

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
May 14, 2007**

COUNCIL MEMBERS

Pat Evans, Mayor
Scott Johnson, Mayor Pro Tem
Sally Magnuson, Deputy Mayor Pro Tem
Shep Stahel
Loretta Ellerbe
Harry LaRosiliere
Jean Callison
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, May 14, 2007, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Stahel. Council Member Callison arrived at 5:09 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 Litigation, Section 551.071 for which a certified agenda is not required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting at 5:38 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.

Flagpole Height Regulations

Director of Planning Jarrell advised that regulations regarding the height of flagpoles are scattered throughout the Zoning Ordinance and spoke to recent requests received for variances to allow heights greater than fifty feet. She spoke to the current need for the Board of Adjustment to find that there is a "hardship" in order to grant a variance and to these running with the land.

Ms. Jarrell advised that the options would be to allow the Board of Adjustment sole authority over height variances or to place the regulations in the Code of Ordinances to allow for Council consideration. The Council discussed consideration by the Board of Adjustment.

Ms. Jarrell advised in response to Council Member Dunlap that should the regulations be moved to the Code of Ordinances, the Council would not be as constrained as the Board of Adjustment. She provided examples of prior cases and spoke to the requirement that the Board only grant a variance in the case of a hardship. Chief Building Official Mata spoke to consideration of unusual constraints of a site such as visibility. He spoke to the limited number of requests received, consideration of a recent request, and the height restriction of fifty feet. Mayor Evans spoke to review of requests by the Council.

City Attorney Wetherbee spoke to the Council considering the type of criteria to be included in regulations including distance requirements, noise, etc. City Manager Muehlenbeck spoke to the setting of standards and Deputy Mayor Pro Tem Magnuson spoke to Staff considering the safety aspects of large flags. Ms. Jarrell responded to Council Member Ellerbe, stating that there are no current restrictions on the size of the flag, but that it would depend on the wind load and strength of the support structure. Mayor Evans requested Staff bring forward a recommended group of standards for further direction.

Historic Downtown Plano Update

Downtown Planner Hubach advised the Council that the recommendations of the Downtown Taskforce were that merchants in the area consider developing a marketing plan, maximizing the presence of the DART rail station, conducting major community events, recruiting new businesses, managing parking and establishing a formal downtown association. He spoke to the Historic Downtown Plano Association (HDPA) working to receive their 501(c)3 status, implementing a new membership dues structure, electing new officers and creating committees for marketing, communication and fundraising.

Mr. Hubach spoke to marketing efforts including the creation of a brochure, updating of kiosks, and development of advertising plans to appear throughout the state. He spoke to events held including Trick Art Treat, Plano International Festival, Dickens Festival and AsiaFest. Mr. Hubach spoke to a number of events that have been postponed and advised regarding the development of "Second Saturdays" sponsored by the HPDA which would be a district-wide "block party" type of event. He spoke to recent and future business openings, a *Wayfinding* signage system to navigate visitors, field trips for merchants to area downtown districts, coordination with DART on advertising and a web site developed by HPDA.

President of the Historic Downtown Plano Association Rick Baldelli thanked Staff and the City for their support, spoke regarding the improvement in occupancy of buildings in the Downtown area, increased involvement by merchants and to being encouraged by the progress.

Mr. Hubach responded to the Council, stating that merchants are encouraged to stay open during events, but are usually not open on Sundays. Mr. Baldelli spoke to the increase in his hours of operation and to a paradigm shift that may occur as more buildings are occupied. Council Member Callison spoke to using sponsorship efforts to target specific groups and Mr. Hubach spoke to some merchants considering a “ladies night event.”

Mr. Hubach responded to Council Member LaRosiliere regarding the vision of the Downtown area stating that he sees it as a type of neighborhood and entertainment district with restaurants, attractions and retail opportunities. Mr. Baldelli spoke to the Downtown area being accessible and multi-use operations being attainable with a sense of balance. Mr. Hubach responded to Council Member LaRosiliere, advising regarding the marketing packet, to determining what merchants’ visions are for the properties and providing them information regarding services they might provide to the area. Mr. Baldelli spoke to attempts to acquire an anchor store, and Mr. Hubach spoke to spaces being occupied along 15th Street and looking to the future.

Historic Building Demolition Delay Ordinance

Long Range Planning Manager Zimmerman introduced Heritage Commission Chair Justin Nichols who advised the Council that the Commission is seeking direction regarding preventing demolition of designated heritage resource sites and to adding a formal process for review and approval of Preliminary Certificates of Appropriateness. He spoke to the demolition denial concept previously presented to the Council, concerns regarding requiring personal information to determine “economic hardship” and to the Commission’s desire to protect critical resources. Mr. Nichols advised that the proposal would apply only to individually designated properties, stated that for residential properties no income information would be required and for commercial properties a documented CPA’s report but no IRS documentation would be required. He spoke to the need for a consultant to review economic information at a cost of \$10,000-\$15,000 per application and responded to City Manager Muehlenbeck that the Commission recommended a consultant as it would offer an unbiased analysis. Mr. Zimmerman spoke to the lack of a Staff member at this time to do the analysis and to an independent review helping to withstand court challenges. City Attorney Wetherbee spoke to the need for expertise in an evaluation and the importance of showing that the proper steps have been taken. Council Member Ellerbe spoke to Staff making a preliminary review to defray some costs. Mr. Nichols advised that if a request were denied, the applicant may appeal to the Council, but that costs would already have been incurred.

Mr. Nichols responded to Mayor Pro Tem Johnson, stating that the current ordinance allows for delay, but that this amendment would provide the City the ability to deny a request for demolition. He stated that if a request were denied, the owner would be encouraged to maintain the property under the terms of their tax exemption and/or the Property Standards codes and advised that the Commission has not heard a case of this type during his tenure. Mr. Zimmerman responded to Mayor Evans, stating that should an owner desire to remove a portion of the building it would be considered alteration rather than demolition and that the Commission would look at the specific amount to be torn down in relationship to the total size of the building.

Mr. Zimmerman advised that currently no percentage exists that would trigger consideration of demolition, but that this could be reviewed and spoke to the portion of the building removed being as important as the percentage. Mayor Evans spoke to including a notation in the proposed ordinance. Mr. Zimmerman advised the Council regarding the estimate of the consultant's costs and Council Member Ellerbe spoke to receiving more definitive information.

City Attorney Wetherbee responded to the Council that these properties can be denied demolition since owners had requested designation and received benefits and spoke to the level of expertise needed to ensure that the City has relied on the proper information. Mr. Zimmerman spoke to the process for properties to relinquish their heritage resource designation. He responded to Council Member Ellerbe stating that the current ordinance does not prevent teardowns, but delays them allowing for other options including moving the structure or finding another owner. Mr. Zimmerman advised that under the proposed ordinance they could be restricted from removal or demolition. Mayor Evans requested Staff bring the item back for further consideration. She advised that there were no objections regarding the recommended revision to the need for personal information.

Mr. Nichols spoke to establishment of a process for approving a Preliminary Certificate of Appropriateness which would allow the applicant and the Commission to reach agreement on site layout, building form, style and key architectural features with final details considered in the final Certificate of Appropriateness. Mayor Evans spoke in support of this request and the Council noted no opposition.

Employee Health Clinic Update & Final Report - Presentation Regarding Proposed Occupational Resource Center

Executive Director Hogan spoke to the City looking into operating an employee health clinic and consideration of a final report along with a presentation regarding a proposed Occupational Resource Center as part of the worker's compensation program. He spoke to the resource center testing some of the parameters of the clinic concept.

Gijs van Oort, PhD of Pactiva Health spoke to the objective of providing a convenient and user-friendly health clinic for employees and their dependants which would favorably impact costs related to the City's health plan, worker's compensation, wellness program and pre-employment physicals. He spoke to testing the clinic's operating costs against current reimbursement rates and findings that it would be a positive proposition, inventory of peer clinics which are relatively new but enjoy high popularity, and the clinic's impact on existing providers which indicated that hospitals are in support and that the clinic will not significantly impact any one provider. Dr. van Oort spoke to the current plan not providing chronic disease management or prevention services and stated that clinic visits would be replacement services rather than duplicative and findings that over 90% of employees would be interested in utilizing the clinic.

Dr. van Oort spoke to whether the City should operate the clinic or utilize an outside company and advised regarding responses received from an RFP indicating that: vendors can operate the medical aspects; costs for the first three years would be higher than for an internally operated clinic; there would be discrepancies between the quality/depth of services offered by vendors; and that they would not be duplicative to those under the current health plan. He spoke to the recommendation to look at a pilot approach by development of the Occupational Resource Center (ORC) as proposed by Risk Management to: verify the clinic response for a small, but defined employee segment; optimize the interplay of medical care with preventative and chronic disease areas; create seamless interplay between the ORC contractor, medical staff and City administration; and create outcomes supporting the rollout of a larger clinic concept.

Risk Manager Page advised that the components of the ORC would be an on-site claims processing unit and on-site medical care of non-urgent or life-threatening work related injuries. He spoke to the reduction of worker's compensation claims, consideration of employees holistically, identification of risk factors and targeted reduction of contributors. Mr. Page provided a comparison of costs and outcomes and advised that utilizing the ORC employees would come back to work with tools to reduce/prevent recurrent conditions and there would be a reduction in costs. He advised that the ORC would provide the first level of care, prompt management and return to work for all work-related injuries, identification and management of underlying causes of injuries, education on safe work environments and optimal health management, one-stop service delivery, focused services in line with federal state and local guidelines for confidentiality and establishment of benchmarks and cost justifications for future expansion. Mr. Page advised that upon Council approval, Staff would move forward to prepare a budget and enter into a contract for management of the center, stating that the proposal would require no new funding, but a reallocation of committed dollars.

Mr. Page spoke to consideration of a location at Park Boulevard and K Avenue which could also be utilized by the Health Department in the case of a disaster. Dr. van Oort provided clarification to the Council regarding the results of the employee surveys and advised that Presbyterian Hospital of Plano and Medical Center of Plano were the hospitals contacted. He spoke to the different types of services the clinic will provide as compared to emergency room care. Dr. van Oort responded to the Council regarding challenges experienced in other cities and stated that once the fear of confidentiality is addressed, there are few other barriers to overcome. Mr. Page spoke to another city/school clinic in which utilization was underestimated. Mayor Evans requested Staff move forward and the Council concurred.

Mayor Evans convened the Preliminary Meeting directly into the Regular Meeting at 7:02 p.m. where remaining items were discussed.

Pat Evans, Mayor

ATTEST

Diane Zucco, City Secretary