

PLANO CITY COUNCIL

WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M. ON MAY 12, 2014, 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 that contribute to the quality of life in our community.

EXECUTIVE SESSION

- | | | | |
|------|--|----------------|---------|
| I. | Legal Advice
a) Respond to questions and receive legal advice on agenda items
b) Oncor Franchise | Mims | 15 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 | Glasscock/Bane | 10 min. |
| III. | Real Estate
a) Downtown Plano | Turner | 10 min. |
| IV. | Personnel - Reappointments
a) DART Board of Directors | Council | 5 min. |

PRELIMINARY OPEN MEETING

- | | | | |
|-----|---|---------|--------|
| I. | Consideration and action resulting from Executive Session discussion:
Personnel Reappointments
a) DART Board of Directors | Council | 5 min. |
| II. | Personnel Appointments:
a) Self Sufficiency Committee | Council | 5 min. |

III.	Board and Commission Review Committee Report	Council	10 min.
IV.	Environmental Health Briefing - E-Cigarettes	Teel	15 min.
V.	Plano Tomorrow Comprehensive Plan Discussion - Regionalism	Schwarz	15 min.
VI.	Council items for discussion/action on future agendas	Council	5 min.
VII.	Consent or Regular Agenda	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 Municipal/L Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of building. The Senator Florence Shapiro Council Chambers 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.



City of Plano
1520 K Avenue
Plano, TX 75074

P.O. Box 860358
Plano, TX 75086-0358
Tel: 972.941.7000
plano.gov

Date: May 8, 2014

To: Honorable Mayor and City Council
City Manager Glasscock
City Secretary Henderson

From: Alice Snyder, Assistant City Secretary

Subject: Personnel
Executive and Worksession Meetings

The following appointments/reappointments will be considered at the May 12, 2014 Council Meeting.

Executive Session

-DART Board of Directors

Worksession Meeting

-Self Sufficiency Committee



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<u>Executive Session</u> -DART Board of Directors	<u>Worksession Meeting</u> -Self Sufficiency Committee
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DATE: May 12, 2014

TO: Honorable Mayor and City Council
Bruce Glasscock, City Manager

FROM: Board and Commission Review Committee
Mayor Pro Tem Smith and Deputy Mayor Pro Tem Harris

RE: Board and Commission Review Committee

On Tuesday, April 22, 2014 Mayor Pro Tem Smith, Deputy Mayor Pro Tem Harris (members of the Board and Commission Review Committee), City Secretary Henderson and Assistant City Secretary Snyder met to consider the following Boards and commissions:

Library Advisory Board

The Review Committee has no recommendations for this board.

Senior Citizens Advisory Board

The Review Committee recommends possibly changing to monthly meetings and hosting 2-3 Roundtable discussions annually.

Parks and Recreation Planning Board

The Review Committee has no recommendations for this board at this time.

Self Sufficiency Committee

The Review Committee has no recommendations for this board.

Heritage Commission

The Review Committee has no recommendations for this board.

Community Relations Commission

The Review Committee has no recommendations for this board.

Multicultural Outreach Roundtable (MCOR)

The Review Committee has no recommendations for this board.

Cultural Affairs Commission

The Review Committee has no recommendations for this board.

Environmental Health Department



**Electronic Cigarette Use
Public Health & Public Policy Implications**

VAPING



Terms Used in Discussion

- Electronic Cigarette - battery-operated products designed to deliver nicotine, flavors and other chemicals (E-Cig)
- Electronic Vaping Device (ordinance term) - any electronically-powered or battery-powered device utilizing an atomizer which allows users to inhale nicotine vapor or any other vapor to simulate the smoking of tobacco, cigarettes, pipes or cigars

E-Cig Terms

- Vaping - common term for inhaling vapors from an e-cig device
- Vape shop - common term for a retailer specializing in the sale of e-cig products
- E-juice - common term for the liquid used in e-cig refill vials and e-cig cartridges (synonym: e-liquid)

Framing the Issues

- Should vaping be regulated?
- If vaping is regulated, to what extent and by what levels of government?
- Should minors be allowed to purchase and possess e-cigs?
- Does vaping pose a health hazard to users (to “vapers”)?
- Does vaping pose an IAQ hazard to bystanders?
(For example, is exhaled vaping aerosol a hazard?)
- Should Plano regulate e-cig sales as a land use issue?

