

PLANO CITY COUNCIL
June 26, 2006

COUNCIL MEMBERS

Pat Evans, Mayor
Scott Johnson, Mayor Pro Tem
Sally Magnuson, Deputy Mayor Pro Tem
Shep Stahel
Jean Callison
Loretta L. Ellerbe
Harry LaRosiliere
Lee Dunlap

STAFF

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

Mayor Evans convened the Council directly into the Regular Session on Monday, June 26, 2006, at 7:10 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council members were present with the exception of Deputy Mayor Pro Tem Magnuson.

The invocation was led by Father R. James Balint of Prince of Peace Catholic Community.

The Pledge of Allegiance was led by representatives of the Boys and Girls Clubs of Collin County.

Mayor Evans presented the 2006 Technology Excellence Award for the City of Plano for the MOTOMESH Wireless Project.

GENERAL DISCUSSION

Jack Lagos, citizen of the City, inquired whether speakers would be taken during consideration of amending regulations related to temporary signs. Mayor Evans advised that usually *General Discussion* offers a forum for those items not listed as Public Hearings and stated that due to the number of requests, speakers will be taken during consideration of the item. Mr. Lagos spoke regarding there being legal and hand-written versions of the Articles of Incorporation for the Arts of Collin County Commission and requested an agenda item so that evidence might be brought to the Council.

Creston Priddy, resident of Wichita Falls, stated concern regarding the police investigation of a complaint made against a physician in Plano. He spoke to the lack of follow-up by the investigator and stated that the case has not been presented to the district attorney.

Mr. Priddy requested the officer be removed from the case and investigated, that all files be removed from his possession and that the case be presented to the district attorney. Mayor Evans advised that these are administrative matters and that the City Manager will look into them.

Sonja Hammar, citizen of the City, spoke regarding Regular Agenda Item No. 5 related to Urban Centers and stated concern that the current amount of multi-family development is greater than the 30% forecast in 1989.

Christina Cervantes, citizen of Frisco, requested information regarding getting more red light cameras in the City and asked what is being done with regard to enforcement. City Manager Muehlenbeck advised that a response is being compiled.

BOARD/COMMISSION REPORTS

Parks and Recreation Chair Bellessa provided an update on Oak Point Park and Nature Preserve, bookings at the Oak Point Amphitheater and groundbreaking of the Tom Muehlenbeck Center. She advised that Archgate Park construction will begin this summer and spoke to development of the Park Master Plan update. Ms. Bellessa spoke to review and approval of the use of park land for several right-of-ways and utility easements and to review and approval of the 2006-07 Parks and Recreation Community Investment Program.

The Council resumed discussion of the Preliminary Open Meeting at this time.

Personnel – Boards and Commission Liaisons

Mayor Evans stated that Council Member Stahel would act as liaison for the North Texas Water District Board, North Texas Commission Delegate, Building Standards Commission, Memorial Day Committee, Plano Housing Authority, Self Sufficiency Committee, Keep Plano Beautiful Commission and Technology Commission. She stated that Mayor Pro Tem Johnson would act as liaison for the Chamber of Commerce Board of Directors, Regional Transportation Council, Board and Commission Review Committee, Community Finance Committee, Tax Abatement Council Committee, Library Advisory Board, Planning and Zoning Commission, McKinney Airport Tech Board and TX 21. Mayor Evans spoke to Council Member Ellerbe serving as liaison to the Planning and Zoning Commission, Public Art Committee, Plano Transition and Revitalization Commission, Parks and Recreation Planning Board, Board of Adjustment, Keep Plano Beautiful Commission and Animal Shelter Advisory Committee.

Mayor Evans stated that Deputy Mayor Pro Tem Magnuson would serve as liaison to the Cultural Affairs Commission, Transportation Advisory Committee, a combination of Sister Cities/Multi-Cultural Outreach Roundtable/International Relations Advisory Commission, NCTCOG Texas Clean Air Steering Committee, Collin County Appraisal District Board, Senior Citizens Advisory Board, Community Relations Commission and Memorial Day Committee. She advised that Council Member LaRosiliere will serve as liaison for the Plano Housing Authority, TIF #2, Community Relations Commission, Plano Economic Development Board, Community Finance, Tax Abatement Council Committee and Plano Transition and Revitalization Committee.

