

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
OCTOBER 22, 2012**

COUNCIL MEMBERS PRESENT

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

STAFF PRESENT

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

Mayor Dyer called the meeting to order at 5:00 p.m., Monday, October 22, 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 5:59 p.m.

Consideration and action resulting from Executive Session discussion – Building Standards Commission – Designation of Members

Building Standards Commission

Upon a motion made by Council Member Dunlap and seconded by Council Member Duggan, the Council voted 8-0 to move Chris G. Polito to a regular member position.

Town Hall Update

Director of Public Information Conklin spoke to a proposal to host town hall style meetings offering multiple options for citizen participation including in-person, video streaming or telephone. She advised that topics would be presented for discussion and spoke to capturing the content of the meeting, staff responses and the role of a third party vendor to provide a toll-free number, manage calls and create reports.

Ms. Conklin responded to the Council regarding outreach efforts, responding to inquiries not listed on the agenda and the anticipated level of participation. The Council stated a consensus to hold the first session on November 13.

Discussion and Direction Regarding 2013 Bond Referendum

Director of Budget and Research Rhodes-Whitley spoke to bond referendums conducted since the 1980's, provided a timeline and advised regarding revocation of authority for the arts hall. She spoke to a preliminary list of projects gathered by Staff, the need for street project funding, and the total proposed (\$153.8 million) resulting in a maximum tax rate impact of 2.60 cents or \$50.37 on an average home. Ms. Rhodes-Whitley spoke to providing voters information regarding the impact on capital reserves and operations/maintenance. She spoke to utilization of authority from 2009 for the Police Evidence Building, responded to the Council regarding the timeframe between referendums, and advised that Staff will bring forward several alternatives for the total program with differing tax rate impacts. Ms. Rhodes-Whitley stated that the current interest rate on bonds is 4.65%.

Discussion and Direction Regarding Parks and Recreation Bond Projects

Chief Park Planner Reeves spoke to projects from previous referendum projects that have not been completed to date due to operations/maintenance costs with those for 2005 totaling \$9.6 million (O&M impact - \$728,382) and 2009 totaling \$41.6 million (O&M impact - \$1.3 million). He advised that these projects could take 2-3 years for completion if operating funds were available once constructed and responded to the Council regarding the cost of renovations for Jack Carter Park. Council Member Dunlap spoke to advising citizens of an increased tax rate or service reductions to fund projects. Director of Budget and Research Rhodes-Whitley advised that the tax rate impact projected for the proposed 2013 referendum includes operations/maintenance costs for new projects, but not for items from prior elections.

Discussion and Direction Regarding Health Department Ordinance Updates Including Farmers' Markets and Food Trucks

Director of Environmental Health Collins spoke to updates to the City's food ordinances addressing safety and prevention of food-borne illness. He advised that during regular review an initiative for farmers' markets became prominent and Staff determined that development of a regional model may prove beneficial. Environmental Health Manager Heinicke spoke to considering definitions, food safety requirements, mobile food safety and creating guidelines for farmers' markets. He advised regarding food-borne pathogens and concerns including cold holding, temperature control, storage, transportation and sampling. Mr. Heinicke advised that recommendations focus on food safety, utilize Department of Agricultural definitions and provide for an on-site manager. Mr. Collins spoke to mitigating potential issues and tracing incidents back should they occur. Mr. Heinicke responded to the Council, advising that the City of Dallas does not currently have an ordinance related to farmers' markets and Mr. Collins advised that should there be an incident, food safety laws place responsibility on the vendor, market and property owner. Mayor Dyer spoke to holding a public hearing at a future meeting to receive input and Mr. Collins advised that Staff will release the proposed ordinance for review.

