

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
January 12, 2009**

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 called the meeting to order at 5:09 p.m., Monday, January 12, 2009, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. 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, Section 551.071, to discuss Economic Development, Section 551.087 and to further discuss Personnel, Section 551.074 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 5:53 p.m. in the Council Chambers where the following matters were discussed:

Consideration and Action Resulting from Executive Session Discussion:

No items were brought forward.

Personnel Appointments

Public Arts Committee

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Magnuson, the Council voted 8-0 to appoint Bob Drotman as chair.

DART Report

The report will be rescheduled.

Discussion Regarding Distribution of Unsolicited Newspapers

Council Member Jackson spoke to citizen complaints regarding the distribution of the Dallas Morning News *Briefing*. Dallas Morning News Editor Bob Mong spoke to prior discussions with the Council, the desire to address issues, and positive response to the product. Council Member Jackson spoke to papers left in neighborhoods, the impact when homes are unoccupied and requested distributors be more observant of circulars stacking up in yards. Dallas Morning News President and CEO John McKeon spoke to experience gained and changes in distribution over recent weeks, the decline in complaints and contact information for concerns. He spoke to utilizing one distributor for both the *Briefing* and the Dallas Morning News and requesting they note multiple copies left at a location. Council Members Dunlap and Miner spoke to discontinuing distribution at homes with "for sale" signs. Council Member Dunlap spoke to ensuring placement is made on the property and Council Member Miner spoke to citizens' concern that they are receiving distributions that have not been requested. City Attorney Wetherbee advised regarding complaints made to the prosecutor's office.

Discussion Regarding Property Tax Exemption for Masonic Lodge

Director of Budget and Research Rhodes-Whitley spoke to prior consideration of the request and information indicating that the Masonic Lodge has a 501(c)10 status rather than a 501(c)3 as do other organizations in the City who receive exemptions. She spoke to legislation expanding to include lodges and a previous denial in 1999 when the location had commercial operations in the basement. City Attorney Wetherbee spoke to this exemption being made at the discretion of the governing body, in effect for five years, applicable to personal and real property and to development of an ordinance setting forth a process. The Council concurred requesting Staff to bring forward an item on the January 26, 2009 agenda.

Discussion and Direction Regarding 2009 Bond Referendum

Director of Budget and Research Rhodes-Whitley spoke to information received from the City's boards and commissions in support of a referendum, preparation of a preliminary list, decisions being made on February 17, 2009 to allow for an order of election to be considered on February 23 for the May 9 election. She advised that the current list of projects totals \$148 million consisting of \$32 million for Public Safety Facilities, \$1.7 million for Library Facilities, \$55.5 million for Park Improvements, \$24 million for Recreation Centers, and \$34.7 million for Street Improvements. Ms. Rhodes-Whitley spoke to the Public Safety Communications Center utilizing the lower level of Municipal Center and resultant saving and designation of the Technology Service Facility as a separate bond item since it will not share a facility with Public Safety. City Manager Muehlenbeck advised that the costs for fire apparatus are related to retaining the ISO 1 rating and to improvements on the Senior Center being the first since it was built. He spoke to increases in costs for work at Carpenter Park Recreation Center and the need for additional funds.

Ms. Rhodes-Whitley advised that information will be posted on the City's web site and spoke regarding outside funding of 61% for street improvements based on approval of bond items. She spoke to the tax rate impact including two cents projected for existing debt; two cents based on projected operation/maintenance (O&M) expenses in Fiscal Year 2010-11 should all bond items pass as proposed; and the actual bond referendum passage coming online with an impact of approximately three cents. City Manager Muehlenbeck spoke regarding improvements planned for Pecan Hollow Golf Course including realignment. He spoke to the format for items on the ballot, positive input received from bond rating agencies and a possible upgrade in municipal drainage bonds. Council Member Johnson spoke to the costs for O&M for the fire station.

Discussion and Direction on Priorities for Amendments as recommended in Duncan Associates' Assessment of the Zoning Ordinance

Planning Director Jarrell spoke to an assessment of the Zoning Ordinance and recommendations to address interpretation and enforcement. She spoke to reorganization and reformatting of zoning regulations, the use of additional graphics, reflecting enforcement issues, and addressing supplementary regulations. Ms. Jarrell spoke to amending parking regulations, addressing federal and state land use regulations and issues of group homes and assisted living homes for the disabled. She spoke to addressing issues related to religious institutions and their alignment with federal law and to considering areas of nonconforming uses and structures. Ms. Jarrell responded to Council Member Jackson regarding consideration of accommodating religious institutions while adhering to parking and access regulations. The Council concurred in providing direction for Staff to move forward and Ms. Jarrell advised that the item will be added to the Planning and Zoning Commission's work program.

Council items for discussion/action on future agendas

Council Member Jackson requested consideration of online submittal of campaign finance reports.

Consent and Regular Agenda

Mayor Evans requested Consent Agenda Item "L," to approve to direct the Planning and Zoning Commission to identify City of Plano commercial sign regulations that may unreasonably restrict the use of contemporary and innovative advertising and marketing practices, be removed for individual consideration.

Council Member Magnuson advised that she would be stepping down on Regular Agenda Item "2," consideration of an ordinance to authorize a three-year renewal of the Private Franchise Agreement by and between the City of Plano, Texas and Allied Waste Systems, Inc due to a possible conflict of interest.

Nothing further was discussed. Mayor Evans adjourned the Preliminary Meeting at 6:42 p.m.

Pat Evans, MAYOR

ATTEST

Diane Zucco, City Secretary