

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
November 25, 2013**

COUNCIL MEMBERS PRESENT

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

STAFF PRESENT

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

Mayor LaRosiliere called the meeting to order at 5:02 p.m., Monday, November 25, 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 and discuss Litigation, 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 6:31 p.m. in the Senator Florence Shapiro Council Chambers.

Consideration and action resulting from Executive Session discussion

Mayor LaRosiliere advised that action on both the Collin and Denton County Appraisal District Boards will be taken during the regular session.

Personnel

Parks and Recreation Planning Board

Upon a motion made by Council Member Miner and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to appoint Gary Fleming. The Council deferred a second appointment.

Plano Housing Authority

Upon a motion made by Mayor LaRosiliere and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to appoint George Elking.

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 LaRosiliere adjourned the Preliminary Meeting at 6:32 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, November 25, 2013, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Rabbi Stefan Weinberg of Congregation Anshai Torah led the invocation and The Men of Note Chorus led the Pledge of Allegiance and sang several songs.

Mayor LaRosiliere received a presentation from the Plano Senior Men's Golf Association and recognized the Finance Department for receipt of the Certificate of Achievement for Excellence in Financial Reporting.

Comments of Public Interest

No one appeared to speak

CONSENT AGENDA

Upon a motion made by Council Member Miner 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")
November 11, 2013

Approval of Expenditures

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

Bid No. 2013-398-B for Sunset Park Improvements Project No. 6130 to UCS Group, LLC in the amount of \$1,051,426 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Bid No. 2013-373-C for a one (1) year contract to purchase Tires- New for Inventory Control & Assets Disposal (ICAD) from American Tire Distributors, A to Z Tire & Battery, Inc., Southern Tire Mart, and Blagg Tire & Service in an estimated annual amount of \$278,702 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Approval of Expenditure

To approve the purchase of CommVault Software License Upgrade and subsequent Premier Support Maintenance Coverage in the amount of \$248,411 from CDW Government, LLC through an existing contract with The Cooperative Purchasing Network (TCPN) and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R5106) (Consent Agenda Item "D")

Adoption of Resolutions

Resolution No. 2013-11-12(R): To approve the terms and conditions of a Second Amendment to Communications Facilities License by and between the City of Plano, Texas, and New Cingular Wireless PCS, LLC, a Delaware limited liability company, authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "E")

Resolution No. 2013-11-13(R): To approve the terms and conditions of a Third Amendment to Communications Facilities License by and between the City of Plano, Texas, and New Cingular Wireless PCS, LLC, a Delaware limited liability company, authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "F")

Resolution No. 2013-11-14(R): To review and approve the City's written Public Funds Investment Policy; and providing an effective date. (Consent Agenda Item "G")

Adoption of Ordinances

Ordinance No. 2013-11-15: To transfer the sum of \$218,393 from the Water & Sewer Fund Unappropriated fund balance to the Water & Sewer Fund Operating Appropriation and transfer the sum of \$218,393 from the Municipal Drainage Utility Fund Unappropriated fund balance to the Municipal Drainage Utility Fund Operating Appropriation for Fiscal Year 2013-14 for the purpose of providing funding for two (2) work crews totaling eight (8) positions, two (2) Construction Inspector positions and the operational costs related to the Curb Repair Program and Utility Cut Repairs, amending the Budget of the City and Ordinance No. 2013-9-8, Section 1, Items "J" and "W" to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item "H")

END OF CONSENT

Resolution No. 2013-11-16(R): To approve the Investment Portfolio Summary for the quarter ending September 30, 2013 and providing an effective date. (Regular Agenda Item “1”)

Treasurer Conklin advised that the quarterly investment report must be formally presented on an annual basis to comply with the Texas Public Funds Investment Act. She spoke to maintaining a market value greater than the book value of assets, the fluctuation of assets over the fiscal year as ad valorem taxes flow into the City and expenses occur, diversification of assets and maturities and comparison of the portfolio to benchmarks. Ms. Conklin spoke to the City’s yield in the quarter and fiscal year, the level of interest rates, laddering of investments and the portfolio’s value. She responded to Deputy Mayor Pro Tem Harris, advising that the City cannot invest in its own bonds.

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to approve the Investment Portfolio Summary for the quarter ending September 30, 2013 and further to adopt Resolution No. 2013-11-16(R).

Resolution No. 2013-11-17(R): To cast the City of Plano's ballot for the election of members to the Collin County Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date. (Regular Agenda Item “2”)

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 8-0 to cast the City of Plano's ballot for the election of members to the Collin County Central Appraisal District Board of Directors for Michael A. Pirek (351 votes); and further to adopt Resolution No. 2013-11-17(R).

Resolution No. 2013-11-18(R): To cast the City of Plano's ballot for the election of members to the Denton Central Appraisal District Board of Directors under the provision of the Property Tax Code; authorizing the Mayor to execute the ballot for and on behalf of the City of Plano; and providing an effective date. (Regular Agenda Item “3”)

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 8-0 to cast the City of Plano's ballot for the election of members to the Denton Central Appraisal District Board of Directors for John Mahalik (9 votes) and Connie Smith (8 votes); and further to adopt Resolution No. 2013-11-18(R).

Consideration of an Appeal of the Planning & Zoning Commission’s denial of the Concept Plan for Swaminarayan Gurukul Addition, Block A, Lot 1, including consideration of requested variances from the Subdivision Ordinance - Religious facility on one lot on 22.9± acres located on the west side of Park Vista Road, 1,500± feet south of 14th Street. Zoned Agricultural. Applicant: Swaminarayan Gurukul (Regular Agenda Item “4”)

Consideration of an Appeal of the Planning & Zoning Commission's denial (cont'd)

Director of Planning Jarrell advised that on October 7, 2013, the Planning and Zoning Commission denied the concept plan due to concerns raised regarding one of the three variances requested. She spoke to the property's limited opportunity to obtain a second point of access as required by the Subdivision Ordinance and Fire Code and the applicant's request to provide access via an offsite hike and bike trail easement to be used for emergency vehicles only. Ms. Jarrell advised that the Fire Department approved this request and the Commission supported it. She stated that the applicant requested a variance from the Subdivision Ordinance restriction limiting maximum street length to 1,200 feet between intersections (outlets) and advised that the Commission supported this second request.

Ms. Jarrell stated that the Commission ultimately denied the concept plan due to concerns related to a requested variance to forego improvement of Park Vista Road as a dedicated paved street between the railroad tracks and 14th Street. She spoke to additional Staff review following the meeting, indicating that the undedicated roadway will provide adequate emergency access with completion of the above-referenced secondary access. Ms. Jarrell spoke to future development of a public street connecting 14th Street to the property (Type F thoroughfare) with an alignment yet undetermined. She requested Council consider the three variances, the overall concept plan and provide direction to the Planning and Zoning Commission to call a public hearing adding a Type F roadway to the Thoroughfare Plan. Art Anderson, representing the applicant thanked Staff for their efforts and stated agreement with the recommendations.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Davidson, the Council voted 8-0 to approve a variance which provides the second point of access via an offsite hike and bike trail easement connection which would be limited to use by emergency vehicles if the first point of access to the property was blocked.

Upon a motion made by Council Member Miner and seconded by Council Member Gallagher, the Council voted 8-0 to approve a variance allowing for a temporary over-length street.

Upon a motion made by Council Member Gallagher and seconded by Council Member Miner, the Council voted 8-0 to approve a variance from the requirement for improved roadway access.

Upon a motion made by Council Member Miner and seconded by Council Member Gallagher, the Council voted 8-0 to conditionally approve the concept plan subject to provision of modifications as required by the flood study.

Upon a motion made by Mayor LaRosiliere and seconded by Council Member Duggan, the Council voted 8-0 in directing the Planning and Zoning Commission to call a public hearing to add a Type F, secondary undivided thoroughfare to the Thoroughfare Plan connecting the improved rail crossing adjacent to the property to 14th Street.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 7:25 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Diane Zucco, City Secretary