

**PLANO CITY COUNCIL
PRELIMINARY AND REGULAR MEETING
February 5, 2001**

COUNCIL MEMBERS

Jeran Akers, Mayor
Rick Neudorff, Mayor Pro tem
Phil Dyer, Deputy Mayor Pro tem
Shep Stahel
Pat Evans
Steve Stovall
John R. Roach, Jr.
Ken Lambert

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director/Police Chief
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Elaine Bealke, City Secretary

Mayor Akers called the meeting to order at 5:01 p.m., Monday, February 5, 2001, in the Council Chambers of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Roach who arrived at 5:24 p.m.

PRELIMINARY OPEN MEETING

Dart Status Report

DART Board of Directors representative Robert Pope spoke to rail progress and advised Mayor Pro tem Neudorff that the western transit station is still in property acquisition.

Status Report – Crime Watch Program

Executive Director/Police Chief Glasscock spoke regarding the voice mailbox service previously provided for the Crime Watch program but which is no longer available. He stated that while searching for another system, the City has been contacted by Frito Lay who has offered a replacement system. He stated a signed agreement has been reached with them to offer this service to the City at no cost, and further stated that it is in the process of becoming operational.

Board and Commission Process Recommendations

Mayor Pro tem Neudorff spoke to the Sunset Committee Memorandum provided in the packet and to the direction to move the board and commission process timetable up one month in order to allow more time during the appointment process. He spoke to a virtual fair on the Plano Television Network and the City's home page and to the use of newspapers to get the information out to the public as to what types of commitments will be expected of the applicants. Mr. Neudorff advised that the utility bill insert will now be provided in July and that there will be two receptions scheduled for August 16 and 18.

Council Items for Discussion/Action on Future Agendas

Council Member Stahel requested that board and commission goals and objectives provided to the Sunset Committee be forwarded to the Council and that it be part of the July board and commission process. Mayor Pro tem Neudorff requested that those boards who have not yet submitted their goals and objectives be contacted and reminded to do so.

Deputy Mayor Pro tem Dyer spoke to the fall and spring break schedules and to boards and commissions who have meetings scheduled during this time. He recommended discussing contacting these boards and suggesting that they rearrange their meeting times to accommodate this time period.

Consent Agenda

City Manager Muehlenbeck advised that Consent Agenda Items "G," ordinance to provide for issuance and sale of City tax notes, and "H," ordinance to provide for issuance and sale of City general obligation bonds, will be removed for individual consideration.

Council Committee Reports

No committee reports were submitted.

Discussion and Direction Regarding Traffic Calming Devices

Council Member Evans spoke to Staff and Council participation in this process and to the Safe Streets Initiative draft. She recommended changes to the draft to include "A" addressing citizen written requests to initiate the Transportation Engineering Department (TED) process to read "within a 1,000 feet of their own residence"; "H" addressing procedure for substitution of TED to read "10% of the citizens residing in the notice area"; and "I" addressing procedure for removal of traffic control devices to read "10% of the citizens residing in the notice area."

Ms. Evans spoke to changes made to the Neighborhood Traffic Management Program and to using the verbiage Neighborhood Traffic Management Program/Safe Streets Initiative as the latest version. She stated the number one focus of these meetings has been on safety, and spoke to incorporating a more active and direct involvement with Police enforcement, developing a partnership between the residents, Police, and traffic engineering staff in targeting certain streets and areas of the City. She spoke to provisions including special treatment of parks, schools, hospitals, recreation centers, and senior citizen facilities and stated that it will combine a new public awareness campaign by focusing on voluntary compliance with posted speeds and a reporting and tracking system for violators. She spoke to streets meeting the qualifications to become a "Safe Streets Initiative," police enforcement and certain traffic calming devices on an experimental basis, signage identifying that a street is a "Plano Safe Street Initiative" with a hot-line number to be called, and to identifying the license number of violators to be contacted. Ms. Evans stated this will also provide a laboratory for testing approaches to traffic calming for those neighborhoods which request participation in the program, and will provide clear, simple and fair guidelines for requesting substitution or removal of traffic control devices based on neighborhood desires. She stated this is not cast in stone and is subject to review and further recommended there be a Public Hearing at the next Council meeting.

