

**PLANO CITY COUNCIL**  
**September 10, 2012**

**COUNCIL MEMBERS PRESENT**

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

**COUNCIL MEMBERS ABSENT**

James Duggan

**STAFF PRESENT**

Bruce Glasscock, City Manager  
Frank Turner, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Paige Mims, Deputy City Attorney  
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, September 10, 2012, at 7:30 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Mayor Dyer led a moment of silence in remembrance of 9-11 and the Boys and Girls Club of Collin County Plano led the Pledge of Allegiance.

**COMMENTS OF PUBLIC INTEREST**

No one appeared to speak.

**CONSENT AGENDA**

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Miner, the Council voted 7-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

**Approval of Expenditures**  
**Purchase from an Existing Contract**

To approve the purchase of Air-Pak 75 SCBA Units and SCBA cylinders in the amount of \$139,177 from (MES) Municipal Emergency Services through an existing contract/agreement with the City of Fort Worth Contract #PO-12-00069877 (City of Plano Contract #2012-97-I);and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "A")

## **Adoption of Resolutions**

**Resolution No. 2012-9-1(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between Tyler Technologies, Inc., a Delaware corporation, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date (Consent Agenda Item “B”).

**Resolution No. 2012-9-2(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between Winzer Corporation, a Texas corporation, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “C”)

**Resolution No. 2012-9-3(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between Optisense Network, LLC, a Delaware limited liability company, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “D”)

**Resolution No. 2012-9-4(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 or his authorized designee; to execute the grant agreement and any other documents necessary to effectuate the action taken; and providing an effective date. (Consent Agenda Item “E”)

**Resolution No. 2012-9-5(R):** To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the Plano Independent School District for the operation of the Police/School Liaison Program; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “F”)

**Resolution No. 2012-9-6(R):** To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the Frisco Independent School District for the operation of the Police/School Liaison Program; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “G”)

## **Adoption of Ordinances**

**Ordinance No. 2012-9-7:** To adopt and enact Supplement Number 100 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 “H”)

## **END OF CONSENT**

**Ordinance No. 2012-9-8:** To approve and adopt the Operating Budget and setting the appropriations for the fiscal year beginning October 1, 2012, and terminating September 30, 2013; and providing an effective date. (Public Hearing held on August 13, 2012.) (Regular Agenda Item “1”)

Director of Budget and Research Rhodes-Whitley advised that the total combined budget is \$425 million.

**Ordinance No. 2012-9-8 (cont'd)**

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to approve and adopt the Operating Budget and set the appropriations for the fiscal year beginning October 1, 2012, and terminating September 30, 2013; and further to adopt Ordinance No. 2012-9-8.

**Ordinance No. 2012-9-9:** To approve and adopt the Community Investment Program and setting the appropriations for 2012-13; and providing an effective date. (Public Hearing held on August 13, 2012.) (Regular Agenda Item "2")

Director of Budget and Research Rhodes-Whitley spoke to removal of a portion of funding for remodeling of Plano Centre and advised that the Community Investment Program totals \$88 million.

Upon a motion made by Council Member Davidson and seconded by Council Member Miner, the Council voted 7-0 to approve and adopt the Community Investment Program and set the appropriations for 2012-13; and further to adopt Ordinance No. 2012-9-9.

**Ordinance No. 2012-9-10:** To approve and adopt the Tax Rate for the fiscal year beginning October 1, 2012, and terminating September 30, 2013, and providing an effective date. (Public Hearings held on August 27, 2012 and September 5, 2012.) (Regular Agenda Item "3")

Director of Budget and Research Rhodes-Whitley advised that the City has been at the same tax rate for four years.

Mayor Dyer 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 0.65% increase in the tax rate for the fiscal year beginning October 1, 2012, and terminating September 30, 2013; and further to adopt Ordinance No. 2012-9-10. Deputy Mayor Pro Tem Harris seconded the motion and the Council voted 7-0. The motion carried.

**Ordinance No. 2012-9-11:** To ratify the property tax revenue increase in the 2012-13 Budget as a result of the City receiving more revenues from property taxes in the 2012-13 Budget than in the previous fiscal year; and providing an effective date. (Public Hearings held on August 27, 2012 and September 5, 2012.) (Regular Agenda Item "4")

Director of Budget and Research Rhodes-Whitley spoke to collection of more property tax revenue due to an increase in commercial value of properties, the sunseting of Tax Increment Finance Zone No. 1, and the difference in the effective rate.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Miner, the Council voted 7-0 to ratify the property tax revenue increase in the 2012-13 Budget as a result of the City receiving more revenues from property taxes in the 2012-13 Budget than in the previous fiscal year; and further to adopt Ordinance No. 2012-9-11.

**Consideration of a request for a revised site plan** and to participate in a Parking Reduction Program for a Public Secondary School on one lot on 42.8± acres located at the northwest corner of Parker Road and Willow Bend Drive. Zoned Single-Family Residence-9 and Agricultural. Applicant: Plano Independent School District. (Regular Agenda Item “5”)

Planning Manager Firgens advised that the request is for a Parking Reduction Program at Plano West Senior High School and requires Council approval of the site plan. She spoke to the applicant’s plans for 1,572 spaces rather than the 2,134 required by the Zoning Ordinance. Ms. Firgens stated that the Planning and Zoning Commission recommended approval subject to: 1) City Council approval of the request for a parking reduction; 2) the applicant executing a performance agreement with the City, subject to approval by the City Attorney; and 3) dedication of parking easements for the new proposed offsite parking on Lot 2, and the deferred parking areas on Lots 1R and 2, Block A, Plano West Senior High School Addition. She responded to the Council, advising that there are no exemptions at Plano Senior or Plano East Senior High Schools and that there has been no parking issues in the area surrounding Plano West.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Davidson, the Council voted 7-0 to approve a request for a revised site plan and to participate in a Parking Reduction Program for a Public Secondary School on one lot on 42.8± acres located at the northwest corner of Parker Road and Willow Bend Drive as recommended by the Planning and Zoning Commission.

**Public Hearing and adoption of Ordinance No. 2012-9-12** to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 130 for tax abatement consisting of a 14.10 acre tract of land out of the Maria C. Vela Survey, Abstract No. 935 and the Obediah Epps Survey, Abstract No. 297, 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 “6”)

Economic Development Director Bane spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement being based on an estimated \$11.5 million in real property improvements for a period of ten years from January 1, 2014, with an abatement at the rate of 50%.

Mayor Dyer opened the Public Hearing. No one spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 130 for tax abatement consisting of a 14.10 acre tract of land out of the Maria C. Vela Survey, Abstract No. 935 and the Obediah Epps Survey, Abstract No. 297; and further to adopt Ordinance No. 2012-9-12.

**Resolution No. 2012-9-13(R):** To approve the terms and conditions of an agreement by and between the City of Plano, Texas and Tyler Technologies, Inc., a Delaware corporation, providing for real property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “7”)

Economic Development Director Bane advised that the agreement includes a new building and extensive remodeling of an existing structure for 139,000 square feet of office space, has a term of ten years and is based on 50% of real property.

Upon a motion made by Council Member Davidson and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas and Tyler Technologies, Inc., providing for real property tax abatement; and further to adopt Resolution No. 2012-9-13(R).

**Public Hearing and adoption of Ordinance No. 2012-9-14** to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 131 for tax abatement consisting of an 8.357 acre tract of land situated in the J. T. McCullough Survey, Abstract No. 633, 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 “8”)

Economic Development Director Bane spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement being based on an estimated \$4.4 million in real and \$4 million in business personal property for a period of ten years from January 1, 2014, with an abatement at the rate of 50% for real and business personal property.

Mayor Dyer 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 Council Member Gallagher, the Council voted 7-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 131 for tax abatement consisting of an 8.357 acre tract of land situated in the J. T. McCullough Survey, Abstract No. 633; and further to adopt Ordinance No. 2012-9-14.

**Resolution No. 2012-9-15(R):** To approve the terms and conditions of an agreement by and between the City of Plano, Texas, Winzer Corporation, a Texas corporation, and WR Plano Parkway, LLC, a Georgia limited liability company, 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 “9”)

Economic Development Director Bane advised that the agreement includes 100,000 square feet of office space and warehouse space, has a term of ten years and is based on 50% of both real and business personal property.

Upon a motion made by Council Member Miner and seconded by Council Member Davidson, the Council voted 7-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, Winzer Corporation and WR Plano Parkway, LLC providing for real and business personal property tax abatement; and further to adopt Resolution No. 2012-9-15(R).

**Public Hearing and consideration of an Ordinance as requested in Zoning Case 2012-12** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development-374-Retail on 6.9± acres of land located at the northeast corner of Plano Parkway and Independence Parkway, in the City of Plano, Collin County, Texas, to modify the development standards of the district including amending or repealing the limitation on the hours of operation; 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: RaceTrac (Regular Agenda Item “10”)

Planning Manager Firgens advised the Council that the applicant has requested the item be tabled until the September 24, 2012 meeting.

Upon a motion made by Council Member Gallagher and seconded by Council Member Miner, the Council voted 7-0 to table the request until the September 24, 2012 Council Meeting.

**Public Hearing and adoption of Ordinance No. 2012-9-16** as requested in Zoning Case 2012-22 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 631 so as to allow the additional use of Superstore on 19.3± acres of land located at the southwest corner of Preston Road and Spring Creek Parkway, in the City of Plano, Collin County, Texas, presently zoned Planned Development-447-Retail/Multifamily Residence-2; 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: Margaret E. Turner (Regular Agenda Item “11”)

Planning Manager Firgens provided a description of “superstore,” spoke to companion preliminary site and concept plans, development design criteria and advised that the Planning and Zoning Commission recommended approval as submitted. She responded that the preliminary site plan has two points of access not including Baywater Drive.

Mayor Dyer opened the Public Hearing. John Rose, DCMS-Development and Construction Management Services, Inc., representing the applicant, spoke to discussions held with adjacent residential properties and advised that the property will be developer/owner occupied. He stated that the applicant has initiated a traffic warrant study for Baywater Drive. No one else 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 7-0 to grant Specific Use Permit No. 631 so as to allow the additional use of Superstore on 19.3± acres of land located at the southwest corner of Preston Road and Spring Creek Parkway, in the City of Plano, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-22 and further to adopt Ordinance No. 2012-9-16.

**Public Hearing and adoption of Ordinance No. 2012-9-17** as requested in Zoning Case 2012-23 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 4.5± acres of land located at the southeast corner of Silverglen Drive and Mapleshade Lane, in the City of Plano, Collin County, Texas, from Light Industrial-1 to Corridor Commercial; with Specific Use Permit No. 632 so as to allow the additional use of Assisted Living Facility; 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. Applicant: University of Texas (Regular Agenda Item “12”)

Director of Planning Jarrell advised that the applicant is requesting a rezoning of the property to allow for an assisted living facility by specific use permit and that the request is in conformance with the Comprehensive Plan. She further stated that the Planning and Zoning Commission recommended approval as submitted and initiated a zoning case to rezone the remaining land south of the future extension of Mapleshade Lane from Light Industrial-1 to Corridor Commercial as plans are for the roadway to continue to the east and connect with S.H. 190.

Mayor Dyer opened the Public Hearing. Hillary VonAhsen, Kimley-Horn and Associates, advised that she was available for any questions. No one else appeared to speak 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 7-0 to rezone 4.5± acres of land located at the southeast corner of Silverglen Drive and Mapleshade Lane, in the City of Plano from Light Industrial-1 to Corridor Commercial; with Specific Use Permit No. 632 so as to allow the additional use of Assisted Living Facility as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-23; and further to adopt Ordinance No. 2012-9-17.

**Public Hearing and adoption Ordinance No. 2012-9-18** as requested in Zoning Case 2012-24 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 34.0± acres of land located north of the intersection of Jeker Drive and Merriman Drive, in the City of Plano, Collin County, Texas, from Agricultural and Estate Development 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. Applicant: Betty Merriman (Regular Agenda Item “13”)

Director of Planning Jarrell advised that the request is in conformance with the Future Land Use Plan and that the applicant intends to dedicate the eastern portion of the property that is within the floodplain to the City for park purposes. She advised that the school district has determined that there is available capacity for increased enrollment with the exception of Plano East Senior High School. She advised that the Planning and Zoning Commission recommended approval as submitted and responded to Mayor Dyer, advising that property to the southeast is floodplain and part of the park system.

**Ordinance No. 2012-9-18 (cont'd)**

Mayor Dyer opened the Public Hearing. Jim Douglas, Douglas Properties Inc., described the planned development, screening, preservation of the lake area, coordination of the hike and bike trail connection, and street layouts. No one else appeared to speak for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to rezone 34.0± acres of land located north of the intersection of Jeker Drive and Merriman Drive, in the City of Plano from Agricultural and Estate Development to Single-Family Residence-6; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2012-24; and further to adopt Ordinance No. 2012-9-18.

The following two items were considered concurrently.

**Consideration of a Resolution** to appoint a board member to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors as provided in Chapter 452 of the Texas Transportation Code and providing an effective date. (Regular Agenda Item “14”)

**Consideration of a Resolution** to affirm the appointment of a shared board member with the City of Farmers Branch to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors as provided in Chapter 452 of the Texas Transportation Code and providing an effective date. (Regular Agenda Item “15”)

Upon a motion made by Council Member Davidson and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to table consideration of a Resolution to appoint a board member to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors and consideration of a Resolution to affirm the appointment of a shared board member with the City of Farmers Branch to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors until the September 24, 2012 meeting.

Nothing further was discussed. Mayor Dyer adjourned the Open Meeting at 8:33 p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary