

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
October 14 2013**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Jim Duggan
Patrick Gallagher
David Downs

COUNCIL MEMBERS ABSENT

Lissa Smith, Mayor Pro Tem

STAFF PRESENT

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

Mayor LaRosiliere called the meeting to order at 5:00 p.m., Monday, October 14, 2013, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor LaRosiliere 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 Real Estate, Section 551.072 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 LaRosiliere reconvened the meeting back into the Preliminary Open Meeting at 6:07 p.m. in the Senator Florence Shapiro Council Chambers. Council Member Duggan was seated at 6:08 p.m.

Consideration and action resulting from Executive Session discussion

Collin County Central Appraisal District Board

The Council spoke to the nomination of Michael Pirek.

Personnel Appointments

Library Advisory Board

Upon a motion made by Council Member Gallagher and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to appoint Diane Gonzalez.

Photographic Traffic Signal Advisory Committee

Council Member Duggan appointed Keith Weiss. Upon a motion made by Mayor LaRosiliere and seconded by Council Member Miner, the Council voted 7-0 to appoint Phil Head as Chair. Upon a motion made by Mayor LaRosiliere and seconded by Council Member Duggan, the Council voted 7-0 to appoint Robert Drotman as Vice Chair. Mayor Pro Tem Smith's appointment was deferred.

Self Sufficiency Committee

Upon a motion made by Council Member Gallagher and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to appoint Aaron Juniper and Andrew Ryan Wight as members.

Discussion and Direction Regarding Retail Report and Recommendation Prepared by Gibbs Planning Group

Planning Director Jarrell spoke to review of the local retail market and recommendations on shopping center updating and redevelopment as a revitalization strategy as well as use of the revitalization fund approved by voters in May. She advised that Mr. Gibbs toured the City, met with local retail brokers and found that Plano's vacancy rate is in line with the Metroplex as a whole, business-to-business sales is an increasing portion of the market, and that the City has a higher than average amount of retail space. Ms. Jarrell advised that findings indicate that the retail market overall is healthy, but has suffered from a loss of market share as centers have developed in neighboring communities; Plano continues to be a strong market and companies look to debut new store and restaurant concepts here; there is room for more grocery stores and new formats; some centers have non-traditional anchors that do not drive retail sales; and many need updated facades, although surrounding neighborhoods are stable. She spoke to older centers with lower rental rates that provide opportunities for start-up businesses, newer centers with high vacancy rates which may indicate management issues, and opportunities for infill development in large parking areas.

Ms. Jarrell reviewed the recommendations to: conduct a general market study to determine Plano's trade area; use targeted market studies to determine feasibility of revitalizing/redeveloping selected centers; categorize shopping centers based on market, building condition and location; identify tools to facilitate and incentivize; develop a pilot program to determine best strategies and a proposal process to qualify developers to participate in the pilot; and plan and design an overall corridor streetscape enhancement program. She responded to Council regarding consideration of locations for improvements.

City Manager Glasscock requested Council clarification on their recommended use of revitalization funds for either retail corners or corridors and Mayor LaRosiliere and Council Member Downs stated support for addressing retail areas. Council Member Miner spoke to consideration of centers in the eastern portion of the City and Council Member Davidson stated support for development of criteria and a pilot project to stimulate interest. Deputy City Manager Turner spoke to strong interest in development in Plano and the possibility that a beta case will present itself. He spoke to working with retail corners and their approaching corridors as a blended strategy and advised that Staff will bring forward recommended criteria.

Screening Wall Update

Director of Public Works Cosgrove spoke to the requirement for screening walls between non-residential and residential uses, the 140 miles of walls with approximately 50% City-owned and reviewed the various types. He reviewed Staff identified issues and actions as follows:

- Resolution 74-12-4(R) covering City participation in installation has been repealed.
- Private walls owned by residential property owners will be maintained by the City as long as necessary easements are dedicated with no change in the management of HOA owned walls.
- The City should continue to allow living screens as long as the right-of-way is dedicated as outlined in the Subdivision Ordinance.
- Replacement of living screens with brick walls will be considered on a case-by-case basis based on spacing and potential conflicts.
- Brick walls should not be constructed where there is no screen and lots either back or side to a roadway.
- There is no current policy to address private walls/entry features abandoned by an HOA with the exception of replacing landscaping with turf.
- Painting of City walls is considered on a case-by-case basis and Staff is working with Property Standards to develop standards for the painting of private commercial walls.
- The City should continue to require residential screening walls and they may still be dedicated to the City.
- The City should continue to require screening walls rather than ornamentals or other items.