Mayor Evans spoke to Council Member Callison serving as liaison to the Public Art Committee, Youth Advisory Committee, Arts of Collin County Commission, Heritage Commission, Cultural Affairs Commission, Animal Shelter Advisory Board and Transportation Advisory Committee. Mayor Evans spoke to Council Member Dunlap serving as liaison to the Animal Shelter Advisory Committee, Board of Adjustment, Senior Citizens Advisory Board, Heritage Commission, Parks and Recreation Planning Board, Building Standards Commission, Youth Advisory Commission, Self Sufficiency Committee and Technology Commission. She advised that she would serve on the Collin County Mayors' Committee, Arts of Collin County Mayors' Committee, Dallas Regional Mobility Coalition, Plano Economic Development Board and TML/Legislative Action.

Council Items for Discussion/Action on Future Agendas

Council Member Dunlap requested an agenda item to consider recognizing Ross Perot for his contributions to the community. Mayor Evans concurred with this request.

Consent and Regular Agendas

City Manager Muehlenbeck requested that Consent Agenda Item "D," bid for Street Light Audit, be removed for individual consideration.

Council Member Dunlap requested that Consent Agenda Item "B," bid for Water Line Relocation, be removed for individual consideration due to a possible conflict of interest.

Council Reports

Mayor Pro Tem Johnson spoke to attendance at a celebration dinner of the Veterans of Foreign Wars, spoke regarding their community involvement and relayed their message of appreciation to the City for its support.

Council Member Ellerbe spoke to completion of a draft report from the Downtown Task Force and advised it would be coming forward to the Council in August. She spoke regarding efforts of the Public Art Committee to select an artist for the Oak Point Park and Nature Preserve, appointment of a selection panel for Haggard Library art and to research done on an outdoor sculpture.

CONSENT AGENDA

Upon a motion made by Council Member Ellerbe and seconded by Council Member LaRosiliere, the Council voted 7-0 to approve and adopt all remaining items as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

June 7, 2006
June 12, 2006

Approval of Expenditures

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

RFP No. 2006-121-B for Consultant for Health Clinic Feasibility Study to VODS Ltd., dba Practiva Health, in the amount of \$39,200. [Consent Agenda Item (C)] (See Exhibit "A")

Purchase from Existing Contract/Agreement: (Purchase of products/services through Cooperative Purchasing Interlocal Contract with another governmental/quasi-governmental agency or an additional purchase from current City of Plano annual purchase agreement).

To authorize the design and construction of an addition to the Interurban Station, in the amount of \$188,469 from Centennial Contractors Enterprises, Inc., through a Texas Cooperative Purchasing Network contract; and authorizing the City Manager to execute all necessary documents (TCPN Contract No. R4538). [Consent Agenda Item (E)]

To authorize approval of the purchase of ornamental fencing and new concrete pavement for increased security at Fire Station No. 2, in the amount of \$61,794 from Centennial Contractors Enterprises, Inc., through an existing contract/agreement with TCPN, and authorizing the City Manager to execute all documents. (TCPN Vendor Contract No. R4538). [Consent Agenda Item (F)]

To authorize approval of the purchase of audio-visual equipment for the Police Training Center, in the amount of \$53,915 from Schoolhouse Audio-Visual through an existing contract/agreement with TCPN, and authorizing the City Manager to execute all documents. (TCPN Vendor Contract o. R4529). [Consent Agenda Item (G)]

To authorize the purchase of Diesel Fuel in the estimated annual amount of \$720,000 from Martin Eagle Oil Company through a City of Ft. Worth contract, and authorizing the City Manager to execute all necessary contract documents (Bid No. 03-0316). The current contract term is one year with one optional one-year renewal. [Consent Agenda Item (H)]

To authorize the purchase of Gasoline in the estimated annual amount of \$405,000 from Martin Eagle Oil Company through a City of Ft. Worth contract, and authorizing the City Manager to execute all necessary contract documents (Bid No. 04-0234). The current contract term is one year with two optional one-year renewals. [Consent Agenda Item (I)]

To authorize the purchase of four (4) Crane Carrier Cab and Chassis for Environmental Waste Services in the amount of \$435,372 from Bond Equipment Company, Inc. through the Texas Association of School Board Cooperative Purchasing Buyboard contract and authorizing the City Manager to execute all necessary documents. (208-04) [Consent Agenda Item (J)]

To authorize the purchase of Fleet Fuel Card and Management Services in the estimated annual amount of \$1,125,000 from Fuelman of DFW through a Tarrant County contract, and authorizing the City Manager to execute all necessary contract documents (RFP No. 2006-116). The current contract term is one year with three optional one-year renewals. [Consent Agenda Item (K)]

To authorize the purchase of one (1) Crane Carrier Cab and Chassis for the Commercial Diversion Program in the amount of \$120,706 from Bond Equipment Company, Inc. through the Texas Association of School Board Cooperative Purchasing Buyboard contract and authorizing the City Manager to execute all necessary documents. (208-04). [Consent Agenda Item (L)]

To authorize the purchase of Parking Lot Striping in the amount of \$30,000 from A&M Maintenance Services, Inc. through a (Cooperative Entity-City of Allen) contract, and authorizing the City Manager to execute all necessary documents (Cooperative Entity's Contract No. 2006-11-77). [Consent Agenda Item (M)]

To approve the purchase of Wireless Backhaul Broadband in the amount of \$610,000 from Motorola, Inc. through an existing contract/agreement with Houston Galveston Area Council (HGAC), and authorizing the City Manager to execute all necessary documents. (HGAC Contract #RA01-06) [Consent Agenda Item (N)]

Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)

To approve the terms and conditions of an Engineering Services Contract by and between the City of Plano and Huitt-Zollars, Inc. in the amount of \$335,200 for Rasor Road construction from Ohio Drive to S.H. 121 and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (O)]

To approve the terms and conditions of an Engineering Services Contract by and between the City of Plano and Parsons Transportation Group, Inc., in the amount of \$280,000 for Preston Road at Legacy Drive Intersection Improvements (TxDOT) project and authorizing the City Manager to execute all necessary documents. (Bid No. B113-04). [Consent Agenda Item (P)]

Approval of Expenditure

To GME Consulting Services, Inc., increasing the Professional Services Contract by \$28,344 for construction material testing in conjunction with the construction of the City of Plano Expansions to Operations and Equipment Services Building. [Consent Agenda Item (Q)]

Reimbursement of Oversize Participation

To approve and authorize reimbursement to EDS Information Services, L.L.C. for oversize participation for paving and oversize water line improvements on Headquarters Drive between Parkwood Boulevard and Preston Road in the amount of \$364,619. [Consent Agenda Item (R)]

Adoption of Resolutions

Resolution No. 2006-6-18(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, and the North Central Texas Council of Governments for the funding of a relevant recycling awareness campaign; authorizing its execution by the City Manager; and providing an effective date. This grant contract provides \$9,200 funding to cover expenses related to developing a campaign and implementing event recycling at a high school sporting event. [Consent Agenda Item (S)]

Resolution No. 2006-6-19(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, and the North Central Texas Council of Governments for the funding of a Green Outdoors Residential Education Outdoor Exhibit; authorizing its execution by the City Manager; and providing an effective date. This grant contract will provide funding in the amount of \$25,740 to cover costs for construction, implementation and educational materials. [Consent Agenda Item (T)]

Resolution No. 2006-6-20(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, and the North Central Texas Council of Governments for the funding of an Interactive Information Display System for the Environmental Education Center; authorizing its execution by the City Manager; and providing an effective date. This grant contract provides funding in the amount of \$74,560 to cover expenses related to the purchase of an interactive information display system. [Consent Agenda Item (U)]

Resolution No. 2006-6-21(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, and the North Central Texas Council of Governments for the funding of a Green Living Volunteer Corps Development Program; authorizing its execution by the City Manager; and providing an effective date. This grant contract provides funding in the amount of \$58,058 to cover expenses related to hiring temporary teachers for a source reduction curriculum and a Volunteer Coordinator. [Consent Agenda Item (V)]

Resolution No. 2006-6-22(R): To approve and authorize the refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (W)]

Resolution No. 2006-6-23(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the Plano Independent School District for the operation of the Police/School Liaison Program; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (X)]

Resolution No. 2006-6-24(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, providing terms and conditions for Midway Road Widening from Parker Road to Spring Creek Parkway and median improvements south of Parker Road; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (Y)]

Resolution No. 2006-6-25(R): To approve the terms and conditions of a Reimbursement Agreement by and between the City of Plano, EDS Information Systems and Trammell Crow Services, Inc., providing for the reimbursement of expenses relating to the engineering services for the design of Dominion Parkway between Headquarters Drive and Hedgcoxe Road; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (Z)]

Resolution No. 2006-6-26(R): To grant to the North Texas Municipal Water District 0.302 acres of land by Special Warranty Deed, known as the Spring Creek Lift Station, located in the Samuel Klepper Survey, Abstract No. 216, and located in the northwest quadrant of US 75 and SH 190; authorizing the City Manager to execute the Special Warranty Deed; and providing an effective date. [Consent Agenda Item (AA)]

Resolution No. 2006-6-27(R): To authorize the purchase of specialized online database library materials for the Plano Public Library System in the amount of \$33,000 from *infoUSA*, a sole source supplier of such materials; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (BB)]

Adoption of Ordinances

Ordinance No. 2006-6-28: To abandon all right, title and interest of the City, in and to that certain 0.298 acre temporary easement for construction for Spring Creek Parkway from Preston Road to Baywater Drive, being situated in the Robert Benningfield Survey, Abstract No. 99, which is located in the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, LSM Land Partners, 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 (CC)]

Ordinance No. 2006-6-29: To amend Section 12-72.1 and Section 12-73 of Article IV (Speed) of Chapter 12 (Motor Vehicles and Traffic) of the City of Plano Code of Ordinances; to update the procedure for the addition or deletion of school zones, to revise the definition of school days, to revise the restriction on passing other vehicles in a school zone, to delete the midday school zone times, to list all school zones alphabetically by street name, to add and delete various zones, and to update the effective times and/or limits of various zones; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. [Consent Agenda Item (DD)]

Adoption of Resolutions

Resolution No. 2006-6-30(R): To authorize the Cities Aggregation Power Project, Inc. to negotiate an electric supply agreement for deliveries of electricity effective January 1, 2007; authorizing CAPP to act as an agent on behalf of the City to enter into a contract for electricity; authorizing the chairman of CAPP to execute an electric supply agreement for deliveries of electricity effective January 1, 2007; and committing to budget for energy purchases in 2007 and 2008 and to honor the City of Plano's commitments to purchase power for its electrical needs in 2007 and 2008 through CAPP and providing an effective date. [Consent Agenda Item (EE)]

END OF CONSENT

Due to a possible conflict of interest, Council Member Dunlap stepped down on consideration of the following item.

Bid No. 2006-161-B for Ohio Drive 12” Water Line Relocation to Jim Bowman Construction Company, L.P. in the amount of \$75,785. The project consists of the relocation of the existing 12” water main under Ohio Drive to accommodate the future flyover of Ohio Drive over S.H. 121. [Consent Agenda Item (B)] (See Exhibit “B”)

Upon a motion made by Mayor Pro Tem Johnson and seconded by Council Member Ellerbe, the Council voted 6-0 to approve Bid No. 2006-161-B for Ohio Drive 12” Water Line Relocation to Jim Bowman Construction Company, L.P. in the amount of \$75,785.

Council Member Dunlap resumed his place at the bench.

Bid No. 2006-139-B for a fixed price in the amount of \$87,600 for Street Light Audit to Republic Electric. [Consent Agenda Item (D)] (See Exhibit “C”)

Director of Customer/Utility Services Israelson spoke to there being 12,378 unmetered street lights in the City and stated that the actual billings are \$3.2+ million for the last twelve months. He spoke to the number of outages, circuit outages and knockdowns and the amount of time required for repair. Mr. Israelson advised that since deregulation there has been an escalation in rates and spoke regarding billing issues. He spoke to this request providing a complete and accurate inventory and stated that the payback for the City would be that 336 street light errors can be corrected. Mr. Israelson responded to the Council that some lights are provided by Coserv, but that the inventory will cover the entire City and that these will be verified. He further advised that traditionally Coserv rates are lower since they are not deregulated.