History of E-Cigs

- First invented in the early 1960s by Herbert Gilbert.
- More modern devices designed and patented in China by Hon Lik in the early 2000s.



The United States E-Cig Industry

- About 250 brands sold
- Annual sales for 2013 were approximately \$2 billion
- Projected sales by 2019: \$10 billion
- Two million young people have vaped
- Starter kits cost \$60 - \$80; 5 pack of cartridges costs about \$10

Positive Attributes of Vaping:

OPINIONS OF THE INDUSTRY & USERS

- Electronic cigarettes are less harmful than tobacco cigarettes
- E-cigs can be an effective smoking cessation method (i.e. they are another Nicotine Replacement Therapy or NRT similar to nicotine patches and nicotine gum)
- Exhaled vapor contains fewer harmful pollutants (lower risk from “second hand” vapor) than tobacco smoke

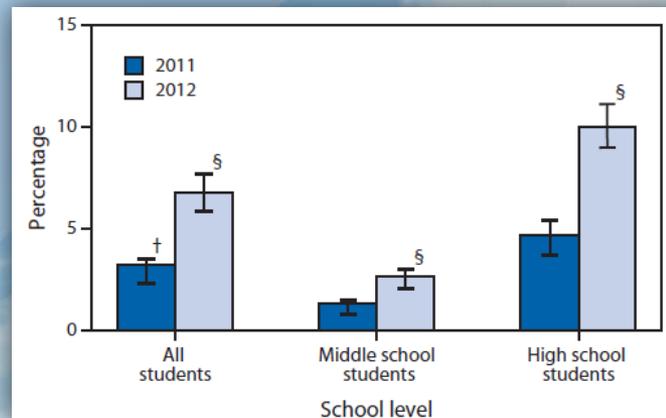
Positive Attributes

- E-cigs are safer for both users and bystanders.
- E-cigs are cheaper to purchase.
- Smokers perceive e-cigs are safer than tobacco cigarettes.
- E-cigs duplicate the sensory, behavioral and social components of smoking.
- Switching completely from traditional tobacco cigarettes to e-cigs removes about 99 percent of the risk for disease.

Negatives of Vaping

OPINIONS OF PUBLIC HEALTH AND HEALTH CARE PROFESSIONALS

- May lead to increased experimentation among young adults (i.e. gateway behavior to tobacco cigarettes)

