

**PLANO CITY COUNCIL**  
**August 8, 2005**

**COUNCIL MEMBERS**

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

**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 Preliminary Open Meeting directly into the Regular Session on Monday, August 8, 2005, at 7:15 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Associate Pastor Shannon Grubbs of the First Christian Church of Plano.

The Pledge of Allegiance was led by Girl Scout Troop 1537.

**GENERAL DISCUSSION**

Sonja Hammar, citizen of the City, spoke to the Council considering the community involvement of potential board/commission members so as to avoid any conflicts of interest. She stated concern regarding former Council Members utilizing the City's logo in their web sites.

Ruth R. Puckett, citizen of the City, spoke to gracious service received from City Staff.

Randy Jennings, citizen of the City, spoke to restrictions placed on citizens when speaking before the Council and to allowing citizens to provide input during General Discussion on important decisions. Council Member Magnuson spoke regarding those who speak during General Discussion and then again at the time of a Public Hearing.

City Secretary Bealke spoke to the General Discussion portion of the meeting providing an opportunity for citizens to introduce items to be placed on a future agenda. City Attorney Wetherbee stated that while not every item is a Public Hearing, if Council desires to receive input on each they may put this into place as a new practice and to General Discussion being in place for items not on the agenda or those without a Public Hearing. Ms. Bealke spoke to consent items being removed to allow for input. Mayor Pro Tem Lambert spoke to previous Public Hearings held regarding the tolling of SH 121 and Ms. Bealke spoke to the Mayor's discretion in providing for public input on those items not listed as Public Hearings. Mayor Evans spoke to continued use of discretion and invited Mr. Jennings to provide input regarding tolling SH 121.

Mr. Jennings questioned the tolling of the funded lanes west of Hillcrest and why the proposed resolution allows for excess toll revenues after the bonds are paid. He spoke to addressing the inequities that leave Collin County the most tolled in the state and one of the worst funded and questioned the decision to have more cars going through the Preston Road/SH 121 traffic light to avoid tolls on the main lanes. Mr. Jennings spoke to making a decision based on a long-term vision.

## **BOARD/COMMISSION PRESENTATIONS**

### Animal Shelter Advisory Committee

Roger Bolin, Chair of the Animal Shelter Advisory Committee, advised that the committee recommended continuous six month reviews of the Standard Operating Procedures, a review and update, if necessary, of Chapter 4 of the Code of Ordinances as it relates to Animal Regulations, that the Animal Services Division develop and adopt a policy for micro-chipping all animals placed into adoption, and that the Animal Services Division continue to evaluate implementing methods of lowering the euthanasia rate. He spoke positively regarding the quarterly meeting schedule of the board. Field Services and Fleet Manager Clark reviewed the process of micro-chipping and spoke to checks done on incoming animals. He responded to the Council that records of vaccinations could be kept in the City's data.

### Planning and Zoning Commission

Laura Williamson, Chair of the Planning and Zoning Commission, updated the Council on recent activities, spoke to the interest in infill housing and discussions held during a recent worksession. She spoke to retail redevelopment and implementation of the newly revised superstore regulations. Ms. Williamson advised that the Traffic Impact Analysis Ordinance is on hold, spoke to the Retail Study Implementation Plan, review of parking requirements, and advised that parking garage façade design will be considered next week. She spoke to the Urban Townhome Zoning District to address standards for density, lot size, coverage and height restrictions and spoke to completed projects. Council Member Stahel thanked Ms. Williamson for her service on the Commission and Mayor Evans requested her participation in upcoming Council/Planning and Zoning Commission workshops.

The Council resumed discussion of the Preliminary Open Meeting.

## **Community Investment Program Review**

Budget and Research Director Rhodes advised that the Community Investment Program (CIP) for next year is \$93.5 million with the General Obligation portion totaling \$66.9 million, Water & Sewer \$7.5 million and Capital Reserve Projects \$14.1 million.

Parks and Recreation Director Wendell reviewed the Parks Improvement Bond Program including the following major projects: Archgate Park in the amount of \$3.7 million, Memorial Park in the amount of \$1.9 million, Neighborhood Park Improvements in the amount of \$750,000, Oak Point Park in the amount of \$4 million, Tom Muehlenbeck Center in the amount of \$12 million, Trail Connections in the amount of \$750,000 and White Rock Creek Acquisitions in the amount of \$3 million. He spoke to the Park Fee Program which is funded through fees paid by developers at the time building permits are being issued and advised that all neighborhood parks have been acquired and that there is funding for greenbelts primarily on the north end of White Rock Creek. Mr. Wendell spoke to Park Capital Reserve Fund projects in the total amount of \$3.9 million renovating lights, dredging the pond at Big Lake Park, irrigation improvements, parking lot replacements and park shelter/playground replacements throughout the system.

City Engineer Upchurch reviewed street improvements proposed in the 2005-06 budget including rehabilitation projects, design projects, capacity improvements, funding continuation and miscellaneous items for a total of \$31 million. He reviewed street enhancements in the amount of \$272,000, municipal drainage projects in the amount of \$2.8 million, DART funding in the amount of \$300,000, water improvements in the amount of \$3.3 million, sewer improvements in the amount of \$4.2 million, facility projects in the amount of \$6.7 million, and Capital Reserve Facilities in the amount of \$2 million.

City Manager Muehlenbeck responded to Mayor Pro Tem Lambert that the police academy item is not the full expansion. Chief Peterson responded to Council Member Stahel that Fire Station 11 is scheduled to open in April of 2006. Mr. Upchurch spoke regarding construction on Tulane Drive and Ridgetop Lane advising that completion will be some time next year.

Director of Public Works Foster, reviewed the undersealing program in the amount of \$2 million, arterial concrete repair in the amount of \$1.8 million, residential street and alley project #1 in the amount of \$1.5 million and #2 in the amount of \$1.5 million, screening wall reconstruction in the amount of \$250,000, lighted street name signs in the amount of \$100,000, curb and median repair in the amount of \$175,000 and street name signs in the amount of \$90,000. He responded to City Manager Muehlenbeck that the City receives no federal dollars to assist in the mandated replacement of street name signs and that the cost is approximately \$75 per sign.

## **Discussion and Direction Regarding Request from MCOR to Use City Logo**

Mayor Evans advised that this item has been withdrawn.

## **Personnel Appointment**

### Civil Service Commission

Upon the recommendation of City Manager Muehlenbeck, a motion was made by Council Member Magnuson and seconded by Council Member Stahel to reappoint Bryan Gallerson. The Council voted 8-0 and the motion carried.

## **Council Items for Discussion/Action on Future Agendas**

No items were brought forward.

## **Consent and Regular Agendas**

City Secretary Bealke advised that a citizen has requested Consent Agenda Item "O," Ordinance to amend Specific Use Permit No. 137 to expand a Day Care Center located at the southwest corner of Hedgcoxe Road and Georgetown Drive.

The Council requested that Consent Agenda Item "P," to approve a license agreement between the City of Plano and Preston Ridge III for use of the Plano Logo be pulled at this time.

Mayor Pro Tem Lambert requested that Consent Agenda Item "K," to approve a Depository Services Contract be removed for individual consideration.

Council Member Stahel requested that Consent Agenda Item "H," to approve Bid No. B106-05 for the purchase of an event management software application be removed for individual consideration due to a possible conflict of interest.

## **Council Reports**

Mayor Pro Tem Lambert spoke to the Transportation Summit being held this week in Irving, Texas. Mayor Evans spoke to her representation of the City at a recent meeting of Regional Mobility Coalition.