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, the Council voted 7-0 to approve Bid No. 2006-139-B for a fixed price in the amount of \$87,600 for Street Light Audit to Republic Electric.

Public Hearing and approval of disbursement of grant funds in the total amount of \$57,198 awarded through the Byrne Justice Assistance Grant Project for the purpose of purchasing equipment resources, pursuant to the amendments made by Section 201 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004. Under this grant, the City of Plano will be the fiscal agent and will disburse funds to the City of McKinney and the Collin County Sheriff’s Office as agreed upon in the Memorandum of Understanding signed by the three entities. [Regular Agenda Item (1)]

Chief Rushin spoke regarding distribution of the grant funds, stated that the purpose is to reduce crime and improve public safety and that funds cannot be used to supplement existing budgeted items. He advised that these funds will be used for police equipment and technology.

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Ellerbe and seconded by Council Member Stahel, the Council voted 7-0 to approve disbursement of grant funds in the total amount of \$57,198 awarded through the Byrne Justice Assistance Grant Project for the purpose of purchasing equipment resources, pursuant to the amendments made by Section 201 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004.

Resolution No. 2006-6-31(R): To approve the terms and conditions of an Interlocal Cooperation Agreement between the City of Plano, Texas, the City of McKinney, Texas, and the County of Collin, Texas for the disbursement of the 2006 Byrne Justice Assistance Grant funds; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (2)]

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Stahel, the Council voted 7-0 to approve the terms and conditions of an Interlocal Cooperation Agreement between the City of Plano, Texas, the City of McKinney, Texas, and the County of Collin, Texas for the disbursement of the 2006 Byrne Justice Assistance Grant funds; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-6-31(R).

An ordinance to amend existing franchise Ordinance No. 2003-12-12 between the City of Plano and TXU Electric Delivery Company, a Texas Corporation, its successors and assigns, to provide for a different payment schedule; providing an extension of the franchise term; providing for TXU Electric Delivery acceptance; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; and providing a repealer clause; a severability clause and an effective date. First Reading [Regular Agenda Item (3)]

City Manager Muehlenbeck advised that Staff has requested this item be pulled and held until the July 24, 2006 Council meeting.

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, the Council voted 7-0 to hold an ordinance to amend existing franchise Ordinance No. 2003-12-12 between the City of Plano and TXU Electric Delivery Company, a Texas Corporation, its successors and assigns, to provide for a different payment schedule; providing an extension of the franchise term; providing for TXU Electric Delivery acceptance; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; and providing a repealer clause; a severability clause and an effective date until the July 24, 2006 Council meeting.

An ordinance to amend and extend the existing gas franchise between the City of Plano and Atmos Energy Corporation, a Texas and Virginia Corporation, to provide for a different consideration; providing for new expiration dates; providing for acceptance by Atmos Energy Corporation; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; providing a repealer clause, a severability clause, and an effective date. First Reading [Regular Agenda Item (4)]

Director of Customer/Utility Services Israelson advised that this item represents agreement to extend the current franchise and stated that an adjustment is an amendment to the definition of gross revenues to eliminate the sale, transport and value of any gas sold to other gas utilities serving the citizens of Plano from gross revenues. He responded to the Council that the percentage charged will continue to be four percent.

Upon a motion made by Council Member Stahel and seconded by Mayor Pro Tem Johnson, the Council voted 7-0 to approve the first reading of an amendment and extension of the existing gas franchise between the City of Plano and Atmos Energy Corporation, a Texas and Virginia Corporation, to provide for a different consideration; providing for new expiration dates; providing for acceptance by Atmos Energy Corporation; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; providing a repealer clause, a severability clause, and an effective date.

