

**PLANO CITY COUNCIL**  
**October 23, 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 into the Regular Session on Monday, October 23, 2006, at 7:40 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council members were present.

The invocation was led by Rev. Dr. Ronald D. Henderson, Sr. Pastor of Custer Road United Methodist Church.

The Pledge of Allegiance was led by the Younger Generation Chorus.

Mayor Evans read a proclamation recognizing Arbor Day, November 4, 2006 and received a presentation to the City of Plano by the National Society of the Sons of the American Revolution.

Mayor Evans presented certificates of appreciation to outgoing board and commission members in recognition of their service to the City.

The Council resumed discussion of Preliminary Agenda Items.

**DART Status Report**

DART Board of Directors member Pope spoke regarding consideration of the 2030 Plan and a resolution of the City of Dallas which contained differences from the plan. He spoke to the Dallas resolution calling for about twice the funding projected to be available and asking for the Cotton Belt line to be built as light rail and to the DART recommendation of express rail from the City of Plano to DFW airport. He spoke to the Dallas recommendation to place the line in a trench as it passes through residential areas and to have light rail to the City of Carrollton where it would change to commuter rail.

Mr. Pope advised that there is \$1.65 billion available to build all area rail systems and that the plan proposed by Dallas would require \$1.26 billion. He stated that as configured by Dallas, the Cotton Belt line would not qualify for federal funds and that other projects would be passed over. Mr. Pope advised that the City of Dallas has asked their appointees on the board to vote for a tabling of the item.

Mr. Pope spoke to the proposal by DART making the operation as clean or cleaner than light rail is today, making a commitment that noise and vibration do not exceed those resulting from light rail and advised that the current freight line will stay in place. He stated concern regarding the expense of trenching the line and spoke to other items being taken off the list due to the increase in costs. Mr. Pope spoke to the possibility that the DART proposal will be used for regional transportation and to supporting legislation which will provide additional sales tax revenue. He spoke to issues related to operation in the same corridor where a freight track exists and advised that in terms of revenue and size, Dallas represents over 50% of DART with their proportion of track being 60-75%.

Mr. Pope spoke to DART receipt of an AA+ rating, the increase in ridership both in Plano as well as the area and issues of parking at the Parker Road station.

### **Mobility Report**

Transportation Engineering Manager Neal spoke to a proposal to restrict parking on Alliance Boulevard in order to improve emergency vehicle access to Baylor Medical Center. He spoke to upcoming pavement improvements and the need to close a portion of the North Tollway Road. Mr. Neal spoke to designing signal timing to address the goals of reducing delays, improving air quality and reducing the number of stops. He spoke to plans to retime signals, finding scenarios to optimize timing, the use of wireless computer systems and using smaller zones to offer better control. Mr. Neal spoke to savings realized in terms of time, fuel consumption and operation costs and advised he would bring results back to the Council. He spoke to consideration of *adaptive signal control* where data is collected at various times rather than just the peak am/pm times, to developing regional management strategies and data sharing.

Mr. Neal responded to Council Member Dunlap that when an approaching vehicle causes a signal change, it is in sequence to the thoroughfare and responded to Mayor Pro Tem Johnson regarding the benefits and drawbacks of a video detection traffic system.

### **Comprehensive Monthly Financial Report**

Director of Finance McGrane advised that September 2006 represents the preliminary year-end report and stated that year-to-date revenues of most funds were ahead with most expenditures within or slightly behind budget. He spoke to positive balances in the General, Water/Sewer and Municipal Drainage funds, the increase in sales tax revenues, decrease in unemployment, reduction in the inventory of homes on the market and growth in hotel/motel revenues. Mr. McGrane advised that the City's portfolio would not have a significant increase until receipt of property tax revenues and a bond sale in early 2007.

### **Presentation Regarding Updated City of Plano Logo**

Director of Public Information Helt advised that the current logo was created in 1979 as part of a City-sponsored design contest and stated that rather than take a different direction, Staff has developed an updated design. She spoke to the two year project, efforts to avoid confusion with the Plano Centre logo, and use of the logo throughout the City. Ms. Helt spoke to principles of flag design including keeping it simple with two to three colors and presented the updated design which incorporates existing elements but places the star on a rising trail to indicate the City of Plano as the “rising star” of the Metroplex and utilizes slightly darker colors. Ms. Helt spoke to removal of a light blue trail originally proposed, design work done in-house, and receipt of consultant input via a contest entered through the Texas Association of Municipal Information Officers. She spoke to positive feedback received since the design has been implemented on the City’s web site, preserving Plano’s past while adding a contemporary look and projecting the City into the future. Ms. Helt spoke to implementation and logos updated by other municipalities.

Mayor Evans spoke regarding keeping the lighter blue in the design and Deputy Mayor Pro Tem Magnuson spoke to making the trail more narrow. Ms. Helt responded to Council Member Stahel that the change was made to update the design and make it more contemporary. Council Member Callison spoke in favor of the rising star design. Council Member Ellerbe spoke in support of the current logo.

By a narrow consensus, the Council directed staff to move forward.

Council Member Ellerbe spoke in support of the new flag, but stated concern regarding the design when utilized on water towers or fleet vehicles where the “P” may not be easily discerned. Mayor Pro Tem Johnson spoke in support of the current logo with the star in a vertical position and to incorporating brighter colors if that is a concern. Council Member Dunlap stated that he is not necessarily against the change, but not in favor either and advised he would be fine if the majority is in support.

Council Member Callison spoke to this being the right time to make a change, Council Member LaRosiliere spoke to this signifying a new phase in the City, Mayor Evans spoke to phasing in the change over time. Council Member Stahel spoke to outlining the white trail with a thicker line so that the “P” is more defined. Ms. Helt advised that the light blue trail was taken out due to cost concerns and advised that Staff will bring back recommended revisions for further consideration.

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

No items were discussed

## **Consent and Regular Agendas**

Council Member Stahel requested that Consent Agenda Items “C,” purchase of maintenance and support of HP printers and servers and “D,” purchase of IBM i550 be removed for individual consideration and stated that he will be stepping down due to possible conflicts of interest.

Citizen Dwayne Clark requested that Consent Agenda Item “J,” an agreement between the City and the Shops of Legacy, L.P. for funding in part for the Lights of Legacy be removed for individual consideration.

## **Council Reports**

This item was passed over.

## **COMMENTS OF PUBLIC INTEREST**

No one appeared to speak.

## **BOARD/COMMISSION REPORTS**

Youth Advisory Commission Chair Kayla Moore spoke to the board’s mission to be the voice of the Plano teen community by exploring issues and developing activities which will promote positive youth relations with and for the City of Plano. She advised that membership is made up of teens from the three senior high schools, five high schools and the private high school and that members serve two, one-year terms.

Ms. Moore reviewed projects including the annual Christmas parade, mock alcohol-related car crashes before prom and spoke regarding the Emmy won by the Plano Television Network for last year’s coverage of the “crash.” She spoke to development of the *Make a Difference Program* presented to fifth graders at Weatherford and Hedgcoxe Elementary to provide information regarding the transition from elementary to middle school and stated that the program will be expanded to as many schools as possible. Ms. Moore spoke to expanding the program to include parents, assistance with Kid’s Night Out at the Plano Market Square, and attendance at the “Gatekeeper Program” designed to recognize and respond to teens showing signs of crisis. She spoke to members being required to attend one City Council meeting per term on the board, YAC Fest in the spring and Government Day where YAC members visit various departments to learn about City operations and functions.

## **CONSENT AGENDA**

Upon a motion made by Mayor Pro Tem Johnson and seconded by Deputy Mayor Pro Tem Magnuson, 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)]

October 9, 2006  
October 10, 2006

**Approval of Expenditures**

**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 purchase of sports field lighting equipment for Enfield Park Ball Field Lighting Improvements, including installation, fixtures, wiring, switch gear, and controls in the amount of \$748,136 from Techline Sports, L.P., through the Texas Association of School Board Purchasing Cooperative Program, Contract #204-04, and authorizing the City Manager to execute any and all documents necessary to effectuate this purchase. [Consent Agenda Item (B)]

To approve a one-time purchase of a Movable Shelving and Storage System for the Police Property and Evidence Unit from Metroplex Office Systems in the amount of \$45,256. [Consent Agenda Item (E)]

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

To approve a Professional Engineering Services Contract by and between the City and Wier & Associates, Inc., in the amount of \$162,300 for the design of Communications Parkway – Parker Road to Spring Creek Parkway and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (F)]

To approve an Engineering Contract by and between the City and Jones & Carter, Inc. in the amount of \$131,550 for Hayfield Drive, Thunderbird Lane, Morton Vale and Cloverhaven Reconstruction and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (G)]

To approve an Engineering Contract by and between the City and Jaster-Quintanilla Dallas, LLP in the amount of \$60,555 for design of construction plans and related services for the construction of Headquarters Drive - Parkwood Boulevard to Preston Road and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (H)]

To approve the terms and conditions of an Engineering Services Contract by and between the City and Alan Plummer Associates, Inc. in the amount of \$104,555 for design of Alma Drive and Parker Road Drainage Improvements and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (I)]

### **Subdivision Improvement Agreement**

To approve the terms and conditions of a Subdivision Improvement Agreement by and between the City of Plano, Texas, and Newmark Homes, L.P. for off-site paving improvements in Cloverhaven Way and Bright Star Way. [Consent Agenda Item (K)]

### **Change Order: (Change to current City of Plano contract allowable under State law)**

To Duit Construction Company, Inc., increasing the contract by \$132,949 for the Alma Road Whitetopping Street Resurfacing, Change Order No. 1. (Original Bid No. 2006-112-B). [Consent Agenda Item (L)]

### **Adoption of Resolutions**

**Resolution No. 2006-10-14(R):** To approve the terms and conditions of Agreements between the City of Plano, Texas, and various Heritage Preservation organizations which render services that are beneficial to the public and serve a valid public purpose in the total amount of \$544,089; authorizing the City Manager to execute such agreements with these organizations for the provision of support of Heritage Preservation; and providing an effective date. [Consent Agenda Item (M)]

**Resolution No. 2006-10-15(R):** To approve the terms and conditions of the Funding Agreements between the City of Plano, Texas, and six special events in the total amount of \$254,437, authorizing the City Manager to execute such agreements; and providing an effective date. [Consent Agenda Item (N)]

**Resolution No. 2006-10-16(R):** To approve the terms and conditions of the Funding Agreements between the City of Plano, Texas, and various arts organizations, which all render services that are beneficial to the public and serve a valid public purpose in the total amount of \$601,301; authorizing the City Manager to execute such agreements with these organizations for provision of support of the arts; and providing an effective date. [Consent Agenda Item (O)]

**Resolution No. 2006-10-17(R):** To approve an annual contract with renewals for the purchase of additional DriveCams and driving feedback systems for implementation on City operated vehicles in an estimated annual amount of two hundred thirty-seven thousand six hundred fifty dollars (\$237,650) from DriveCam Inc., the sole source vendor of such equipment and services; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the contract; and providing an effective date. [Consent Agenda Item (P)]

**Resolution No. 2006-10-18(R):** To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, and the Texas Municipal League for Intergovernmental Insurance Pool; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement; and providing an effective date. [Consent Agenda Item (Q)]

**Resolution No. 2006-10-19(R):** To approve the terms and conditions of an amendment to Municipal Maintenance Agreement for the furnishing, installing, operation and maintenance of cameras on State Highway Rights-of-Way to monitor compliance with traffic-control signals by and between the State of Texas and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (R)]

### **Adoption of Ordinances**

**Ordinance No. 2006-10-20:** To approve the carrying forward of Fiscal Year 2005-2006 funds to Fiscal Year 2006-2007; and providing an effective date. [Consent Agenda Item (S)]

**Ordinance No. 2006-10-21:** To abandon all right, title and interest of the City, in and to a portion of those certain easements being a fifteen foot (15') sanitary sewer easement recorded in Volume 4111, Page 2589, a fifteen foot (15') sanitary sewer easement recorded in Volume 4565, Page 0031 and a sixty foot (60') temporary drainage easement recorded in Volume 4111, Page 2605 of the Land Records of Collin County, Texas and being situated in the Collin County School Land Survey No. 7 Survey, Abstract Number 153 and being located north of McDermott Road and east of Ohio Drive; which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such right-of-way to the abutting property owner, Pasquinelli Portrait Homes–The Enclave at Willow Crest LP, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (T)]

**Ordinance No. 2006-10-22:** To amend the Plano Code of Ordinances, Chapter 12, Motor Vehicles and Traffic, Article V, Stopping, Standing, and Parking, Section 12-101, Prohibited on certain streets at all times, to prohibit stopping, standing, or parking of motor vehicles on both sides of Alliance Boulevard between Preston Road and Allied Drive within the City limits of the City of Plano; declaring it unlawful and a misdemeanor to stop, stand, or 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 (U)]

**Ordinance No. 2006-10-23:** To repeal Ordinance No. 2003-9-44, codified as Sections 18-32, 18-33, and 18-34 of Article II, Collection Charges, of Chapter 18, Solid Waste of the Code of Ordinances of the City of Plano, Texas; establishing a revised schedule of rates and charges for solid waste disposal and collection applicable to residential and commercial accounts; and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (V)]

### **END OF CONSENT**

Due to possible conflicts of interest, Council Member Stahel stepped down from the bench on the following two items which were considered concurrently.

**Purchase from Existing Contract/Agreement:** To authorize the purchase of maintenance and support of HP printers and servers in the amount of \$31,371 from Hewlett-Packard Company through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-BUSOP-178) [Consent Agenda Item (C)]

**Purchase from Existing Contract/Agreement:** To authorize the purchase of IBM i550 in the amount of \$260,145 from Sirius Computer Solutions through TXMAS Contract, and authorizing the City Manager to execute all necessary documents. (TXMAS-4-70080) [Consent Agenda Item (D)]

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member LaRosiliere, the Council voted 7-0 to authorize the purchase of maintenance and support of HP printers and servers in the amount of \$31,371 from Hewlett-Packard Company through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents and to authorize the purchase of IBM i550 in the amount of \$260,145 from Sirius Computer Solutions through TXMAS Contract, and authorizing the City Manager to execute all necessary documents

Council Member Stahel resumed his place at the bench.

**To approve an Agreement** between the City of Plano and the Shops of Legacy, L.P. whereby the City will provide funding in part for The Lights of Legacy. The City will contribute \$60,000 for this annual event benefiting the Children's Medical Center Legacy. [Consent Agenda Item (J)]

Citizen Dwayne Clark stated opposition to spending tax payers' money on the Shops at Legacy Lighting Program. Mayor Evans spoke to supporting the lighting ceremonies both downtown and uptown for the citizens of the City.

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member Ellerbe, the Council voted 8-0 to approve an agreement between the City of Plano and the Shops of Legacy, L.P. whereby the City will provide funding in part for The Lights of Legacy.

**Public Hearing and adoption of Ordinance No. 2006-10-24** to designate a certain area within the City of Plano as Reinvestment Zone No. 94 for a tax abatement consisting of a 4.0782 acre tract of land located at the west right-of-way line of Preston Road and the north right-of-way line of Headquarters Drive, in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (1)]

**Ordinance No. 2006-10-24 (cont'd)**

Director of Finance McGrane advised that this item would establish a tax abatement with NYLO Hotels, LLC for an 88,500 square foot facility and that personal property improvements will be \$600,000 and real property of \$11 million. He stated that the abatement would be for five years at 25% and that it is expected to have 68 employees.

Mayor Evans opened the Public Hearing. Dwayne Clark, citizen of the City, spoke in opposition to the request and stated concern regarding giving money to private companies for tax abatements as it provides an unfair competitive advantage. He spoke to keeping the tax base high and giving breaks to all businesses and citizens. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison the Council voted 8-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 94 for a tax abatement consisting of a 4.0782 acre tract of land located at the west right-of-way line of Preston Road and the north right-of-way line of Headquarters Drive, in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2006-10-24.

**Resolution No. 2006-10-25(R):** To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District and NYLO Hotels, L.L.C., a Delaware Limited Liability Company, and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (2)]

Director of Finance McGrane responded that he did not have information regarding other sites considered.

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 8-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District and NYLO Hotels, L.L.C., a Delaware Limited Liability Company, and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-10-25(R).

**Public Hearing and adoption of Ordinance No. 2006-10-26 as requested in Zoning Case 2006-22** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 578 so as to allow the additional use of Day Care Center on one lot on 0.1± acre of land located 110± feet north of Chapel Hill Boulevard and 1,418± feet east of Midway Road in the City of Plano, Collin County, Texas, presently zoned Regional Commercial; 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. Applicant: Kiddin' Around Property Management Corporation [Regular Agenda Item (3)]

Director of Planning Jarrell advised the Council that the request would be for a “drop in” daycare and that the Planning and Zoning Commission recommended approval of the request subject to the following stipulation: “Day care shall be provided for less than four hours per day for an individual person. However, the day care facility may operate multiple sessions of four hours or less in length.” She further stated that the Commission waived the requirement for outdoor play space. The applicant advised regarding the hours of operation.

Ms. Jarrell responded to Council Member Dunlap that enforcement is done on a complaint basis and spoke regarding similar facilities in the City. She responded to Council Member LaRosiliere regarding the stipulation that outdoor play space may be waived if care is less than four hours per day as being included in the City’s Zoning Ordinance and spoke regarding the center providing indoor play space. Council Member Ellerbe spoke to there being no way to provide monitoring of the time children spend at the facility.

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 Stahel and seconded by Council Member Callison, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 578 so as to allow the additional use of Day Care Center on one lot on 0.1± acre of land located 110± feet north of Chapel Hill Boulevard and 1,418± feet east of Midway Road in the City of Plano, Collin County, Texas, presently zoned Regional Commercial as requested in Zoning Case 2006-22 and as recommended by the Planning and Zoning Commission; 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; and further to adopt Ordinance No. 2006-10-26.

**Public Hearing and adoption of Ordinance No. 2006-10-27 for Comprehensive Plan Revision** – To adopt the updated Utilities Element of the Comprehensive Plan, amendments to the text as originally adopted by Resolution No. 87-2-21(R); approving the utilization of said element as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date. Applicant: City of Plano [Regular Agenda Item (4)]

**Ordinance No. 2006-10-27 (cont'd)**

Senior Planner Sims described the Utilities Element of the Comprehensive Plan as a guideline for decision-makers regarding water and wastewater systems. He spoke to the last update done in 1992 and the need to reflect current needs and trends for utility services and the contributions made by various City departments. Mr. Sims spoke to the development of objectives and strategies, organization of information under the themes of the Comprehensive Plan, reformatting of text, shifting the focus to system maintenance, increased emphasis on water conservation and storm water management and private utilities/energy resources. He spoke to providing adequate utility services and looking at the long-term status of the Impact Fee Program and the Water Conservation Program and stated that the Planning and Zoning Commission recommended approval as submitted.

Mr. Sims responded to Council Member Dunlap regarding inclusion of a comparison with other cities in the Metroplex and spoke to the trend to providing more detailed information. He responded to Council Member Stahel regarding conservation and spoke to the legislature's upcoming consideration of an alternative to the "take or pay" system. Mr. Stahel spoke to following up in the coming months regarding finding an alternative. City Manager Muehlenbeck spoke to possible revisions in enforcement by the Property Standards Department to make allowance for the length of native Texas grasses should they be used in landscaping.

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 Deputy Mayor Pro Tem Magnuson, the Council voted 8-0 to adopt the updated Utilities Element of the Comprehensive Plan, amendments to the text as originally adopted by Resolution No. 87-2-21(R); approving the utilization of said element as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date; and further to adopt Ordinance No. 2006-10-27.

**Presentation, direction and adoption of Resolution No. 2006-10-28(R)** regarding a Coalition Membership for TXU Coal Plants: A Resolution to approve the bylaws of the Texas Clean Air Cities Coalition (the "Coalition") or coalition of cities and other local government entities and organizations formed to pursue mutual interests in respect of certain coal-burning electric power plants proposed for construction in Texas, and to preserve the rights of Texas local governments to protect their air quality and their access to sufficient and reasonably priced electric energy; accepting membership in said coalition; appointing a representative to serve on behalf of the City of Plano; approving payment of a membership assessment; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (5)]

City Manager Muehlenbeck advised the Council that this item is an opportunity for the City to participate with the cities of Dallas and Houston in the formation of a coalition calling for more detailed studies to be done on a number of new coal-fired plants being planned by TXU.

**Resolution No. 2006-10-28(R) (cont'd)**

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, the Council voted 8-0 to approve the bylaws of the Texas Clean Air Cities Coalition (the "Coalition") or coalition of cities and other local government entities and organizations formed to pursue mutual interests in respect of certain coal-burning electric power plants proposed for construction in Texas, and to preserve the rights of Texas local governments to protect their air quality and their access to sufficient and reasonably priced electric energy; accepting membership in said coalition; appointing a representative to serve on behalf of the City of Plano; approving payment of a membership assessment; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-10-28(R).

**Presentation and Direction** regarding City of Plano Smoke Free Ordinance [Regular Agenda Item (6)]

Director of Health Collins spoke regarding the current smoking ordinance and requested the Council direct the development and implementation of a smoke-free ordinance that prohibits the smoking of tobacco in enclosed public areas, in schools and in the workplace. He advised that the recommendation is based on public health evidence which states that there is no risk-free exposure to second-hand smoke and that a smoke-free environment is the only way to fully protect non-smokers. Mr. Collins recommended consideration of an ordinance similar in scope to the one in place in the City of El Paso and responded to Council Member LaRosiliere that there are 75 establishments in the City that have ventilation equipment installed and would be affected.

Mr. Collins advised that the proposal eliminates smoking in public establishments and places of employment, guarantees the right of non smokers to breath smoke-free air and recognizes this has priority over the choice to smoke. He stated that in El Paso smoking is prohibited in all indoor enclosed public areas as well as in the workplace and further that it makes enforcement the responsibility of the employer. Mr. Collins stated that exceptions would be private residences, no more than twenty-five percent of hotel/motel rooms, private functions in a public facility and outdoor areas. He responded to Council Member LaRosiliere that an exception would be made for stand alone retail tobacco stores.

Mayor Evans spoke to formation of an advisory committee and City Manager Muehlenbeck advised that Staff could identify stakeholders. The Council stated a consensus to move ahead requesting Staff return with a list of persons to consider for appointment and directed the El Paso ordinance be used as a starting point.

**Discussion and Direction** regarding the funding for The Plano Santa's Parade. [Regular Agenda Item (7)]

Citizen of the City Howard Yonce spoke to the Plano Santa's providing assistance to those in need during the holidays and stated that revisions in the special events ordinances have caused expenses of the Christmas parade to increase. He spoke to the need for a change in venue, described the new route and requested assistance from the City in the amount of \$7,775 for police officers and barricades. Marketing and Special Event Coordinator Conklin advised that the revised special event ordinance requires officers to be paid at fair labor standards rather than a flat rate and that the change in route resulted in a \$1,000 increase. She spoke to future consideration of the July 4<sup>th</sup> parade and stated that Staff has made the organization aware of the small grant process for next year's event. City Manager Muehlenbeck advised Mayor Evans that while the item is not included in the current budget, it can be provided at Council's direction.

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member LaRosiliere, the Council voted 8-0 to provide funding for The Plano Santa's Parade in the amount of \$7,775.

There being no further discussion, Mayor Evans adjourned the meeting at 9:52 p.m.

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**Pat Evans, MAYOR**

ATTEST:

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**Elaine Bealke, City Secretary**