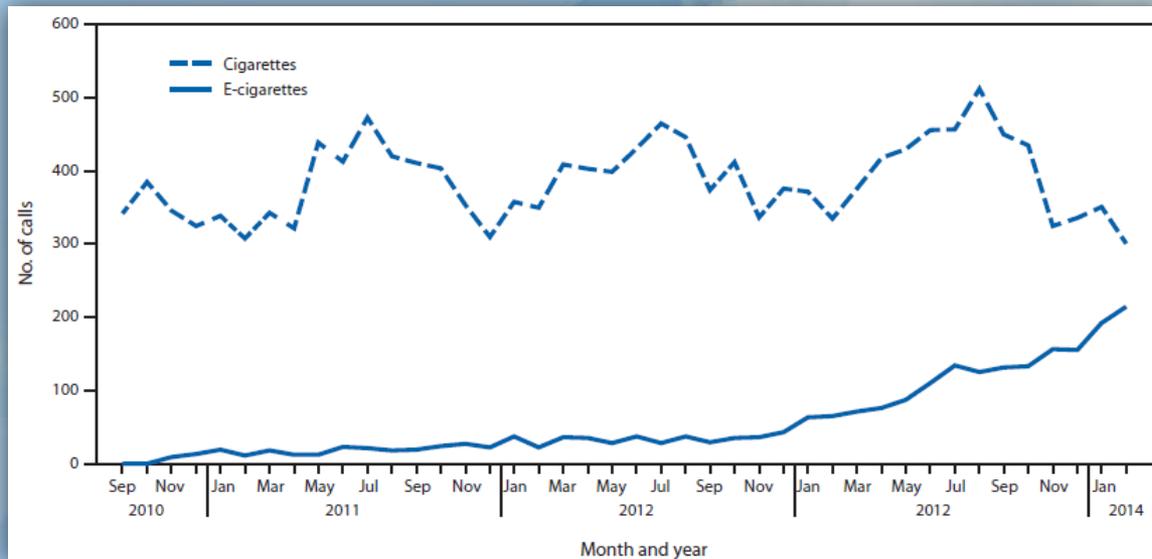


Source: *MMWR*, Sept. 6, 2013

- Vapor contains nicotine which can be respired by bystanders
- Could lead smokers who have quit tobacco to begin vaping (re-establish nicotine addiction)

Vaping Negatives

- In last few years, calls to poison centers for accidental nicotine poisoning (skin absorption and ingestion) have spiked (215 calls in February 2014)



Source: *MMWR*, April 4, 2014

- Some brands of e-juice (nicotine) emit formaldehyde and acrolein (both are carcinogens)

Vaping Negatives

- Sales are unregulated, which allows minors to purchase products from stores and online.
- Marketing of flavors such as chocolate, cola, strawberry, mint, and bubble gum is targeted to adolescents and young adults.
- E-cigs are not approved by the Food and Drug Administration (FDA) as a Nicotine Replacement Therapy (NRT).
- Vaping is marketed to smokers as a means of enjoying nicotine in places where smoking is banned.
- Liquid vials and cartridges of nicotine may contain multiple contaminants.

Vaping Negatives

- Nicotine vials and cartridges lack child-resistant caps.
- Companies shipping free samples and purchased product cannot verify the age of consumer.
- Marketing strategies target adolescents and young adults.
- Companies use celebrity endorsers.
- Propylene glycol (a common carrier in e-juice) is a known lung irritant.

Adverse Effects of Vaping

AS REPORTED TO THE FDA

Reported By Users

- Racing pulse
- Dizziness
- Slurred speech
- Mouth ulcers
- Heartburn
- Coughing
- Diarrhea
- Sore Throat

Reported by Bystanders

- Eye irritation
- Nose irritation
- Throat irritation
- Chest tightness
- Nausea

Nations With Some Form of E-Cig Regulation

- Australia
- Brazil
- Canada
- Finland
- Israel
- Malaysia
- Mexico
- New Zealand
- Singapore



States With Some Form of E-Cig Regulations

- Alabama
- Arkansas
- Arizona
- California
- Colorado
- Delaware
- Hawaii
- Idaho
- Illinois
- Indiana
- Kansas
- Maryland
- Minnesota
- Mississippi
- New Hampshire
- New Jersey
- New York
- North Carolina
- North Dakota
- Oregon
- Oklahoma
- South Carolina
- South Dakota
- Tennessee
- Utah
- Vermont
- Washington
- Wisconsin
- Wyoming

Texas Cities With Ordinance Requirements for E-Cigs

- Flower Mound
- Frisco
- Georgetown
- Lufkin
- San Angelo
- San Marcos
- Lewisville
- Weatherford
- Richardson
(SUP for vape shops)



Plano Organizations with E-Cig Use Policies

- Plano Independent School District
- Collin College
Fines up to \$200.
- City of Plano
Personnel Policy - No use in city facilities or vehicles.
- Hospitals
Baylor Regional Medical Center
Medical Center of Plano
Children's Medical Center
Texas Health Presbyterian Hospital



FDA Regulations

(PROPOSED)

Published in the Federal Register on April 25, 2014.

