

PLANO CITY COUNCIL

WILL CONVENE INTO EXECUTIVE SESSION AT 5:30 P.M. ON JUNE 11, 2012, FOLLOWED BY THE PRELIMINARY OPEN MEETING IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:

Mission Statement: The City of Plano is a regional and national leader, providing outstanding services and facilities through cooperative efforts that engage our citizens and contribute to the quality of life in our community.

EXECUTIVE SESSION

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|------|---|-----------|---------|
| I. | Legal Advice
Respond to questions and receive legal advice on agenda items | Wetherbee | 5 min. |
| II. | Economic Development
Discuss a financial offer or other incentive to a business prospect to locate, stay, or expand in Plano and consider any commercial and financial information from the business prospect. | Bane | 10 min. |
| III. | Real Estate
Possible acquisition of property in Downtown Plano | Turner | 10 min. |
| IV. | Personnel
Appointment - Heritage Commission | Council | 5 min. |

PRELIMINARY OPEN MEETING

- | | | | |
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| I. | Consideration and action resulting from Executive Session discussion: Personnel: Appointment - Heritage Commission | Council | 5 min. |
| II. | Discussion and Direction re Design Options for City of Plano Website | Conklin | 20 min. |
| III. | Discussion and Direction re Day Care Centers (In-home) | Firgens | 10 min. |

IV.	Discussion and Direction re Appointment Criteria for Boards/Commissions Recommending Grant Funding	Council	10 min.
V.	Council Appointments to Various Committees and Organizations	Council	5 min.
VI.	Council items for discussion/action on future agendas	Council	5 min.
VII.	Consent and Regular Agendas	Council	5 min.

In accordance with the provisions of the Open Meetings Act, during Preliminary Open Meetings, agenda items will be discussed and votes may be taken where appropriate.

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Avenue L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of building. The Council Chamber is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.

MEMO

DATE: June 7, 2012

TO: Honorable Mayor and City Council
City Manager Glasscock
City Secretary Zucco

FROM: Alice Snyder, Assistant City Secretary

RE: Personnel Appointments/Reappointments
Executive and Worksession Meetings

The following appointment will be considered at the June 11, 2012 Council Meeting.

<u>Executive Session</u>	<u>Worksession Meeting</u>
<u>Appointment:</u> -Heritage Commission	

MEMO

June 6, 2012

To: Mr. Bruce D. Glasscock, City Manager
Mr. Frank F. Turner, Deputy City Manager

From: Ms. Tina Firgens, Planning Manager

RE: Day Care Centers (In-home)

At the April 23, 2012, City Council meeting, Council Member Davidson requested an update regarding regulations for in-home day care centers. Since mid-2011, the Council has considered three specific use permit requests for in-home day care centers allowing a maximum of 12 children, and all three requests have been denied. Council members voting to deny the requests voiced concerns regarding the magnitude of what they considered to be a commercial operation in a residential area. This memo addresses the city's zoning regulations and how the regulations differ from the State of Texas requirements for in-home day care centers, and present issues for the Council's consideration if ordinance amendments are desired. Additionally, staff seeks direction from the Council as to whether changes should be made to the Zoning Ordinance regarding regulating in-home day care centers.

State and Local Requirements

The State of Texas issues two separate types of license for in-home day care centers – registered and licensed. Registered in-home providers are allowed to care for 6 children for the entire day with an additional 6 children before and after school, as well as when school is not in session (i.e. holidays, summer vacation, in-service days). Licensed in-home providers are allowed to care for up to 12 children for the entire day. In 1993, the city amended its Zoning Ordinance to allow residents to care for up to 12 children for the entire day with the appropriate state license. However, the Council determined that a Specific Use Permit would be required if a caregiver wished to provide care for more than 8 children. Until this past year, the city has enforced the SUP requirement through the years, but only when the operation came to our attention through a complaint.

The city requires a Certificate of Occupancy (CO) for in-home day care center operations. The CO is linked to the fire safety inspection that caregivers must obtain for their state license. During mid-2011, the Building Inspections Department began requiring applicants to specify the number of children on an in-home day care center CO application. As a result of this change, we are finding that a number of in-home day care operators are providing care for more than 8 children but have not pursued SUPs

from the city. It is likely that once the state approves a license, the operators believe that they have met all requirements and do not think about the city having different regulations. As new CO applications are received, the operators are being asked to also petition for the SUP if they provide care for more than 8 children.

Home Occupation Regulations

In addition to the above permitting requirements from the city, in-home day care centers are also subject to Section 3.110 of the Zoning Ordinance, which regulates home occupations. The City has allowed for residents to operate businesses within their homes for many years. The purpose of the home occupation regulations is to allow for a limited amount of activity associated with a resident's business to occur at their place of residence, while still preserving the overall residential neighborhood setting. The home occupation regulations address additional non-resident employees, size limitations within a residence (maximum 20% total square foot area), allows for traffic generation that does not exceed typical neighborhood traffic, and allows for parking to be accommodated in the required off-street parking for the residence and along the street frontage for a property. The regulations also prohibit modifications to a resident's home that alters the residential character of the structure, exterior signage, sale of goods, offensive noises and odors, and storage of materials.

Issues

The following are issues for the Council's consideration regarding regulating in-home day care centers.

1. Until this past year, the city has enforced the current SUP requirement through the years, but only when the operation came to our attention through a complaint. Two specific use permits have been approved in the last decade for this use, and more recently three requests have been denied. Staff has been working with the property owners to bring their businesses into compliance by this August to coincide with the new school year, when children will be proceeding to elementary school.
2. The Property Standards Department receives 6 to 12 complaints per year regarding in-home day care center operations. Complaints received are generally regarding there may be too many children at a residence. Upon investigating the complaints if there are too many children, the operator will reduce the number of children they are caring for rather than go through the SUP process.
3. If the city and state continue to differ regarding the maximum number of children someone is allowed to have by right, the city will continue to have enforcement challenges. The State of Texas allows in-home day care operations for up to 12 children. It is likely that operators, after they have received the state license, do not think about local regulations that may also apply.

4. The city has only regulated licensed in-home day care centers. The city has not regulated registered in-home day care centers even though the operators can have a total of 12 children (6 full time children, plus 6 children before and after school and when school is not in session).
5. The Zoning Ordinance allows 8 children by right, and up to 12 children with an SUP. As long as the SUP requirement remains an available option within the Zoning Ordinance, this allows residents to file a zoning petition to request for more than 8 children. If the Council believes that more than 8 children is not appropriate within an in-home day care center, then consideration should be given to amending the ordinance to establishing the maximum number at 8.

Staff seeks direction from the Council as to whether amendments should be made to the Zoning Ordinance regarding regulating in-home day care centers. If amendments are desired, staff will initiate a zoning case and begin working with the Planning & Zoning Commission.

Please let me know if you have questions or need additional information.

xc: Phyllis Jarrell, Director of Planning



DATE: June 6, 2012

TO: Honorable Mayor and Council Members
City Manager Glasscock

FROM: Diane Zucco, City Secretary

RE: Appointment Criteria for Boards/Commissions Recommending Grant Funding

In crafting revisions to ordinances pertaining to the appointment of members to the Cultural Affairs Commission, Community Relations Commission and Heritage Commission, it has come to our attention that there are several areas of implementation/enforcement that Council may wish to address.

With regard to the timing of resignations for new appointees and for clarity of enforcement, is it the Council's desire that the appointee shall resign from their agency within a specific period of time, possibly prior to taking their oath of office?

Although new appointees will step down from their currently held board positions on affected agencies/organizations, the amendment may not address situations where a Commissioner finds themselves on the board of a non-profit seeking grant monies in the future. This could come about either through the establishment of a new agency or an existing organization making new application. If this were the case, would the Commissioner be required to resign from the agency or alternatively the City's commission and would there be a timeframe for compliance?

I am further providing a memo from City Attorney Wetherbee related to the training of board/commission members with regard to the City Code of Conduct and current regulations in place with regard to funding decisions.

Thank you for your consideration.

xc: Diane Wetherbee, City Attorney
Phyllis Jarrell, Director of Planning
Dana Conklin, Director of Public Information

MEMO

DATE: May 17, 2012

FROM: Diane Wetherbee, City Attorney

TO: Di Zucco, City Secretary

RE: Code of Conduct Standards of Conduct

In response to your request, the following training and code of conduct/city ordinance issues apply to boards and commissions:

1. All boards receive training provided by an attorney from my office per the requirements of the City Code of Conduct. Their training focuses on the City's Code of Conduct and other applicable laws and ordinances that apply to their position. The Community Relations and Cultural Affairs are not decision-making boards, so they are not required to take the online state mandated training through the Attorney General's office. The Heritage Commission has limited final decision-making authority (but not for grants) so it must take the state mandated training
2. The proposal to remove the current requirement in the Cultural Affairs Commission ordinance for a 12-month separation from being a member of a non-profit to be eligible to serve as a Commission member poses no legal concerns. Any decision to delete or maintain this requirement or some variation thereof is within the discretion of the Council.
3. Current regulations that come into play with regard to funding decisions are as follows:
 - a. "No council member who is on a board of a non-profit organization may vote on any funding request by that non-profit unless the board is appointed in whole or part by the city council." Section 2-99 (c). Thus, a council member may also be a member of a non-profit board, but would need to abstain from voting on any decision to fund that board. We have encountered this situation when a council member or their spouse sits on a board or one of the sub-boards/committees of the affected agency and the vote and discussion is done separately so the member can abstain. Please note that abstentions are also done to avoid the appearance of impropriety when a council member's family member is associated with an affected board.
 - b. "No officer shall represent or appear in behalf of private interests of others before the board, commission or committee of which he is a member, or before the council or other board on an appeal from such board, commission or committee concerning the matter". Section 2-98(2)b. At a minimum, a city board member could not advocate on behalf of a non-profit of which he is a member of the non-profit's board. This may also be interpreted more broadly to not allow a city commission member to speak in favor of a non-profit receiving funding if the commission member is also a board member of the non-profit.

CITY COUNCIL APPOINTMENTS TO VARIOUS COMMITTEES AND ORGANIZATIONS

(Revised as of June 11, 2012)

The Arts Center of North Texas Mayors Committee - Mayor Dyer

Collin County Mayors Committee – Mayor Dyer

Council Legislative Committee – Mayor, Mayor Pro Tem and Deputy Mayor Pro Tem

Texas Clean Air Cities Coalition –

Dallas Regional Mobility Coalition – Mayor Pro Tem Lissa Smith

Designation of Official North Central Texas Council of Governments
Voting Representative - Mayor Dyer

Metroplex Mayors Committee - Mayor Dyer

North Texas Commission – Mayor Dyer and Mayor Pro Tem Lissa Smith

North Texas Housing Coalition – Deputy Mayor Pro Tem Ben Harris

Plano Health Facilities Development Corporation – Mayor Dyer, Lee Dunlap and Pat Miner

Regional Committee on Child Predator Legislation – Patrick Gallagher

Regional Transportation Council – NCTCOG – Mayor Pro Tem Lissa Smith and Lee Dunlap

CITY COUNCIL COMMITTEES

Board and Commission Review Committee – André Davidson and Jim Duggan

Community Finance – Jim Duggan and Patrick Gallagher

Joint PISD/Council Committee – Deputy Mayor Pro Tem Ben Harris and André Davidson

ADHOC/ROUNDTABLES/TASK FORCES

Multi-Cultural Outreach Roundtable – André Davidson

Discussion/Action Items for Future Council Agendas

June 16 – Plano Fire Department Appreciation Picnic – Arbor Hills Preserve – 12 – 4 pm

June 21 – Meet & Greet Your City Council and City Staff – Davis Library – 6-8 pm

June 25

- Comprehensive Monthly Financial Report
- Board/Commission Reappointments
- City Council Liaisons to Boards and Commissions

July 4th – Independence Day

July 23

- Comprehensive Monthly Financial Report
- DART Report

July 25 (Wednesday)

- Budget Presentation

August 3 – Chamber’s Chairman’s Council Breakfast – Location TBD – 7:30 am

August 8 – City Council Budget Workshop – Grant Funding – 5 pm

August 13

- Public Hearing on Operating Budget/Community Investment Program
- Approval of Appraisal Roll
- Consider Proposed Tax Rate

August 16 – Boards/Commission “Meet the Applicants” – Municipal Center - 6:30 – 8 pm

August 18 – City Council Budget Worksession – 8 am

August 23 – Boards/Commission “Meet the Applicants” – Municipal Center - 6:30 – 8 pm

August 27

- Comprehensive Monthly Financial Report

- September 3 – Labor Day

September 10

- Adoption of Operating Budget, Community Investment Program
- Set Tax Rate
- North Texas Municipal Water District Report

September 20 – Meet & Greet Your City Council and City Staff – Haggard Library – 6-8 pm

September 21-23 – Plano Balloon Festival

September 24

- Comprehensive Monthly Financial Report
- Board/Commission Appointments

September 29-October 3 IACP Conference – San Diego

October 8

October 7-10 - ICMA Conference - Phoenix

October 22

- Comprehensive Monthly Financial Report
- DART Report