

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
AUGUST 27, 2012**

**COUNCIL MEMBERS PRESENT**

Phil Dyer, Mayor  
Lissa Smith, Mayor Pro Tem  
Ben Harris, Deputy Mayor Pro Tem  
Pat Miner  
André Davidson  
James Duggan  
Patrick Gallagher  
Lee Dunlap

**STAFF PRESENT**

Bruce D. Glasscock, City Manager  
LaShon Ross, Deputy City Manager  
Diane Wetherbee, City Attorney  
Diane Zucco, City Secretary

Mayor Dyer called the meeting to order at 5:00 p.m., Monday, August 27, 2012, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor Dyer then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071; receive information regarding Economic Development, Section 551.087 and to discuss Real Estate, Section 551.072 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 5:44 p.m.

**Consideration and action resulting from Executive Session discussion.**

No items were discussed.

**Discussion and Direction Regarding Preston at Legacy – Median Left Turn**

Police Chief Rushin spoke to the opening of the Preston Road/Legacy Road intersection on July 27, 2010 with full construction completed on September 1, 2010 and review of statistics related to turning movements before and after completion. He advised that there was a 15% decrease in crashes, noted the changes in the pattern of accidents, and the increase in the number of injury collisions. Chief Rushin reviewed the causes of accidents before/after implementation and the level of incidents at other area intersections following construction, advising that of the four reviewed, two saw increases and two decreases. He responded to the Council, advising that while there were some severe crashes during the construction phase, there have been none since its completion. Director of Public Works Cosgrove spoke to implementation of the median left turn providing better movement on Preston Road and improvement as the public becomes more familiar with the intersection. Deputy Mayor Pro Tem Harris spoke to the lack of data on the impact to collector streets and in opposition to the design. The Council stated a general consensus to retain the design at this intersection, continue review and delay implementation at other locations.

## **Discussion and Direction Regarding Planning and Zoning Commission Training**

Director of Planning Jarrell advised regarding training and educational opportunities provided for the Planning & Zoning Commission including Staff sessions with those newly appointed to review topics such as zoning, comprehensive planning, legal considerations and site plan and plat regulation. She spoke to additional training in the form of special work sessions with the Planning and Legal Departments and available programs from other organizations. Ms. Jarrell spoke to utilizing a mix of in-house and outside opportunities to provide a balanced perspective. Mayor Pro Tem Smith spoke to requiring training of newly appointed members whether it is in-house or outside. Council Member Dunlap spoke to the Council's final authority for zoning cases, the experience of those applying for the board and utilizing in-house resources including worksessions. Mayor Pro Tem Smith spoke to sessions being geared toward orientation.

## **Report on 2012 Point-in-Time Homeless Count**

Collin County Homeless Coalition Chair Cara Mendelsohn spoke to the increase in participation beginning in 2011 and the survey required by HUD, utilized for resource allocation and increasing awareness. She spoke to increases in the County and a 12% increase in the City of Plano with a total of 291 (199 adults and 92 children). Ms. Mendelsohn spoke to factors impacting the count including the number of surveyors and weather and advised regarding ethnicity, family composition, educational level, and the significant increase in those who are chronically homeless. She spoke to the needs of the homeless and the school district's differing methods of tracking. Ms. Mendelsohn responded to the Council, advising that those staying overnight in Dallas are not included in the Plano count and challenges of providing services for differing needs.

## **Update Regarding West Nile Virus**

Director of Environmental Health Collins advised that the West Nile Virus was first detected in the United States in 1999 and in Texas in 2002 and spoke to transmission from mosquitos after they have bitten an infected bird. He spoke to the two forms of the virus being a "fever" which is mild in nature and the neuroinvasive which is more severe in nature. Mr. Collins advised regarding the City's sampling/monitoring and utilization of an integrated program including education, larvacide and land-based fogging. He spoke to notification provided to spray areas and the relatively low level of cases city and county-wide as compared to other regions. Mr. Collins advised regarding the evening fogging program, products utilized and stated that the risks of west nile virus may be present through October. Council Member Dunlap thanked Staff for pro-active education and information provided.

## **Comprehensive Monthly Financial Report**

Director of Finance Tacke advised that the July 2012 report finds General Fund revenues up as a percentage of budget as compared to last year while Water and Sewer revenues are up slightly. She stated that actual General Fund revenues are up \$11.4 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, cable franchises, and ambulance services. She advised that General, Water & Sewer Fund, and Golf Course Fund expenditures are up as a percentage of budget and personnel services are up due to the large number of retirees this fiscal year. She advised that the unemployment rate is at 6.7% and that sales tax collections for the month of July are up by \$294,000.

Ms. Tacke advised that actual revenues for the Water & Sewer Fund are down by \$6.2 million compared to the prior year due to drought conditions and water restrictions while expenses are up by \$6.7 million. She responded to Council Member Gallagher, advising that ambulance billings are up due to a change in the billing company.

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

No items were discussed.

**Consent and Regular Agendas**

Council Member Dunlap requested that Consent Agenda Item "B," Bid No. 2012-269-B for the 2011-2012 Residential Concrete Pavement Project Zone I10 & J9, Project No. 6211 to Jerusalem Corporation in the amount of \$1,370,742, be removed for individual consideration due to a possible conflict of interest.

Mayor Dyer requested that Consent Agenda Item "K," repealing Ordinance No. 2011-9-31 and approving the updated classification, including the number of positions and compensation plan, for the Fire Department sworn personnel for fiscal year 2011-2012 be removed for individual consideration.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:48 p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary

## **PLANO CITY COUNCIL**

**August 27, 2012**

### **COUNCIL MEMBERS PRESENT**

Phil Dyer, Mayor

Lissa Smith, Mayor Pro Tem

Ben Harris, Deputy Mayor Pro Tem

Pat Miner

André Davidson

James Duggan

Patrick Gallagher

Lee Dunlap

### **STAFF PRESENT**

Bruce Glasscock, City Manager

LaShon Ross, Deputy City Manager

Diane Wetherbee, City Attorney

Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, August 27, 2012, 2012, at 7:02 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Reverend Alice Coder of First United Methodist Church in Plano led the invocation and Cadette Girl Scout Troop 656 led the Pledge of Allegiance.

### **PROCLAMATIONS & SPECIAL RECOGNITION**

Mayor Dyer presented proclamations recognizing Plano ISD PTA's celebration of Family Engagement Month and The InTouch Credit Union Plano Hot Air Balloon Festival. City Manager Glasscock recognized Nancy Nevil, Director of the Plano Sustainability & Environmental Services Department for her thirty years of service.

### **COMMENTS OF PUBLIC INTEREST**

Citizen Denise Midgley requested information regarding the placement of bicycle path signs along roadways and stated concern regarding on street cycling. City Manager Glasscock advised that Staff will respond to Ms. Midgley's request.

### **CONSENT AGENDA**

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

Upon the request of Mayor Dyer, Consent Agenda Item "K" was removed for individual consideration.

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

**Approval of Minutes** (Consent Agenda Item “A”)

August 8, 2012  
August 13, 2012  
August 18, 2012

**Approval of Expenditures**

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

**Bid No. 2012-223-B** to approve the purchase of two (2) Portable Video Surveillance Towers, at a total cost of \$99,000 from Cameras Onsite LLC, through the 2010 COPS Child Sexual Predator Grant and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

**To terminate Contract No. 2011-204-C** Tires – New, and award Bid No. 2012-260-C for a one (1) year contract with three (3) city optional renewals to purchase Tires – New for Inventory Control & Asset Disposal (ICAD) from A to Z Tire & Battery, Inc., American Tire Distributors, and Southern Tire Mart in an estimated amount of \$316,686 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

**Purchase from an Existing Contract**

To approve the purchase of the installation of conduits and cabling for the Technology Services Data Center Renovation project, in the amount of \$149,948 from Able Communications, Inc. through an existing contract and authorizing the City Manager to execute all necessary documents. (City of Plano Contract Number 2011-195-C) (Consent Agenda Item “E”)

**Adoption of Resolutions**

**Resolution No. 2012-8-10(R):** To extend the time limits of an exclusive period for development of a preliminary project design and the negotiation of the terms and conditions of a development agreement by and between the City of Plano, Texas and Prescott Realty Group for the redevelopment of 4.6± acres located at the northwest corner of Park Boulevard and K Avenue in the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “F”)

**Resolution No. 2012-8-11(R):** To approve the terms and conditions of an agreement by and between the City of Plano, Texas and Alcatel-Lucent USA, Inc., a sole source provider, to purchase services and products related to the Phase 7 upgrade and replacement of the existing microwave radio system in the amount of \$677,448; authorizing its execution by the City Manager and providing an effective date. (Consent Agenda Item “G”)

**Resolution No. 2012-8-12(R):** To find Officer Samuel Mark McClendon is entitled to defense representation pursuant to the City Code of Ordinances in connection with the matter of Roger C. Fountain v. City of Plano Police Department, et al., in the United States District Court for the Eastern District of Texas, Sherman Division, Case No. 4:12-cv-00026; and providing an effective date. (Consent Agenda Item “H”)

**Resolution No. 2012-8-13(R):** To find Officer Stan Roady is entitled to defense representation pursuant to the City Code of Ordinances in connection with the matter of Roger C. Fountain v. City of Plano Police Department, et al., in the United States District Court for the Eastern District of Texas, Sherman Division, Case No. 4:12-cv-00026; and providing an effective date. (Consent Agenda Item “I”)

### **Adoption of Ordinances**

**Ordinance No. 2012-8-14:** To amend Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to amend the prima facie maximum speed limits for motor vehicles operating on certain sections of Park Boulevard within the corporate limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “J”)

### **END OF CONSENT**

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

**Bid No. 2012-269-B** for the 2011-2012 Residential Concrete Pavement Project Zone I10 & J9, Project No. 6211 to Jerusalem Corporation in the amount of \$1,370,742 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Miner, the Council voted 7-0 to approve Bid No. 2012-269-B for the 2011-2012 Residential Concrete Pavement Project Zone I10 & J9, Project No. 6211 to Jerusalem Corporation in the amount of \$1,370,742.

Council Member Dunlap resumed his seat at the bench.