The Council spoke to the challenges of addressing HOA walls when the associations have been discontinued. Mr. Cosgrove reviewed the impact of construction methods on the lifespan of the walls and advised that panel replacements are accomplished from the Capital Reserve Fund while whole wall replacements are managed through the Community Investment Program.

Council items for discussion/action on future agendas

Deputy Mayor Pro Tem Harris requested information be brought forward regarding the possibility of a permitting process to allow dogs on outdoor patios of dining establishments.

Consent and Regular Agendas

No items were discussed.

Nothing further was discussed. Mayor LaRosiliere adjourned the Preliminary Meeting at 6:54 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Diane Zucco, City Secretary

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Mayor LaRosiliere convened the Council into the Regular Session on Monday, October 14, 2013, at 7:01 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Pastor Brian McClane of Northpoint Church led the invocation and Junior Girl Scout Troop 3461 led the Pledge of Allegiance.

Mayor LaRosiliere recognized Council Member Duggan for his work with the Boys and Girls Clubs and administered oaths of office to incoming board and commission members.

Comments of Public Interest

Citizen John Lingenfelder stated concern regarding the impact a planned music festival at Oak Point Park and Nature Preserve will have on a specific area of prairie land. B. Ross-Williams of Texas Communities Foundation, requested the City establish a division to address homeless individuals, particularly women and children.

Consent Agenda.

Upon a motion made by Council Member Duggan 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 Minutes (Consent Agenda Item "A")
September 23, 2013

Approval of Expenditures

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

Bid No. 2013-328-B for the purchase of Rowlinson Natatorium Structural Roof Framing Repair Project to Reconstruction Experts, Inc., in the amount of \$135,503 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2013-222-C for a one (1) year contract with three (3) City optional renewals to purchase supply of water meters for Public Works, Customer & Utility Billing, and Inventory Control and Asset Disposal (ICAD) to HD Supply Waterworks, Ltd. in the estimated annual amount of \$348,666 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Bid No. 2013-367-B for Early Morn Drive & Rosehill Lane Drainage Improvements to Jim Bowman Construction Co., L.P. in the amount of \$385,006 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Bid No. 2013-351-B for Alley Reconstruction – Dallas North Estates to Jim Bowman Construction Company, L.P. in the amount of \$611,392 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Bid No. 2013-363-B for the purchase of two (2) Ford F350 Platform Trucks from Caldwell Country Automotive in the amount of \$61,782 for Fleet Services, to be utilized by Public Works, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

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 Half Associates, Inc., in the amount of \$404,700 for Brown Branch 18-inch and 15-inch Sanitary Sewer Interceptor Capacity Improvements project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

To approve of a Landscape Architecture Services Agreement by and between the City of Plano and La Terra Studio, Inc. in the amount of \$97,740 for design services for a Skate Park Facility and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

To approve of a Landscape Architecture Services Agreement by and between the City of Plano and David C. Baldwin, Inc. in the amount of \$129,195 for design services for McCall Plaza and Parking Lot Renovation and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

Approval of Change Order

To Parkscape Construction, Inc., increasing the contract by \$139,252 for the Oak Point Park & Nature Preserve, North Trail Extension, Change Order No. 1, Bid No. 2013-26-B. (Consent Agenda Item “J”)

Approval of Expenditure

To approve the purchase of replacement parts for Neptune Technology Group, Inc. brand water meters in the estimated annual amount of \$177,846 from HD Supply Waterworks, Ltd., a sole source provider; through the use of the general exemption as allowed by Local Government Code, Chapter 252, Subchapter B, Section 252.022(a)(7)(A) and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “K”)

Adoption of Resolutions

Resolution No. 2013-10-1(R): To approve the terms and conditions of an Economic Development Agreement by and between West Plano Village, Ltd. and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2013-10-2(R): To approve and authorize the execution of a Special Escrow Agreement for the deposit of funds in an amount sufficient to defease and pay certain outstanding “City of Plano, Texas, General Obligation Refunding and Improvement Bonds, Series 2005”; providing for the redemption of certain outstanding bonds of such series and resolving other matters incident and related thereto; and authorizing its execution by the City Manager and providing an effective date. (Consent Agenda Item “M”)

