

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
January 14, 2008**

COUNCIL MEMBERS

Pat Evans, Mayor
Sally Magnuson, Mayor Pro Tem
Jean Callison, Deputy Mayor Pro Tem
Shep Stahel
Scott Johnson
Loretta 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
Diane Zucco, City Secretary

Mayor Evans called the meeting to order at 5:05 p.m., Monday, January 14, 2008, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Deputy Mayor Pro Tem Callison and Council Member LaRosiliere arrived at 5:07 p.m. Council Member Ellerbe arrived at 5:08 p.m. Mayor Evans then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice and discuss Real Estate, Section 551.072 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting at 6:27 p.m. in the Council Chambers where the following matters were discussed:

Consideration and Action Resulting From Executive Session

No items were brought forward for consideration.

Comprehensive Monthly Financial Report

Director of Finance McGrane spoke regarding the November 2007 report, advising that revenues and expenditures were in line. He spoke to the effects of an audit adjustment, stated that unemployment was down and spoke to concerns related to sales tax collection. Mr. McGrane spoke to trends in the national and regional economy as well as the mortgage industry and declines in commercial and residential permits and water/sewer revenues. He advised that hotel/motel activity is up slightly and spoke to the anticipated bond sale. He spoke to diversification of the portfolio and the average yield doing well as compared to benchmarks.

Update on Water/Sewer Rates

Discussion of this item was deferred until consideration of Regular Agenda Item “1,” an ordinance to amend specific sections of Ordinance No. 2004-9-28 codified as Section 21-133, and Ordinance No. 2007-4-21 codified as Sections 21-135, 21-136 and 21-147, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, to establish the rates for Fire Hydrant Meter Services and increase the fee schedules for Water and Sewer Services effective February 1, 2008.

Update on Public Art Project for Municipal Libraries

Public Art Committee Chair Drotman spoke to the 2005 Texas Poet Laureate being Plano resident Alan Birkelbach and the decision to develop art for the libraries based on his pieces. He advised that Mr. Birkelbach has written a series of poems reflecting Plano life as the inspiration; spoke to each piece being unique but containing a common thread and to the total cost of \$180,000. Mr. Drotman advised regarding the art selection process in which each library chose a poem, a call to artists was conducted and there was review by an Artist Selection Panel followed by a poetry reading and Community Input Meeting. He advised that Teresa Camozzi was awarded the contract and subsequently visited Plano, proposed designs to the Public Art Committee and presented them to the Library Advisory Board. Mr. Drotman spoke to the next steps including development of a contract for fabrication.

Cultural Program Coordinator Eubanks spoke to the location of pieces at each of the libraries while providing a description of the artwork and Mr. Birkelbach read an excerpt from each of the poems. Council Member Ellerbe commended Staff and the board for their efforts and Ms. Eubanks advised regarding anticipated completion in the fall/winter of 2008.

Presentation Regarding Municipal Setting Designation

City Engineer Upchurch spoke to the City being approached by a developer requesting the establishment of a Municipal Setting Designation (MSD) on a piece of property. He advised that an MSD is a procedure provided to allow the Texas Commission on Environmental Quality (TECQ) to minimize some environmental mitigation cleanup required on properties as they redevelop. Mr. Upchurch spoke regarding the process including public meetings and application to the City and advised if the Council approved establishment, it would be completed following Public Hearing and adoption of an ordinance to prohibit the use of ground water from that site for potable purposes. He spoke to TECQ then completing more detailed environmental analysis.

Mr. Upchurch advised that Staff’s recommendation is to approve the process which would be done in an administrative fashion without technical review of the application, spoke regarding the current ordinance prohibiting the use of water wells for potable purposes and advised that an ordinance adopted for an MSD would be filed with the county. He proposed an administrative fee of \$5,000 with the property owner being responsible for any publication costs and advised that with Council direction, Staff will prepare documents to put a process in place. City Attorney Wetherbee spoke to the role of the Council to limit access to ground water with any other mitigation of the property being addressed by the TECQ.

Mr. Upchurch advised the Council that while the current City ordinance may be revised, an MSD would be filed with the county similar to a deed restriction and run with the land. The Council concurred in directing Staff to prepare documents for their consideration.

Council Items for Discussion/Action on Future Agendas

No items were discussed.

Consent and Regular Agendas

Council Member Dunlap advised that due to possible conflicts of interest he would be stepping down on Consent Agenda Items "C," Bid No. 2008-29-B for 15th Street and Miscellaneous Drainage Improvements to RKM Utility Services, Inc., in the amount of \$1,384,706 and "E," Bid No. 2008-32-B for Arterial Concrete Pavement Rehabilitation Project – Plano Parkway to Jim Bowman Construction Company, L.P., in the amount of \$464,900.

Council Reports

Council Member Ellerbe advised that the Regional Transportation Council has not addressed how to handle Plano's receipt of credit for monies put into S.H. 121 and stated she would follow up. City Manager Muehlenbeck spoke to the Collin County Transportation Summit covering many of the issues previously discussed by the Council, included funding of the Parker Road overpass and advised that without the North Texas Tollway Authority payment to the state related to S.H. 121 very few projects would be constructed in the region for a while. Mayor Evans spoke to indexing of the gasoline tax.

Nothing further was discussed. Mayor Evans adjourned the Preliminary Meeting at 7:03 p.m.

Pat Evans, Mayor

ATTEST

Diane Zucco, City Secretary