## **CONSENT AGENDA**

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

### **Approval of Minutes** [Consent Agenda Item (A)]

July 25, 2005

July 27, 2005

### **Approval of Expenditures**

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

To approve Bid No. 2005-204-B for Tri-City Academy – HVAC Replacement to Berger Engineering in the amount of \$244,699. [Consent Agenda Item (B)] (See Exhibit “A”)

To approve RFP No. 2005-200-C “Multi-Step RFP for Professional Services: Audit Services” in the amount of \$109,063 for an annual contract with four annual one-year renewals with a 6% annual increase for years 2-5. [Consent Agenda Item (C)] (See Exhibit “B”)

To approve Bid No. 2005-216-C for an annual fixed price contract for AR-15 Semi-Automatic .223 Caliber Carbine Weapon Systems and Accessories for Police Department to Ameetec Arms LLC, Cavalry Arms Corp., DoubleStar Corp., and LECOR Technologies, LLC in the estimated annual amount of \$46,706 for an annual contract with two optional one-year renewals. [Consent Agenda Item (D)] (See Exhibit “C”)

To approve Bid No. 2005-209-B for Animal Shelter Incinerator Replacement to Crawford Industrial Group, LLC in the amount of \$94,654. [Consent Agenda Item (E)] (See Exhibit “D”)

To approve Bid No. 2005-211-B for Tri-City Police Academy Roof Replacement and Water Repellant Coating Installation to Supreme Systems, Inc. in the amount of \$306,958. [Consent Agenda Item (F)] (See Exhibit “E”)

To approve Bid No. 2005-218-B for Oak Point Amphitheater Sound System and Lighting System to AV Pro, Inc. in the amount of \$74,713. [Consent Agenda Item (G)] (See Exhibit “F”)

To approve Bid No. B202-05 for the Power Factor Improvements at Stadium, Custer and Shiloh Pump Stations to Dal-Ec Construction, LTD, in the amount of \$360,000 [Consent Agenda Item (I)] (See Exhibit “G”)

### **Adoption of Resolutions**

**Resolution No. 2005-8-1(R):** To accept the certified appraisal roll for Fiscal Year 2005-2006, and providing an effective date. [Consent Agenda Item (L)]

**Resolution No. 2005-8-2(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; providing terms and conditions for the operation of the Police/School Liaison Program; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

**Resolution No. 2005-8-3(R):** To authorize the purchase of two above-ground fuel storage tanks in the amount of thirty-six thousand seven hundred ninety-five and no/100 dollars (\$36,795); authorizing the execution of all documents in connection therewith by the City Manager; and providing an effective date. [Consent Agenda Item (N)]

**Approval of License Agreement**

To approve a license agreement between the City of Plano and Preston Ridge III, a homeowner association located in Plano, Collin County, Texas, for use of the Plano Logo. [Consent Agenda Item (P)] (This item pulled and held)

**END OF CONSENT**

Due to a possible conflict of interest, Council Member Stahel stepped down from the bench on the following item.

**Award/Rejection of Bid/Proposal:** To approve Bid No. B106-05 for the purchase of an event management software application to Dean Evans and Associates, Inc. in the amount of \$33,870. [Consent Agenda Item (H)] (See Exhibit "F")

Upon a motion made by Council Member Magnuson and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 7-0 to approve Bid No. B106-05 for the purchase of an event management software application to Dean Evans and Associates, Inc. in the amount of \$33,870.

Council Member Stahel resumed his place on the bench.

**Miscellaneous Purchase Authorization:** To approve the terms and conditions of a Depository Services Contract with COMERICA BANK, and authorizing the City Manager to execute the contract and all other necessary documents for Bid No. C119-05; and providing an effective date. [Consent Agenda Item (K)]

Mayor Pro Tem Lambert spoke to Legacy Bank exceeding the provisions of Comerica Bank with the exception of the "Ability to Perform." He spoke to utilizing Legacy Bank as it is a local entity. Treasurer Tieper advised that Comerica Bank was chosen based on its service capabilities and references provided.

Mr. Lambert spoke to the number of branches provided by Legacy Bank versus Comerica Bank. In response to Council Member Stahel, Mr. Teiper advised that Legacy Bank had slightly lower rates based on projected costs. Council Member Magnuson spoke to Legacy Bank's community involvement

A motion was made by Mayor Pro Tem Lambert and seconded by Council Member Magnuson, to approve the terms and conditions of a Depository Services Contract with LEGACY BANK, and authorizing the City Manager to execute the contract and all other necessary documents for Bid No. C119-05; and providing an effective date. The Council voted 7-1 with Council Member LaRosiliere voting in opposition. The motion carried.

**Ordinance No. 2005-8-4:** To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, amending Specific Use Permit No. 137 so as to expand the day care center on 1.8± acres of land located on one lot at the southwest corner of Hedgoxe Road and Georgetown Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7/Planned Residential Development-2 with Specific Use Permit No. 137 for Day Care Center, 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, and an effective date. (Zoning Case 2005-09) Public Hearings held 05/09/05 and 07/25/05. Council approved the request on 07/25/05. [Consent Agenda Item (O)]

Director of Planning Jarrell spoke regarding direction provided by the Council to include stipulations concerning landscaping, lighting and an enrollment cap. She spoke regarding the three-quarter vote requirement as letters were received in opposition from more than 20% of property owners within the 200-foot notification area. Ms. Jarrell stated that the stipulations include:

1. The zoning exhibit shall be adopted as part of the ordinance.
2. The day care center enrollment shall be capped at 245 children, based on the number of available parking spaces.
3. New site landscaping is required as follows:
  - a. Within the existing playground along the Georgetown Drive frontage, a living screen shall be installed that consists of four-foot tall shrubs interspersed with two eight-foot tall shrubs at the northern and southern corners of the playground fence and three six-foot tall shrubs between the fence corners.
  - b. A combination of deciduous and evergreen canopy trees, understory trees, and shrubs, using native species, shall be planted along the southern and western perimeter of the new parking area. This visual screen will not form a solid barrier, but will minimize headlight overspill and visual clutter of the parking lot.
  - c. All plant heights specified within this section are mature plant heights. Plant materials shall be sized at the time of installation to reach the mature height within two years. Plant locations are subject to visibility requirements of the City of Plano development regulations.

**Ordinance No. 2005-8-4 (cont'd)**

4. Light standards in the new parking area shall be limited to 15 feet in height, and shall have shields to reduce light overspill.

Mayor Pro Tem Lambert stated concern that a site plan modification might be brought in at a later time to add more parking spaces, thereby increasing enrollment. City Attorney Wetherbee spoke to the City's use of the parking space count to address the level of enrollment and spoke to including the number.

Michael Gavaghan, citizen of the City, spoke to the effect of the expansion on homes located to the east of the development, stated concern that screening will only be four feet tall and requested an eight foot screen except where constrained by visibility needs. He stated concerns regarding lighting and requested shields be installed and spoke to reducing the number of poles. Ms. Jarrell spoke to the reduced illumination provided when light standards are lowered and the need for more poles. She spoke to the applicant indicating they would try to shield existing lights and spoke to the height limit for playground fences and applicant concerns regarding visibility. City Attorney Wetherbee stated concern regarding adding more stipulations

A motion was made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Johnson, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, amending Specific Use Permit No. 137 so as to expand the day care center on 1.8± acres of land located on one lot at the southwest corner of Hedgoxe Road and Georgetown Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7/Planned Residential Development-2 with Specific Use Permit No. 137 for Day Care Center as requested in Zoning Case 2005-09 and as recommended, 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, and an effective date; with the revision below:

2. The number of parking spaces shall be limited to 49 spaces, with a resulting maximum enrollment cap of 245 children.

The Council voted 7-1 with Mayor Pro Tem Lambert voting in opposition. The motion carried and Ordinance No. 2005-8-4 was adopted with revision.