Adoption of Ordinances

Ordinance No. 2013-10-3: To abandon all right, title and interest of the City, in and to a portion of that certain 20-foot Sanitary Sewer Easement within the Villas of Pecan Creek, recorded in Volume 1004, Page 410, of the Deed Records of Collin County, Texas and being situated in the J. M. Salmons Survey, Abstract No. 815, 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, Jen Texas I, LLC., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “N”)

Ordinance No. 2013-10-4: To approve a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the Company’s 2013 Annual Rate Review Mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; requiring the Company to reimburse Cities’ reasonable ratemaking expenses; repealing conflicting resolutions or ordinances; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; providing a most favored nations clause; and requiring delivery of this ordinance to the Company and the Steering Committee’s legal counsel. (Consent Agenda Item “O”)

Ordinance No. 2013-10-5: To approve the carrying-forward of certain fiscal year 2012-13 funds to fiscal year 2013-14; and providing an effective date. (Consent Agenda Item “P”)

Ordinance No. 2013-10-6: To amend Section 2-1(e) of the City Code of Ordinances of the City of Plano, Texas to authorize use of the City logos and/or brand by licensees of the Plano Centre for the duration of their City license agreement and by partners or sponsors of the City of Plano Convention and Visitors Bureau in conjunction with events promoting, marketing and publicizing the City upon written approval of the City Manager; providing a severability clause, a repealer clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “Q”)

END OF CONSENT

Public Hearing and consideration of Ordinances requested in Zoning Cases 2013-16 through 2013-20 all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano. (Regular Agenda Item “1”)

Ordinance No. 2013-10-7: Zoning Case 2013-16 - To rescind Specific Use Permit #506 for Private Club on 0.1± acre located on the west side of Bishop Road, 70± feet north of Kincaid Road. Zoned Planned Development-65-Central Business-1/Dallas North Tollway Overlay District with Specific Use Permit #506 for Private Club.

Ordinance No. 2013-10-8: Zoning Case 2013-17 - To rescind Specific Use Permit #502 for Private Club on 0.6± acre located on the west side of Bishop Road, 345± feet south of Legacy Drive. Zoned Planned Development-65-Central Business-1/Dallas North Tollway Overlay District with Specific Use Permit #502 for Private Club.

Ordinance No. 2013-10-9: Zoning Case 2013-18 - To rescind Specific Use Permit #509 for Private Club on 1.1± acres located on the west side of H Avenue, 250± feet north of 15th Street. Zoned Downtown Business/Government with Heritage Resource #24 Designation and Specific Use Permit #509 for Private Club.

Ordinance No. 2013-10-10: Zoning Case 2013-19 - To rescind Specific Use Permit #450 for Private Club on 0.1± acre located on the east side of the DART railroad tracks, 25± feet north of 15th Place. Zoned Downtown Business/Government with Specific Use Permit #450 for Private Club.

Ordinance No. 2013-10-11: Zoning Case 2013-20 - To rescind Specific Use Permit #533 for Private Club on 0.3± acre located at the northwest corner of K Avenue and 16th Street. Zoned Downtown Business/Government with Specific Use Permit #533 for Private Club.

All locations are located within the City of Plano, Collin County, Texas, and the repeal of each ordinance will amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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: City of Plano (Regular Agenda Item “1”)

Planning Director Jarrell advised restaurants no longer exist or the original private club has changed to a mixed-beverage license for these locations and the ordinances would repeal unused specific use permits. She advised that the Planning and Zoning Commission recommended approval as submitted.

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

Upon a motion made by Council Member Duggan and seconded by Council Member Miner, the Council voted 7-0 to repeal Specific Use Permits for Private Clubs as requested in Zoning Cases 2013-16 through 2013-20 as recommended by the Planning and Zoning Commission and further to adopt Ordinances No. 2013-10-7 through 2013-10-11.

Public Hearing and adoption of Ordinance No. 2013-10-12 as requested in Zoning Case 2013-15, repealing in its entirety Ordinance No. 91-11-19; thereby rescinding Specific Use Permit No. 188 for the additional use of a Private Club on 1.0± acre of land out of the J.A. Salmons Survey, Abstract No. 814, located on the west side of U.S. Highway 75, 130± feet south of Chisholm Place in the City of Plano, Collin County, Texas, currently zoned Corridor Commercial with Specific Use Permit No. 187 for Restaurant and Specific Use Permit No. 188 for Private Club, and amending the Comprehensive Zoning Ordinance of the city, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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: City of Plano (Regular Agenda Item “2”)

Planning Director Jarrell advised regarding a letter of opposition received from the property owner which requires a three-quarter vote of the Council to approve repealing the specific use permit. She stated that in this particular case, the permit was issued to the restaurant itself which is no longer in operation and that it cannot be utilized in the future.