Traffic Engineer Lloyd Neal spoke to a collaborative enforcement effort with citizens, engineering, emergency services, and the Safe Streets sub-committee and stated that this process is better and will result in safer streets. He reviewed the process to include citizens calling the Transportation Division to which Staff will respond and investigate the target area, an evaluation stage to identify traffic speed and volume over a seven day period, spoke to the review of vehicle numbers traveling over the target area, speed levels, special land uses such as churches and other facilities, and the request of enforcement to calm the traffic activity. Mr. Neal stated that the file is closed after another traffic study is conducted and it is determined that the problem has been alleviated, but if not homeowner association representatives and/or residents are then contacted to develop a temporary traffic control plan which may include signage in the target areas with the hot-line number. He stated that pavement markings, additional traffic signs or the continuation of a special study for special conditions may be done.

Mr. Neal stated that speed humps higher than three inches will not be allowed on collector streets. He stated that after completion of the temporary control plan, notice is sent to the residents or complex managers in the notice area, spoke to necessary approval requirements by the residents, giving two weeks for the residents to respond. Mr. Neal spoke to the appeal process, and stated that a final traffic study is conducted, after which time the plan is presented to the Transportation Advisory Committee (TAC) at a Public Hearing. He spoke to the program for removal and substitution of traffic calming devices, citizens in the notice area initiating substitution, reviewed the process for removal of permanent control devices and to using the verbiage "traffic management devices" and reviewed removal requirements.

Mr. Neal stated that the City reserves the right to remove or install any traffic management device at its own discretion and without any adherence to this policy.

Mr. Neal advised Council Member Roach that those residents in the target area receive no greater weight than do those in the notice area. Mr. Neal spoke to a cafeteria list of traffic calming substitution devices and stated that Staff will work with the residents to select a device. Mr. Neal stated there will be some type of traffic control device in place before consideration is made towards the physical removal or substitution of a traffic control device.

Council Member Evans spoke to the draft and section "I" identifying a scenario to which devices could be removed at the request of the neighborhood. Mr. Neal spoke to looking very closely at the conditions. Mayor Akers spoke to conditions present to make a street safe and to opposition of removing devices and to leaving nothing in place and to deeming the area as suddenly safe. Ms. Evans spoke to the devices being in place for one year and to hazardous conditions not existing and further spoke to the appeal process. Council Member Lambert spoke to special situations in the neighborhoods in determining removal. Mayor Akers stated it is his concern that neighborhoods are protected.

Mr. Neal spoke to future dissipation of traffic conditions and to continually monitoring the streets. Council Member Evans spoke to speed tables and these being safer. Mr. Neal stated that removal of the larger humps is not automatic and may contain other revisions. Ms. Evans recommended that "E-c" of the draft will include the language "will not be constructed" and removing the word "prohibited" with regard to speed humps. Council Member Stahel spoke to conducting conversations with the neighborhood to see whether or not a substitution process can be worked out. Mr. Neal spoke to alternatives in the hump designs. Ms. Evans stated that administratively, and not part of this policy, any speed humps which are four inches will be sheared down to three inches immediately. Mayor Pro tem Neudorff stated that this is not a change to remove speed humps, or a change to dissolve or eliminate the Neighborhood Traffic Management Program, but is an enhancement and a refinement to make the City better able to be more responsive to the neighborhoods to address their needs. Mayor Akers spoke to posting these revisions on the internet in order for there to be ample notice for the Public Hearing next Monday. City Manager Muehlenbeck stated that this will be done pending correct language approval by the City Attorney. Council Member Lambert recommended moving forward with the Public Hearing and Mayor Akers advised that public comments will be accepted next week.

Discussion of Propositions for Bond Election and Description in Ordinance Calling Election; Direction to City Staff on any Changes to the Propositions and Accompanying Language

Director of Budget and Research Rhodes advised that the bond ordinance will be finally approved at the February 12 Council meeting. Vinson and Elkins Bond Counsel Ben Brooks advised that the bond order calls for \$128.13 million in propositions. After a brief discussion, the Council agreed to increase Proposition No. 1 regarding streets from \$47,833,000 to \$47,835,000 to keep the bond increments at \$5,000 amounts.

Mr. Brooks stated that all election materials must be in both English and Spanish, advised Deputy Mayor Pro tem Dyer that "General Obligation" verbiage will be included in Proposition No. 6 language for the ballot, and clarified that this language is the short form for the ballot propositions.

City Manager Muehlenbeck advised Council Member Stahel regarding Proposition No. 8 that previous discussion was to fund \$1 million in enhancements with an overpass, that there would be a \$1 million shortage with an underpass, and concurred with Council Member Evans that a decision would hinge on a consultant's report in March and to the flexibility to go either way. Council Member Stahel spoke to the ballot language on Proposition No. 9 and to the need for being site specific and further to needing language or a footnote to identify the \$19.4 million previously approved. City Attorney Wetherbee advised there is no problem in inserting language identifying a geographical reference to the site on the ballot, expressed concern with a footnote with regard to space on the ballot, stated that it might be more appropriate to insert the footnote on the text for the longer description, and spoke to avoiding voter confusion.

Council Member Lambert recommended that it be made clear to the citizens that this proposition (No. 9) is for an additional \$15.6 million for a performing arts facility over the \$19.4 million previously approved and that it is at the location of Spring Creek Parkway and Ohio Drive. Mayor Akers spoke to previous criticism of not being specific enough. Council Member Stahel recommended identifying the previously approved \$19.4 million in the ballot language. Deputy Mayor Pro tem Dyer recommended that the ballot verbiage state "the issuance of \$15.6 million General Obligation Bonds to complete the funding for the creative and performing arts facility to be located at Spring Creek Parkway and Ohio Drive," to which the Council concurred.

Deputy Mayor Pro tem Dyer recommended that wording be changed to include the word "bonds" immediately after the words "general obligation" rather than at the end of the statements on the ballot propositions, to which the Council concurred. Mr. Dyer further recommended that the verbiage "new" be added to "recreation center" on the ballot for Proposition No. 5, to which the Council concurred.

Council Member Lambert recommended identifying a general location for this proposition such as for a companion facility in west Plano. Mr. Muehlenbeck spoke to problems in identifying exactly what is west Plano. Mr. Dyer recommended that the verbiage “expansion of” be added to “Haggard Library” on the ballot for Proposition No. 7, to which the Council concurred.

Council Member Lambert spoke to Proposition No. 8 language not being clear with regard to the \$4.5 million being recommended stating that \$3.5 million is for participation with the Texas Department of Transportation and the County on the Legacy overpass and that the \$1 million is for the enhancement at Plano Parkway, and further stated it should be specified that this is for a grade separation at Legacy Drive and Preston Road and enhancements at Plano Parkway. He recommended citing that this is not money to build the overpass at Plano Parkway but is instead for enhancements such as visual screening in the event it is used as an underpass.

Council Member Lambert stated concern that the thinking will be that if this proposition is voted down the overpass at Plano Parkway will go away, and that in actuality, the Legacy Drive overpass or Plano Parkway enhancements will not be realized, and further spoke to not wanting to split the proposition for \$1 million. Council Member Evans recommended splitting the propositions. Deputy Mayor Pro tem Dyer recommended moving \$1 million to Proposition No. 1 for street improvements leaving \$3.5 million as a separate item for the Preston/Legacy overpass. Council Member Stovall spoke to receiving comments from citizens present at the meeting. Council Member Stahel recommended adding the verbiage “provide enhancements to the grade separation at Preston Road/Plano Parkway and construct the Preston Road/Legacy intersection.” City Secretary Bealke advised Council Member Lambert regarding the Murphy City Hall early voting location stating that this site may not be available.

