

**PLANO CITY COUNCIL**  
**February 11, 2013**

**COUNCIL MEMBERS PRESENT**

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

**STAFF PRESENT**

Frank Turner, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Diane C. Wetherbee, City Attorney  
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, February 11, 2013, at 7:04 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Pastor Jack Schneider of St. Paul Lutheran Church led the invocation and Pack 283, Tiger Cub Den from Brinker Elementary led the Pledge of Allegiance.

Mayor Dyer recognized the Plano Public Library System's receipt of the 2012 Award of Excellence in Libraries.

**COMMENTS OF PUBLIC INTEREST**

Plano citizens Pat Lovelace and Kay Sparks stated concerns related to an adult business located at Independence Parkway and Parker Road. City Attorney Wetherbee spoke to Police Department inspection of the location which found it did not meet the definition of a sexually oriented business. She further advised that if it did in the future, it would need to meet licensing and distance requirements and spoke to confining citizen protests to public areas. Richard P. Sheridan, representing Concerned Dallas and Texas Parents, stated concerns regarding the Dallas County court system.

**CONSENT AGENDA**

Upon a motion made by Council Member Davidson and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

**Approval of Minutes**

January 28, 2013 (Consent Agenda Item "A")

### **Approval of Expenditures**

#### **Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)**

**Bid No. 2013-74-B** for Shrub Replacement for Carpenter and Heritage Yards Park to C. Green Scaping, L.P. in the amount of \$56,860 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

**RFQ No. 2012-300-C** for Institutional Trustee Services for the Section 115 Trust awarded to Wells Fargo Bank, N.A., for the term of one (1) year with three (3) City optional one-year renewal periods, in the estimated annual amount of \$29,680 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

**Bid No. 2013-33-C** for a one (1) year contract with four (4) City optional renewals for Athletic Field Mowing and Landscape Maintenance at Carpenter and Russell Creek Park for the Parks Department to Good Earth Corporation in the estimated annual amount of \$140,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

### **Approval of Change Order**

To J. R. Stelzer Company, reducing the contract amount by \$154,368 with Change Order No. 1 for Ridgeview Ground Storage Reservoirs. Original Bid No. 2012-334-B. (Consent Agenda Item “E”)

### **Adoption of Resolutions**

**Resolution No. 2013-2-1(R):** To approve the purchase of 4,581 square feet of land for Street Right of Way located at the northwest corner of Preston Road and Tennyson Parkway from Advanced Neuromodulation Systems, Inc., and authorizing the City Manager to execute any necessary documents; and providing an effective date. (Consent Agenda Item “F”)

**Resolution No. 2013-2-2(R):** To extend the time limits of an exclusive period for the negotiation of the terms and conditions of a Development Agreement by and between the City of Plano, Texas and Prescott Realty Group for the redevelopment of 4.6± acres located at the northwest corner of Park Boulevard and K Avenue in the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “G”)

**Resolution No. 2013-2-3(R):** To appoint Scott Seidel and William J. Roberts to serve for two year terms as investigators as required by Section 2-104 of the Code of Conduct of the City of Plano; and providing an effective date. (Consent Agenda Item “H”)

### **Adoption of Ordinances**

**Ordinance No. 2013-2-4:** To abandon all right, title and interest of the City, in and to that certain 0.211 and 0.079 acre Drainage Easements situated in the Shadrick Jackson Survey, Abstract No. 489, City of Allen, Collin County, Texas and being part of Lot 1, West Rowlett Creek Addition, an addition to the City of Allen, Texas, according to the plat recorded in Volume 2012, Pages 175 and 176, Clerk's File No. 12-0001170, Map Records of Collin County, Texas; same being Drainage Easements recorded in Clerk's File No. 93-0009112, Land Records of Collin County, Texas, quitclaiming all right, title and interest of the City in such easement to the abutting property owner, CUSTER 121, L.P., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item "I")

### **END OF CONSENT**

**Ordinance No. 2013-2-5:** To authorize the issuance of "City of Plano, Texas, General Obligation Refunding and Improvement Bonds, Series 2013"; levying a continuing direct annual ad valorem tax for the payment of said Bonds; resolving other matters incident and related to the issuance, sale, payment and delivery of said Bonds; establishing procedures for the sale and delivery of said Bonds; and delegating matters relating to the sale and issuance of said Bonds to an authorized City official; and providing a severability clause and an effective date. (Regular Agenda Item "1")

David Medanich of First Southwest spoke to tax-exempt interest rates at historically low levels and the opportunity for the City to finance its planned \$24.8 million in general obligation bonds and refinance certain existing bonds to lower the debt service payments with an estimated total savings of \$4.6 million. He advised that setting parameters for maximum true interest costs and savings thresholds allows the City to avoid a bad day in the market. Mr. Medanich advised that the refunded bonds will not extend beyond their current expiration date.

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to authorize the issuance of "City of Plano, Texas, General Obligation Refunding and Improvement Bonds, Series 2013" and further to adopt Ordinance No. 2013-2-5.

**Public Hearing** to provide the citizens and residents with the opportunity to review and provide comment on the projects for the proposed 2013 Bond Referendum. (Regular Agenda Item "2")

Mayor Dyer opened the Public Hearing. No one appeared to speak regarding the item. The Public hearing was closed.

**Discussion and Direction on the proposed 2013 Bond Referendum** (Regular Agenda Item “3”)

Director of Budget and Research Rhodes-Whitley spoke to Council making final decisions on items for the bond referendum on February 25, 2013 and reviewed the items: Street Improvement Projects (\$43.8 million); Parks Improvements (\$27 million) for recreational trails, Oak Point Park and Nature Preserve, Park Improvements, and Carpenter Park Renovations; Recreation Center Improvements (\$12.5 million) for Jack Carter Pool Renovation, High Point Tennis Center Renovation, and Liberty Recreation Center Expansion and Renovation; Community and Economic Development/Redevelopment (\$15 million); and revocation of the authority for a creative and performing arts center (\$14.1 million). Ms. Rhodes-Whitley advised that the new authority totals \$98.3 million at a cost of 2.81 cents and operating costs of .33 cents and spoke to the retirement of a number of tax notes bringing the total impact down to .66 cents or \$12.93 per year for the average homeowner including operations and maintenance. She further advised that the savings gained by refunding bonds (Regular Agenda Item No. 1) is not included in the estimates. The Council concurred in directing Staff to move forward with recommendations.

**Public Hearing and adoption of Ordinance No. 2013-2-6** as requested in Zoning Case 2012-57 to amend Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 634 so as to allow the additional use of Patio Homes on 15.4± acres of land located at the southeast corner of Jupiter Road and Chaparral Road, in the City of Plano, Collin County, Texas, presently zoned Retail; 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: Great North Investments, LLC (Regular Agenda Item “4”)

Director of Planning Jarrell advised that the request is in conformance with the Future Land Use Plan, water/sewer is available, but the applicant will need to verify sanitary sewer capacity. She advised Plano Independent School District has determined that there is not additional capacity at McCall, that emergency response times are acceptable, and the Planning and Zoning Commission recommended approval of the request as submitted.

Mayor Dyer opened the Public Hearing. Jim Douglass, Douglass Property, Inc., spoke to the target buyers as empty-nesters and young professionals who would have minimal impact on the elementary school and provided information on a layout for the homes. He advised that the area would join the existing Timber Brook Homeowners Association (HOA) and spoke to open space and the price range of homes. Lee Pierce, Vice President of Timber Brook Estates HOA spoke in support of the request. No one else spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Dunlap and seconded by Council Member Gallagher, the Council voted 8-0 to amend Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 634 so as to allow the additional use of Patio Homes on 15.4± acres of land located at the southeast corner of Jupiter Road and Chaparral Road, in the City of Plano, Collin County, Texas, presently zoned Retail; as requested by Zoning Case 2012-57 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2013-2-6.

**Resolution No. 2013-2-7(R):** To accept and approve the City Secretary's certification of the number of qualified signatures on a petition to order a local option election to legalize the sale of all alcoholic beverages for off-premise consumption only; and providing an effective date. (Regular Agenda Item "5")

City Secretary Zucco spoke regarding the verification process.

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to accept and approve the City Secretary's certification of the number of qualified signatures on a petition to order a local option election to legalize the sale of all alcoholic beverages for off-premise consumption only; and further to adopt Resolution No. 2013-2-7(R).

**Ordinance No. 2013-2-8:** To order a Special Election to be held in conjunction with the General Election in and throughout the City of Plano, Texas on Saturday, May 11, 2013, for the purpose of approving the legal sale of all alcoholic beverages for off-premise consumption only; designating locations of polling places; ordering notices of election to be given as prescribed by law in connection with such election; and providing an effective date. (Regular Agenda Item "6")

Upon a motion made by Council Member Miner and seconded by Council Member Davidson, the Council voted 8-0 to order a Special Election to be held in conjunction with the General Election in and throughout the City of Plano, Texas on Saturday, May 11, 2013, for the purpose of approving the legal sale of all alcoholic beverages for off-premise consumption only; and further to adopt Ordinance No. 2013-2-8.

Nothing further was discussed. Mayor Dyer adjourned the meeting at 7:52 p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary