

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING AND REGULAR SESSION
September 9, 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
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Alice D. Snyder, Assistant City Secretary

Mayor LaRosiliere called the meeting to order at 5:00 p.m., Monday, September 9, 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; receive information regarding 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 Regular Session at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Dr. Gene Wilkes, Pastor Emeritus of Legacy Church led the invocation and Boy Scout Troop 404 of Prince of Peace Catholic Community led the Pledge of Allegiance.

Mayor LaRosiliere presented a proclamation for the InTouch Credit Union Plano Hot Air Balloon Festival.

Mayor LaRosiliere stated that items on the Preliminary Open Meeting would be addressed at the end of the Regular Session.

COMMENTS OF PUBLIC INTEREST

Citizen Tom Juhn addressed the Council regarding a flood plain study and thanked Staff and the Council for review and subsequent change of elevation of a particular site. He responded to the Council, advising that each location should be addressed individually and spoke to other studies still in progress.

.CONSENT AGENDA

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

Approval of Minutes (Consent Agenda Item "A")

August 17, 2013
August 19, 2013
August 26, 2013
September 4, 2013

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

Bid No. 2013-184-P for the Brick Screening Wall Panel Replacement and Wall Repair Requirements Contract (a fixed price requirements contract) with two (2) optional renewals, Project No. 6273 to Tracon Ventures, Ltd., in the amount of \$992,050 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Approval of Contract Modification

To approve and authorize Contract Modification No. 3 for the purchase of Professional Engineering Services for the additional design requirements of Preston Road and Plano Parkway Intersection Improvements project in the amount of \$66,992 from Parsons Brinckerhoff, Inc. and to authorize the City Manager to execute all related documents. (Consent Agenda Item "C")

Adoption of Resolutions

Resolution No. 2013-9-1(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Camtron, Inc., a Texas corporation, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "D")

Resolution No. 2013-9-2(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Rent-A-Center Texas, L.P. and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "E")

Resolution No. 2013-9-3(R): To approve the terms and conditions of an Economic Development Agreement for Public Improvements by and between Rent-A-Center Texas, L.P., a Texas limited partnership, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “F”)

Resolution No. 2013-9-4(R): To approve the terms and conditions of a First Amendment to the Tax Abatement Agreement between the City of Plano, Texas, WR Plano Parkway, LLC and Winzer Corporation; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “G”)

Resolution No. 2013-9-5(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 to execute the grant agreement and any other documents necessary to effectuate the action taken; and providing an effective date. (Consent Agenda Item “H”)

Adoption of Ordinances

Ordinance No. 2013-9-6: To amend Section 12-73(d) of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to repeal a school zone speed limit on Winding Hollow Lane and to enact a school zone speed limit for National Drive; 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 “I”)

Ordinance No. 2013-9-7: To amend Section 21-2(f) of Article I, Chapter 21, Utilities, of the Code of Ordinances of the City of Plano regarding the Municipal Drainage Utility System and related charges; providing a severability clause, a repealer clause, a savings clause, and an effective date. (Consent Agenda Item “J”)

END OF CONSENT

Ordinance No. 2013-9-8: To approve and adopt the Operating Budget and setting the appropriations for the fiscal year beginning October 1, 2013, and terminating September 30, 2014; and providing an effective date. (Public Hearing held on August 12, 2013.) (Regular Agenda Item “1”)

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Davidson, the Council voted 8-0 to approve and adopt the Operating Budget and setting the appropriations for the fiscal year beginning October 1, 2013, and terminating September 30, 2014; and further to adopt Ordinance No. 2013-9-8.

Ordinance No. 2013-9-9: To approve and adopt the Community Investment Program and setting the appropriations for 2013-14; and providing an effective date. (Public Hearing held on August 12, 2013.) (Regular Agenda Item “2”)

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to approve and adopt the Community Investment Program and setting the appropriations for 2013-14; and further to adopt Ordinance No. 2013-9-9.

Ordinance No. 2013-9-10: To approve and adopt the Tax Rate for the fiscal year beginning October 1, 2013, and terminating September 30, 2014, and providing an effective date. (Public Hearings held on August 26, 2013 and September 4, 2013.) (Regular Agenda Item “3”)

Mayor LaRosiliere 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 2.32 percent increase in the tax rate. Council Member Miner seconded the motion and the Council voted 8-0 to approve and adopt the Tax Rate for the fiscal year beginning October 1, 2013, and terminating September 30, 2014; and further to adopt Ordinance No. 2013-9-10.

Ordinance No. 2013-9-11: To ratify the property tax revenue increase in the 2013-14 Budget as a result of the City receiving more revenues from property taxes in the 2013-14 Budget than in the previous fiscal year; and providing an effective date. (Public Hearings held on August 26, 2013 and September 4, 2013.) (Regular Agenda Item “4”)

Mayor LaRosiliere made a motion to ratify the property tax revenue increase reflected in the budget adopted for the fiscal year October 1, 2013 and ending September 30, 2014 as a result of the City receiving more revenues from property taxes in the 2013-14 Budget. Mayor Pro Tem Smith seconded the motion and the Council voted 8-0; further adopting Ordinance No. 2013-9-11.

Public Hearing and adoption of Ordinance No. 2013-9-12 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 136 for tax abatement consisting of a 6.76 acre tract of land located in the Sam Brown Survey, Abstract No. 108, 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 “5”)

Director of Plano Economic Development Bane spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement based on a ten-year abatement of 50% for an estimated \$8 million in real property improvements and \$750,000 in business personal property commencing no later than January 1, 2016.

Mayor LaRosiliere 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 Mayor Pro Tem Smith, the Council voted 8-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 136 for tax abatement and further to adopt Ordinance No. 2013-9-12.

Resolution No. 2013-9-13(R) to approve the terms and conditions of an agreement by and between the City of Plano, Texas and Rent-A-Center Texas, L.P., a Texas limited partnership, 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 “6”)

Director of Plano Economic Development Bane advised that the agreement would be between the City of Plano and Rent-A-Center Texas, L.P. for a term of ten years at 50% for both real and business personal property and Rent-A-Center intends to construct at least 60,000 additional square feet of office space at their campus.

Upon a motion made by Council Member Downs and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to approve the terms and conditions of an Agreement by and between the City of Plano and Rent-A-Center Texas, L.P.; and further to adopt Resolution No. 2013-9-13(R).

Public Hearing and adoption of Ordinance No. 2013-9-14 as requested in Zoning Case 2013-14, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 639 so as to allow the additional use of Electrical Substation on 3.1± acres of land located on the west side of Shiloh Road, 1,200± feet south of 14th Street, in the City of Plano, Collin County, Texas, presently zoned Research/Technology Center; 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: Oncor Electric Delivery Company (Regular Agenda Item “7”)

Development Review Manager Firgens spoke to the location, previous zoning and request from the applicant for a specific use permit which is required in the Research/Technology (R/T) district to expand the existing electrical substation facility, replace existing equipment and bring the site into compliance. Ms. Firgens stated that the applicant is proposing an eight foot tall masonry screening wall with landscaping and advised that the Planning and Zoning Commission has reviewed and recommended approval of the request as submitted.

Mayor LaRosiliere opened the Public Hearing. Mark Housewright with Masterplan Consulting representing Oncor Electric Delivery Company spoke to the expansion/location, the needed supply of energy, and no residential adjacency to the substation. He spoke to working with staff on landscaping and masonry wall screening and responded to the Council, advising that capacity would be doubled. Michael Baldwin, Oncor Area Manager, responded to the Council, advising that this substation would provide additional resources for the R/T district and that while the grid is interconnected, services are basically for Plano. No one else spoke 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 8-0 to grant Specific Use Permit No. 639 so as to allow the additional use of Electrical Substation on 3.1± acres of land located on the west side of Shiloh Road, 1,200± feet south of 14th Street, in the City of Plano; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2013-14; and further to adopt Ordinance No. 2013-9-14.

Mayor LaRosiliere stated the Council would now convene into the Preliminary Open meeting and he and the Council thanked Development Review Manager Firgens for her service to the City.

Consideration and action resulting from Executive Session discussion: Personnel – Collin County Appraisal District Reappointment

Mayor LaRosiliere stated that a resolution nominating a representative to the Collin County Appraisal District will be on the September 23 agenda.

End of Session Legislative Update

Director of Policy and Government Relations Israelson briefed the Council on the 83rd Legislative Session as well as the three special sessions. Mr. Israelson reviewed legislative representatives of the City, the over 6,000 bills filed (a four percent decline than the previous legislative session), 1,700 bills identified by TML as being city-related and a little over 1,100 bills that were reviewed and monitored by City Staff. He spoke of TML being utilized as the initial screener for all City bills, the use of software to monitor, respond and track bills, and the City's legislative program. He spoke to the City's support of a regional transportation funding option, a state water plan encouraging conservation, economic development bills that do not create a disadvantage to DART cities, revision or removal of mandatory property tax rate adoption language, and the timely relocation of utility facilities.

Mr. Israelson spoke to endorsing legislation programs with key partners (except as they conflict with a City of Plano position) and endorsing legislation creating local option for underground utilities and a change in the use of PEG (Public Educational and Government) fees, allowing use for operational expenses associated with running a cable television channel. He stated the City opposed legislation that would erode or diminish local control over operations, resources, pensions, revenue from red light cameras, placement of electronic billboards, and the expansion of collective bargaining rights. He spoke to opposition of bills that would restrict Plano's authority as a home rule city and impose any unfunded duty, responsibility or standard on local government.

Mr. Israelson spoke to the major issues in the 83rd regular session including bills related to water, advising that included on the November ballot is a constitutional amendment to fund the water plan from the rainy day fund. He responded to Deputy Mayor Pro Tem Harris, advising that there are no local projects that would be directly funded, but that passage may reduce City contributions. He also spoke to 2nd Amendment rights, fiscal transparency, cottage food & farmers market industries, tax exemptions for disabled veterans/spouses, transportation funding and education and advised that there may be a 4th special session regarding education after the beginning of the new year. Mr. Israelson spoke to key issues addressed during special sessions: filibuster with Wendy Davis (1st Special Session); passage of a Women's Health bill (2nd Special Session); and passage of a transportation bill (3rd Special Session). He advised that TxDOT estimates an additional need of \$4 billion to properly fund and maintain the transportation system.

Mr. Israelson stressed the need for communications with legislative staff between sessions and responded to the Council, advising that there will be little impact from unfunded mandates and spoke to TxDOT consideration of returning maintenance of some state roads to City authority and Plano's position that Preston Road should be considered a "highway" and thus excluded. Mayor LaRosiliere thanked Mr. Israelson for his report.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Items

No items were discussed.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 7:49 p.m. advising that the Council would resume the Executive Session in Training Room A and close the meeting in that location following the session.

Harry LaRosiliere, MAYOR

ATTEST

Alice D. Snyder, City Secretary