

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
May 29, 2012**

COUNCIL MEMBERS PRESENT

Phil Dyer, Mayor
Pat Miner, Mayor Pro Tem
Lissa Smith, Deputy Mayor Pro Tem
André Davidson
James Duggan (arrived at 5:08 p.m.)
Patrick Gallagher
Lee Dunlap

COUNCIL MEMBERS ABSENT

Ben Harris

STAFF PRESENT

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

Mayor Dyer called the meeting to order at 5:03 p.m., Tuesday, May 29, 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; and to receive information regarding Economic Development, Section 551.087; and Personnel, Section 551.074 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 6:03 p.m.

Consideration and action resulting from Executive Session discussion:

Personnel - Designation of Mayor Pro Tem and Deputy Mayor Pro Tem:

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Dunlap, the Council voted 7-0 to designate Lissa Smith as Mayor Pro Tem and Ben Harris as Deputy Mayor Pro Tem.

Appointment/Reappointment of DART Board of Directors

No action was taken.

Appointment - Planning and Zoning Commission

Upon a motion made by Council Member Miner and seconded by Council Member Dunlap, the Council voted 7-0 to appoint Olufemi “Femi” Adeoye to an interim term ending October 31, 2013.

North Texas Tollway Authority - Overview and Update

NTTA Board of Directors Vice Chairman Bill Moore spoke to the growth of the system since 1997, roadways under construction, and contributions made for construction of non-toll projects in the region. He spoke to building revenues during operation years and reviewed enhancements including: a fourth lane on the Dallas North Tollway; improvements to the Dallas North Tollway/Bush Turnpike interchange; a fourth lane on the Bush Turnpike; cashless tolling on the Bush Turnpike; and a TxDOT project – US 75 /Bush Turnpike interchange. He responded to Council Member Gallagher regarding enforcement options for those who do not pay tolls.

Report Regarding the Citizen Survey

Karen Falk, Vice President of ETC Institute spoke to the purpose of the survey to objectively assess resident satisfaction with the delivery of City service; gather input from residents to help identify and respond to citizen concerns; compare Plano’s performance with other communities; and set a baseline for future improvement. She reviewed the methodology, survey content, method of administration and response rate, advising that the respondents offered a good representation of the community by race/ethnicity, gender, age, income and location. Ms. Falk reviewed the major findings: residents have a very positive perception of the City; overall satisfaction with City Services is generally the same throughout; Plano is setting the standard for the delivery of local governmental services; and priorities for investment are police services and maintenance of streets/sidewalks. She reviewed other findings related to Live Green in Plano, Environmental Waste Services, Parks and Recreation, and Library Services.

Council Member Dunlap spoke to utilizing the information during the budget process and ensuring that communications are well articulated so that citizens participate in the electoral process. City Manager Glasscock spoke to “telling our story” through new tools offering opportunities to engage citizens and plans to conduct a similar survey in the business community.

Comprehensive Monthly Financial Report

Director of Finance Tacke advised that the April 2012 report finds General Fund revenues up slightly as a percentage of budget as compared to last year while Water and Sewer revenues are down slightly. She stated that actual General Fund revenues are up \$10.6 million, primarily due to an increase in ad valorem taxes and an increase in sales tax resulting from an audit adjustment.

Ms. Tacke also stated revenues were up in court fines, electric and cable franchises, ambulance services, and building permits. Ms. Tacke advised that General, Water & Sewer Fund, and Golf Course Fund expenditures are up slightly as a percentage of budget. She advised that the unemployment rate is down slightly to 6.1% and that sales tax collections for the month of March are down by \$141,000. Ms. Tacke advised that actual revenues for the Water & Sewer Fund are down by \$3.8 million compared to the prior year due to drought conditions and water restrictions while expenses are up by \$5.3 million.

Discussion and Direction re Board and Commission Review Committee Recommendations

Council Member Miner spoke to leveling the playing field for those boards distributing grant funding and removing the “time out” provision for members appointed. Council Member Dunlap spoke to the recommendation that individuals step down from their agency position when appointed to a board/commission. The Council stated a consensus to move forward with the recommendation.

Council items for discussion/action on future agendas

Council Member Miner spoke to attendance by himself and Council Member Duggan at the *Love of the Arts* awards ceremony and receipt of artwork recognizing the City’s support.

Consent and Regular Agendas

Mayor Dyer requested that Consent Agenda Item “D,” consideration of a contract to approve of the selection of Bond and Disclosure Counsel Services for the City, provided by Fulbright & Jaworski L.L.P., be removed for individual consideration due to a possible conflict of interest.

Mayor Pro Tem Smith requested that Consent Agenda Item “G,” consideration of a resolution to confirm the appointment of William Peterson as Interim Fire Chief be removed for individual consideration.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:55 p.m.

Phil Dyer, MAYOR

ATTEST

Diane Zucco, City Secretary

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Mayor Dyer convened the Council into the Regular Session on Tuesday, May 29, 2012, at 7:06 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Sr. Pastor Randall Worley of Prairie Creek Baptist Church led the invocation and Boy Scout Troop 747 of Legacy Church led the Pledge of Allegiance.

PROCLAMATIONS & SPECIAL RECOGNITION

Mayor Dyer recognized the Plano Senior High School National Academic WorldQuest winners.

COMMENTS OF PUBLIC INTEREST

Harold Gibson, citizen of the City, stated concern regarding parking on Emerson Drive along the south side of Preston Meadow Park. He spoke to possible signage, fencing or road widening to address the situation. City Manager Glasscock advised that Staff would review the location.

CONSENT AGENDA

Upon the request of Mayor Dyer, Consent Agenda Item "D" was removed for individual consideration due to a possible conflict of interest.

Upon the request of Mayor Pro Tem Smith, Consent Agenda Item “G” was removed for individual consideration.

Approval of Minutes (Consent Agenda Item “A”)
May 14, 2012

Approval of Expenditures

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

CSP 2011-101-C for the purchase of a Mobile Digital Video Recording System for the Police Department to WatchGuard Video in the amount of \$999,940 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

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 Pipeline Analysis LLC, in the amount of \$168,525 for Rowlett Creek Basin Infiltration/Inflow Analysis and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Approval of Change Order

To RKM Utility Services, Inc., increasing the contract by \$62,531 for University Estates Waterline Rehabilitation, Change Order No. 1. Original Bid No. 2011-138-B. (Consent Agenda Item “E”)

Approval of Expenditure

To ratify and approve the purchase of a Microsoft Enterprise Agreement and True-up cost, in the amount of \$878,801 for the period of January 1, 2012 through December 31, 2012, from Dell Marketing, L.P., through an existing Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR Contract No. DIR-SDD-1014) (Consent Agenda Item “F”)

Adoption of Resolutions

Resolution No. 2012-5-9(R): To deny Atmos Energy Corp., Mid-Tex Division’s (“Atmos Mid-Tex”) requested rate change; requiring the Company to reimburse the City’s reasonable ratemaking expenses; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and ACSC’s legal counsel; and providing an effective date. (Consent Agenda Item “H”)

Resolution No. 2012-5-10(R): To approve the terms and conditions of a Public Right-of-Way Use Agreement by and between the City of Plano, Texas and HP Enterprise Services, LLC, a Delaware limited liability company, to locate, place, attach, install, operate, and maintain a 2’ x 3’ concrete duct bank consisting of six (6) electrical conduits in certain specific portions of the public rights-of-way in the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “I”)

Resolution No. 2012-5-11(R): To approve the terms and conditions of an Agreement by and between the City of Plano, Texas and TT Holdings I, Inc., d/b/a TriTech Software Systems, a sole source provider, to purchase a Stratus ft6300 fault tolerant server and one year maintenance for a total of \$91,200 and maintenance service for five (5) additional years in an amount not to exceed \$66,724; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2012-5-12(R): To approve the terms and conditions of a TriTech Software Support Renewal Agreement for a period of three (3) years by and between the City of Plano and TriTech Software Systems, a sole source provider, to provide support and maintenance of the software system, in an amount of \$229,349 for year one (1); in an amount of \$240,757 for year two (2); and in an amount of \$252,736 for year three (3); authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

Adoption of Ordinances

Ordinance No. 2012-5-13: To amend Section 12-73.1 of Chapter 12 Motor Vehicles and Traffic of the City of Plano Code of Ordinances; to enact school zones for summer school sessions; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “L”)

Ordinance No. 2012-5-14: To amend Chapter 6, Buildings and Building Regulations, Article XII, Temporary Signs, of the Code of Ordinances of the City of Plano to add definitions and regulations for sail banner signs, providing a repealer clause, a severability clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “M”)

Ordinance No. 2012-5-15: To transfer the sum of \$88,500 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2011-12 for the purpose of providing funds for the oversight and compliance of EMS billing services; amending the Budget of the City and Ordinance 2011-9-8, declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item “N”)

Ordinance No. 2012-5-16: To transfer the sum of \$75,000 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2011-12 for the purpose of providing funds for the Interim Fire Chief, the related professional search firm expenditures and candidate travel costs beginning May 30, 2012; amending the Budget of the City and Ordinance 2011-9-8, declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item “O”)

Ordinance No. 2012-5-17: To adopt and enact Supplement Number 99 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 “P”)

END OF CONSENT

Due to a possible conflict of interest, Mayor Dyer stepped down from the bench on the following agenda item.

Consideration of a Contract: To approve of the selection of Bond and Disclosure Counsel Services for the City, provided by Fulbright & Jaworski L.L.P., and authorizing the City Manager to execute all necessary documents. RFQ 2012-126-C. (Consent Agenda Item “D”)

Upon a motion made by Council Member Dunlap and seconded by Council Member Miner, the Council voted 6-0 to approve of the selection of Bond and Disclosure Counsel Services for the City, provided by Fulbright & Jaworski L.L.P.

Mayor Dyer resumed his seat at the bench.

Resolution No. 2012-5-18(R): To confirm the appointment of William Peterson as Interim Fire Chief beginning May 30, 2012, and to serve until his successor is appointed; and providing an effective date. (Consent Agenda Item “G”)

City Manager Glasscock requested Council’s concurrence in appointing an interim fire chief to serve during the anticipated four-six month hiring process.

Upon a motion made by Council Member Dunlap and seconded by Council Member Miner, the Council voted 7-0 to confirm the appointment of William Peterson as Interim Fire Chief beginning May 30, 2012, and to serve until his successor is appointed; and further to adopt Resolution No. 2012-5-18(R).

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2012-05 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 3.6± acres located at the northwest corner of Parker Road and Jupiter Road in the City of Plano, Collin County, Texas, from Agricultural to Planned Development-229-Retail; 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: RaceTrac (Regular Agenda Item “1”)

Planning Manager Firgens spoke regarding the applicant’s request to table the item to the June 11, 2012 Council Meeting.

Upon a motion made by Council Member Davidson and seconded by Council Member Dunlap, the Council voted 7-0 to table the Public Hearing and consideration of an Ordinance as requested in Zoning Case 2012-05 to rezone 3.6± acres located at the northwest corner of Parker Road and Jupiter Road from Agricultural to Planned Development-229-Retail until June 11, 2012.

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2012-14 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development-175-Retail on 10.6± acres generally located at the northeast corner of Parker Road and Custer Road in the City of Plano, Collin County, Texas, to allow truck/bus leasing as an additional permitted use; 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: HD Development Properties, LP (Regular Agenda Item “2”)

Zoning Case 2012-14 (cont’d)

Planning Manager Firgens advised that truck/bus leasing is presently not an allowed use due to base zoning of retail and advised that the Planning and Zoning Commission recommended approval as follows (additions are shown as underlined text):

Restrictions:

1. Building material sales, truck/bus leasing, and superstore are additional allowed uses.
2. The supplemental regulations for superstore use are amended as follows:
 - a. The required landscape edge along residential district boundary lines shall be a minimum of 20 feet in width.
 - b. The required landscape edge along Parker Rd. shall be a minimum of 25 feet in width.
 - c. The separation distance between the superstore building and adjacent residential zoning district shall be a minimum of 60 feet in width.
3. The required parking shall be 461 parking spaces.
4. The gate screening the loading and unloading area must be closed at all times except during the arrival and departure of vehicles accessing the loading and unloading area.
5. The revised preliminary site plan and facade plan, attached as Exhibits B and C respectively, are adopted as part of this ordinance.

Ms. Firgens advised that Staff recommended denial of the request as they found the use inconsistent with the existing mix of development and typically limited to areas with more intensive uses and visibility from major roadways

Mayor Dyer opened the Public Hearing. Michael Klingl of Greenbergfarrow, representing the applicant, spoke to the partnership between Home Depot and Penske for rental of moving trucks and reviewed proposed hours of operation, vehicles in use, location of parked trucks, and reservation process. He responded to the Council, advising that vehicles will generally be delivered and/or picked up within 24 hours of a reservation and spoke to an estimated maximum of 7-8 trucks on the site. No one else spoke for or against the request. The Public Hearing was closed.

Ms. Firgens responded to the Council, advising that it would be difficult for Staff to enforce restrictions on the number of vehicles at the site. Mayor Dyer spoke to this location being more residential in nature as compared to others throughout the City that would be appropriate for the use.

Upon a motion made by Mayor Dyer and seconded by Council Member Davidson, the Council voted 7-0 to deny the request to amend Planned Development-175-Retail on 10.6± acres generally located at the northeast corner of Parker Road and Custer Road in the City of Plano, to allow truck/bus leasing as an additional permitted use.

Public Hearing and adoption of Ordinance No. 2012-5-19 as requested in Zoning Case 2012-15 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 626 so as to allow the additional use of Household Care Institution on 1.8± acres of land located at the northwest corner of K Avenue and 18th Place, in the City of Plano, Collin County, Texas, presently zoned Retail with Heritage Resource Designation-17 and Specific Use Permit No. 27 for Heating and Air Conditioning Shop; 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: Dallas Providence Homes (Regular Agenda Item “3”)

Director of Planning Jarrell advised that *Household Care Institution* is defined as a facility that provides residence and care to more than eight persons, regardless of legal relationship; who are elderly, disabled, orphaned, abandoned, or neglected children, victims of domestic violence, convalescing from illness, or rendered temporarily homeless due to fire, natural disaster, or financial setback. She spoke to the subject property having frontage on K Avenue and 18th Place, a converted historic home on the site which will be used to provide office space for staff and plans to construct buildings to house residents on the vacant property. Ms. Jarrell spoke to the proposal being complimentary with nearby residential zoning to the west, and future residents benefiting from the subject property’s proximity to retail shopping centers and nearby schools, as well as the Downtown Plano transit center. She advised that the Planning and Zoning Commission recommended approval as submitted.

Mayor Dyer opened the Public Hearing. Mark Hagan of Dallas Providence Homes, spoke to the organization’s mission, history of providing a bridge for women/children from shelters into the community, support from local residents and available capital.

Council Member Dunlap left the meeting at 8:05 p.m. due to a possible conflict of interest and did not return.

Mr. Hagan responded to Council Member Miner, advising that while there is a two-year maximum commitment, there is no minimum commitment to residents, reviewed the processing of vetting applicants and spoke to the potential to serve 50-70 individuals. He responded to Council Member Davidson, advising that there is no limit on the number of children per family. Ms. Jarrell advised regarding the parking ratio and the restrictions on removal of a specific use permit. Citizens Russel Head, Mark Greer, and Pam Hatcher, spoke in support of the request.

Council Member Miner spoke to setting a cap for the number of residents and Ms. Jarrell spoke regarding the potential challenges of enforcement. Mr. Hagan spoke to available funding effectively supporting 50-60 residents and architect Buck Stout spoke to the size of development limited by restrictions of lot coverage, parking, landscaping, and storage. Ms. Jarrell advised that exterior renovations to the historic home would be considered by the Heritage Commission while additional units would require site plans. Council Member Miner stated support with concern regarding future issues related to the number of residents.

Ordinance No. 2012-5-19 (cont'd)

Upon a motion made by Council Member Gallagher and seconded by Council Member Davidson, the Council voted 6-0 to grant Specific Use Permit No. 626 so as to allow the additional use of Household Care Institution on 1.8± acres of land located at the northwest corner of K Avenue and 18th Place, in the City of Plano as recommended by the Planning and Zoning Commission and further to adopt Ordinance No. 2012-5-19.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 8:28 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary