

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
December 9, 2013**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Patrick Gallagher
David Downs

COUNCIL MEMBERS ABSENT

Jim Duggan

STAFF PRESENT

Bruce Glasscock, City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor LaRosiliere called the meeting to order at 6:01 p.m., Monday, December 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 and discuss Litigation, Section 551.071; 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 Preliminary Open Meeting at 6:30 p.m. in the Senator Florence Shapiro Council Chambers.

Consideration and action resulting from Executive Session discussion

Mayor LaRosiliere advised that discussion regarding appointment of the City Attorney has been deferred.

Discussion and Direction Regarding Heritage Tax Exemption Program

Comprehensive Planning Manager Schwarz requested Council direction on revisions to the Heritage Tax Exemption Program as proposed by the Heritage Commission and Staff. She reviewed the program and levels of exemption and spoke to an update in 2008 providing a definition for "contributing resources" to classify recently constructed buildings deemed compatible and which contribute to the overall architectural fabric of the district.

Ms. Schwarz spoke to discussion of the revisions since July 2013 and concerns raised following: Collin County's decision to no longer participate, recent changes in ownership of several properties and additional new construction. She stated that new construction, even if designed in a compatible manner, may not meet the intent of the state's property code with regard to exemptions and reviewed proposed options for Council consideration:

- a. "Grandfather" the properties with new construction, which have been receiving the exemption but not allow any other new construction to receive tax abatement;
- b. Phase out the tax exemption for newer construction that is currently receiving the tax relief over a period of years, with a declining exemption percentage each year;
- c. Set a termination date for the exemptions presently allowed for new construction; or
- d. Provide incentives for new construction that is compatible with the heritage district through other City programs, in addition to the currently provided waiver of building permit and development fees as part of the Neighborhood Empowerment Zone.

Mayor LaRosiliere opened the floor for speakers. Citizen John Brooks spoke to the potentially adverse impact revisions would have on historic districts and homeowners and requested input from the Legal Department regarding conflicts with state statutes. He further requested a meeting between stakeholders to evaluate the proposal. Citizen Karen Bowen spoke to encouraging individuals to relocate to the area rather than disincentivizing development and requested no change be made to the current program. Citizen Lisa Ringel spoke to contributing properties following guidelines for compliance and integrity. She spoke to investment in the community and the positive impact of abatements. Pam Hatcher, representing the Haggard Park Homeowners Association Board, spoke to new construction, completed in an appropriate manner, buffering and protecting the remaining historic structures. She spoke to maintaining confidence in the ordinances and abatement program and requested consideration of an alternate proposal which would clear non-contributing properties from the program, encourage new infill, motivate builders to comply with Certificates of Appropriateness, and maintain the strong position of the area.

Ms. Schwarz spoke to future limitations of the current ordinance and focusing more on preservation rather than new construction and advised that the proposal impacts 5-6 properties built after 1960. Ms. Schwarz responded to Mayor LaRosiliere, advising that the historic district is a part of zoning in the area and that new construction will still go through Heritage Commission review; but, that an alternate method of incentive for a fixed period of time may be more appropriate for those structures. She stated that the properties impacted have been notified and are in opposition to the revision and other properties noted by the speakers will not be impacted. Ms. Schwarz advised that Staff will discuss the alternate proposal with the Legal Department to ascertain which components are feasible.

Council Members Miner and Davidson requested additional discussion and review of the alternate proposal. Council Member Gallagher spoke to receiving more public input, legal review and to making no revisions. City Attorney Wetherbee responded to Mayor LaRosiliere, stating the current program is compliant within the broad parameters provided by statute. Mayor LaRosiliere spoke to the apparent disconnect between Staff's proposal and the community's perception of the potential impact. He requested more discussion so that each side might have clarity before bringing the item back to Council for consideration and the Council concurred.

Personnel

Parks and Recreation Planning Board – Member

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to appoint Diane Susan Donley to an interim term.

Tax Increment Financing Reinvestment Zone No. 2 - Chair

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Downs, the Council voted 7-0 to appoint Council Member Miner as Chair.

Council items for discussion/action on future agendas

Mayor Pro Tem Smith requested an update on the status of the Preston/Legacy Median Left Turn. City Manager Glasscock introduced new City Engineer Jack Carr.

Consent and Regular Agendas

No items were discussed.

Nothing further was discussed. Mayor LaRosiliere adjourned the Preliminary Meeting at 7:17 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Diane Zucco, City Secretary