1. Deem E-Cigs “tobacco products.”
2. Set a minimum age for purchase.
3. List ingredients.
4. Determine health warnings.

Public comment period ends on July 9, 2014.



Retail Sales in Plano



- Available almost any location where tobacco products are sold:
 - Supermarkets
 - Convenience stores
 - Tobacco shops
- Plano has approximately 200 retail outlets for E-Cigs and E-juice.

High Level of Regulation

- Treat vaping identically to smoking tobacco cigarettes
- Prohibit sales to minors (under age 18)
- Prohibit possession by minors
- Prohibit sales from vending machines
- Require clerk-assisted sales with e-cigs, such as limiting product to “only behind the counter”
- Prohibit product use in vape shops which are not located in a free-standing building
- Prohibit vaping in City of Plano facilities

Moderate Level of Regulation

- Prohibit sales to minors (under age 18)
- Prohibit possession by minors
- Prohibit sales from vending machines
- Require clerk-assisted sales with e-cigs, such as limiting product to “only behind the counter”
- Allow vaping in all vape shops, including those which are not in a free-standing building
- Prohibit vaping in City of Plano facilities

Minimal Level of Regulation

- Prohibit sales to minors (under age 18)
- Prohibit possession by minors
- Prohibit sales from vending machines
- Prohibit vaping in City of Plano facilities only



Recommendations:

ENVIRONMENTAL HEALTH DEPARTMENT

- Direct staff to draft an ordinance containing the highest level of regulation.
- Direct staff to perform semi-annual literature surveys to stay abreast of developing “body of knowledge” of the public health impacts of vaping.
- Direct staff to present annual update to Council on body of knowledge - Revise Chapter 14 if and when warranted.



Date: May 5, 2014

To: City Council
Bruce D. Glasscock, City Manager

From: Lori F. Schwarz, AICP, Comprehensive Planning Manager

Subject: Plano Tomorrow – Review of Major Policies

BACKGROUND:

At the April 28, 2014 City Council meeting, Planning staff presented an update on the Comprehensive Plan revision and sought direction regarding communication of P&Z progress on the project. City Council requested staff focus on major policy changes to the existing Comprehensive Plan that would be briefly discussed during Preliminary Open Meetings (POM). Per the discussion, Planning Staff will provide the P&Z recommendations for one to two major Comprehensive Plan policies at each POM. The review of these policies is expected to conclude in August.

FORMAT:

The summary of the major items will include:

- A broad policy question
- The P&Z recommendation
- Identified “pros” and “cons” for that policy position
- Potential action items to support the policy goal

Staff will request that City Council provide comments on the policy direction during discussion at the POM. P&Z Chairman Grady will be available to answer questions that the Council may have regarding the recommendation from the Commission. Once the policy direction has been confirmed by the Council, staff will utilize the information to develop specific implementation actions necessary to achieve that goal. As mentioned previously, the current schedule includes the Comprehensive Plan adoption public hearing process for P&Z in October and for City Council in November.

ATTACHMENT:

Major Policy Discussion Items for Regionalism

xc: Frank F. Turner, FAICP, Deputy City Manager
Christina D. Day, AICP, Planning Director

Major Policy Discussion Items for Regionalism May 12, 2014

The following are issues related to Plano's Comprehensive Plan update: Plano Tomorrow. The Planning & Zoning Commission (P&Z) has been working to develop the plan intermittently since 2009. Since February 2014, the P&Z has been meeting regularly with Planning staff to discuss policy direction for the development of the Comprehensive Plan. The following are major policy recommendations from P&Z for City Council review and direction.

1. Land Use – Regionalism: Will Plano accommodate some of the region's projected population growth?

P&Z Policy Recommendation: Plano will expand existing housing opportunities to accommodate new population growth.

Pros: A growth policy would help the city to enjoy the benefits of population growth while limiting expenditures on new infrastructure. This policy would also help plan for services that are needed with a population increase. New growth could be accommodated in select areas such as urban centers, redeveloped retail areas, transportation corridors and other infill opportunities. Selective growth will help maintain the character of the city by retaining existing neighborhoods and preserving vacant land for economic development opportunities while still providing new housing options consistent with the current market demand.

Cons: By limiting new housing to specific areas or zoning districts, a growth policy may restrict areas that grow over time to be appropriate. Selective growth will still increase demand on existing infrastructure, services, and resources such as traffic management, water consumption and energy needs; however, from a regional perspective, densification will have less impact than new development in outer tier suburbs. The biggest impact for Plano may be sewer capacity in some areas.

Potential Action items:

- Develop a growth policy that identifies specific geographic areas and/or conditions where new development and redevelopment is most appropriate. The plan may specify information such as densities and land use types.
- Determine if there is a target density of population to accommodate, i.e. 300,000.
- Adjust zoning, as appropriate, to provide for increasing densification of residential uses as recommended by the growth policy.

Does City Council have concerns or comments about the policy direction from P&Z?

2. Transportation – Regionalism: Should Plano upgrade, improve and/or provide additional services within our portion of the regional transportation system?

P&Z Policy Recommendation: Plano will be open to the expansion of various aspects of the regional transportation system, including roadways, expressways, trails, and mass transit.

Pros: Regional transportation efforts would be fully supported for the benefit of the entire DFW area. Necessary links for completion of the Regional Bicycle Network and the potential development of an urban center at the Parker Road DART station may facilitate more options for transportation in the region. The expansion of the roadways and expressways will also meet capacity demands for the projected population growth of our region as well as providing more efficient transport of vehicles through the city.

Cons: Significant ROW expansion will require displacing businesses and potentially leaving shallow, small parcels that are difficult to redevelop. The alternative is adoption of a policy that encourages mobility improvements within existing ROW, with minor exceptions based on careful study of impacts and alternatives. Plano could favor the use of alternative means to improve mobility, such as transit, intelligent transportation systems (ITS), demand management and coordinated land use policy.

Potential Action Items:

- Increase the percentage of households with access to transit throughout the region.
- Greater use of ITS, Traffic Demand Management, Car Pooling, and coordination with land use planning.
- Explore the potential for Bus Rapid Transit.

Does City Council have concerns or comments about the policy direction from P&Z?

Discussion/Action Items for Future Council Agendas

May 13 – Plano Police Memorial Service – 11:00 am – Haggard Park

May 17 – Plano Fire-Rescue Appreciation Picnic – 12-4 pm – Heritage Farmstead

May 26 – Memorial Day

May 27 (Tuesday)

- Public Works Department Briefing

June 9

- Engineering Department Briefing
- DART Report

June 19 – HOA President's Breakfast –7:30 am

June 20-23 – US Conference of Mayors – Dallas, TX

June 23

- Library Briefing

June 26-29 – Texas City Management Association Conference – Galveston, TX

July 4 – Independence Day

July 28

- DART Report
- Comprehensive Monthly Financial Report – June 2014
- Property Standards Department Briefing

July 30 (Wednesday)

- Budget Presentation

August 6 (Wednesday)

- Grant Work Session

August 11

- Public Hearing on Operating Budget and Community Investment Program
- Planning/Special Projects Briefing

August 16 (Saturday)

- Budget Work Session

August 25

- 1st Public Hearing on Tax Rate
- Finance Department Briefing

September 1 – Labor Day

September 3 (Wednesday)

- 2nd Public Hearing on Tax Rate

September 8

- Adoption of Budget

September 14 – 17 – ICMA Conference – Charlotte, NC

September 18 – Council Meet & Greet –6:00 pm

September 19-21 – Plano Balloonfest – Oak Point Park & Nature Preserve

September 22

- Human Resources Briefing

September 29 – October 3 – TML Conference – Houston, TX