Resolution No. 2006-6-32(R): to accept and approve the “Urban Centers Study” as a guide for the future consideration of urban center development in the City of Plano, Texas; and providing an effective date. [Regular Agenda Item (5)]

Plano Transition and Revitalization Commission Chair Kissick spoke to Phase 1 focusing on learning about urban centers and developing criteria for their evaluation and Phase 2 in which three potential sites were studied in detail. He stated that the Planning and Zoning Commission has reviewed the final report and recommends approval. Mr. Kissick spoke regarding Plano’s transition from a bedroom community to an economic center and from a growing to a maturing City. He spoke to acknowledgement and establishment of a new form of development known as the urban center and advised that this report provides a framework for decision-makers and answers many of the questions that might arise.

Senior Planner Tovall spoke to the definition of urban centers as compact pedestrian-friendly places where the components of modern life are combined in mixed-use neighborhoods. She stated that they may not fit everywhere in the City and spoke to identifying their characteristics. Ms. Tovall spoke to the three levels of implementation identified as facilitation which centers on public education/visioning and includes public outreach and demonstrating a commitment to projects appropriately designed and located. She stated the second level of implementation is financial support which can include Chapter 380 grants, in-kind assistance, reduced development fees and assessment/tax exemption incentives. Ms. Tovall stated that the third level of implementation includes partnerships such as public improvement districts or tax increment financing districts. She spoke to Phase 2 in which criteria were tested and the role of urban centers was explored at three sites.

Ms. Tovall spoke to consideration of the Park Boulevard/Preston Road intersection which has experienced a decrease in its role as a retail hub. She stated that if Council were to move forward with this location they might consider phasing if the site is too large to develop as a single urban center.

Ms. Tovall spoke to considering the Parker Road Station area as it is served by light rail, has good access and a significant portion of the land in public ownership. She advised that current economics do not support construction of a parking structure and spoke to continuing to monitor DART's completion of the 2030 Service Plan as well as exploring opportunities to purchase land. Ms. Tovall stated that the Collin Creek Corridor generally has good access and that if DART expansion includes an east/west connection it may be linked to a rail station. She spoke to fragmented ownership in the area and the potential to uncover the creek and build the nature feature back into the site. Ms. Tovall spoke to continuing to work with owners of the mall, preparation of a master plan for Chisholm trail enhancements/extension and working with DART and the mall to maximize the use of bus routes as connectors to the rail station and other key locations.

Ms. Tovall spoke to the Transition and Revitalization Commission's view that future urban centers can benefit the City and should play a role in its long-term future. She responded to the Council stating that housing is an important part of the mixed-use environment, but that it would be preliminary to discuss whether it would be rental or owner occupied.

Upon a motion made by Council Member Stahel and seconded by Council Member Callison, the Council voted 7-0 to accept and approve the "Urban Centers Study" as a guide for the future consideration of urban center development in the City of Plano, Texas; and providing an effective date; and further to adopt Resolution No. 2006-6-32(R).

Consideration and direction of the Plano Centre Study consisting of five year business plan and strategic land use recommendations. [Regular Agenda Item (6)]

Director of Parks and Recreation Wendell advised that the scope of the study included review and update of the business plan and the marketing plan; recommendations for expansion, enhancements and renovation and options to be considered for land adjacent to the facility.

Karen Jordan-Markham of Executive Solution Partners stated that there have been no major renovations since the facility's construction in 1990, it does not meet comparative standards, approximately \$1.9 million remains to be paid on general obligation bonds, it currently has a 75% return on operating and investment costs, current booking policy is a barrier to further revenue generation, it does not meet desires of some citizens for a true civic center, market demand is greater than can be addressed, potential revenue is being turned away due to lack of space and that it operates at maximum occupancy with rates that are competitive and sometimes above the competition.

Ms. Jordan-Markham spoke to Phase 1 addressing recommendations for expansion, enhancement and renovation and stated that the facility needs to be updated to remain competitive and that the anticipated cost would be \$5 to \$7 million and include an overall master plan, interior/exterior repair and update, lighting, technology, signage and expanding the Northbrook room size. She spoke to Phase 2 addressing the business and marketing plans and advised that if the facility is to continue producing more revenue it will need to address an expansion to include alternative off-site venues and/or expanding the catering market revenues at off-site venues, changing the booking policy, developing a new website and addressing the market demand for more sporting venues.

Ms. Jordan-Markham spoke to Phase 3 addressing options for the best use of acreage adjacent to the facility and provided the following options: make the center a true civic center, sell the facility and associated land and invest in a new facility closer to hotels and the corporate market, take advantage of the reuse of “big box” retail for events, meetings and a limited number of sporting events, expand the facility with an arena/parking garage, and develop an outdoor events plaza/open air arena.

Ms. Jordan-Markham spoke to the recommendations to: adopt the renovation and enhancement plan proposed in the 2006-07 budget, adopt the business and marketing plans, locate potential or currently vacant “big box” retail sites to offer alternative space, engage a sports marketing specialist to evaluate the local/regional market, and engage an architectural/engineering firm to determine market and financial feasibility for building an enclosed or open air arena.

Ms. Jordan-Markham responded to the Council that “big box” sites do not have to be within a specific distance of the centre and that the optimum size of a “big box” is undetermined but that a review of current inventory may be beneficial. She advised that proposals would compliment Oak Point Park and anything bringing traffic to the area would benefit Plano Centre. Ms. Jordan-Markham spoke to meeting the demands of the citizens and City Manager Muehlenbeck spoke to the area of providing sports venues including softball, volleyball, etc. Ms. Jordan-Markham spoke to indoor events including gymnastics, volleyball, 3-on-3 basketball and to providing telescoping seating to allow for expandable areas. She spoke to the need for a parking facility if an outdoor arena were planned and to renting “big box” locations as a way to test the market. Ms. Jordan-Markham spoke regarding the current booking system reflecting a “first available basis” and recommended bookings be based on revenue instead. The Council concurred to consider recommendations at an upcoming meeting.

Upon a motion by Council Member Stahel and a second by Council Member Ellerbe, the Council voted 7-0 to accept the Plano Centre Study consisting of five year business plan and strategic land use recommendations.

Ordinance No. 2006-6-33: To amend Ordinance No. 2005-11-14, codified as Article XII, Temporary Signs, of Chapter 6, Buildings and Building Regulations, of the City of Plano Code of Ordinances by amending Section 6-486, Definitions, to provide a definition of an open house sign, and adding Section 6-492.1, Open House Signs, to provide additional rules for off-site signs advertising open houses; providing for penalty, severability, repealing, review and publication clauses; and establishing an effective date. [Regular Agenda Item (7)]

City Attorney Wetherbee spoke to the item addressing open house signs on private property and to utilizing the current definition allowing for minor messages on the signs such as the realtor’s name and contact information rather than requiring detailed information. Chief Building Official Mata spoke regarding homeowners giving permission for offsite signs, conducting spot checks and looking for a decrease in illegal signs as indications of the effectiveness of this ordinance. He advised that those placing the sign in an improper manner would be responsible and that they would be traced by following the directional signage. Ms. Wetherbee responded to Council Member Ellerbe, stating that the proposal does not include a limit to the number of signs that might be placed on a property or to the number that might be posted for a particular home.

Richard Simmons, citizen of the City, stated concern that the proposal negates current restrictions on signs in the public rights-of-way. Mayor Evans advised that limits will continue to be enforced on rights-of-way and that no committee was formed to consider this proposal. Mr. Simmons spoke to the possibility that passage of this proposal would open the door for other signs and in support of the Urban Centers Study. James Amick, citizen of the City and an original sign petition organizer spoke to passage of the referendum limiting temporary signs and to Council members "keeping the faith" over the years. Sonja Hammar, citizen of the City, stated concern that by not requiring identification on the signs there would be no way to enforce the proposed ordinance. She spoke regarding passage of the sign referendum, stated concern that this proposal is being considered by a closed process and requested the proposal be put to the voters.

Sharon Ketko, citizen of the City, spoke to the issue being relative to homeowners and not realtors, the effectiveness of open houses and stated that permission is being requested to place signs on private property and not in rights of way. David Haft, citizen of the City, spoke regarding his experience of selling a home as a result of an open house. Craig Perry, representing the Collin County Association of Realtors requested passage of the proposal.