**Public Hearing and adoption of Ordinance No. 2005-8-5 as requested in Zoning Case 2005-21** – To amend Section 3.300 (Minimum Structure Standards) and Subsection 3.304 (Nonresidential Uses) of Section 3.300 (Minimum Structure Standards) of Article 3 (Supplementary Regulations); and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, to rename the title and to prohibit the use of membrane and/or metal exterior wall finishes for nonresidential structures; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano [Regular Agenda Item (1)]

**Ordinance No. 2005-8-5 (cont'd)**

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

1. Rename the title and amend the standards of Section 3.300 (Minimum Structure Standards) of Article 3 (Supplementary Regulations) to read as follows:

~~3.300 Minimum Structure Standards~~ Exterior Wall Construction Standards for Structures

~~The exterior wall standards for construction in the various districts shall be in accordance with the following standards.~~ Exterior wall construction for structures shall be in accordance with the standards in the following subsections. For the purposes of this section, exterior wall construction refers to the exterior material or finish of a wall assembly.

2. Amend Subsection 3.304 (Nonresidential Uses) of Section 3.300 (Minimum Structure Standards) of Article 3 (Supplementary Regulations) to read as follows:

3.304 Nonresidential Uses

~~Except as otherwise regulated by this ordinance,~~ Exterior wall construction in districts permitting nonresidential uses shall be of such material that conforms to the International Building Code unless an alternative has been approved by the Building Official. However, metal and membrane exterior walls are prohibited in all zoning districts with the following exceptions:

Metal and membrane exterior wall construction is permitted in the Light Industrial-1 and Light Industrial-2 districts with approval of a facade plan as part of the site plan review process by the Planning & Zoning Commission only under the following conditions:

(1) The metal or membrane exterior wall construction is not visible from a public thoroughfare or residential zoning district; and

(2) The lot containing the building is located at least 1,000 feet from any residential zoning district boundary line unless separated by a Type C or larger thoroughfare.

**Ordinance No. 2005-8-5 (cont'd)**

Ms. Jarrell responded to Deputy Mayor Pro Tem Johnson that a church which was permitted to install a metal wall several years ago would not be able to under this proposal. Mayor Pro Tem Lambert stated concern regarding the requirement that metal/membrane exterior wall construction not be visible from a public thoroughfare or residential zoning district and that the lot be at least 1,000 feet from any residential zoning district boundary line unless separated by a Type C or larger thoroughfare. Director of Planning Jarrell advised regarding the possible level of non-conformance that would result from passage and Council Member Ellerbe spoke to having well-defined standards.

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 Mayor Pro Tem Lambert and seconded by Council Member Ellerbe, the Council voted 7-0 to amend Section 3.300 (Minimum Structure Standards) and Subsection 3.304 (Nonresidential Uses) of Section 3.300 (Minimum Structure Standards) of Article 3 (Supplementary Regulations); and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, to rename the title and to prohibit the use of membrane and/or metal exterior wall finishes for nonresidential structures as requested in Zoning Case 2005-21 and as recommended by the Planning and Zoning Commission; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2005-8-5. (Deputy Mayor Pro Tem Johnson was away from the bench.)

**Public Hearing** on the Proposed FY 2005-06 Budget and FY 2005-06 Community Investment Program (CIP). [Regular Agenda Item (2)]

Mayor Evans opened the Public Hearing. Jack Lagos, citizen of the City, spoke regarding the Arts of Collin County and the initiative supported by voters in May 2005 referring to the facility as being jointly and operated by the cities of Plano, Allen and Frisco and his understanding that if Plano owns one-third of the facility then its operating costs should be one-third. He spoke to the lack of an approved project at this time and stated that the 2005-2006 budget notes the project as approved and indicates that support provided is based on the 2004 population rather than 2010. Mr. Lagos stated there is no basis for a population formula.

Mr. Lagos spoke to the Plano Symphony Orchestra being a political action committee based on a newspaper advertisement in support of the Arts of Collin County. He stated concern that they are receiving grant money and participating in political advertising.

City Manager Muehlenbeck responded that *Accomplishments and Goals* on page e-23 of the City Manager's Recommended Budget for Fiscal Year 2005-2006 will be revised to read, "Completed the preparation of conceptual plans for the theater and art park and had them adopted by the owner entities" deleting reference to an approved project and "Provided support for the Arts of Collin County operating budget based on the 2010 population" rather than 2004.

**Public Hearing on the Proposed FY 2005-06 Budget and FY 2005-06 Community Investment Program (CIP) (cont'd)**

No one else spoke either for or against the request. The Public Hearing was closed.

**Vote on a proposal** to consider an increase in total tax revenue. [Regular Agenda Item (3)]

Director of Budget and Research Rhodes stated that Chapter 26 of the Property Tax Code requires that taxing units comply with truth-in-taxation laws in adopting their tax rates and that these serve two purposes: to make taxpayers aware of the tax rate proposal and allow tax payers in certain cases, to roll back or limit a tax increase. She stated that the four guiding principles are that property owners have the right to know of increases in their appraised value and be notified of the taxes that could result from the new value; a taxing unit must calculate and publish its effective and rollback tax rates before adopting an actual tax rate; a taxing unit must publish special notices and hold a public hearing before adopting a tax rate that exceeds the lower of the rollback rate or the effective tax rate and if the unit adopts a rate that exceeds the rollback rate, voters may petition for an election to limit the rate to the rollback rate if more than 7% of the registered voters sign a petition and an election is held.

Ms. Rhodes reviewed the changes resulting from Senate Bill 18 including: the hearing limit is now the lower of the rollback rate or the effective rate; governing bodies must hold two public hearings if over either rate; public hearing notice for both the newspaper and web site have changed; for a rollback election the number of signatures for a rollback petition has changed to 7% of the number of registered voters of the taxing unit if the tax rate for the current year would impose taxes for maintenance and operation in an amount of at least \$5 million or 10% if the amount is less than \$5 million; and new required wording and type size on tax rate adoption ordinances for units adopting above the effective tax rate.

Ms. Rhodes stated that in order for the City to comply with the 2005 tax year changes, the proposed tax rate figure will need to be determined at this meeting in order to schedule the two required Public Hearings on August 22 and August 31. She stated that the tax rate can be decreased during this time from the amount published this week, but it cannot be increased and that it is scheduled to be adopted on September 12.

Ms. Rhodes defined the effective tax rate as being the rate equal to the prior year's taxes divided by the current taxable value of properties also on the tax roll in the prior year. She advised that based on information received from the Central Appraisal District, the City of Plano's effective tax rate is 44.01 cents which is less than the proposed 45.35 cents and would require publication and two Public Hearings. Ms. Rhodes spoke to the rollback rate being divided into the categories of maintenance/operations (M&O) and debt service. She stated that the rollback rate calculation allows units to raise the same amount of M&O money as in the prior year plus provide an eight percent cushion and that if the City adopts a rate exceeding the rollback rate, voters may petition for an election to limit the rate back to the rollback. Ms. Rhodes advised that a petition would need to be submitted within 90 days of the tax rate adoption and that according to the appraisal district the City's maximum allowable rollback rate is 45.97 cents.

**Vote on a proposal to consider an increase in total tax revenue (cont'd)**

Council Member Stahel stated his support for a tax rate of 45.35 cents.

Mayor Pro Tem Lambert spoke to retreat discussions regarding a possible dedicated one-cent fund for economic development and spoke to advertising at 46.35 cents to provide an opportunity for continued discussion. He spoke to the monies not being spent if a policy is not worked out or to working out the policy and if there are needs this year, taking funds from the unappropriated surplus.

Council Member Ellerbe stated support for a tax rate of 46.35 cents to allow for discussions.

Mayor Pro Tem Lambert stated support for advertising a tax rate of 46.35 cents with the caveat that the extra one cent be utilized if terms are agreed on for an economic development program to which Council Member Ellerbe agreed.

Mayor Evans spoke to possible alternatives to find dedicated funding for economic development and City Manager Muehlenbeck advised that the Council could revisit the ending balance policy or utilize the unappropriated surplus. Mayor Evans spoke to considering a reduction in the ending balance figures and Mayor Pro Tem Lambert advised that he would not be comfortable reducing that figure.

Council Member LaRosiliere stated support for a tax rate of 46.35 cents to provide an flexibility in Council discussions. He spoke to a possible combination of funding alternatives.

Deputy Mayor Pro Tem Johnson stated support for a tax rate of 45.35 cents and spoke regarding Staff consideration of the budget being presented. He spoke to finding resources should an opportunity for economic development arise during the coming year, to discussion of a policy and to creating a separate segregated fund but advised that he is comfortable with the City Manager's budget.

Council Member Magnuson stated support for a tax rate of 46.35 cents to allow for discussion.

Council Member Callison stated support for a tax rate of 45.35 cents and to exploring alternative funding options first.

Mayor Evans stated support for a tax rate of 45.35 cents and working with the recommended budget.

Mayor Evans stated that the Council was tied and City Manager Muehlenbeck advised that the tax rate will remain at 45.35 cents per \$100 of assessed property valuation.

Ms. Rhodes responded to the Council that Staff would provide information via the City's web site regarding the effective tax rate and rollback rate.

**Adoption of City Council Strategic Plan for 2005-2020.** [Regular Agenda Item (4)]

Executive Director Glasscock provided an overview of the Strategic Plan created during the Council's June 2005 retreat. He spoke to the City's vision, mission statement and core beliefs and reviewed the top ten achievements identified for 2004-05 which include downtown revitalization, a successful bond election and capital investment program, the arts hall election, the financial condition of the City, service excellence, advancements made in working with the Hispanic community, parks and recreation facilities development, the local option elections, international relations and its potential for trade and business development, the extension of Council term limits, and the protection of Plano's interest and advocacy at the state level.

Mr. Glasscock advised that for the goal of a *Premier City for Families* actions include: African-American Museum and Douglass Mural, park land acquisition, international vision and strategy, building strong community through neighborhoods, young professional package and recruitment program, workforce housing strategy and action. He spoke to the goal of *Livable Neighborhoods and Urban Centers* actions include: transition and revitalization plan, Legacy Town Center, downtown development, vehicle code enforcement evaluation and action plan, Park/Preston Center development direction, Rice Field development, rental housing registration and inspection program, and regional strategy and advocacy. Council Member Stahel stated concern regarding the funding allocated for the rental housing program and whether the program is starting off too slowly. Mr. Glasscock spoke to Staff bringing forward updates regarding action taken.

Mr. Glasscock spoke to the goal of *Service Excellence* and actions identified including: public relations and marketing plan for the City, finance projections and plan (5 year) revision, economic development and dedicated tax rate, meet and confer direction, compensation and benefits direction, special events evaluation and policy direction, public facilities element of the Comprehensive Plan, and a community survey of core services. He spoke to the goal of *Diverse Business Center* and actions including: Research/Technology District regulations, vacant/aging retail space strategy, Collin Creek mall, hospital/medical center business promotion campaign, international business development strategy and actions, Plano center study and future direction. Mr. Glasscock spoke to the goal of *Safe, Efficient Travel* and actions including: red light running cameras, DART transit corridors (East-West), regional clean air strategy, 121 Tollway, and improvements at Preston Road intersections.

Upon a motion by Mayor Pro Tem Lambert and seconded by Council Member LaRosiliere, the Council voted 8-0 to adopt the City Council Strategic Plan for 2005-2020.

**Resolution No. 2005-8-6(R)** supporting funding for the construction of the State Highway 121 Main Lanes in Collin County. Public Hearings held 6/13/05 and 6/27/05 and further discussion 7/25/05. [Regular Agenda Item (5)]

**Resolution No. 2005-8-6(R) (cont'd)**

Deputy Mayor Pro Tem Johnson reviewed the process of exploring the possibilities for funding SH 121, spoke to citizen input received in favor of tolling the roadway to expedite its completion and the desire to have monies go directly for construction. He advised that the proposed resolution accomplishes these goals and agrees to toll the roadway subject to certain conditions, establishes a local authority comprised of Plano, Frisco, Allen and McKinney along with Collin County to run the operation, make financial decisions, set toll rates, determine the scope of work and future reinvestment and if tolls were to exceed costs, make decisions regarding excess revenues. Mr. Johnson spoke to working through the state highway department and Regional Transportation Council (RTC) and stated that the state sees the roadway as an asset and may choose to go another direction. He spoke to the proposed resolution representing a regional approach and offering local control.

Collin County Commissioner Hatchell spoke to upcoming work with TxDOT related to the use of right-of-way.

Council Member Stahel proposed a City of Plano supplement expressing intent for: a) Plano's share of excess revenues, if any, will be spent within the geographic boundaries of Plano, b) the local authority will make reasonable efforts to provide alternative methods of payment for vehicles that do not have a regular tolltag and c) the local authority will make reasonable efforts in design to provide for future public transportation. He spoke to the supplement raising his confidence level and providing an understanding to citizens regarding intent.

Deputy Mayor Pro Tem Johnson spoke to a supplement coming forward at a later time and to the City of Plano having a vote within the local authority regarding the distribution of excess revenues. Mayor Evans spoke to having flexibility for decision-making 20-30 years in the future. Mr. Johnson spoke to reviewing the issues of a "tolltag only" roadway including safety/revenue and to looking into the possibility of integrating mass transit into the roadway. Mr. Hatchell spoke to the possible need for right-of-way to address mass transit and issues of competition when transit is located on tolled roadways.

Council Member Stahel spoke to Council consideration of a supplemental resolution prior to taking a vote on the proposed resolution to clarify the intent regarding alternatives for tolltags, the spending of excess revenues and long-term provisions for mass transit. City Attorney Wetherbee spoke to bringing back these considerations along with any others at a future date. Council Member Callison stated support for Mr. Stahel's supplement, Council Member Magnuson spoke to holding discussion at a future meeting and Council Member LaRosiliere spoke to clarifying the City's position. Mayor Evans spoke to the possibility of temporary tolltags but stated concern that mass transit can be designed into the roadway. She spoke to the possibilities that may exist in thirty years but to not tying consent to current day technology.

**Resolution No. 2005-8-6(R) (cont'd)**

Deputy Mayor Pro Tem Johnson spoke in support of considering a supplement, to considering whether or not mass transit is a possibility along the roadway and to keeping in mind that it would be worked out by the local authority. Mayor Pro Tem Lambert spoke to considering the supplement on an upcoming worksession.

Upon a motion made by Deputy Mayor Pro Tem Johnson and seconded by Council Member Ellerbe, the Council voted 8-0 to support funding for the construction of the State Highway 121 Main Lanes in Collin County, and further to adopt Resolution No. 2005-8-6(R).

**Ordinance No. 2005-8-7** to amend Subsection (d) of Section 12-73 of Article IV (Speed) of Chapter 12 (Motor Vehicles and Traffic) of the City of Plano Code of Ordinances; to revise the designated times of operation for certain school zones providing a fine for criminal penalties not to exceed \$200 for each offence; and providing a repealer clause, a severability clause, a savings clause, a publication clause and an effective date. [Regular Agenda Item (6)]

Transportation Engineering Manager Neal advised the Council that this item revises the effective times for school zones in conjunction with school time changes made by the Plano Independent School District for the 2005-2006 school year.

Upon a motion made by Council Member Magnuson and seconded by Council Member Callison the Council voted 8-0 to amend Subsection (d) of Section 12-73 of Article IV (Speed) of Chapter 12 (Motor Vehicles and Traffic) of the City of Plano Code of Ordinances; to revise the designated times of operation for certain school zones providing a fine for criminal penalties not to exceed \$200 for each offence; and providing a repealer clause, a severability clause, a savings clause, a publication clause and an effective date; and further to adopt Ordinance No. 2005-8-7.

There being no further discussion, Mayor Evans adjourned the meeting at 10:18 p.m.

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**Pat Evans, MAYOR**

ATTEST:

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**Elaine Bealke, City Secretary**