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

Upon a motion made by Council Member Duggan and seconded by Council Member Davidson, the Council voted 7-0 to repeal in its entirety Ordinance No. 91-11-19; thereby rescinding Specific Use Permit No. 188 for the additional use of a Private Club located on the west side of U.S. Highway 75, 130± feet south of Chisholm Place in the City of Plano, Texas; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2013-15; and further to adopt Ordinance No. 2013-10-12.

Ordinance No. 2013-10-13: To repeal Chapter 17.5, Sexually Oriented Businesses, of the City of Plano Code of Ordinances and adopting a new Chapter 17.5, Sexually Oriented Businesses of the City of Plano Code of Ordinances; providing definitions, licensing and regulations for Sexually Oriented Businesses, providing a penalty clause, a severability clause, a repealer clause, a savings clause, a publication clause, and an effective date. (Regular Agenda Item “3”)

Ordinance No. 2013-10-13 (cont'd)

City Attorney Wetherbee spoke to changes occurring in court and case studies to support City regulation of sexually oriented businesses to address negative effects including criminal activities and property values. She spoke maintaining the 3,000 foot separation from protected uses as included in the original 1993 ordinance, the availability of .8% of property for uses and the review of variances. Ms. Wetherbee reviewed other revisions including restriction of minors, exterior signage/coloration, prevention of patron-employee contact, restricted hours of operation and penalties.

Upon a motion made by Council Member Davidson and seconded by Council Member Miner, the Council voted 7-0 to repeal Chapter 17.5, Sexually Oriented Businesses, of the City of Plano Code of Ordinances and adopting a new Chapter 17.5, Sexually Oriented Businesses of the City of Plano Code of Ordinances; and further to adopt Ordinance No. 2013-10-13.

Resolution No. 2013-10-14(R): To authorize the establishment of fees for application and licensing of Sexually Oriented Businesses pursuant to Chapter 17.5, Sexually Oriented Businesses, of the City Code of Ordinances for the City of Plano, Texas; and providing an effective date. (Regular Agenda Item "4")

Police Legal Advisor Howard advised that a revised fee structure is proposed in conjunction with the updated ordinance for sexually oriented businesses to provide fees for additional administrative functions.

Upon a motion made by Council Member Downs and seconded by Council Member Gallagher, the Council voted 7-0 to authorize the establishment of fees for application and licensing of Sexually Oriented Businesses pursuant to Chapter 17.5, Sexually Oriented Businesses, of the City Code of Ordinances for the City of Plano, Texas; and further to adopt Resolution No. 2013-10-14(R).

Ordinance No. 2013-10-15: To amend Section 6-487, Prohibited signs, and Section 6-491, Political signs/noncommercial purpose signs, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano, and adding Article XII, Prohibited Signs on Public Property, to Chapter 14, Offenses – Miscellaneous, of the Code of Ordinances of the City of Plano, to provide sign regulations on public property; and providing repealer, severability, savings, penalty, and publication clauses and setting an effective date. (Regular Agenda Item "5")

City Attorney Wetherbee advised that the Texas Legislature passed a bill in the last session allowing electioneering on public property used as a voting location. She spoke to the ability for cities to adopt reasonable regulations to address concerns and the proposed ordinance covering safety issues, preservation of parking spaces, preventing destruction of public property and implementing reasonable time limits for signage.

Upon a motion made by Council Member Miner and seconded by Council Member Downs, the Council voted 7-0 to amend Section 6-487, Prohibited signs, and Section 6-491, Political signs/noncommercial purpose signs, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano, and adding Article XII, Prohibited Signs on Public Property, to Chapter 14, Offenses – Miscellaneous, of the Code of Ordinances to provide sign regulations on public property; and further to adopt Ordinance No. 2013-10-15.

Resolution No. 2013-10-16(R): To nominate an individual for election to the Collin County Central Appraisal District Board of Directors; and providing an effective date. (Regular Agenda Item “6”)

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 7-0 to nominate Michael A. Pirek for election to the Collin County Central Appraisal District Board of Directors; and further to adopt Resolution No. 2013-10-16(R).

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 7:45 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Diane Zucco, City Secretary