Jack Lagos, citizen of the City, spoke to the issue of privacy when homeowners are being asked to have signs placed in their yards, to this item promoting solicitation on Saturdays and Sundays, to the possibility that other items might be sold under the guise of open houses and to the proposal favoring one commercial group over others. Marvin Jolly, representing Keller Williams Realty, spoke to realtors doing the best job they can for those selling their home and to the proposal initiating a climate of more home sales and higher pricing. John Woolard, citizen of the City, requested information fees that might be charged for sign placement. Mayor Evans and City Attorney Wetherbee advised that this is not restricted by the ordinance. Realtor Geri Cook-Lenahan spoke to homeowners' requests for open houses, the value of directional signage and competition with other cities.

Robin Weinrich, citizen of the City and realtor spoke to impulse shopping for homes. Edward R. Williams, citizen of the City, spoke to requiring identification and to removal of the signs immediately following the open house. City Attorney Wetherbee spoke to the varying times for open houses and the ordinance setting fixed periods to aid in enforcement. She advised that currently no off-site premise signs are allowed on private property. Mr. Williams spoke to not changing the current regulations and Ms. Wetherbee spoke to carrying forward the restriction on signs in the rights-of-way which was defined in the 1989 referendum. Bruce Rayburn, citizen of the City and realtor, spoke to the cost of signs and stated they are put out for short periods of time. Gerald Vokolek, past president of the Collin County Association of Realtors spoke to the original referendum addressing builder's signs, the difficulty of finding homes located in cul-de-sacs, the need to provide a service and to it being in the best interest of the realtors to remove their signs.

Mayor Evans thanked everyone for their input. Council Member LaRosiliere spoke to this request differing from the 1989-90 referendum and stated that he does not anticipate a proliferation of signage. He spoke to the issue being related to homeowners selling their houses, to review and follow-up and made a motion to approve the item. (No vote was taken at this time.)

Council Member Stahel stated preference for denial of the request, spoke to sign restrictions giving the City a competitive advantage over other communities and stated that any advantages will be offset by the number of signs that do not get picked up and other types of signs that may be placed. He spoke to twelve months being too long a period for review, the size proposed being too large and to requiring identification on the signs. He stated that if signs are permitted on private property there should be limits to the size, the number and a review in six months. Mr. Stahel spoke to maintaining the integrity of the referendum process and putting the decision to the voters rather than by Council amendment without advertised Public Hearings.

Council Member Ellerbe stated support for the proposal but concern that realtors continue to place signs in rights-of-way and a preference for including identifying information. Council Member Callison stated support for the proposal and spoke to realtors placing signs in the rights-of-way. City Attorney Wetherbee advised that with regard to determining whether or not permission was granted for sign placement that there would be no permitting process. Council Member Dunlap spoke in support of the request and to requiring a name on the sign for accountability, reducing the size of the sign and/or limiting the number of signs. The Council spoke to considering the results of passage of the ordinance by receipt of input from citizens and whether or not there is a proliferation of signage. Mayor Pro Tem Johnson spoke to passage of the proposal as being good for the community, in favor of review, to staying within elements of the 1990 referendum and to the impulsiveness of home sales.

Mr. Perry responded to Council Member Stahel that while he could not speak for the realtors' association, he would not be opposed to a reduction in the size of the signs. Ms. Wetherbee advised the Council that the size included mirrors the verbiage related to garage sale signs and Mr. Selso advised that reducing the size would not create any additional enforcement issues. Mr. Vokolek advised that he would make a commitment to the Council wherein the realtors' association would address those members placing signs in the rights-of-way.

A motion was made by Council Member LaRosilieri and seconded by Mayor Pro Tem Johnson, to amend Ordinance No. 2005-11-14, codified as Article XII, Temporary Signs, of Chapter 6, Buildings and Building Regulations, of the City of Plano Code of Ordinances by amending Section 6-486, Definitions, to provide a definition of an open house sign, and adding Section 6-492.1, Open House Signs, to provide additional rules for off-site signs advertising open houses with revision *limiting the sign size to four (4) square feet with a maximum height of thirty (30) inches*; providing for penalty, severability, repealing, review and publication clauses; and establishing an effective date and further to adopt Ordinance No. 2006-6-33 with revision. The Council voted 6-1 with Council Member Stahel voting in opposition. The motion carried.

There being no further discussion, Mayor Evans adjourned the meeting at 10:10 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary