

PLANO CITY COUNCIL
September 8, 2008

COUNCIL MEMBERS

Pat Evans, Mayor
Jean Callison, Mayor Pro Tem
Harry LaRosiliere, Deputy Mayor Pro Tem
Pat Miner
Scott Johnson
Mabrie Jackson
Sally Magnuson
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
Diane Zucco, City Secretary

Mayor Evans convened the Council into the Regular Session on Monday, September 8, 2008 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 Council Member Magnuson.

The invocation was led by Reverend Alice Coder with First United Methodist Church – Plano.

The Pledge of Allegiance was led by Cub Scout Pack 421 of Andrews Elementary.

Mayor Evans presented a service pin to City Attorney Wetherbee and City Manager Muehlenbeck presented one to City Secretary Zucco.

Mayor Evans presented proclamations recognizing Plano Balloon Festival – 2008 and Food Safety Awareness Month – 2008.

Mayor Evans presented a Certificate of Appreciation to Ben Harris for service on the Parks and Recreation Planning Board.

COMMENTS OF PUBLIC INTEREST

Citizen Jack Lagos spoke to financial planning sessions included in the *Leisure Catalog* and concern that the City may be supporting private entities' solicitation efforts.

CONSENT AGENDA

Staff requested that Consent Agenda Items "B" and "L" be removed for individual consideration.

Mayor Pro Tem Callison requested that Consent Agenda Item “P” be removed for individual consideration.

Citizen Sonja Hammar requested that Consent Agenda Item “D,” a resolution to amend Resolution No. 99-9-35(R) establishing a Public Arts Committee to provide for meetings on an as-needed basis be removed for individual consideration.

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Johnson, the Council voted 7-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

August 21, 2008 – Special Called Session

August 21, 2008 – Roundtable

August 25, 2008

Approval of Expenditures

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

Bid No. 2008-205-B for 2007-08 Residential Concrete Pavement Rehabilitation Project, Zone L5 to Jerusalem Corporation in the amount of \$786,595. This project involves the repair of residential street and alley pavement in the area bounded by Alma Road on the east, Spring Creek Parkway on the north, Custer Road on the west and Parker Road on the south. [Consent Agenda Item (C)] (See Exhibit “A”)

Adoption of Resolutions

Resolution No. 2008-9-1(R): To support the discontinuation of the diversion of Transportation User Revenues to Non-Transportation Uses and the appropriation of all revenue generated from highway user fees and taxes to fund transportation projects. [Consent Agenda Item (E)]

Resolution No. 2008-9-2(R): To approve the appointment of the Health Authority for the City of Plano in accordance with Section 121.033 of the Texas Health and Safety Code; and approving the agreement between the City of Plano and Allan R. deVilleneuve, M.D. for professional services; and providing an effective date. [Consent Agenda Item (F)]

Resolution No. 2008-9-3(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 (G)]

Resolution No. 2008-9-4(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the Frisco 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 (H)]

Resolution No. 2008-9-5(R): To approve the renewal of an Agreement with Oracle USA, Inc., a sole source vendor, for the maintenance and software support updates of J.D. Edwards Licenses; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (I)]

Resolution No. 2008-9-6(R): To authorize continued participation with the Atmos Cities Steering Committee; and authorizing the payment of 5 cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2008-9-7(R): To amend a Communication Facilities License Agreement approved by Plano City Council on August 9, 1999, by and between the City of Plano, Texas, and AT&T Mobility Texas LLC, a Delaware limited liability company, to install, and operate telecommunications ground equipment in certain specific premises authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (K)]

Adoption of Ordinances

Ordinance No. 2008-9-8: To repeal Ordinance No. 2004-8-13, codified as Article IX, Electrical Code, of Chapter 6 of the Code of Ordinances of the City of Plano; adopting the 2008 National Electrical Code; providing a repealer clause, a severability clause, a penalty clause, a savings clause, and an effective date. [Consent Agenda Item (M)]

Ordinance No. 2008-9-9: To amend Section 12-101 of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to prohibit stopping, standing, or parking of motor vehicles on certain sections of 10th Street, Capital Avenue, N Avenue, Notre Dame Drive, Stewart Avenue, and Summit Avenue within the city limits of the City of Plano; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; 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, and an effective date. [Consent Agenda Item (N)]

Ordinance No. 2008-9-10: To amend Section 15-23 Meetings of Article II Parks and Recreation Planning Board of Chapter 15 Parks and Recreation; amending Section 10-18 Meetings of Article II Advisory Board of Chapter 10 Library; and amending Section 2-244 Meetings; Quorum of Article XII Senior Citizens Advisory Board of Chapter 2 Administration of the City of Plano Code of Ordinances; and providing an effective date. [Consent Agenda Item (O)]

Ordinance No. 2008-9-11: To approve a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "the company") regarding the company's rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving Atmos' proof of revenues; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; requiring delivery of this ordinance to the company and legal counsel; and providing severability, repealing, savings, penalty, and publication clauses, and an effective date. [Consent Agenda Item (Q)]

END OF CONSENT

The following two items were considered concurrently.

Bid No. 2008-50-C for Senior Mobility Taxi Voucher Service to Irving Holding, Inc. in the estimated annual amount of \$20,000 [Consent Agenda Item (B)] (See Exhibit "B")

Resolution No. 2008-9-12(R): To approve the terms and conditions of an agreement by and between the City of Plano and Maurice Barnett Geriatric Wellness Center, Inc., for administration of the Senior Transportation Program; and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (L)]

Recreation Superintendent Hall spoke regarding issues with the current program including cost and low ridership. She spoke to the DART Paratransit Program available for those who qualify, CCART for those traveling outside of Plano, and development of Taxi Voucher and Mileage Reimbursement Programs. Ms. Hall advised that the "drop fee" for a taxi would be \$7.50 which would include a three-mile one-way trip and that with vouchers, the cost to a senior would be \$2.13. She advised that under a voucher system the cost for a ten-mile trip would be \$5.28 and without \$21.25. Council Member Dunlap spoke to concerns related to CCART local service including access, reservations and automatic renewals. Ms. Hall spoke to the limited number of citizens who can be served under the current program, to utilizing church vans under the Mileage Reimbursement Program, and to the difficulty in setting income parameters. She responded to Council Member Jackson regarding the process for qualifying for Para transit service and City Manager Muehlenbeck spoke to efforts to bring DART to Plano for assessments.

Citizen Sonja Hammar spoke to the lack of information provided to the Senior Citizens Advisory Board and stated opposition to the program citing the expense and effort required by seniors. Citizen Jack Lagos requested information on qualifications, terms of the contract related to liability and spoke to expanding the amount allocated for rides while decreasing administrative expenses.

City Attorney Wetherbee advised that this is a grant funding contract which will be insured via the service provided and setting forth terms. Ms. Hall spoke to the fine tuning of qualifications for riders, considering those over 65 and the experience of the Geriatric Wellness Center in performing needs-based assessments.

Resolution No. 2008-9-12(R) (cont'd)

Elizabeth Kent of the Center spoke to those that would qualify for a Medicaid Tax Program. Ms. Hall advised that parameters for qualification would be in place October 1. City Manager Muehlenbeck spoke the \$50,000 in administration made up of \$10,000 for CCART through October, \$20,000 allocated for possible taxi voucher reimbursement and \$20,000 for mileage reimbursement. The Council discussed the current program in Plano, implementing a change to provide alternatives to seniors, assistance provided by the Wellness Center and to the program being a fluid process.

Upon a motion made by Council Member Dunlap and seconded by Council Member Miner, the Council voted 7-0 to approve Bid No. 2008-50-C for Senior Mobility Taxi Voucher Service to Irving Holding, Inc. in the estimated annual amount of \$20,000; and to approve the terms and conditions of an agreement by and between the City of Plano and Maurice Barnett Geriatric Wellness Center, Inc., for administration of the Senior Transportation Program; and authorizing its execution by the City Manager; and providing an effective date; further adopting Resolution No. 2008-9-12(R).

Resolution No. 2008-9-13(R): To amend Resolution No. 99-9-35(R) establishing a Public Arts Committee to provide for meetings on an as-needed basis; and providing an effective date. [Consent Agenda Item (D)]

Citizen Sonja Hammar spoke to the transition of boards and commissions, possible cooperation between the Youth Advisory Committee and the Senior Citizens Advisory Board and advantages/support provided to some advisory boards. Mr. Muehlenbeck spoke to the remaining balance of public art funds and this item providing for future meetings of the Committee on an as-needed basis rather than monthly. He advised that should there be additional funds authorized, the Committee may meet more often.

Upon a motion made by Mayor Pro Tem Callison and seconded by Council Member Dunlap, the Council voted 7-0 to amend Resolution No. 99-9-35(R) establishing a Public Arts Committee to provide for meetings on an as-needed basis; and providing an effective date; and further to adopt Resolution No. 2008-9-13(R).

Ordinance No. 2008-9-14: To repeal the following Articles of the Plano Code of Ordinances; Article IX. Keep Plano Beautiful Commission of Chapter 16 Planning and Development; Article XI. Plano Global Advisory Committee of Chapter 2 Administration; Article IX. Transportation Advisory Committee of Chapter 2 Administration; Article XVIII. Youth Advisory Commission of Chapter 2 Administration; and Article XXII Plano Transition and Revitalization Commission of Chapter 2 Administration; and providing an effective date. [Consent Agenda Item (P)]

Mayor Pro Tem Callison proposed delaying action on the Youth Advisory Committee (YAC) and possible restructure to reduce meetings and expenses, offering the opportunity implementation of new activities and refocus. Committee member Chris Sadafsaz spoke to the board providing education on government, opportunities in other areas such as the Plano Police Explorers and Teen Court, the committee moving forward and improvements anticipated over the coming year.

Ordinance No. 2008-9-14 (cont'd)

Committee member Kathryn Heasley spoke to the board offering interaction between public and private schools, involvement in government, promoting awareness of alcohol abuse, partnering between the youth and senior communities and having a positive impact on the City. Committee member Pippa Mason spoke to partnering with the senior community, expanding to include new charitable organizations such as the Teddy Bear Drive for the Children's Advocacy Center, and opportunities provided by the committee to meet other teens and demonstrate leadership. Chairman Kirsten Gary spoke to the group offering a voice to the youth of Plano and opportunities for development and involvement. Committee member Kristi Jones spoke to benefiting young and old and providing opportunities for members to develop.

Mayor Pro Tem Callison advised that consideration of options including moving the group to a non-profit status can be reviewed over the next year, spoke to the Committee representing the importance of youth in Plano, its availability as a resource, to eliminating some budget items and keeping the group active. City Manager Muehlenbeck advised that there is one employee liaison to the group and to it offering an opportunity for interaction with other departments in the City.

Upon a motion made by Mayor Pro Tem Callison and seconded by Council Member Johnson, the Council voted 7-0 to repeal the following Articles of the Plano Code of Ordinances; Article IX. Keep Plano Beautiful Commission of Chapter 16 Planning and Development; Article XI. Plano Global Advisory Committee of Chapter 2 Administration; Article IX. Transportation Advisory Committee of Chapter 2 Administration; and Article XXII Plano Transition and Revitalization Commission of Chapter 2 Administration; and providing an effective date; striking reference to the Youth Advisory Commission and further to adopt Ordinance No. 2008-9-14 as revised.

Ordinance No. 2008-9-15: To approve and adopt the Budget and setting the appropriations for the Fiscal Year beginning October 1, 2008, and terminating September 30, 2009; and providing an effective date. [Regular Agenda Item (1)]

Budget Director Rhodes advised that Regular Agenda Items 1 and 2 adopt appropriations for the operating budget and Capital Improvements Program. She spoke to Item 3 adopting the tax rate and specific language required in the motion as a result of Senate Bill 18 and Item 4 ratifying the increase in property tax revenue. Council Member Dunlap spoke to increased valuation, additional corporate properties and improvements. Ms. Rhodes spoke to the level of new development with 83% commercial and 17% residential and advised that the tax rate proposed remains at 47.35 cents per assessed property value.

Upon a motion made by Council Member Dunlap and seconded by Council Member Miner, the Council voted 7-0 to approve and adopt the Budget and setting the appropriations for the Fiscal Year beginning October 1, 2008, and terminating September 30, 2009; and providing an effective date; and further to adopt Ordinance No. 2008-9-15.

Ordinance No. 2008-9-16: To approve and adopt the Community Investment Program and setting the appropriations for 2008-09; and providing an effective date. [Regular Agenda Item (2)]

Upon a motion made by Council Member Johnson and seconded by Deputy Mayor Pro Tem LaRosiliere, the Council voted 7-0 to approve and adopt the Community Investment Program and setting the appropriations for 2008-09; and providing an effective date; and further to adopt Ordinance No. 2008-9-16.

Ordinance No. 2008-9-17: To approve and adopt the tax rate for this Fiscal Year beginning October 1, 2008, and terminating September 30, 2009; and providing an effective date. [Regular Agenda Item (3)]

Council Member Jackson clarified that this item will not increase the tax rate, but rather that revenues are increasing as a result of assessed property values.

A motion was made by Council Member Jackson and seconded by Council Member Miner, that the property taxes be increased by the adoption of a tax rate of 47.35 cents and further to approve and adopt this for the Fiscal Year beginning October 1, 2007 and terminating September 30, 2008; and providing an effective date; and further to adopt Ordinance No. 2008-9-17. The Council voted 7-0. The motion carried.

Ordinance No. 2008-9-18: To ratify the Property Tax Revenue Increase in the 2008-09 Budget as a result of the City receiving more revenues from Property Taxes in the 2008-2009 Budget than in the previous Fiscal Year; and providing an effective date. [Regular Agenda Item (4)]

City Secretary Zucco stated that this budget will raise more total property taxes than last year's budget by \$6,031,512 or 5.20% and that of that amount \$2,650,079 is tax revenue to be raised from new property added to the tax roll this year.

Upon a motion made by Council Member Miner and seconded by Council Member Johnson, the Council voted 7-0 to ratify the Property Tax Revenue Increase in the 2008-09 Budget as a result of the City receiving more revenues from Property Taxes in the 2008-2009 Budget than in the previous Fiscal Year; and providing an effective date; and further to adopt Ordinance No. 2008-9-18.

Public Hearing and Comment: Review of Annual Performance Report for the use of Federal funds in 2007-2008. [Regular Agenda Item (5)]

Neighborhood Services Manager Day advised the Council that \$2.5 million has been spent in federal funds over the last year to assist over 1,500 Plano residents with housing or social services and that \$505,000 in Buffington Community Service Funds serviced 40,000 individuals in need. City Manager Muehlenbeck thanked Ms. Day for her efforts.

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

Discussion and Direction regarding Plano Centre and the Convention and Visitors Bureau.
[Regular Agenda Item (6)]

City Manager Muehlenbeck spoke to providing additional information to the Council as a follow up to their retreat. Parks and Recreation Director Wendell advised that the Plano Centre is very heavily used with a limiting factor being the difficulty in attracting a hotel to its location. He spoke to the operations of the Centre funded through revenues or monies from hotel/motel taxes and advised that General Fund monies are used to pay debt. Mr. Wendell spoke to the history of the facility, the bond passed in 1984 authorizing \$17 million, \$2.5 million donated by EDS, construction beginning in 1989 with opening in April 1990.

Plano Centre Manager Stroup spoke regarding past studies including a feasibility report in 1986 that found the Centre should recover 35% in the first year and stabilize by 1995 at 37-38%. He spoke to a report in 1995 with the goal of paying 15% debt service from the Civic Center Fund, recovering 75% of operating costs through revenues, encouraging construction of an adjacent hotel and operating the Centre as an entrepreneurial enterprise. Mr. Stroup spoke to the business plan developed in 1999 implementing alcoholic service, exclusive onsite catering, offsite catering and a new rate structure to maximize revenues. He spoke to a 2000 study which supported expansion to double the Centre's size, a feasibility study in 2001 identifying concerns including the distance from US 75 and the lack of area support facilities, and one in 2006 considering adjacent vacant land use and alternatives to relocation.

Mr. Stroup spoke to the facility's 33,106 net square feet of meeting space with 21,600 in Collinwood Hall, break-out rooms, kitchen, business center and audio-visual equipment. He reviewed revenue sources including lease fees (26%), equipment rental (10%) and food/beverage sales (64%) and spoke to the level of meals served. Mr. Stroup spoke to the level of attendance at the facility and level of booking at 82% for weekend space at Collinwood Hall for 2009. He spoke to lost business due to limited availability, location in relation to hotels, price and facility size. Mr. Stroup spoke to new facilities in the area, high cost recovery, and the remaining \$843,120 in debt to be paid from reserves in future years. He spoke to recent improvements including renovations, technology and equipment.

Manager of Plano Convention & Visitors Bureau Thompson spoke to its establishment in 1987, funding through hotel/motel taxes and its key focus to attract visitors to Plano through destination management. He spoke to the sales force working in the areas of association/government, social/educational/religious/etc., sports and motor coach, promotional methods and past performance. Mr. Thompson reviewed the number of events and advised that there is a need for additional higher-end hotel properties and spoke to hotel occupancy in the 60% range and the overall impact of tourism on the state/county economies.

Executive Director Hogan spoke to Plano Centre as meeting or exceeding expectations, the opportunity to consider projects for the 2009 bond referendum, increased competition, issues of location and recommended engaging a consultant to review the economic market. He spoke to determining the size of the facility, possible partnerships, programs and location and returning for Council direction.

Mr. Hogan advised that consideration of a consultant would be brought forward in October and spoke to market analysis/sizing/pricing complete by January 2009 to identify the dollar cost with consideration of location following a bond referendum. Council Member Johnson spoke to utilization of hotels at conferences and determining the future use of Plano Centre. City Manager Muehlenbeck spoke to the importance of a study in providing background information.

Mr. Hogan responded to Council Member Jackson, advising that part of programming would be considering how space is divided for programming and possible opportunities for the private sector at Plano Centre. Deputy Mayor Pro Tem LaRosiliere spoke to the need for a commitment to the vision and a willingness to construct a facility the City deserves. Council Member Dunlap spoke to consultants thinking "outside the box" including considering public/private or private/private partnerships, amenities, and DART access. He further thanked Staff for their efforts in assisting National League of City representatives who will be visiting the City during the Balloon Festival. The Council concurred directing Staff to move forward identifying a consultant.

Discussion and Direction regarding the proposed Parker Maxwell Creek 138 kV Transmission Line Project. [Regular Agenda Item (7)]

Director of Customer and Utility Services Israelson spoke to a prior presentation by OnCor regarding a power line extension from an existing line to the new substation and requesting the City preferred route. He spoke to minimizing the impact to Oak Point Park and Nature Preserve and an option running from the substation in Murphy north along FM 2551 to the Maxwell Creek substation and which is wholly outside of Plano, is a direct line, follows existing roadway and would offer feasible construction for OnCor. He spoke to a second option running parallel to existing lines at Morton Vale Road/Los Rios Boulevard and continuing to parallel the 345 KV line to the Maxwell Creek substation.

Council Member Miner spoke in support of the route along FM 2551 and issues related to the second option being in close proximity to neighborhoods. Mr. Israelson responded to Council regarding the height of proposed towers and the Council discussed zoning in the area of the northern route including residences and park land. Oncor Electric Delivery Area Manager Michael Baldwin advised that the Public Utility Commission will make the final determination after considering costs and comments. He spoke regarding upcoming public hearings, the process and the decision to install based on public input and growth in the area. The Council spoke to lines in Plano that help to serve other communities and Mr. Baldwin spoke to the interconnectivity of the system. Mr. Israelson spoke to the goals of providing the shortest distance and minimizing impact to the park and advised he could review the availability of land for a parallel line. The Council discussed alternatives for the option starting at Morton Vale Road/Los Rios Boulevard to minimize the impact to neighborhoods and spoke regarding lines already located in the area.

The Council stated a consensus directing Staff to respond to HDR Engineering that the preferred route for the proposed transmission line project is from the substation in Murphy directly north along FM 2551 to the Maxwell Creek Substation.

There being no further discussion, Mayor Evans adjourned the meeting at 9:44 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary