>43</sub>	P	P <sub>44</sub>	P

44	See '2.826 RT – Research/Technology Center.
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Planning Manager Firgens stated that Staff has sent out invitations several times throughout the process asking property owners for feedback to the Planning & Zoning Commission as part of this evaluation of the Research/Technology Center district. Deputy Mayor Pro Tem Miner commended the Staff and Commission for the good work, forethought, discussion, and seeking of public input.

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 Miner and seconded by Council Member LaRosiliere, the Council voted 7-0 to amend Subsection 2.502 of Section 2.500 and Subsection 2.826 of Section 2.800 of Article 2 and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, with regard to development standards and uses within the Research/Technology Center zoning district; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-06; and further to adopt Ordinance No. 2011-5-7.

Mayor Dyer stepped down on the following item at 7:44 p.m. and did not return to the bench.

**Public Hearing and adoption of Ordinance No. 2011-5-8** as requested in Zoning Case 2010-07 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 11.1± acres located on the east side of Ohio Drive, 641± feet north of Razor Boulevard in the City of Plano, Collin County, Texas, from Retail to Planned Development-213-Single-Family Residence-6; 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: Megatel Homes, Inc. (Regular Agenda Item “2”)

Planning Director Jarrell advised that the applicant is requesting to rezone the property to develop a residential subdivision and retaining 3 acres as retail. She advised that the Planning and Zoning Commission recommended approval as follows.

**Restrictions:**

The permitted uses and standards shall be in accordance with the Single-Family Residence-6 (SF-6) zoning district unless otherwise specified herein.

**General Provisions of the Planned Development**

1. The zoning exhibit shall be adopted as part of the ordinance.
2. A maximum of nine lots shall have a minimum lot width of 50 feet; all other lots shall comply with the minimum lot width requirements for the SF-6 district.

Ms. Jarrell stated the Comprehensive Plan recommends residential development for this property and policies recommend creating additional opportunities for housing in the City where appropriate and removing excessive retail zoning where it is unlikely to occur. Ms. Jarrell informed Council there were four letters of opposition.

Council Member Davidson inquired as to how many homes are slotted to be put in this area. Ms. Jarrell informed her 50 lots are planned.

Mayor Pro Tem Dunlap opened the Public Hearing. Don Plunk, representing Megatel Homes, Inc. advised that the property was purchased in the last week and spoke to limited interest in retail uses. Mr. Plunk stated the corner is being held for retail because it mirrors existing retail on the northwest corner of Ohio Drive and Razor Road in which portions have already been developed. No one else spoke for or against the item. The Public Hearing was closed.

Council Member LaRosiliere spoke to the positive migration from Retail to Single Family uses.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Smith, the Council voted 6-0 to rezone 11.1± acres located on the east side of Ohio Drive, 641± feet north of Razor Boulevard in the City of Plano, Collin County, Texas, from Retail to Planned Development-213-Single-Family Residence-6; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-07 and further to adopt Ordinance No. 2011-5-8.

Nothing further was discussed and Mayor Pro Tem Dunlap adjourned the meeting at 7:51 p.m.

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Phil Dyer, MAYOR

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Lee Dunlap, Mayor Pro Tem

ATTEST:

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Alice Snyder, Assistant City Secretary