

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
November 23, 2015**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Angela Miner
Rick Grady
Ron Kelley
Tom Harrison
David Downs

STAFF PRESENT

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
Jim Parrish, Deputy City Manager
Jack Carr, Assistant City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere called the meeting to order at 5:00 p.m., Monday, November 23, 2015, 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; to receive information regarding Economic Development, Section 551.087; Real Estate, Section 552.072 and 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 5:59 p.m. in the Senator Florence Shapiro Council Chambers.

**Consideration and action resulting from Executive Session discussion
Personnel – Appointments**

Board of Adjustment

The Council deferred appointment of an interim member.

Mayor LaRosiliere stated action on both the Collin and Denton County Appraisal District Boards would be taken during the regular session.

Discussion and Direction re Request for Extension of Line of Duty Leave - Firefighter Jason McGraw

Fire Chief Greif stated Firefighter McGraw was injured in the line of duty a year ago and has had several set-backs. He added Firefighter McGraw has requested an extension of leave under the civil service guidelines and the Fire Department supports the request.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to approve the request for Extension of Line of Duty Leave for Firefighter Jason McGraw.

Overview of Promotion/Production of Texas Broadcasters Music Festival at Oak Point Park and Nature Preserve

Director of Parks and Recreation Fortenberry stated a license agreement with Metro Broadcasters – Texas, Inc. (KHYI 95.3) for a 2 day festival is on the consent agenda for the regular meeting. She spoke to the agreement for the Texas Music Revolution festival will be for a term of five years; with acts on two stages, at the amphitheater and special events field; parking will be at Collin College; attendance is estimated at 10,000 for the two days; and added that this will be the 20th year of the festival. Ms. Fortenberry reported the agreement includes a \$100,000 advance to secure headline artists, paid with Hotel Occupancy Tax funds, and \$85,000 of in-kind services. She stated the City is responsible for food, beverage, and parking and will retain the revenue as well as a portion of the sponsorships. In response to Council questions, Ms. Fortenberry stated the festival agreement is for a term of 5 years, staff is still researching an additional festival for the fall, and will seek sponsorships for this festival.

Referendum Petition Report re Ordinance No. 2015-10-9, submitted November 10, 2015

City Secretary Henderson stated a citizen petition was filed with the City Secretary's Office on November 10, 2015. She added the petition was insufficient to present to Council due to the petition requesting a vote on an ordinance was not subject to Section 7.03 of the Plano City Charter.

City Attorney Mims stated due to the threat of possible litigation, the City engaged outside counsel, Andy Taylor, election law specialist, to review the matter. Mr. Taylor spoke to the legal reasons the ordinance was not able to be presented to the citizens for a vote; the Texas Supreme Court stated a citizen petition filed with a city must be within the operative power for referendum; the ordinance does not meet the one-time exception to repeal in its entirety at its initial adoption; the comprehensive plan is the foundation for zoning decisions and the plan is created based on expert analysis and public hearings; and if the Council were to call an election, it would be a dereliction of duty by spending tax dollars on an election that would be voided.

In response to Council Member Kelly's request for clarification of the statement made by some Planning and Zoning Commission members stating this was not a zoning plan, Mr. Taylor stated the methodology under which the plan was adopted followed the same process as a zoning case. In response to Deputy Mayor Pro Harris, Mr. Taylor advised individual zoning cases would not be subject to the one-time exception and he explained the hierarchy of the applicable laws. Mr. Taylor stated zoning cases would be vetted individually.

City Attorney Mims advised this was a report and not an action item and stated this was a legal issue, not a political issue and was precluded by law. Ms. Mims further discussed the attempts to work with the group prior to the submission of the petition. Mayor LaRosiliere stated in closing that it is obvious all parties care for the City and he encouraged citizens to be involved during the individual zoning matters.

Consent and Regular Agendas

Mayor LaRosiliere stated Item "M" will be pulled and discussed at a future meeting.

Council Items for Discussion/Action on Future Agendas

No items were discussed.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 6:37 p.m.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary