

**PLANO CITY COUNCIL**  
**December 10, 2001**

**COUNCIL MEMBERS**

Jeran Akers, Mayor  
Rick Neudorff, Mayor Pro tem  
Phil Dyer, Deputy Mayor Pro tem  
Shep Stahel  
Scott Johnson  
Steve Stovall  
Jim McGee  
Ken Lambert

**STAFF**

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

Mayor Akers convened the meeting into open session on Monday, December 10, 2001, at 7:01 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Dr. Jeff Nyberg, Senior Pastor from Cornerstone Baptist Church of Plano.

The Pledge of Allegiance was led by Men of Note.

**STATE OF THE CITY PRESENTED BY MAYOR JERAN AKERS**

Mayor Akers spoke regarding the challenges of the last year including the tragic events of September 11, the blessings of our nation, state and City, the importance of responsive and efficient leadership, thanked the City Council for their service, addressed the Staff's decisions and implementation of policy including the Police, Fire and Emergency Medical Services personnel, thanked the citizenry for allowing him to serve as Mayor and spoke regarding the hundreds of volunteers that have had a positive impact on the City and regarding their contribution in reducing the tax burden by over \$850,000. He stated that there has been an update of the Emergency Preparedness Plan, and efforts are moving forward looking into establishing a civil defense-type system and that the bio/chemical hazmat team is prepared and ready.

Mayor Akers spoke regarding experiencing another record year of new property added to the tax rolls, skillful management of resources, reducing the tax rate for the second year in a row and stated that Plano has one of the lowest rates in the Metroplex. He spoke to the 3,400 acres of open space, parkland, recreational programs and stated that with the bond approval in May, 2001, there will be further expansion of parkland.

Mayor Akers spoke regarding the partnership between the government and the businesses in Plano and the job fair held in conjunction with the Chamber of Commerce and Collin County Community College. He spoke to the "Shop Plano First" program, addressed the efforts of Staff and the Plano Economic Development Board in bringing in new business, retention, and the creation of the Mayor's Quarterly Breakfast to visit with existing businesses to learn of their problems and what assistance might be offered for retention.

Mayor Akers spoke regarding the efforts of the Solid Waste Department in keeping the City clean, stated that Plano continues to lead the state in recycling programs winning the Governor's Achievement Award and \$50,000 and there are plans to expand the recycling program to include more businesses and apartments.

Mayor Akers spoke regarding the televising of Council and Planning and Zoning Commission meetings, the work to begin video streaming and *Mayor's Office Hours*, which offer any citizen the opportunity to visit with the Mayor. He stated that there will be four Neighborhood Roundtables per year and spoke regarding his request for Mayor Pro tem Neudorff and Council Member Johnson to work with the Leadership Plano Alumni Association to create a New Citizens Orientation and Integration Program.

Mayor Akers spoke to improved traffic mobility resulting from efforts of the Transportation Division, the aggressive enforcement of speed limits and red-light running in reducing traffic fatalities, and pointed out that these efforts have produced better traffic flow and cleaner air.

Mayor Akers stated that the Council cares about those they serve, supports affordable housing through Habitat for Humanity, Plano Housing Corporation, and shares with those less fortunate through the Samaritan Inn, Hope's Door, City House and others. He spoke to on-line payment of water utility bills, implementation of a more efficient and cost-effective method of meter reading, efforts by Municipal Court to provide on-line payment of fines/citations and stated that through the use of technology, Plano remains a City with one of the lowest number of employees per 1,000 citizens in the Metroplex.

Mayor Akers spoke regarding monthly meetings held with the mayors of Allen, Frisco and McKinney to discuss items of mutual concern and their announcement of the formation of a Citizen's Steering Committee to help create a Regional Arts District to include an arts hall and possibly a science museum proposed by the Junior League. He spoke regarding Robbie Robinson's representation on this committee and his confidence that this will result in a world-class arts center in the near future with the costs shared among the four cities.

Mayor Akers spoke regarding the Plano Independent School District (PISD) and its educational programs offering essential ingredients which businesses need to attract and retain quality employees and to cooperative efforts with PISD. He spoke to working with the school district to phase in increased water costs and to include any school grounds adjacent to City parks on the computerized irrigation system.

Mayor Akers in conclusion cited a letter received from a student from Brampton, Ontario, Plano's sister city in Canada, which spoke to the friendliness of Plano, Council's efforts in creating and maintaining a family-oriented City, its cleanliness, sense of safety, and quality of education. Mayor Akers thanked the citizens and asked for God's blessing on the City of Plano.