Discussion and Direction Regarding Food Truck Parks

Building Inspections Manager Bormann spoke to inquiries received related to food truck parks and advised that current regulations permit trucks on a limited basis and do not address zoning considerations such as distances to residential areas, noise or adjoining uses. He advised that suitable sites may include undeveloped locations or existing shopping centers and spoke to a recent event held at Plano West Senior High School. City Manager Glasscock spoke to the potential impact on existing retail locations and Council Member Davidson spoke to clarifying that the use is related to food services rather than general retail use. The Council stated a consensus requesting Staff bring forward recommendations at a Council meeting other than the one addressing farmers' markets and include receipt of public input.

Comprehensive Monthly Financial Report

Mayor Dyer advised that the Comprehensive Monthly Financial Report will be presented on November 12, 2012.

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 7:03 p.m.

Phil Dyer, MAYOR

ATTEST

Diane Zucco, City Secretary

PLANO CITY COUNCIL
October 22, 2012

COUNCIL MEMBERS PRESENT

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

STAFF PRESENT

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

Mayor Dyer convened the Council into the Regular Session on Monday, October 22, 2012, at 7:11 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Nadim Bashir, Imam & Religious Director of the East Plano Islamic Center led the invocation and Boy Scout Troop 285 from St. Mark Catholic Church led the Pledge of Allegiance.

Mayor Dyer recognized the military service of City of Plano employees and others. He read a proclamation designating November as Pancreatic Cancer Awareness Month and recognized Jon Liu, founder and president of the Plano Table Tennis Club and members who were winners at the 2012 USA Table Tennis Open. Mayor Dyer recognized Ken Sumrow, Director of Tennis at Plano's High Point Park Tennis Center for the award received from the United States Professional Tennis Association.

Mayor Dyer administered oaths of office to incoming board and commission members and presented certificates of appreciation to outgoing members.

COMMENTS OF PUBLIC INTEREST

Citizen Kari Gates, spokesperson for farmers' markets, stated appreciation for a future hearing; but, expressed concern regarding delays and requested resolution. She spoke to Staff contact in February, markets in other area cities, and the lack of food-borne illness incidents in Texas farmers' markets.

CONSENT AGENDA

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Duggan, 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")
October 8, 2012

Approval of Expenditures

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

Bid No. 2012-297-B for Prairie Meadow Park and Longhorn Park irrigation system replacements to Singh Golf, LLC in the amount of \$122,500 and All Around Lawn Care in the amount of \$104,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Bid No. 2012-316-B for Heritage Yards Parking Lot Improvements to CORE Construction Services of Texas, Inc. in the amount of \$679,162 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Purchase from an Existing Contract

To approve the purchase of MotoMesh Maintenance and Support for one (1) year with three (3) City optional renewals, in the annual amount of \$500,000 from Scientel Wireless, LLC through an existing contract and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. CW 10-09) (Consent Agenda Item "D")

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 R-Delta Engineers, Inc., in the amount of \$136,010 for the Screening and Retaining Walls at Custer, Independence and US 75 project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

To approve a Professional Services Agreement by and between the City of Plano and Pipeline Analysis, LLC, in the amount of \$209,237 for the Prairie Creek Basin Sanitary Sewer Assessment project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

To approve a Professional Services Agreement by and between the City of Plano and Pipeline Analysis, LLC, in the amount of \$502,283 for the Lower White Rock Creek Sanitary Sewer Assessment project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "G")

To approve a Professional Services Agreement by and between the City of Plano and TranSystems Corporation dba TranSystems Corporation Consultants, in the amount of \$407,576 for the intersection improvement design for Preston Road at President George Bush Turnpike and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

To approve an Engineering Services Agreement by and between the City of Plano and Walter P. Moore and Associates, Inc. in the amount of \$62,540 for design services for the Hoblitzelle Park - Erosion Control project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

Adoption of Resolutions

Resolution No. 2012-10-11(R): To approve the terms and conditions of funding agreements between the City of Plano, Texas and various arts organizations; authorizing their execution by the City Manager; and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2012-10-12(R): To approve the terms and conditions of funding agreements between the City of Plano, Texas and various special event organizers; authorizing their execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

Adoption of Ordinances

Ordinance No. 2012-10-13: To amend Section 18-32 of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, Texas and Section 21-131 of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, Texas to permit pro rata billing on residential and commercial accounts for utility service and providing a repealer clause, a savings clause, a severability clause, and an effective date. (Consent Agenda Item “L”)

Ordinance No. 2012-10-14: To amend Section 21-131(e) and Section 21- 154 of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano to clarify requirements for when additional deposits and fees are assessed on customer accounts; providing a repealer clause, a severability clause, a savings clause, and an effective date. (Consent Agenda Item “M”)

Ordinance No. 2012-10-15: To amend specific sections of Ordinance No. 2010-9-5 codified as Section 21-147, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano to increase the water rate schedules for residential and nonresidential customers by ten percent (10%) for services rendered on or after November 1, 2012 and providing a repealer clause, a severability clause, a savings clause, and an effective date. (Consent Agenda Item “N”)

Ordinance No. 2012-10-16: To amend Section 21-152(b)(1), of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano to waive the required cash deposit of \$100 for customers who sign up for bank draft services with the City when establishing a new or transfer account on or after November 1, 2012; providing a repealer clause, a severability clause, a savings clause, and an effective date. (Consent Agenda Item “O”)

Ordinance No. 2012-10-17: To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 19.7± acres of land located on the south side of 14th Street, 350± feet east of Plano Parkway in the City of Plano, Collin County, Texas, from Planned Development-202-Research/Technology Center 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. Public Hearing held and item approved 10/8/12. Applicants: Dale R. and Melody K. Burton, Treasure Ann Langford, and Harold B. Warnick, Jr. (Zoning Case 2012-25). (Consent Agenda Item “P”)

Ordinance No. 2012-10-18: To approve the carrying-forward of certain fiscal year 2011-12 funds to fiscal year 2012-13; and providing an effective date. (Consent Agenda Item “Q”)

Ordinance No. 2012-10-19: To adopt and enact Supplement Number 101 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 “R”)

END OF CONSENT

Public Hearing and adoption of Ordinance No. 2012-10-20 as requested in Zoning Case 2012-28 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 1.5± acres located at the southwest corner of 14th Street and G Avenue, in the City of Plano, Collin County, Texas, from Planned Development-123-Corridor Commercial to Planned Development-123- Downtown Business/Government; 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: Green Extreme Homes CDC (Regular Agenda Item “1”)

Director of Planning Jarrell advised that the applicant is requesting rezoning to accommodate redevelopment of the property to multi-family units which meets the need to provide a variety of housing types for Plano residents. She advised that the Planning and Zoning Commission recommended approval subject to the City Council finding that the establishment of a planned development district is required to implement the Comprehensive Plan and Downtown Plano study, and as follows:

Restrictions:

The permitted uses and standards shall be in accordance with the existing BG zoning district unless otherwise specified herein.

General Provisions of the Planned Development

1. Three and four story multifamily uses shall be exempt from the minimum 200 foot setback requirement from single-family and two-family residential zoning districts
2. Multifamily uses shall be exempt from Subsection 3.104 (Multifamily Residence).

Ordinance No. 2012-10-20 (cont'd)

Mayor Dyer opened the Public Hearing. Steve Brown representing the applicant, was present. No one else appeared to speak. The Public Hearing was closed.

Upon a motion made by Council Member Miner and seconded by Council Member Davidson, the Council voted 8-0 to rezone 1.5± acres located at the southwest corner of 14th Street and G Avenue, in the City of Plano from Planned Development-123-Corridor Commercial to Planned Development-123-Downtown Business/Government; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-28.

Nothing further was discussed. Mayor Dyer adjourned the meeting at 8:42 p.m.

Phil Dyer, MAYOR

ATTEST

Diane Zucco, City Secretary