Citizen of the City Janet Mitchell of the Shepards Glen Homeowners Association recommended \$1 million be used for an underpass and not an overpass at Plano Parkway and Preston Road, spoke to invasion of privacy, and to the importance of the southern gateway to the City. Citizen of the City Jim Cunningham of the Old Shepard Place Homeowners Association recommended language be changed to include an underpass and not an overpass at Plano Parkway and Preston Road and spoke to placing people before plans and the negative impact on home values.

Citizen of the City Steve Webster of the Shepards Glen Homeowners Association spoke to the noise levels of an overpass and spoke in support of an underpass. Dallas citizen Joe Hagggar recommended that the bond ordinance be amended to include the McDermott connection from Ohio Drive east to the existing pavement, spoke to benefits to the retail community, City of Frisco infrastructure, the McDermott connection improving access and reasons to locate to Preston Road and Ohio Drive, and to relief of traffic burdens on Highway 121.

Citizen of the City Joanne Smith spoke to traffic problems on Plano Parkway, handling the problem with surface improvements, needing a more in-depth study, issues of noise pollution, and previous residential zoning. Citizen of the City Gary Lawson of Old Shepard Place spoke to doing no harm, overpasses and underpasses in the Dallas Metroplex, and to lowering the roadway beneath grade. Citizen of the City Doug Learmont spoke to his opposition to the Plano Parkway overpass, eliminating traffic problems, and reassessing the entire overpass issue.

Mayor Pro tem Neudorff spoke to previous Public Hearings and meetings of the Council sub-committee, the recommended bond amounts, discussions of all items on numerous occasions, hesitancy to rehash issues, and to moving ahead as it is drafted.

Council Member Stovall made a motion to add the \$1 million back into this item (Proposition No. 8) for the purpose of constructing an underpass at the busiest intersection as a gateway to the City, spoke to obligations to the residents, commercial zoning and enhancements and noise abatements. Council Member Evans voiced a second to this motion, spoke to noise problems associated with an overpass, and adding \$1 million back in for an attractive underground entrance to the City. Council Member Roach spoke to there not being enough information available today regarding this item, waiting for the results of the study before making a decision, making funding decisions, and to support of placing the \$1 million in the proposition for street improvements. He further spoke to the problem of \$1 million in funding for the enhancements going away if the proposition for the overpass/underpass does not pass and reiterated moving the \$1 million to avoid this.

Transportation Engineer Lloyd Neal advised Council Member Stovall that the study at Plano Parkway and Preston Road is significantly different than the study conducted at Park Boulevard and Preston Road. He stated that traffic flow issues are being looked into at the Plano Parkway and Preston Road location and that this will be presented to the Council. Mr. Stovall stated that a decision on funding is what is being considered here today, if \$2 million in funding is available for the underpass and it is decided that no underpass or overpass is to be built at the intersection, if the capability/number is not inserted here, it will be difficult in the future to secure needed funds. He further spoke to the citizens being able to vote to make this available if it is needed, stated that the number of cars at the Legacy Drive and Preston Road intersection is not as significant as is the intersection of Preston Road and Plano Parkway.

Council Member Evans spoke to amending this motion to place "the extra \$1 million in but to transfer the \$2 million back under the streets" towards maintaining this even if the overpass is voted down. Council Member Stovall stated he had no problem with this amendment. Mayor Akers stated that what is suggested here is to place \$2 million into street improvements, instead of \$1 million, to fund an underpass.

Council Member Stahel stated that the motion is to move \$1 million out of the overpass category, increase it by \$1 million, and place \$2 million into the street improvements category. Council Member Lambert spoke to not clouding the issue and keeping the overpass issue separate.

Deputy Mayor Pro tem Dyer, and Council Members Evans, Stovall, and Roach voted for the motion and Mayor Akers, Mayor Pro tem Neudorff, and Council Members Stahel and Lambert voted against the motion. The motion failed by a 4-4 vote.

A motion was made by Mayor Pro tem Neudorff to move \$1 million currently in the underpass/overpass projects for the enhancements and roll this amount into the street improvements allowing for \$1 million for whatever mitigation device can be derived for the intersection. Council Member Lambert stated a second. City Attorney Wetherbee advised Council Member Evans with regard to the word "mitigation" and changing an overpass to an underpass neither implies what the change will be or rules out a change, and spoke to verbiage asking for the \$1 million in enhancements and for funding for an underpass. Mayor Pro tem Neudorff stated that this would leave Legacy Drive and Preston Road the only item in Proposition No. 8. Ms. Wetherbee stated that the item would then need underpass language under street improvements. Mr. Neudorff spoke to approving the total dollar amount as it stands, taking \$1 million from Proposition No. 8 and moving this amount to the street proposition and adding appropriate verbiage, and further spoke to wording in proposition No. 8 for provision of related enhancements such as street lighting and landscaping and the acquisition of any needed right of way.

Council Member Roach spoke to changing the wording on the ballot description. Mr. Neudorff stated that the wording regarding enhancement at Preston Road and Plano Parkway on Proposition No. 8 will need to be removed.

The Council voted seven (7) in favor and one (1) opposed with Council Member Stovall voting in opposition. The motion carried.

CONSENT AGENDA

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro tem Dyer, the Council voted 7-0 to approve and adopt all remaining items on the Consent Agenda as stated and as follows: (Council Member Stovall stepped away from the bench during the vote).

Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following

Bid No. B050-01 for One 10,000 GVWR Cab/Chassis with Dump Body, I-Box and Side Lift in the amount of \$27,926 for the Athletic Fields Maintenance Department. [Consent Agenda Item (A)] (See Exhibit “A”)

Bid No. B049-01 for One 8,600 GVWR Extended Cab Pickup for Immediate Delivery in the amount of \$20,573 for use by the Ground Maintenance Service District 1 Department. [Consent Agenda Item (B)] (See Exhibit “B”)

Rejection of Bid

Rejection of Bid from Howard & Showalter Investments for RFP – Office Lease Space. (B169-00) [Consent Agenda Item (C)] (See Exhibit “C”)

Adoption of Resolutions

Resolution No. 2001-02-01(R): To remove Michael McCracken as trustee for the savings and retirement plan for the employees of the City of Plano, Texas and appointing Karen M. Rhodes as successor trustee; authorizing the City Manager to execute any and all documents in connection therewith; and providing an effective date. [Consent Agenda Item (D)]

Resolution No. 2001-02-02(R): To approve the terms and conditions of a license agreement by and between the City of Plano, Texas and Sprint Communications Company L.P., a Delaware Limited Partnership, to construct, reconstruct, maintain and operate one (1) four (4)-inch conduit containing fiber optic telecommunications cable under and along the public streets listed in Exhibit “A,” and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (E)]

Resolution No. 2001-02-03(R): To approve and grant a sanitary sewer easement on City property north of Parker Road and west of Marsh Lane in the City of Plano, Denton County, Texas, as recorded in Clerk File Number 00-R0026733 of the real property records of Denton County, Texas and authorizing its execution by the City Manager and providing an effective date. [Consent Agenda Item (F)]

Award of Contract

To approve and authorize for the selection of Binkley & Barfield, Inc. to provide Professional Engineering Services for an amount not to exceed \$106,000 in connection with the design of Prairie Creek Water Rehabilitation and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (I)]

To award a fixed-price agreement for publishing of Plano City Briefs in the estimated annual amount of \$52,000 for an annual price agreement with renewals. (C031-01) [Consent Agenda Item (J)]

Amendment to Contract

To approve contract amendment with Boyle Engineering Corporation, for Professional Engineering Services in the amount of \$8,831 in connection with construction of Spring Creek Parkway from Midway Road to S.H. 121, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (K)]

END OF CONSENT

Ordinance No. 2001-02-04: To provide for the issuance and sale of City of Plano, Texas, Tax Notes, Series 2001; in the aggregate principal amount of \$13,470,000; levying a tax in payment thereof; and enacting other provisions relating thereto. [Consent Agenda Item (G)]

Finance Director McGrane spoke to the Triple A rating of the City, receipt of bids on the \$13.4 million and stated that the winning bid is Stephens, Inc.

Upon a motion made by Council Member Lambert and seconded by Council Member Stahel the Council voted eight (8) to zero (0) to provide for the issuance and sale of City of Plano, Texas, Tax Notes, Series 2001; in the aggregate principal amount of \$13,470,000; levying a tax in payment thereof; and enacting other provisions relating thereto, and to also include a correction to page 13 of the ordinance removing the incorrect language relating to authorization of the note by an election, and to further adopt Ordinance No. 2001-02-04.

Ordinance No. 2001-02-05: To provide for the issuance and sale of City of Plano, Texas, General Obligation Bonds, Series 2001; in the aggregate principal amount of \$20,315,000; levying a tax in payment thereof; and enacting other provisions relating thereto. [Consent Agenda Item (H)]

Finance Director McGrane spoke to receipt of bids for the \$20.315 million and stated that the winning bid was Coastal Securities.

Upon a motion made by Mayor Pro tem Neudorff and seconded by Council Member Stahel, the Council voted eight (8) to zero (0) to provide for the issuance and sale of City of Plano, Texas, General Obligation Bonds, Series 2001; in the aggregate principal amount of \$20,315,000; levying a tax in payment thereof; and enacting other provisions relating thereto, and further to adopt Ordinance No. 2001-02-05.

Mayor Akers advised that due to time restraints at this meeting, Item 2 is rescheduled for the February 12 Council agenda. He further advised that due to a conflict of interest he is stepping down on Item 1.

Approval of Letter Agreement between the City of Plano and Amicus Partners, Ltd. for a mixed-use development in the block bounded by 14th Street, Avenue K, 15th Street and Municipal Avenue. [Regular Agenda Item (1)]

Executive Director Turner spoke to approval of a letter agreement between the City and Amicus Partners to establish a second redevelopment project in downtown Plano. He stated it is bounded by K Avenue, Municipal Drive, and 14th and 15th Streets. He spoke to ownership of the property by TXU Electric and the City, contract to purchase and purchase options by Amicus Partners. He stated that the property is a mixed-use development consisting of apartments and non-residential uses and stated that Staff will come back to the Council in late March with the development plan, that there is a three-year window to develop the project and that it is the belief that this project is very beneficial to the City.

Robert Shaw of Amicus Partners spoke on behalf of the project and requested the support of the Council towards moving forward.

Jamie Schell, Tax Increment Finance No. 2 Chair, spoke in support of this request, to its benefits for the downtown area, and further advised that Chamber of Commerce President Ronnie Morrison also supports the project.

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro tem Dyer, the Council voted seven (7) to zero (0) to approval a Letter Agreement between the City of Plano and Amicus Partners, Ltd. for a mixed-use development in the block bounded by 14th Street, Avenue K, 15th Street and Municipal Avenue.

Receive Public Input on Proposed Amendments to Solicitation and Handbill Ordinance – Discussion and Direction to Staff [Regular Agenda Item (2)] (This item passed over.)

Mayor Pro tem Neudorff advised that the Council will recess and convene into Executive Session in the Council Conference Room after which time the meeting will finally adjourn. The Council convened into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, to discuss legal matters, Section 551.071, for which a certified agenda is not required. Nothing further was discussed. Mayor Pro tem Neudorff adjourned the meeting at 7:01 p.m. to the Council Conference Room.

Jeran Akers, MAYOR

Rick Neudorff, MAYOR PRO TEM

Elaine Bealke, City Secretary