

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
JUNE 27, 2011**

COUNCIL MEMBERS

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

Council Members Elected

Patrick Gallagher

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 5:04 p.m., Monday, June 27, 2011, in the Council Chambers of the Municipal Center, 1520 K Avenue. All Council Members were present. Council Member Duggan arrived at 5:12 p.m. The following matters were discussed.

Resolution No. 2011-6-15(R): To canvass the election returns of the Runoff Election of June 18, 2011, for the election of one member of Council, Place 7, for a term of three years; declaring the results; and resolving other matters on the subject.

City Secretary Zucco read the number of votes received by for and against each candidate along with the sum total of votes.

Upon completion of the canvass, Mayor Pro Tem Miner stated that the election returns of the Runoff Election have been canvassed and that all votes are accounted for as certified by the Elections Administrator of Collin County, with a total of 3,330 City ballots cast and further made a motion to adopt a resolution to approve the canvass of Runoff Election returns of June 18, 2011, and declaring that Pat Gallagher was elected to Place Seven for a period of three years; and further to adopt Resolution No. 2011-6-15(R). Deputy Mayor Pro Tem Smith seconded the motion and the Council voted 7-0. The motion carried.

Oaths of Office for newly-elected Council Member

City Secretary Zucco administered the oath of office to elected Council Member Gallagher and Mayor Dyer presented him with his Certificate of Election after which time he assumed his seat at the dais.

Recognition of Outgoing Council Member Callison

Mayor Dyer recognized the service of Council Member Callison.

Mayor Dyer adjourned the Preliminary Meeting at 5:13 p.m.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting and stated at 5:20 p.m. 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 Personnel, Section 551.074; and 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 6:09 p.m.

Consideration and action resulting from Executive Session discussion: Personnel – Reappointments:

Arts of Collin County

The Council deferred reappointments.

Board of Adjustment

Upon a motion made by Council Member Dunlap and seconded by Council Member Davidson, the Council voted 8-0 to reappoint Carolyn Kalchthaler and Steven D. Patten.

Building Standards Commission

Upon a motion made by Council Member Dunlap and seconded by Council Member Harris, the Council voted 8-0 to reappoint Marsha Griggs, Sylvia Reid and Arthur Stone.

Heritage Commission

Upon a motion made by Council Member Dunlap and seconded by Deputy Mayor Pro Tem Smith, the Council voted 8-0 to reappoint Gregory Blair Carter, Edward L. Coyle and Sheila H. Huckaby.

Planning and Zoning Commission

Upon a motion made by Council Member Davidson and seconded by Council Member Dunlap, the Council voted 8-0 to reappoint Christopher J. Caso, David L. Downs, Doug Hazelbaker and Alan E. Smith.

Personnel – Reappointments

Animal Shelter Advisory Committee

Upon a motion made by Council Member Harris and seconded by Council Member Davidson, the Council voted 8-0 to reappoint Elizabeth Ann Bodden and Dr. Sunny Ruth.

Civil Service Commission

The Council deferred reappointments.

Community Relations Commission

Upon a motion made by Deputy Mayor Pro Tem Smith and seconded by Mayor Pro Tem Miner, the Council voted 8-0 to reappoint Richard Grady, Philip F. Pollacia and Al Valente.

Cultural Affairs Commission

The Council deferred reappointments.

Library Advisory Board

Upon a motion made by Council Member Harris and seconded by Mayor Pro Tem Miner, the Council voted 8-0 to reappoint Shelly Bracken, Gary Graham, Russ Kissick and Kimberley Malouf.

Parks and Recreation Planning Board

Upon a motion made by Council Member Davidson and seconded by Council Member Harris, the Council voted 8-0 to reappoint Kayci Brooks Prince and Beth S. Webb.

Photographic Traffic Signal Advisory Committee

Mayor Pro Tem Miner reappointed Greg Price and the position appointed by Council Member LaRosiliere was deferred.

Plano Housing Authority

The Council deferred reappointments.

Retirement Security Plan Committee

The Council deferred reappointments.

Self Sufficiency Committee

Upon a motion made by Deputy Mayor Pro Tem Smith and seconded by Council Member Davidson, the Council voted 8-0 to reappoint Jason H. Beck, Janet Denney, Pat Hartman, Charles Ho, Emmanuel I. Umoh, and Stephen E. Vitasek.

Senior Citizens Advisory Board

Upon a motion made by Council Member Davidson and seconded by Mayor Pro Tem Miner, the Council voted 8-0 to reappoint Jane Sackett.

Tax Increment Financing Reinvestment Zone No. 2 Board

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Dunlap, the Council voted 8-0 to reappoint Russell G. Coolik, Shawn Gay, Chris Hatcher, Alan L. Johnson, Brett Little, Nathan Phillip Nash, James F. Schell, and Alan Michael Then.

DART Report

DART Board of Directors Member Ellerbe spoke to design/engineering complete for the Northwest Park and Ride; October implementation of a Parker Road Station Paid-Parking Pilot Program; and stated concerns related to Regional Transportation Council funding of bus service in the City of McKinney which may bring additional riders to the DART stations. She spoke regarding DART subsidies included in ticket prices and briefed the Council on ridership during the Dallas Maverick's parade (310,400 riders). She spoke to delays on a rail train outside the Mockingbird station, repairs and its arrival at the station 1 hour seven minutes late. Ms. Ellerbe advised that air conditioning was running in the rail car and spoke to issues of notification for those onboard. She advised that DART police report a 2-3% non-payment rate for trains and spoke to future implementation of smart-card technology to track payment. She spoke to the recent downturn in the number of riders which may be based on the economy.

City of Plano and Collin County 2011 Annual Homeless Count Update

Chair of the Collin County Homeless Coalition Cara Mendelsohn spoke to the goal of bringing people together to help address the needs of the homeless, growth in the coalition to 50 members and the mission to complete the Housing and Urban Development (HUD) homeless count necessary for funding. She spoke to the number of participants, praise for City departments, positive experience and to future events to garner interest from other municipalities. Ms. Mendelsohn advised that there are 368 homeless in the county with 259 identified in the City, and spoke to the increase in number as a result of the economy and the more effective methods of surveying. She advised regarding ethnicity, spoke to the chronically homeless and future expansion county-wide and advised regarding differing methods of tracking for schools.

Discussion and Direction regarding Code of Ordinances

Planning Manager Firgens advised that this item was tabled on June 13, 2011. Upon a motion made by Council Member Dunlap and seconded by Mayor Pro Tem Miner, the Council voted 8-0 to remove the item from the table.

Planning Manager Firgens spoke to Council's prior consideration of a request to amend the Code of Ordinances to allow the sale of alcohol in a residential zoning district in association with a winery located on a property zoned agricultural. She advised that while the Zoning Ordinance authorizes the use of a heritage designation to add uses, this flexibility does not extend to the Code of Ordinances. Ms. Firgens spoke to Staff's recommendation to amend Article II, Section 3.3 of the Code of Ordinances to read as follows which would allow for review by the Planning and Zoning Commission and City Council:

It shall be unlawful for any person to manufacture, distill, brew, transport, store for purposes of sale, distribute or sell any alcoholic beverages in any residentially zoned district within the City of Plano except for a winery where authorized by the City of Plano Zoning Ordinance.

The Council concurred with the recommendation to be considered as Item No. "1" on the Consent Agenda.

City Council Appointments to Various Committees

Mayor Dyer read the following into the record:

Arts of Collin County Mayors Committee - Mayor Dyer
Collin County Mayors Committee – Mayor Dyer
Texas Clean Air Cities Coalition – no appointment
Dallas Regional Mobility Coalition – Deputy Mayor Pro Tem Lissa Smith and Lee Dunlap
Designation of Official North Central Texas Council of Governments Voting Representative
- Mayor Dyer
Economic Development Board - Mayor Dyer and City Manager Glasscock
Metroplex Mayors Committee - Mayor Dyer
North Texas Commission – Mayor Dyer and Deputy Mayor Pro Tem Lissa Smith
North Texas Housing Coalition – Ben Harris
Plano Health Facilities Development Corporation – Mayor Dyer, Mayor Pro Tem Pat Miner
and Lee Dunlap
Regional Committee on Child Predator Legislation – Patrick Gallagher
Regional Transportation Council – NCTCOG – Deputy Mayor Pro Tem Lissa Smith and
Lee Dunlap
TML & Other Legislative Action - Mayor Dyer
Board and Commission Review Committee – Mayor Pro Tem Pat Miner and Jim Duggan
Community Finance – Jim Duggan and Patrick Gallagher
Joint PISD/Council Committee – Ben Harris and André Davidson
Multi-Cultural Outreach Roundtable – André Davidson
Animal Shelter Advisory Committee – Mayor Pro Tem Pat Miner and Patrick Gallagher
Arts of Collin County Commission Board of Directors – no appointment
Board of Adjustment – Ben Harris and Patrick Gallagher
Building Standards Commission – Lee Dunlap and Jim Duggan
Civil Service Commission - City Manager Bruce D. Glasscock
Collin County Appraisal District Board – Lee Dunlap and Jim Duggan
Community Relations Commission – Deputy Mayor Pro Tem Lissa Smith and André
Davidson
Cultural Affairs Commission – André Davidson and Patrick Gallagher
DART Board of Directors – Loretta Ellerbe and Faye Moses Wilkins
Heritage Commission – Deputy Mayor Pro Tem Lissa Smith and Lee Dunlap
Library Advisory Board – Mayor Pro Tem Pat Miner and Deputy Mayor Pro Tem Lissa
Smith
North Texas Municipal Water District Board – Ben Harris and Jim Duggan
Parks and Recreation Planning Board – Mayor Pro Tem Pat Miner and Ben Harris
Photographic Traffic Signal Advisory Committee – André Davidson and Patrick Gallagher
Planning and Zoning Commission – Mayor Pro Tem Pat Miner and Lee Dunlap
Plano Housing Authority – Lee Dunlap and Ben Harris
Retirement Security Plan Committee – City Manager Bruce D. Glasscock
Self Sufficiency Committee – André Davidson and Jim Duggan
Senior Citizens Advisory Board – Ben Harris and André Davidson

Tax Increment Financing Reinvestment Zone No. 1 Board – Deputy Mayor Pro Tem Lissa Smith and Patrick Gallagher

Tax Increment Financing Reinvestment Zone No. 2 Board – Mayor Pro Tem Pat Miner and Jim Duggan

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

No items were discussed.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:53 p.m.

Phil Dyer, Mayor

ATTEST

Diane Zucco, City Secretary

PLANO CITY COUNCIL
June 27, 2011

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Mayor Dyer convened the Council into the Regular Session on Monday, June 27, 2011, at 7:03 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Pastor Amy McClane of Northpointe Church, and the Pledge of Allegiance was led by Jr. Girl Scout Troop 1714 of Shepard Elementary.

Deputy City Manager Turner recognized Sharon Kotwitz on her 20-year anniversary with the City of Plano.

COMMENTS OF PUBLIC INTEREST

Citizen Fred Frawley spoke regarding the upcoming Friends of the Plano Public Library Book Sale.

CONSENT AGENDA

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Dunlap, the Council voted 8-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")
June 8, 2011
June 13, 2011

Approval of Expenditures

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

Bid No. 2011-164-G for Parking Lot Lighting Upgrades at Various Locations - Project No. 6051, line item 1, 2, and 4 to Essential Energy Services, Inc. in the amount of \$72,965 and line item 3 to Lumetech Group in the amount of \$70,920 for a total of \$143,885 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

RFQ No. 2010-228-B for Waste to Fuel Study for the Sustainability Department for American Recovery & Reinvestment Act, Federal Grant Funding from the Department of Energy (DOE) to Gershman, Brickner & Bratton, Inc. in the amount of \$210,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Bid No. 2011-165-B for Liberty Recreation Center Roof Replacement Project No. 6108, to Roof Tex Inc., in the amount of \$287,250 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

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

To approve an Engineering Services Agreement by and between the City of Plano and Transystems Corporation in the amount of \$79,100 for the SH 289 at PGBT Intersection Improvements project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

To approve an Engineering Services Agreement by and between the City of Plano and Burgess & Niple, Inc. in the amount of \$137,720 for Pittman Creek Basin I/I Evaluation Basins 01,7N,7S,10 & 12 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Approval of Contract Modification

To approve and authorize Contract Modification No. 1 for the purchase of Engineering Services for Windhaven Parkway (Spring Creek Parkway to West City Limit) in the amount of \$62,000 from Teague, Nall and Perkins, Inc. This modification will provide for expenses related to changing the project scope from a six (6) lane road to a four (4) lane road from Spring Creek Parkway to Parkwood Boulevard. (Consent Agenda Item “G”)

Approval of Change Order

To McMahon Contracting, L.P., increasing the contract by \$30,064 for the 14th Street – Avenue K to Ridgewood Drive project, Change Order No. 3. Original Bid No. 2010-14-B. (Consent Agenda Item “H”)

Adoption of Resolutions

Resolution No. 2011-6-16(R): To authorize continued participation with the Steering Committee of Cities Served by Oncor; authorizing the payment of 10 cents per capita to the Steering Committee to fund regulatory and related activities related to Oncor Electric Delivery Company LLC; and providing an effective date. (Consent Agenda Item “I”)

Resolution No. 2011-6-17(R): To authorize the purchase of the Mobile Command Post Vehicle Technology Upgrade from LDV, Inc., a sole-source provider, in the amount of \$154,847 for use by the Plano Police Department; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase; and providing an effective date. (Consent Agenda Item “J”)

Adoption of Ordinances

Ordinance No. 2011-6-18: To abandon all right, title and interest of the City, in and to that certain 20-foot wide Temporary Drainage Easement recorded in Volume 4531, Page 245, of the Land Records of Collin County, Texas and being situated in the Samuel H. Brown Survey, Abstract No. 108, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Legacy North PT MFA IV, L.P., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “K”)

Ordinance No. 2011-6-19: To amend Section 3-3 of Chapter 3 Alcoholic Beverages, of the Code of Ordinances of the City of Plano providing an exception for a winery where authorized by the City of Plano Zoning Ordinance to the prohibition against manufacturing, distilling, brewing, transporting, storing for purposes of sale, distributing or selling alcoholic beverages in any residentially zoned district; providing a repealer clause, a savings clause, a severability clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “L”)

END OF CONSENT

Public Hearing and adoption of Resolution No. 2011-6-20(R) to adopt the 2011-2012 Action Plan, including the final statement of Community Development Block Grant and HOME programs objectives and proposed use of funds for program year 2011-2012; and declaring an effective date. (Regular Agenda Item “1”)

Community Services Manager Day advised that the plan includes proposed use of more than \$1.7 million in funds for 2011-12 and spoke to the application process, public hearings and decision-making of the Community Relations Commission. She advised that recommendations are tied to the goals established by the Council in the Consolidated Plan and advised that Staff and the Commission request approval as submitted.

Mayor Dyer opened the Public Hearing. No one spoke for or against the item. The Public Hearing was closed.

Resolution No. 2011-6-20(R) (cont'd)

Upon a motion made by Council Member Dunlap and seconded by Council Member Davidson, the Council voted 8-0 to adopt the 2011-2012 Action Plan, including the final statement of Community Development Block Grant and HOME programs objectives and proposed use of funds for program year 2011-2012; and further to adopt Resolution No. 2011-6-20(R).

Resolution No. 2011-6-21(R): To authorize the filing of applications for Federal Funds in an amount not to exceed \$1,593,213 under the Housing and Community Development Act and the HOME Investment Partnership Act; designating Bruce D. Glasscock as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. (Regular Agenda Item "2")

Upon a motion made by Deputy Mayor Pro Tem Smith and seconded by Council Member Dunlap, the Council voted 8-0 to authorize the filing of applications for Federal Funds in an amount not to exceed \$1,593,213 under the Housing and Community Development Act and the HOME Investment Partnership Act; and further to adopt Resolution No. 2011-6-21(R).

Public Hearing and adoption of Ordinance No. 2011-6-22 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 123 for tax abatement consisting of a 7.255 acre tract of land located in the Martha McBride Survey, Abstract No. 553, Collin County in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date. (Regular Agenda Item "3")

Plano Economic Development Board Executive Director Bane spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and this agreement based on an estimated \$10 million in real and \$5 million in business personal property for a period of ten years from November 1, 2011 with an abatement at the rate of 50% for real and business personal property and an impact of \$24,430 for real property and \$12,215 for business personal property based on the current tax rate.

Mayor Dyer opened the Public Hearing. No one spoke for or against the item. The Public Hearing was closed.

Upon a motion made by Council Member Dunlap and seconded by Council Member Harris the Council voted 8-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 123 for tax abatement; and further to adopt Ordinance No. 2011-6-22.

Resolution No. 2011-6-23(R): To approve the terms and conditions of an Agreement by and between the City of Plano, Texas, Internap Network Services Corporation and Behringer Harvard 1221 Coit, LP, a Texas Limited Partnership; providing for a business personal property and real property improvement tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "4")

Plano Economic Development Board Executive Director Bane advised that the agreement includes 128,000 square feet of existing commercial space, has a term of ten years and is based on 50% of both business personal and real property.

Upon a motion made by Council Member Dunlap and seconded by Council Member Gallagher the Council voted 8-0 to approve the terms and conditions of an Agreement by and between the City of Plano, Internap Network Services Corporation and Behringer Harvard 1221 Coit, LP; providing for a business personal property and real property improvement tax abatement; and further to adopt Resolution No. 2011-6-23(R).

Resolution No. 2011-6-24(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Internap Network Services Corporation and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “5”)

Plano Economic Development Board Executive Director Bane advised that the agreement in the amount of \$50,000 provides for occupancy of not less than 128,000 square feet of commercial space by November 1, 2011 and has a term of ten years.

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Harris, the Council voted 8-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between Internap Network Services Corporation and the City of Plano; and further to adopt Resolution No. 2011-6-24(R).

Resolution No. 2011-6-25(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Aimbridge Hospitality, L.P., a Texas limited liability company; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “6”)

Plano Economic Development Board Executive Director Bane advised that the agreement in the amount of \$75,000 provides for occupancy of not less than 25,000 square feet of existing space; transfer or creation of up to 60 full-time jobs by October 1, 2011; business personal property in the amount of \$155,000; real property in the amount of \$500,000; and has a term of seven years.

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Davidson, the Council voted 8-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Aimbridge Hospitality, L.P.; and further to adopt Resolution No. 2011-6-25(R).

Resolution No. 2011-6-26(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Ambit Holdings LLC, a Texas limited liability corporation; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “7”)

Resolution No. 2011-6-26(R) (cont'd)

Plano Economic Development Board Executive Director Bane advised that the agreement in the amount of \$60,435 provides for occupancy of not less than 69,000 square feet of office space; transfer or creation of up to 237 full-time jobs by October 1, 2011; business personal property in the amount of \$3.5 million; real property in the amount of \$1.4 million; and has a term of seven years.

Upon a motion made by Deputy Mayor Pro Tem Smith and seconded by Mayor Pro Tem Miner, the Council voted 8-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Ambit Holdings LLC,; and further to adopt Resolution No. 2011-6-26(R).

Resolution No. 2011-6-27(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Masergy Communications, Inc., a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "8")

Plano Economic Development Board Executive Director Bane advised that the agreement in the amount of \$50,000 provides for occupancy of not less than 35,000 square feet of office space; retention or creation of up to 120 full-time jobs by March 31, 2012; and has a term of seven years.

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Dunlap, the Council voted 8-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Masergy Communications, Inc.; and further to adopt Resolution 2011-6-27(R).

Nothing further was discussed and Mayor Dyer adjourned the meeting at 7:28 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary