

REVISED

PLANO CITY COUNCIL

WILL CONVENE INTO SPECIAL CALLED SESSION AT 4:30 P.M., FEBRUARY 25, 2005, IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:

Mission Statement: The mission of the City of Plano is to provide outstanding services and facilities, through cooperative efforts with our citizens, that contribute to the quality of life in our community.

Special Called Session

- I. Discussion and action on ordering a special election on an initiative petition and proposed resolution received from Jack Lagos on February 21, 2005 calling for a proposition to be placed on a ballot in the next election: "Should the citizens of Plano ratify the Council's intent to divert previously approved bonds to finance a Performing Arts Center in Plano to the Arts of Collin County, Inc. for the purpose of building a facility in Allen, TX."

In accordance with the provisions of the Open Meetings Act, during Preliminary Open Meetings, agenda items will be discussed and votes may be taken where appropriate. The City Council may convene into Executive Session to discuss posted items in the special called session as allowed by law.

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Avenue L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of building. The Council Chamber is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.



CC02-25-05REV

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 1520 Avenue K Plano, Texas on the 22 day of FEB 2005, at 12:00 o'clock noon
Asst. Diane Tucco
City Secretary

PLANO CITY COUNCIL

WILL CONVENE INTO SPECIAL CALLED SESSION AT 4:30 P.M., FEBRUARY 25, 2005, IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:

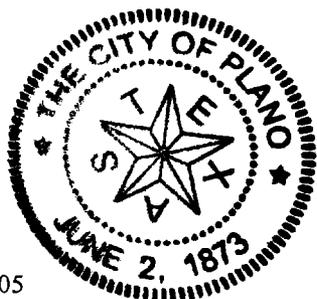
Mission Statement: The mission of the City of Plano is to provide outstanding services and facilities, through cooperative efforts with our citizens, that contribute to the quality of life in our community.

Special Called Session

- I. Consideration and direction regarding presentation of a petition and proposed resolution received from Jack Lagos on February 21, 2005 calling for a proposition to be placed on a ballot in the next election: To determine that the citizens of Plano should have the opportunity to ratify or not ratify the City of Plano's portion of financing a performing arts center that is to be built outside the City limits of Plano and is to be shared by two additional municipalities.

In accordance with the provisions of the Open Meetings Act, during Preliminary Open Meetings, agenda items will be discussed and votes may be taken where appropriate. The City Council may convene into Executive Session to discuss posted items in the special called session as allowed by law.

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Avenue L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of building. The Council Chamber is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.



CC02-25-05

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 1520 Avenue K Plano, Texas on the 21 day of FEB 2005, at 5:00 o'clock PM
Asst. Diane Tucco
City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION IN AND THROUGHOUT THE CITY OF PLANO, TEXAS ON SATURDAY, MAY 7, 2005 FOR THE PURPOSE OF SUBMITTING AN INITIATIVE TO THE ELECTORATE REGARDING THE USE OF BOND FUNDS TO FINANCE A PERFORMING ARTS CENTER IN PLANO TO THE ARTS OF COLLIN COUNTY, INC. FOR THE PURPOSE OF BUILDING A FACILITY IN ALLEN, TX; DESIGNATING LOCATIONS OF POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 7.02 of the City Charter provides a process whereby the qualified voters of the city may initiate legislation which requests the voters' approval of a proposed resolution;

WHEREAS, on February 21, 2005, Mr. Jack Lagos filed a petition with the City Secretary for a resolution to be submitted to the electorate for approval, and the City Secretary has reviewed the petition to determine if it meets the number of signatures of qualified voters, and has presented it to City Council within the time period required by the Charter;

WHEREAS, the City Council's options are to either to adopt the resolution or submit it to the voters. The Council finds that the resolution should be decided by the electorate and, pursuant to the City Charter, calls a special election on the initiative.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The City Council adopts the recitals above and they are incorporated herein verbatim.

Section II. A special election be and is hereby ordered to be held in conjunction with the General election in and throughout the City of Plano, Texas on Saturday, May 7, 2005 for the purpose of submitting a petition initiative to the electorate, a copy of the resolution submitted is attached as Exhibit A. The proposition shall read:

“Should the citizens of Plano ratify the Council’s intent to divert previously approved bonds to finance a Performing Arts Center in Plano to the Arts of Collin County, Inc. for the purpose of building a facility in Allen, Texas?”

Yes _____ No _____.

Section III. The passage of this Ordinance is not an endorsement of the proposition nor is it a waiver of any rights that the City may have to challenge the Proposition on any grounds before or after the election.

Section IV. The polling places and the county election precincts whose qualified voters shall cast ballots at such locations in the City of Plano for the 2005 Special election for the purpose of approving a proposition to build an arts facility with bond funds outside of Plano are as follows:

- (1) Armstrong Middle School, 3805 Timberline Drive
Collin County Election Precincts numbered 52,
61, 68, 103 and 141;
- (2) Bethany Elementary School, 2418 Micarta Drive
Collin County Election Precincts numbered 34, 107, 119,
121, 135 and 139;
- (3) Bowman Middle School, 2501 Jupiter Road
Collin County Election Precincts numbered 23, 46,
47, 50, 51, 152 and 158;
- (4) Brinker Elementary School, 3800 John Clark Parkway
Collin County Election Precincts numbered 90, 109,
116, 123, 137 and
Denton County Election Precinct numbered 229;
- (5) Carpenter Middle School, 1501 Cross Bend Road
Collin County Election Precincts numbered 21, 54,
62 and 66;
- (6) Haggard Middle School, 2401 Westside Drive
Collin County Election Precincts numbered 15, 19,
53, 65, 70 and 71;
- (7) Hendrick Middle School, 7400 Red River Drive
Collin County Election Precincts numbered 58, 77 and 91;

- (8) Hughston Elementary School, 2601 Cross Bend Road
Collin County Election Precincts numbered 31, 32,
63 and 76;
- (9) Robinson Middle School, 6701 Preston Meadow Drive
Collin County Election Precincts numbered 14, 81, 86,
89, 108, 112 and 124;
- (10) Schimelpfenig Middle School, 2400 Maumelle Drive
Collin County Election Precincts numbered 64 and 69;
- (11) Shepton High School, 5505 Plano Parkway
Collin County Election Precincts numbered 28, 75,
105 and 143;
- (12) Thomas Elementary School, 6537 Blue Ridge Trail
Collin County Election Precincts numbered 39 and 85; and
- (13) Wilson Middle School, 1001 Custer Road
Collin County Election Precincts numbered 26,
49, 67, 72 and 138.

Polling places on May 7, 2005 shall be open from 7:00 a.m. until 7:00 p.m.

Section V. Votes for said election shall be cast utilizing touch-screen devices with Diebold's ACCUVOTE TS R6v.4.1.15 direct recording devices (DRE's) for early voting and Election Day and optical-scan ballots with Diebold's ACCUVOTE OS v.1.9.4w for early voting by mail.

Section VI. The early voting by personal appearance for the above-designated election shall be conducted in the following locations:

Main Early Voting Location

Collin County Elections Department
2010 Redbud Boulevard
Suite 102
McKinney, TX 75069

Branch Early Voting Locations

Carpenter Park Recreation Center
6701 Coit Road
Plano, Texas 75024

Christ United Methodist Church
3101 Coit Road
Plano, Texas 75075

Harrington Library
1501 18th Street
Plano, Texas 75074

Plano Independent School District Administration Center
2700 West 15th Street
Plano, Texas 75075

Christopher A. Parr Library
6200 Windhaven Parkway
Plano, Texas 75093

Collin County Community College – Spring Creek Campus
2800 East Spring Creek Parkway
Plano, Texas 75074

Beginning on April 20, 2005, and continuing through May 3, 2005, said places of early voting shall remain open for at least eight (8) hours of early voting of each day which is not a Saturday, except for Saturday, April 23, 2005. No early voting shall be conducted on any Sunday or official State holiday during this period. Said places of voting shall remain open between the hours of 8:00 a.m. and 5:00 p.m. The main early polling place and the branch polling places shall also be open on Thursday, April 21, 2005, from 8:00 a.m. to 7:00 p.m.

Applications for ballots by mail shall be mailed to:

Sharon Rowe, Elections Administrator
Collin County Elections Department
2010 Redbud Boulevard
Suite 102
McKinney, TX 75069

Applications for ballots by mail must be received no later than the close of business on Friday, April 29.



Section VII. The recommendations of the City and School District(s) will be the accepted guidelines of four (4) clerks to be secured to work in each polling place. The presiding election judge of each polling place, however, will use his/her discretion to determine when additional manpower is needed during peak voting hours.

Section VIII. The City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of this election.

Section IX. This ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the ____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee
Diane C. Wetherbee, CITY ATTORNEY

1-e

Initiative

FEB 21 2005

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The Undersigned Citizens of Plano, Texas Do Hereby Petition The City Council of Plano, Texas That A PROPOSITION BE PLACED ON A BALLOT IN THE NEXT ELECTION TO WIT: "Should The Citizens of Plano Ratify The Council's Intent to divert previously approved bonds to finance a Performing Arts Center in Plano to the Arts of Collin County, Inc. for the purpose of building a facility in Allen, TX."

Date (Fecha de Firma)	Signature (Firma)	Printed Name (Impreso Nombre)	Residence Address (Direccion de Residencia)	Date of Birth (Fecha de Nacimiento)	Voter Registration # (Num. de Registro de Votante)
2-14-04	WKT 74	William T. Thompson	4300 Willow Ridge Dr.	5/15/66	731429
2-14-05	Diana G. Merrill	Diana G. Merrill	2204 Grandview Dr.	7/27/40	36455
2/14/05	Josh Brown	Josh Brown	2505 Daigreen Dr.	4-16-72	399112
2/14/05	Monica Smith	Monica Smith	1725 M. D. Crest	8/26/30	36009
2/14/05	ASTREAN	ASTREAN	936 Helgene	5/24/50	185149
2/14/05	JENNIFER HUNT	JENNIFER HUNT	3204 FORESKWAY	8/02/83	654019
2/14/05	S. D. HARRIS	S. D. HARRIS	1515 RIO GRANDE	11/16/80	729631
2/14/05	Nancy Granmis	Nancy Granmis	2404 Northcrest Dr.	11/26/60	57506
2/14/05	James Bassell	James Bassell	3700 Reston	6/10/77	
10-14-05	James Hitt	James Hitt	1001 Westlake	2-12-44	146665
11/21/05	Julie M. Shanes	Julie M. Shanes	4032 Carmichael	3-16-67	319003
11/21/05	WAKA HARBOUR	WAKA HARBOUR	3923 Jamar	12-11-67	74641
11/21/05	Mary McNeil	Mary McNeil	1703 E 15th St	2-24-78	72092
11/21/05	EDWIN T. SHELL	EDWIN T. SHELL	3424 TARKIO RD	9/10/66	97513
11/21/05	Dave Duffair	Dave Duffair	1904 Glenwick	12-15-58	31420

EXHIBIT "A" TO ORDINANCE NO.

STATE OF TEXAS, COUNTY OF COLLIN (sloji) being first duly sworn, on oath deposes and say that I am one of the signers of the above petition; and that the statements made therein are true and that each signature appearing there purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be. Sworn and subscribed before me this _____ day of _____, 20____.

Notary _____

A complete copy of the Petition has not been attached due to volume. The City Secretary has verified that it meets the required signatures of qualified voters.

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, DETERMINING THAT THE CITIZENS OF PLANO SHOULD HAVE THE OPPORTUNITY TO RATIFY OR NOT RATIFY THE CITY OF PLANO'S PORTION OF FINANCING A PERFORMING ARTS CENTER THAT IS TO BE BUILT OUTSIDE THE CITY LIMITS OF PLANO AND IS TO BE SHARED BY TWO ADDITIONAL MUNICIPALITIES.

WHEREAS, the Citizens of Plano approved a 1998 Capital Improvement Bond to build a Performing Arts Center in the City of Plano; and

WHEREAS, the Plano Centre, located on 56 city owned acres, was originally designed as a complex to include a Performing Arts Hall and full service hotel; and

WHEREAS, at a Special Called Worksession on April 1, 2000, the City Council voted 5-2 to "designate the Preston Road/Spring Creek site as the site of choice... that the fall-back site is Plano Centre, that any fundraising efforts will be made with this disclosure"; and

WHEREAS, Proposition 9 on the May 5, 2001 Bond Election, calling for an additional \$15,600,000 in funding for the Arts facility, failed; and

WHEREAS, at Preliminary Open meeting on June 11, 2001, Council Members referenced the April 1, 2000 decision and instructed City Staff to begin feasibility studies for building at the Plano Centre site; and

WHEREAS, City Staff reported on August 13, 2001 that the Plano Center site is workable, offers shared facilities and the hotel/motel tax and/or a TIF could be used for additional funding; and

WHEREAS, City of Plano Ordinances 99-1-18 and 2000-2-29 authorized issuance of Performing Arts Center bonds "for the purpose of providing funds to make certain permanent public improvements *within the City*", were amended by Ordinance 2005-1-37 on January 31, 2005, deleting the words *within the City*; and

WHEREAS, 56% of the proposed Allen, Texas facility operating cost would be borne by the City of Plano based on current population; and

WHEREAS, the proposed Allen, Texas facility would only reserve 1/3 of the available dates for the numerous Plano music, dance and theatre non-profit groups and PISD; and

WHEREAS, the City Council wants to follow the wishes of the majority of the Citizens of Plano concerning financing of a Performing Arts Center outside the City limits of Plano.

1-h

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The City Council of the City of Plano finds it in the best interest of the City of Plano and its citizens that a proposition be placed on a ballot in the next election to wit: "Should The Citizens of Plano ratify the City Council's intent to divert previously approved bonds to finance a Performing Arts Center in Plano to the Arts of Collin County, Inc. for the purpose of building a facility in Allen, TX ___yes ___no."

Section II. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the _____ day of _____, 2005.

Pat Evans, Mayor

ATTEST:

Elaine Bealke, CITY SECRETARY

Approved as to form:

Diane C. Wetherbee, CITY ATTORNEY

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