## **GENERAL DISCUSSION**

James Russell, speaking for downtown merchants, spoke regarding development in the downtown area and the loss of parking, the partnership entered into with the City wherein merchants agreed to give up parking in order to acquire the new developments and stated that no additional parking has been provided as of yet. He requested that there be consideration of the ramifications the DART station and new area residents might have on the situation before moving forward, and spoke to the area's parking study and the recommended proximity of parking to retail uses. Mayor Akers stated that a response will be made to Mr. Russell and/or it will be addressed by the City Manager on the next agenda.

## **CONSENT AGENDA**

Upon a motion made by Mayor Pro tem Neudorff and seconded by Council Member Lambert, the Council voted 8-0 to approve and adopt the all items on the Consent Agenda as recommended and as follows:

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

November 26, 2001  
December 3, 2001

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

**Bid No. C218-01** for a fixed-price contract for Median and Right-of-Way Maintenance on Dallas Toll Road and Preston Road in the estimated annual amount of \$35,573 for an annual contract with renewals. [Consent Agenda Item (B)] (See Exhibit “A”)

**Bid No. B015-02** for the Carpenter Park Ballfield Lighting Renovations, Phase I in the amount of \$379,523. [Consent Agenda Item (C)] (See Exhibit “B”)

**Adoption of Resolutions**

**Resolution No. 2001-12-4(R):** To repeal Resolution No. 99-8-13(R); and designating a certain area within the City of Plano as Neighborhood Empowerment Zone No. 1; establishing the boundaries of such zone; providing for waiving of certain fees; and providing an effective date. [Consent Agenda Item (D)]

**Resolution No. 2001-12-5(R):** To authorize a payment from the intergovernmental radio fund to the City of Allen pursuant to the interlocal cooperation agreement by and between the cities of Plano, Allen, and Frisco. This agreement provides the terms and conditions for the use of the trunked radio system and the intergovernmental radio maintenance fund; authorizing the approval of payment by the City Manager; and providing an effective date. [Consent Agenda Item (E)]

**Resolution No. 2001-12-6(R):** To approve and authorize revised golf course green fees and equipment rental fees; and providing an effective date. [Consent Agenda Item (F)]

**Resolution No. 2001-12-7(R):** To require all applicants and appointees to City of Plano Boards, Commissions, and Committees as representatives of the City shall not be indebted to the City; and providing an effective date. [Consent Agenda Item (G)]

**Adoption of Ordinances**

**Ordinance No. 2001-12-8:** To amend a section of Ordinance No. 2001-9-10, codified as Article XIX, Fuel Gas Code, Division 1, Section 6-697 of Chapter 6 of the City of Plano Code of Ordinances by correcting the publication name from “International Energy Conservation Code” to “International Fuel Gas Code;” and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (H)]

**Ordinance No. 2001-12-9:** To abandon all right, title and interest of the City, in and to a portion of that certain 40 foot Right-of-Way called County Road Number 113 whose Right-of-Way was obtained through prescriptive rights and being situated in the S.M. Pulliam Survey, Abstract No. 707 and the Chadrick Jackson Survey, Abstract No. 489, which is located south of S.H. 121 and west of Custer Road 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, Collincroft Joint Venture, to the extent of its interests; authorizing the City Manager, to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (I)]

**Ordinance No. 2001-12-10:** To abandon all right, title and interest of the City, in and to that certain temporary drainage easement to serve the Highland Ridge V Addition as recorded in Clerk's File No. 93-0103929 of the Land Records of Collin County, Texas which is located south of McDermott Road and east of Coit Road within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, to the extent of its interests; authorizing the City Manager to execute any documents necessary; and providing an effective date. [Consent Agenda Item (J)]

**Ordinance No. 2001-12-11:** To repeal Ordinance No. 98-9-30 and all other ordinances in conflict herewith; approving, adopting and authorizing execution of the City of Plano, Texas Retirement Security Plan as restated and dated January 1, 2002; providing for all full-time employees presently employed by the City of Plano, Texas, and all future full-time employees of the City of Plano, Texas, to be included in and covered by said Retirement Security Plan as of the effective date of this Ordinance; allowing early retirement after completion of twenty (20) or more years of credited service at any age; and providing a severability clause and an effective date. [Consent Agenda Item (K)]

#### **Approval of Change Order**

To Southlake Construction Services, Inc., increasing the contract by \$55,918 for additional materials and services provided on the Fire Station No. 4 renovation project. Change Order No. 1 (Bid No. B086-01). [Consent Agenda Item (L)]

#### **END OF CONSENT**

**Ordinance No. 2001-12-12:** To provide for continuation of ad valorem taxation of leased motor vehicles; providing for severability; and providing an effective date. [Regular Agenda Item (1)]

**Ordinance No. 2001-12-12 (cont'd)**

Director of Finance McGrane advised the Council of recently enacted State legislation which allows for the exemption from business personal property ad valorem tax on the local level of vehicles that are leased for personal use. He stated that local government does have an option under the legislation to tax those vehicles, but a decision to do so must be approved by January 1, 2002 and that this proposed ordinance represents that continuation. Mr. McGrane stated that the legislation addresses vehicles related to personal use only, anticipated loss of revenue the first year for the City would be approximately \$100,000-125,000, and that vehicles for personal use only have not yet been identified. He stated that if this ordinance is adopted, the Council may at some further point come back and exempt these vehicles. Mr. McGrane responded to Council Member Lambert that all leased vehicles are currently being taxed. Council Member Lambert clarified that this item would not add a tax, but represents a continuation.

Deputy Mayor Pro tem Dyer stated his opposition to the ordinance and his opinion that this represents a tax without much foundation. He spoke to the City collecting no portion of the sales tax on a vehicle that is sold, other cities not taking this action and citizens of Plano paying a penalty.

Council Member Lambert spoke to this item not representing a change over what has been done, regarding revenue shortfalls, and to consideration during the budget process. City Manager Muehlenbeck advised that this revenue was included in the projection included in the current budget.

Mr. McGrane stated that the Council has one opportunity to tax before January of 2002, Council may allow the exemption at any other point in time and that the program does end in 2003 but that it can be extended.

Council Member Stahel spoke in support of staying with the tax and if situations improve he would be open to review.

A motion was made by Council Member Lambert and seconded by Council Member Stovall to provide for continuation of ad valorem taxation of leased motor vehicles; providing for severability; and providing an effective date and further to adopt Ordinance No. 2001-12-12. The Council voted 5-3 with Mayor Pro tem Neudorff, Deputy Mayor Pro tem Dyer, and Council Member McGee in opposition. The motion carried.

**Public Hearing and adoption of Ordinance No. 2001-12-13 as requested in Zoning Case 2001-41** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to grant a request for a Specific Use Permit (SUP) for a Private Club on one lot on 2.2± acres on the north side of West Park Boulevard, 500± feet west of the Dallas North Tollway 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. Neighborhood #40. Applicant: Willow Bend Associates [Regular Agenda Item (2)]

Director of Planning Phyllis Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request, as submitted.

Mayor Akers opened the Public Hearing. Julie Brown, representing the applicant, advised that she was present for questions. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Stovall and seconded by Council Member McGee, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to grant a request for a Specific Use Permit (SUP) for a Private Club on one lot on 2.2± acres on the north side of West Park Boulevard, 500± feet west of the Dallas North Tollway in the City of Plano, Collin County, Texas, presently zoned Regional Commercial as requested in Zoning Case 2001-41 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. 2001-12-13.

**Public Hearing and adoption of Ordinance No. 2001-12-14 as requested in Zoning Case 2001-42** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, expanding Specific Use Permit No. 385 to add a second phase of development onto an existing public storage/mini-warehouse facility; on one lot on 10.0± acres on the southwest corner of Chase Oaks Boulevard and Wagner Way in the City of Plano, Collin County, Texas, 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. Zoned Corridor Commercial with SUP #385. Neighborhood #21. Applicant: Storage USA [Regular Agenda Item (3)]

Director of Planning Phyllis Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request, as submitted. She further spoke regarding the location of the addition and stated that previously the property had been zoned Light-Commercial which allows self storage uses by right but with the change to Corridor Commercial, they now require a specific use permit.

**Ordinance No. 2001-12-14 (cont'd)**

Mayor Akers opened the Public Hearing. Ketan Patel, representing the applicant, advised that he was present for questions. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Lambert and seconded by Deputy Mayor Pro tem Dyer, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, expanding Specific Use Permit No. 385 to add a second phase of development onto an existing public storage/mini-warehouse facility; on one lot on 10.0+ acres on the southwest corner of Chase Oaks Boulevard and Wagner Way in the City of Plano, Collin County, Texas, as requested in Zoning Case 2001-42 and as recommended by 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. 2001-12-14.

There being no further discussion, Mayor Akers adjourned the meeting at 7:41 p.m.

---

Jeran Akers, **MAYOR**

ATTEST:

---

Elaine Bealke, **City Secretary**