**Consideration of an Ordinance** to repeal Ordinance No. 2011-9-31 and approve the updated classification, including the number of positions and compensation plan, for the Fire Department sworn personnel for fiscal year 2011-2012 effective August 28, 2012; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “K”)

Interim Fire Chief Peterson advised that the proposed ordinance would establish positions to implement the pilot program to place Engine #8 in service on October 1. Fire Captain Biggerstaff spoke regarding the process of responding to emergencies and in opposition to the proposal revising the number of personnel on an engine from four to three. He spoke to the importance of the first few moments at the scene of a fire and the potential impact on service and safety.

Fire Rescue Specialist McCutcheon stated agreement with utilizing Engine #8 at Station 8, but disagreement with doing so prior to hiring additional staff. He spoke to research which indicates the effectiveness of four-member staffing, the impact on firefighter safety and paramedic outcomes. Mr. McCutcheon requested the Council reverse their decision.

City Manager Glasscock advised that the ordinance addresses promotions needed to implement the program for which Staff had received direction. Chief Peterson spoke to differing studies regarding the need for four-man staffing, being responsive to the needs of the north and west portion of the City, and operating in a cost-effective manner. He stated that he did not recommend: implementing three-man staffing department-wide, sending fewer fire fighters than indicated by a particular call, decreasing the minimum daily staffing level below 81, accepting a decreased level of service, risking lives, or removing medical units during typical low-incident times. Mr. Glasscock spoke to considering the level of service provided by every department, costs, and the importance of public safety. He spoke to getting equipment on the street, potential savings and requested Council direction.

Council Member Gallagher stated his respect for the firefighters and their position. He spoke to Staff time spent evaluating the expenses of all departments and in support of a pilot program. Mr. Gallagher requested the firefighters assist by proving metrics for the program.

Chief Peterson responded to Council Member Davidson, advising that without the program, Engine #8 would begin service in October 2013 and provided information on other Texas cities utilizing four-man staffing. He further responded, advising that additional resources for an emergency can be provided from other stations if needed. He responded to Mayor Pro Tem Smith, advising that the number of staff responding to a fire scene can be defined in the program and spoke regarding current response times. In response to Council Member Dunlap, he advised that the equipment sent to a structure fire include two engines, one aerial ladder, an ambulance and a battalion chief. He responded to Council Member Miner advising that, should the pilot not prove successful, those promoted can fill vacancies and to Deputy Mayor Pro Tem Harris that the City's medical director has indicated that a response of three people on an engine and two on an ambulance are adequate in the case of a medical emergency and that a matrix for evaluation will be developed.

Fire Apparatus Operator Moberly spoke to cities using four-man staffing and the relatively similar response times between an engine and the truck currently serving from Station #8. Fire Rescue Specialist Gillespie spoke to Chief Peterson's service as chair of the committee that established the recommendation of four-man staffing. He spoke to the staffing plan in place, approval of the bond referendum by voters and the requirement that new fire fighters already have certification shortening the time before full staffing can be achieved. Chief Peterson spoke to the recommendation of four-man staffing as an appendix to documentation standards and representing a recommendation, rather than a requirement.

Mr. Glasscock advised that the plan is not to reduce staffing across the board, but to address expenses and possibly recapture some savings. Council Member Duggan stated concern regarding the uncertainty of when reduced levels would be utilized and potential injury risks.

Chief Peterson spoke to four vehicles out of the department's 17 that would be impacted by decreased staffing. Council Member Miner questioned the use of a pilot program and spoke to citizens accepting a tax increase rather than a decrease in levels of public safety. In response to Mayor Pro Tem Smith, Chief Peterson advised that Staff would bring forward updates as the program progresses and continue its use until fifteen personnel are included in the budget for four-man staffing.

Mayor Dyer spoke to significant savings only being achieved through expansion of the program and Chief Peterson advised that his recommendation is for no fewer than 81 employees per shift.

Mr. Glasscock advised that the pilot program would allow management to evaluate whether or not to call in additional personnel on overtime. Chief Peterson spoke regarding his experience in fire protection, taking different approaches to individual circumstances and the current/anticipated departmental budget. He responded to Council Member Dunlap, advising that if the program is not implemented, the biggest impact would be on responses to structural service calls. Director of Budget and Research Rhodes-Whitley advised that an additional \$1.2 million would be needed to hire 15 firefighters on January 1.

Deputy Mayor Pro Tem Harris spoke to the importance of discussing direction for all departments, considering citizen demands, the lack of a matrix to evaluate the program and its benefits and in support of four-man staffing. Council Member Davidson stated respect for the time and effort put forth by the City Manager and Chief; but, stated concern with the structure of the pilot program and its evaluation. She spoke to other major Texas cities, recommendations by the American Heart Association and in support of four-man staffing. Mayor Dyer advised that if a majority of the Council is not in support, no motion is necessary and that silence will be interpreted as support for a failure of the item and an associated change in direction (not pursuing the pilot program).

No motion was made and the item died for lack thereof.

**Public Hearing on a proposal to increase total tax revenues** from properties on the tax roll in the preceding tax year by 0.65 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). (Regular Agenda Item "1")

Director of Budget and Research Rhodes advised that the proposed rate is 48.86 cents per \$100 valuation and that the rollback rate is 48.54 cents.

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

**Public Hearing and adoption of Ordinance No. 2012-8-15 as requested in Zoning Case 2012-20** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 630 so as to allow the additional use of Private Club on 0.7± acre of land located on the north side of Spring Creek Parkway, 470± feet east of Custer Road, in the City of Plano, Collin County, Texas, presently zoned Retail; 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: Iraj Zilaie (Regular Agenda Item “2”)

Planning Manager Firgens advised that the Planning and Zoning Commission recommends approval of the request as submitted and stated that if approved, annual audits shall be provided for compliance review.

**Ordinance No. 2012-8-15 (cont'd)**

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 Miner and seconded by Council Member Gallagher, the Council voted 8-0 to grant Specific Use Permit No. 630 so as to allow the additional use of Private Club on 0.7± acre of land located on the north side of Spring Creek Parkway, 470± feet east of Custer Road as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-20; and further to adopt Ordinance No. 2012-8-15

**Public Hearing and adoption of Ordinance No. 2012-8-16 as requested in Zoning Case 2012-21** to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and Subsection 3.102 (Day Care Centers, Day Care Centers (In-home), and Day Care Centers (Accessory)) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, regarding day care centers (in-home); 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 “3”)

Director of Planning Jarrell spoke to operators being requested to confirm the number of children under their care by the Building Inspection’s Department and Council’s concern regarding exceeding eight children at in-home centers. She spoke to the proposal impacting both licensed and registered providers and to removing language referencing a specific use permit for those caring for more than eight children. Planner Munyaradzi responded to the Council regarding licensing in other area cities. Ms. Jarrell responded to the Council regarding enforcement challenges of permitting additional children for before/after/holiday care and advised that the Planning and Zoning Commission recommended approval as follows:

**Ordinance No. 2012-8-16 (cont'd)**

1. Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to revise the definition for day care center (in home) and remove the word “center” as follows:

Day care ~~center~~ (in home):

An operation providing care in the caretaker’s residence for less than 24 hours a day for up to ~~4~~ 8 children under the age of 14, provided that the total number of children, including the caretaker’s own children, is no more than ~~4~~ 8 at any time.

2. Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to add End Note number 42 to the MH, MF-1, MF-2 and MF-3 districts, delete “c” from End Note: 42 - See Subsection 3.102.2.c, and remove the word “center” as follows:

**Residential Zoning Districts**

Permitted Uses	Category	A- Agricultural	ED - Estate Development	SF-20 - Single-Family-20	SF-9 - Single-Family-9	SF-7 - Single-Family-7	SF-6 - Single-Family-6	2F - Two-Family (Duplex)	PH - Patio Home	SF-A - Single-Family Attached	MH - Mobile Home	MF-1 - Multifamily-1	MF-2 - Multifamily-2	MF-3 - Multifamily-3	GR - General Residential	UR - Urban Residential
Day Care <del>Center</del> (In-home)	Service	P 42	P 42	P 42	P 42	P 42	P 42	P 42	P 42	P 42	P <u>42</u>	P <u>42</u>	P <u>42</u>	P <u>42</u>	P 42	P 42

End Note: 42 - See Subsection 3.102.2.e

3. Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to change any references to “day care center (in-home)” to state “day care (in-home).”
4. Amend Subsection 3.102 (Day Care Centers, Day Care Centers (In-Home), and Day Care Centers (Accessory)) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) as follows:

3.102 Day Care Centers, Day Care ~~Centers~~ (In-home), and Day Care Centers (Accessory)

1. All day care centers and day care centers (accessory) shall comply with the following standards:

**Ordinance No. 2012-8-16 (cont'd)**

- a. If required by the State of Texas, the day care center must be licensed or registered.
  - b. No day care center shall be part of a single-family or two-family dwelling.
  - c. A day care center shall abut and derive its primary access from a street with a pavement width of 36 feet or greater.
2. Day care center (in-home) is allowed as a home occupation (refer to Subsection 3.110) in the caretaker's residence subject to:

a. If required by the State of Texas, the day care center must be licensed or registered. Care may be provided to a maximum of eight or fewer children is allowed by right, regardless of the number of children permitted by the State of Texas or the type of state license held by the operator.

~~b. Care provided to nine or more children is allowed with approval of a specific use permit.~~

~~All group day care homes~~ licensed child-care homes which were licensed by the State of Texas or had a license application pending on or before October 25, 1993, are considered to be a legal use in residential districts ~~and will not require specific use permit approval~~ as long as a valid license is maintained for the operation in its original location and it provides care for less than 24 hours a day for no more than 12 children (including the caretaker's and staff's children) under the age of 14.

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

Council Member Dunlap stated opposition to the request, citing the potential for approval of additional capacity at specific locations.

A motion was made by Council Member Miner and seconded by Deputy Mayor Pro Tem Harris to amend sections of the Comprehensive Zoning Ordinance of the City related to day care centers (in-home); as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-21; and further to adopt Ordinance No. 2012-9-16. The Council voted 7-1 with Council Member Dunlap voting in opposition. The motion carried.

Nothing further was discussed. Mayor Dyer adjourned the Open Meeting at 8:33 p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary

**PLANO CITY COUNCIL**  
**Special Called Session**  
**September 5, 2012**

**COUNCIL MEMBERS PRESENT**

Phil Dyer, Mayor  
Lissa Smith, Mayor Pro Tem  
Ben Harris, Deputy Mayor Pro Tem  
Pat Miner  
André Davidson  
Patrick Gallagher  
Lee Dunlap

**COUNCIL MEMBERS ABSENT**

James Duggan

**STAFF**

Bruce Glasscock, City Manager  
Diane C. Wetherbee, City Attorney  
Alice D. Snyder, Assistant City Secretary

Mayor Dyer convened the Council into the Special Called Session on Wednesday, September 5, 2012 at 5:02 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

**A second public hearing on a proposal to increase total tax revenues** from properties on the tax roll in the preceding tax year by 0.65 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). (First public hearing held August 27, 2012.)

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

Nothing further was discussed. Mayor Dyer adjourned the meeting at 5:03 p.m.

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**Phil Dyer, MAYOR**

ATTEST:

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Alice D. Snyder, Assistant City Secretary

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
SEPTEMBER 10, 2012**

**COUNCIL MEMBERS PRESENT**

Phil Dyer, Mayor  
Lissa Smith, Mayor Pro Tem  
Ben Harris, Deputy Mayor Pro Tem  
Pat Miner  
André Davidson  
Patrick Gallagher  
Lee Dunlap

**COUNCIL MEMBERS ABSENT**

James Duggan

**STAFF PRESENT**

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

Mayor Dyer called the meeting to order at 5:13 p.m., Monday, September 10, 2012, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor Dyer then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071; receive information regarding Economic Development, Section 551.087 and to discuss Personnel, Section 551.074 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 6:17 p.m.

**Consideration and action resulting from Executive Session discussion**

No items were discussed.

**Discussion and Direction Regarding Employee Health Insurance Benefits**

Director of Human Resources Parrish spoke to the role of benefits in recruiting and retaining employees and provided a history of health insurance claims. He spoke to the categories of spending including hospitalization, physicians, etc. and advised that through network discounts, City has received discounts of 50%+ off the retail rate of services. Mr. Parrish spoke to the uncertainties of healthcare reform including potential leadership changes, federal mandates, changes in the medical industry, requirements by outside entities and a loss of local control of health plans. He spoke regarding the "grandfather" provision allowing the City to maintain flexibility and postpone mandates, its associated costs and the eventual loss of this status. Mr. Parrish reviewed design changes which apply to all plans beginning in 2014 including requirements to offer insurance coverage or pay fees and to offer coverage to all dependents and penalties for failure to comply. Mayor Pro Tem Smith requested information on the possible tiering of dependent coverage for new versus current employees.

Mr. Parrish reviewed the number of dependents on the City's plan and costs and reviewed retiree subsidies. He spoke to anticipated changes in 2014, the lack of guidance and regulations at the current time, making data-driven decisions, communicating information to employees and the potential of a tax in 2018 for those plans outside of current regulations. Mr. Parrish advised that he would provide regular briefings.

### **Discussion Regarding North Texas Municipal Water District Sewer Rates**

Director of Policy and Governmental Relations Israelson spoke to the \$2 million impact to the City's sewer budget discussed at the August Budget Worksession and advised that the increase from the district is a mathematical calculation based on the City's sewer flow rates over the last five years and does not reflect the downward movement of Plano's percentage of use or neighboring cities increase of use. He recommended that any increase in sewer rates be delayed until spring 2013 to allow for review of FY 2011-12 use and winter quarter averaging figures.

### **Update Regarding MotoMesh**

Director of Technology Services Stephens spoke to providing City-wide connectivity for both public safety and non-public safety employees and redundancy to existing land-based networks. He spoke to deployment of hotspots (2007), installation along major arterials (2008), and infill of neighborhoods beginning in 2009. Mr. Stephens advised that of the approximate 1,000 devices for neighborhoods, 174 have no usable asset for installation and stated that in working with Coserv, Staff has developed an acceptable pole design. He advised that Oncor has not approved any designs submitted and recommended in 2009 that the City install separate poles. Mr. Stephens spoke to Staff recommendations: 1) no installations in Oncor service areas (lack of coverage in 6% of Plano); 2) continue working with Oncor toward a solution; 3) install new City-owned poles to provide complete coverage. City Manager Glasscock spoke to the uncertainty of continued discussions with Oncor and Mr. Stephens advised the Council of the services that will be provided by system installation. The Council spoke to the benefits and directed Staff to move forward with placement of City-owned poles.

### **Discussion and Direction Regarding Intersection Improvements – Custer & Parker – Tree Removal**

Director of Public Works Cosgrove spoke regarding the impact of intersection improvements at the southeast corner of Custer Road and Parker Road advising that a normal right-turn lane would provide maximum storage and transition length and will handle all right turns, but be unacceptable since almost all trees would need removal and a retail driveway would be in transition. He spoke to Option 2 which includes a 100-foot transition and 200-foot storage providing for maximum storage, handling all right turns, and removing the driveway from transition, but would require removal of almost all the trees and result in a shorter transition distance. Mr. Cosgrove advised that Option 3 would include a 75-foot transition and 140-foot storage which would provide for the best balance between traffic needs and the desire to save trees and handle all right turns, but will require the removal of one or two trees and include shorter storage and transition distances. He stated that Option 4 would be the same as Option 3 without transition but would save trees. He spoke to discussions with property owners, the present service at a Level E with any option offering small level of improvement to Level D and the recommendations for Option 2 to meet traffic needs and Option 3 to balance traffic needs with the desire to save trees.

Mayor Pro Tem Smith stated concern with the removal of trees in this area, particularly if there is not a significant level of improvement in traffic flow. Mr. Cosgrove spoke to the negative impact should double left-turn lanes be installed and advised that funding is from Regional Toll Revenues. City Manager Glasscock advised that a new developer may remove trees at this location. After discussion, the Council concurred to take no action.

### **Discussion and Direction Regarding Recycling Campaign**

Director of Sustainability and Environmental Services Nevil spoke to the City's plateau at 25% recycling for residential customers and efforts to develop a campaign to increase participation. The Council directed Staff to continue work on its design.

### **Consideration to Reschedule March 2013 Council Meeting Date**

City Manager Glasscock requested consideration of moving the March 5 meeting to March 6 citing a conflict with Collin County Days. The Council stated concurrence with the recommendation.

### **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 7:25 p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary

**PLANO CITY COUNCIL**  
**September 10, 2012**

**COUNCIL MEMBERS PRESENT**

Phil Dyer, Mayor  
Lissa Smith, Mayor Pro Tem  
Ben Harris, Deputy Mayor Pro Tem  
Pat Miner  
André Davidson  
Patrick Gallagher  
Lee Dunlap

**COUNCIL MEMBERS ABSENT**

James Duggan

**STAFF PRESENT**

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

Mayor Dyer convened the Council into the Regular Session on Monday, September 10, 2012, at 7:30 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Mayor Dyer led a moment of silence in remembrance of 9-11 and the Boys and Girls Club of Collin County Plano led the Pledge of Allegiance.

**COMMENTS OF PUBLIC INTEREST**

No one appeared to speak.

**CONSENT AGENDA**

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

**Approval of Expenditures**  
**Purchase from an Existing Contract**

To approve the purchase of Air-Pak 75 SCBA Units and SCBA cylinders in the amount of \$139,177 from (MES) Municipal Emergency Services through an existing contract/agreement with the City of Fort Worth Contract #PO-12-00069877 (City of Plano Contract #2012-97-I);and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "A")

## **Adoption of Resolutions**

**Resolution No. 2012-9-1(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between Tyler Technologies, Inc., a Delaware corporation, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date (Consent Agenda Item “B”).

**Resolution No. 2012-9-2(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between Winzer Corporation, a Texas corporation, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “C”)

**Resolution No. 2012-9-3(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between Optisense Network, LLC, a Delaware limited liability company, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “D”)

**Resolution No. 2012-9-4(R):** To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for the Intersection Traffic Control Project, PIN 17560006409000, targeting intersections regulated by a signal light; authorizing the City Manager or his authorized designee; to execute the grant agreement and any other documents necessary to effectuate the action taken; and providing an effective date. (Consent Agenda Item “E”)

**Resolution No. 2012-9-5(R):** To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the Plano Independent School District for the operation of the Police/School Liaison Program; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “F”)

**Resolution No. 2012-9-6(R):** To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the Frisco Independent School District for the operation of the Police/School Liaison Program; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “G”)

## **Adoption of Ordinances**

**Ordinance No. 2012-9-7:** To adopt and enact Supplement Number 100 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 “H”)

## **END OF CONSENT**

**Ordinance No. 2012-9-8:** To approve and adopt the Operating Budget and setting the appropriations for the fiscal year beginning October 1, 2012, and terminating September 30, 2013; and providing an effective date. (Public Hearing held on August 13, 2012.) (Regular Agenda Item “1”)

Director of Budget and Research Rhodes-Whitley advised that the total combined budget is \$425 million.

**Ordinance No. 2012-9-8 (cont'd)**

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to approve and adopt the Operating Budget and set the appropriations for the fiscal year beginning October 1, 2012, and terminating September 30, 2013; and further to adopt Ordinance No. 2012-9-8.

**Ordinance No. 2012-9-9:** To approve and adopt the Community Investment Program and setting the appropriations for 2012-13; and providing an effective date. (Public Hearing held on August 13, 2012.) (Regular Agenda Item "2")

Director of Budget and Research Rhodes-Whitley spoke to removal of a portion of funding for remodeling of Plano Centre and advised that the Community Investment Program totals \$88 million.

Upon a motion made by Council Member Davidson and seconded by Council Member Miner, the Council voted 7-0 to approve and adopt the Community Investment Program and set the appropriations for 2012-13; and further to adopt Ordinance No. 2012-9-9.

**Ordinance No. 2012-9-10:** To approve and adopt the Tax Rate for the fiscal year beginning October 1, 2012, and terminating September 30, 2013, and providing an effective date. (Public Hearings held on August 27, 2012 and September 5, 2012.) (Regular Agenda Item "3")

Director of Budget and Research Rhodes-Whitley advised that the City has been at the same tax rate for four years.

Mayor Dyer made a motion stating that the property tax revenue will be increased by the adoption of a tax rate of 48.86 cents which is effectively a 0.65% increase in the tax rate for the fiscal year beginning October 1, 2012, and terminating September 30, 2013; and further to adopt Ordinance No. 2012-9-10. Deputy Mayor Pro Tem Harris seconded the motion and the Council voted 7-0. The motion carried.

**Ordinance No. 2012-9-11:** To ratify the property tax revenue increase in the 2012-13 Budget as a result of the City receiving more revenues from property taxes in the 2012-13 Budget than in the previous fiscal year; and providing an effective date. (Public Hearings held on August 27, 2012 and September 5, 2012.) (Regular Agenda Item "4")

Director of Budget and Research Rhodes-Whitley spoke to collection of more property tax revenue due to an increase in commercial value of properties, the sunseting of Tax Increment Finance Zone No. 1, and the difference in the effective rate.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Miner, the Council voted 7-0 to ratify the property tax revenue increase in the 2012-13 Budget as a result of the City receiving more revenues from property taxes in the 2012-13 Budget than in the previous fiscal year; and further to adopt Ordinance No. 2012-9-11.

**Consideration of a request for a revised site plan** and to participate in a Parking Reduction Program for a Public Secondary School on one lot on 42.8± acres located at the northwest corner of Parker Road and Willow Bend Drive. Zoned Single-Family Residence-9 and Agricultural. Applicant: Plano Independent School District. (Regular Agenda Item “5”)

Planning Manager Firgens advised that the request is for a Parking Reduction Program at Plano West Senior High School and requires Council approval of the site plan. She spoke to the applicant’s plans for 1,572 spaces rather than the 2,134 required by the Zoning Ordinance. Ms. Firgens stated that the Planning and Zoning Commission recommended approval subject to: 1) City Council approval of the request for a parking reduction; 2) the applicant executing a performance agreement with the City, subject to approval by the City Attorney; and 3) dedication of parking easements for the new proposed offsite parking on Lot 2, and the deferred parking areas on Lots 1R and 2, Block A, Plano West Senior High School Addition. She responded to the Council, advising that there are no exemptions at Plano Senior or Plano East Senior High Schools and that there has been no parking issues in the area surrounding Plano West.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Davidson, the Council voted 7-0 to approve a request for a revised site plan and to participate in a Parking Reduction Program for a Public Secondary School on one lot on 42.8± acres located at the northwest corner of Parker Road and Willow Bend Drive as recommended by the Planning and Zoning Commission.

**Public Hearing and adoption of Ordinance No. 2012-9-12** to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 130 for tax abatement consisting of a 14.10 acre tract of land out of the Maria C. Vela Survey, Abstract No. 935 and the Obediah Epps Survey, Abstract No. 297, Collin County and described in Exhibit "A", attached hereto, 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 “6”)

Economic Development Director Bane spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement being based on an estimated \$11.5 million in real property improvements for a period of ten years from January 1, 2014, with an abatement at the rate of 50%.

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

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 130 for tax abatement consisting of a 14.10 acre tract of land out of the Maria C. Vela Survey, Abstract No. 935 and the Obediah Epps Survey, Abstract No. 297; and further to adopt Ordinance No. 2012-9-12.

**Resolution No. 2012-9-13(R):** To approve the terms and conditions of an agreement by and between the City of Plano, Texas and Tyler Technologies, Inc., a Delaware corporation, providing for real property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “7”)

Economic Development Director Bane advised that the agreement includes a new building and extensive remodeling of an existing structure for 139,000 square feet of office space, has a term of ten years and is based on 50% of real property.

Upon a motion made by Council Member Davidson and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas and Tyler Technologies, Inc., providing for real property tax abatement; and further to adopt Resolution No. 2012-9-13(R).

**Public Hearing and adoption of Ordinance No. 2012-9-14** to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 131 for tax abatement consisting of an 8.357 acre tract of land situated in the J. T. McCullough Survey, Abstract No. 633, Collin County and described in Exhibit "A", attached hereto, 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 “8”)

Economic Development Director Bane spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement being based on an estimated \$4.4 million in real and \$4 million in business personal property for a period of ten years from January 1, 2014, with an abatement at the rate of 50% for real and business personal property.

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

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Gallagher, the Council voted 7-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 131 for tax abatement consisting of an 8.357 acre tract of land situated in the J. T. McCullough Survey, Abstract No. 633; and further to adopt Ordinance No. 2012-9-14.

**Resolution No. 2012-9-15(R):** To approve the terms and conditions of an agreement by and between the City of Plano, Texas, Winzer Corporation, a Texas corporation, and WR Plano Parkway, LLC, a Georgia limited liability company, providing for real and business personal property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “9”)

Economic Development Director Bane advised that the agreement includes 100,000 square feet of office space and warehouse space, has a term of ten years and is based on 50% of both real and business personal property.

Upon a motion made by Council Member Miner and seconded by Council Member Davidson, the Council voted 7-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, Winzer Corporation and WR Plano Parkway, LLC providing for real and business personal property tax abatement; and further to adopt Resolution No. 2012-9-15(R).

**Public Hearing and consideration of an Ordinance as requested in Zoning Case 2012-12** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development-374-Retail on 6.9± acres of land located at the northeast corner of Plano Parkway and Independence Parkway, in the City of Plano, Collin County, Texas, to modify the development standards of the district including amending or repealing the limitation on the hours of operation; 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: RaceTrac (Regular Agenda Item “10”)

Planning Manager Firgens advised the Council that the applicant has requested the item be tabled until the September 24, 2012 meeting.

Upon a motion made by Council Member Gallagher and seconded by Council Member Miner, the Council voted 7-0 to table the request until the September 24, 2012 Council Meeting.

**Public Hearing and adoption of Ordinance No. 2012-9-16** as requested in Zoning Case 2012-22 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 631 so as to allow the additional use of Superstore on 19.3± acres of land located at the southwest corner of Preston Road and Spring Creek Parkway, in the City of Plano, Collin County, Texas, presently zoned Planned Development-447-Retail/Multifamily Residence-2; 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: Margaret E. Turner (Regular Agenda Item “11”)

Planning Manager Firgens provided a description of “superstore,” spoke to companion preliminary site and concept plans, development design criteria and advised that the Planning and Zoning Commission recommended approval as submitted. She responded that the preliminary site plan has two points of access not including Baywater Drive.

Mayor Dyer opened the Public Hearing. John Rose, DCMS-Development and Construction Management Services, Inc., representing the applicant, spoke to discussions held with adjacent residential properties and advised that the property will be developer/owner occupied. He stated that the applicant has initiated a traffic warrant study for Baywater Drive. No one else spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to grant Specific Use Permit No. 631 so as to allow the additional use of Superstore on 19.3± acres of land located at the southwest corner of Preston Road and Spring Creek Parkway, in the City of Plano, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-22 and further to adopt Ordinance No. 2012-9-16.

**Public Hearing and adoption of Ordinance No. 2012-9-17** as requested in Zoning Case 2012-23 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 4.5± acres of land located at the southeast corner of Silverglen Drive and Mapleshade Lane, in the City of Plano, Collin County, Texas, from Light Industrial-1 to Corridor Commercial; with Specific Use Permit No. 632 so as to allow the additional use of Assisted Living Facility; 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: University of Texas (Regular Agenda Item “12”)

Director of Planning Jarrell advised that the applicant is requesting a rezoning of the property to allow for an assisted living facility by specific use permit and that the request is in conformance with the Comprehensive Plan. She further stated that the Planning and Zoning Commission recommended approval as submitted and initiated a zoning case to rezone the remaining land south of the future extension of Mapleshade Lane from Light Industrial-1 to Corridor Commercial as plans are for the roadway to continue to the east and connect with S.H. 190.

Mayor Dyer opened the Public Hearing. Hillary VonAhsen, Kimley-Horn and Associates, advised that she was available for any questions. No one else appeared to speak for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Miner and seconded by Council Member Davidson, the Council voted 7-0 to rezone 4.5± acres of land located at the southeast corner of Silverglen Drive and Mapleshade Lane, in the City of Plano from Light Industrial-1 to Corridor Commercial; with Specific Use Permit No. 632 so as to allow the additional use of Assisted Living Facility as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-23; and further to adopt Ordinance No. 2012-9-17.

**Public Hearing and adoption Ordinance No. 2012-9-18** as requested in Zoning Case 2012-24 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 34.0± acres of land located north of the intersection of Jeker Drive and Merriman Drive, in the City of Plano, Collin County, Texas, from Agricultural and Estate Development to 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: Betty Merriman (Regular Agenda Item “13”)

Director of Planning Jarrell advised that the request is in conformance with the Future Land Use Plan and that the applicant intends to dedicate the eastern portion of the property that is within the floodplain to the City for park purposes. She advised that the school district has determined that there is available capacity for increased enrollment with the exception of Plano East Senior High School. She advised that the Planning and Zoning Commission recommended approval as submitted and responded to Mayor Dyer, advising that property to the southeast is floodplain and part of the park system.

**Ordinance No. 2012-9-18 (cont'd)**

Mayor Dyer opened the Public Hearing. Jim Douglas, Douglas Properties Inc., described the planned development, screening, preservation of the lake area, coordination of the hike and bike trail connection, and street layouts. No one else appeared to speak for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to rezone 34.0± acres of land located north of the intersection of Jeker Drive and Merriman Drive, in the City of Plano from Agricultural and Estate Development to Single-Family Residence-6; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-24; and further to adopt Ordinance No. 2012-9-18.

The following two items were considered concurrently.

**Consideration of a Resolution** to appoint a board member to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors as provided in Chapter 452 of the Texas Transportation Code and providing an effective date. (Regular Agenda Item "14")

**Consideration of a Resolution** to affirm the appointment of a shared board member with the City of Farmers Branch to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors as provided in Chapter 452 of the Texas Transportation Code and providing an effective date. (Regular Agenda Item "15")

Upon a motion made by Council Member Davidson and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to table consideration of a Resolution to appoint a board member to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors and consideration of a Resolution to affirm the appointment of a shared board member with the City of Farmers Branch to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors until the September 24, 2012 meeting.

Nothing further was discussed. Mayor Dyer adjourned the Open Meeting at 8:33 p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary