

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
February 10, 2014**

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
Paige Mims, City Attorney
Alice D. Snyder, Interim City Secretary

Mayor LaRosiliere called the meeting to order at 5:00 p.m., Monday, February 10, 2014, 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; to receive information regarding Economic Development, Section 551.087; Real Estate, Section 551.072; and 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 6:52 p.m. in the Senator Florence Shapiro Council Chambers.

Consideration and action resulting from Executive Session discussion

No items were brought forward.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

No items were discussed.

Nothing further was discussed. Remaining items were presented following the Regular meeting. Mayor LaRosiliere adjourned the meeting at 6:53 p.m. and reconvened back into the Preliminary Open Meeting at 7:16 p.m.

Discussion and Direction on Housing Reinvestment Incentive Pilot Program

Director of Planning Jarrell briefed Council on the creation and implementation of a housing reinvestment incentive program designed to encourage reinvestment in older homes with the goal of making them more attractive to new buyers, preserving affordable housing and supporting the City's tax base. She stated the program would result in cost improvement rebates to property owners and that qualifying properties would include single-family detached, duplexes, townhomes, or individual condominiums at least 25 years old with an appraised value less than or equal to the FHA single-family mortgage limit for Collin County which is currently \$287,000 (this number would fluctuate year-to-year based on appraisal values). Ms. Jarrell stated that currently, owner-occupied and rental properties would be eligible with improvements equal to or exceeding 10% of the total appraised value with rebates up to a maximum of \$5,000 per property per year. She reviewed interior and exterior improvements and spoke to exclusions.

Ms. Jarrell reviewed plans for administration of the program, citing a budget of \$617,000. She stated the program would initially be administered by existing staff in the Planning and Building Inspections Departments and there would be an impact on the General Fund. Ms. Jarrell spoke to consideration of an additional program to waive building permit fees for participants, cost recovery and next steps including review by realtors and contractors and development of marketing. Ms. Jarrell requested Council direction to include rental properties and whether or not the budget should cover staff time and fee waivers in addition to the rebate program.

In response to Mayor Pro Tem Smith's inquiries, City Manager Glasscock discussed the budget and Ms. Jarrell stated the time requirements for improvement completion and initial application minimums. Ms. Jarrell responded to Council Member Davidson about evaluating the program, eligible improvements and how the program compares to those in other cities. City Manager Glasscock spoke to the focus of the program being on homes to enhance their marketability and spoke to the length of time it may take to see if the program is successful. Mr. Glasscock recommended only using the program for improvement projects for maximum benefit.

Council Member Downs expressed concern regarding rental properties and inclusion of their landscaping. Ms. Jarrell responded to Mayor Pro Tem Smith in regard to determining funding spent on owner-occupied versus rental properties. Mayor LaRosiliere and Mayor Pro Tem Smith spoke in support of including rental properties. Mayor LaRosiliere spoke to emphasizing exterior improvements, waivers on building permits and consideration to first time homebuyers. Chief Building Official Mata reviewed the permits and fees for improvements. Ms. Jarrell stated the waiver would only apply to those participating in the program and spoke to a wide range of exterior improvements that would qualify. She spoke to reviewing the program with a realtor group and coming back to Council before implementation. Deputy Mayor Pro Tem Harris requested clarity regarding energy efficiency and enhancing appearances. Ms. Jarrell reviewed the consultant's cost and anticipated response time. Council stated a consensus to include rental properties, review the program after one year, and use funds specifically for improvements.

Discussion and Direction Regarding a Request to Abandon an East-West Alley Located Southeast of the Intersection of 14th Street and N Avenue

Director of Engineering Carr spoke to the original plat (Oglesby Place) being residential and transitioning to commercial properties through the years. He stated the subject property is the alley which lies south of the applicant (who filed for petition to abandon), and north of the property owned by the North Texas Municipal Water District. Mr. Carr spoke to the 1997 abandonment of a portion of the alley located to the east of this property, available access and the City having no need to retain the alley right-of-way.

Bill Lisle III addressed the Council in regards to his property which may be affected by the proposed alley abandonment. He spoke to property improvements and reviewed reasons for abandoning an alley which he believes do not apply in this situation. Mr. Lisle stated he purchased the property with the alley in place and on the approved site plan and spoke to drainage issues and current use of the alley. Mr. Lisle spoke to other alleys used by commercial properties in the downtown area and requested that no further action be taken. Mr. Shannon Kackley, representing the applicant, spoke to the City abandoning alleyways in this area since 1975 and stated the applicant is a medical and dental office that has paved the property and used the back portion for a parking lot since 1960. He spoke to Mr. Lisle using the alleyway as a conduit to his property and requested Council move forward with the request.

Mr. Carr responded to Council, advising that Mr. Lisle was not required to inform the City that he would be using the alley and confirmed this portion was not abandoned. Mr. Carr addressed cost, risk, liability and other potential issues if the City did not abandon the property and stated the alley is functioning as a one-way pavement surface. City Attorney Mims spoke regarding waivers of immunity in state statutes for premise defect liabilities and maintenance obligations unless there is a license agreement with the property owner. Mr. Carr responded to Council regarding the amount of truck traffic the alley and N Avenue can handle, clarified the one-way direction of the alleyway, and spoke to requirements of multiple access points to properties. Director of Planning Jarrell explained the petitioner's property was re-platted into two lots which share a driveway and the alley was not considered to be a point of access when Staff reviewed and the Planning and Zoning Commission approved the plat. Mr. Lisle spoke to not being able to use his main access point at this time.

Council Member Miner spoke to not abandoning the alley previously, both parties having equal access and not abandoning the alley now. Mayor Pro Tem Smith, Council Members Gallagher and Duggan also favored not abandoning the alley. City Manager Glasscock responded to Council Member Davidson regarding Staff review of the issue, drainage, heavy vehicle use and the City's responsibility if the alley is not abandoned, and advised that costs are undetermined. Mr. Lisle responded to Council Member Davidson, advising that once a driveway is completed it will serve as primary access with the alley possibly being a primary access point for a back tenant and spoke to plans to concrete over to the alley.

Council Member Downs spoke to not abandoning the alley. City Attorney Mims spoke to ceasing the use of the alley and changing it or entering into a license agreement with the property owner. City Manager Glasscock clarified ownership of the properties abutting the alley and spoke to the impact of abandonment. Deputy Mayor Pro Tem Harris stated support for not abandoning the alley right-of-way. Mayor LaRosiliere expressed concern over not abandoning the alley and the use of the alley by the applicant. Mayor Pro Tem Smith spoke to Mr. Lisle purchasing the property with the alley in place. City Attorney Mims advised Staff is required to bring the petition forward once it is filed unless it is withdrawn by the applicant. Council stated a consensus not to abandon the property.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 8:27 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Alice D. Snyder, Interim City Secretary