

**PLANO CITY COUNCIL  
CORE BUSINESS WORK SESSION  
DECEMBER 7, 2009**

**COUNCIL MEMBERS**

Phil Dyer, Mayor  
Harry LaRosiliere, Mayor Pro Tem  
Lee Dunlap, Deputy Mayor Pro Tem  
Pat Miner  
Ben Harris  
Mabrie Jackson (resigned)  
Lissa Smith  
Jean Callison

**STAFF**

Thomas H. Muehlenbeck, City Manager  
Frank Turner, Deputy City Manager  
Bruce Glasscock, Deputy City Manager  
Rod Hogan, Deputy City Manager  
Mark Israelson, Assistant City Manager  
LaShon Ross, Assistant City Manager  
Diane C. Wetherbee, City Attorney  
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the open session at 8:31 a.m. on Monday, December 7, 2009, in Training Room A of the Plano Municipal Center, 1520 K Avenue. All Council Members were present. Council Member Callison arrived at 8:49 a.m.

**Opening Comments**

City Manager Muehlenbeck recognized department heads for their efforts in holding down expenditures and developing the core business matrix, advising that revenue enhancements will be addressed at a later time and requesting Council direction on priorities for October 1, 2010 – September 30, 2011. Lyle Sumek, of Lyle Sumek Associates, Inc. facilitated the worksession and spoke to increased demand for services and to considering the responsibilities of the City as well as priorities. Director of Budget and Research Rhodes-Whitley spoke to the forecasted decrease of 8% in commercial property values, a projected budget deficit of \$20 million, continued low sales tax revenues, declines in water/sewer revenue, and the need for a 1.5 cent increase for the debt rate due to projects coming online. Mr. Sumek spoke to the categories of “no choice,” “choice,” “quality of life,” and “add-ons” for services. Ms. Rhodes-Whitley spoke to salaries making up 67.7% of the General Fund (\$219 million) and to Public Safety accounting for 65% of salaries. She advised that “no choice” items comprise approximately 8% of expenditures, “choice” 64%, “quality of life” 27% and “add-ons” 0.7%. She provided information on the transfer of funds for economic development, capital reserve, insurance/workman’s comp and Plano Television Network and spoke to categories of service provided from enterprise funds.

**Council discussion and direction on the core business services for the following City service areas and departments:**

## **Public Safety Services Business Center**

Police Chief Rushin spoke to the budget of \$53 million, 494 full-time and 90 part-time positions, advised that court security services are funded through fees and Ms. Rhodes-Whitley advised she would meet with the Municipal Judge regarding paying administrative fees associated with court security to determine if the account is neutral. Chief Rushin spoke to the cost of false alarms (99% of calls) and Deputy City Manager Glasscock advised regarding timeframes for response and stated that state law regulates fees collected. Council Member Callison spoke to providing public education on the cost of false alarms. Chief Rushin advised that the Red Light Camera Program is self-funded with monies reinvested into the community and City Manager Muehlenbeck spoke to the percentage of revenues forwarded to the state. Chief Rushin spoke to the value of accreditation and compliance with directives and standards and advised regarding the School Liaison Officer Program costs and his recommendation that the program be discontinued from Plano locations, continued in Frisco locations (where the school district pays 100% of costs) and retaining three officers and one sergeant for call response. Mayor Dyer requested further information regarding the level of contribution by school districts in other cities and City Manager Muehlenbeck requested direction from the Council to stay in the program or to require a minimum participation level from the school district. The Council stated a consensus to work toward a 50/50 split of costs for a savings of \$332,296.

Chief Rushin spoke to officers assigned to the Canine Program, Neighborhood Police Officer Program and Crime Prevention all of which were identified as “quality of life.” He spoke to Warrant Services and advised that Detention Services is operating with minimum staff. Police Budget Analyst Smith advised that Crossing Guard services are covered by revenue from the Child Safety Fund. Chief Rushin advised that Plano has one of the best SWAT teams in the state, spoke to equipment costs, grants received and benefits of the program. He reviewed the Professional Standards Unit, Traffic Enforcement Program, Training Services and Records Management.

Fire Chief Esparza spoke to an updated internal strategic plan and departmental reorganization to include five divisions with a budget of \$42 million and 333 positions. He spoke to Community Outreach and Childhood Safety as “quality of life” programs, cited their benefits and stated that if Staff were cut, the programs would be discontinued. Chief Esparza spoke to the Technical Rescue and Hazardous Material/WMD Programs staffed by line fire fighters with costs related to equipment. He spoke to prevention programs including annual inspections for commercial sites, false-alarm tracking, investigations and plan review. Assistant Fire Chief/Fire Marshal Kerr advised that annual commercial inspections are provided at no charge and Mayor Dyer requested information regarding the number of such inspections as a possible source of revenue. Chief Esparza spoke to Ambulance Transport/EMS Services and staffing; the need for mandated training; and advised regarding mutual aid where Plano would provide services to neighboring communities at no charge. He spoke to the equipment costs of \$12.8 million costs associated with the retention of the ISO1 rating including Station #13 coming online, a 5<sup>th</sup> ladder truck with personnel and equipment, a 14<sup>th</sup> engine and \$5 million in annual operating costs. City Manager Muehlenbeck requested information regarding the impact on tax revenues if the ISO1 rating were lost. Deputy City Manager Glasscock spoke to possible grant funds to offset some costs.

Director of Emergency Management Stovall spoke to capital outlay for the new training facility and operations center which will be one-time costs. He advised that emergency/disaster preparedness along with response/recovery are driven by state mandates and spoke to the impact on grant funding. Mr. Stovall responded to the Council, stating that some existing furnishings are being utilized for the new center and reductions have been made from the original cost estimates. He spoke to lack of other training space, the center providing education for City Staff and Deputy Mayor Pro Tem Dunlap spoke to possible opportunities for revenue.

The Council recessed at 10:30 a.m. and resumed at 10:39 a.m.

Director of Public Safety/Communications Timmons spoke to transition of some services to wire-line funds which come to the City from telephone bills, future funding needs for “next generation” technology, and transition of some personnel to these purposes. He spoke to providing public education and responded to City Manager Muehlenbeck regarding annual draws in preparation for new equipment anticipated in two-three years. Mr. Timmons spoke to support functions provided for emergency departments, 24-hour operations, regional voice/data public safety radio system and the expertise of Staff. He advised that \$81,000 in revenue for the radio systems maintenance and operation is from agencies serviced by the system and that \$4.2 million is spent on alert functions (emergency phone and dispatch services).

Director of Health Collins spoke to the department having a combined staff of 44 with a composite budget of \$3.5 million (down 8.5%) and the elimination of positions and services. He spoke to implications if further programs were eliminated and the county not having the capacity or means to accomplish the tasks provided. Mr. Collins spoke to programs including response to illumination requests, reduced funding for promotion of Clean Air initiatives, investigation of noise complaints, the importance of education for food handlers/managers, and benefits of enforcing the City’s smoking ordinance, and communicable disease surveillance. He spoke to the success of the mosquito/rodent control programs, environmental remediation/spill response program to assist the Fire Department, inspections of non-hazardous liquid waste (grease traps), and water quality program with over 400 pools under inspection. Mr. Collins spoke to department enforcement of federal/state/local laws to reduce the level of pollutants discharged in the sewer system and inspection of 13,000-14,000 food establishments. He advised that the only “no choice” area of the department is inspection and monitoring of storm water inlets and outlets which is mandated by federal/state law and advised that 44% of programs are budget neutral. Mr. Collins responded to the Council regarding the cost for food permitting and comparisons to other area cities, and advised that Health Department inspection services are conducted after buildings are constructed. He further stated that while disease surveillance may be done by the county, they do not track migration or provide education to slow/stop the outbreaks and spoke to enforcement of the smoking ordinance on a complaint basis.

Director of Health Collins spoke to Animal Services field operations, off-site adoptions and education programs, revenues generated from licensing and the possibility new software would generate higher compliance, and responded to the Council regarding the number of Staff presentations provided annually. He spoke to the need for veterinary services to prevent the spread of illness, assistance provided to citizens, and contracting for sterilization services. Mr. Collins spoke to adoptions (2,500 per year) providing 92% cost recovery, the number of animals dropped off at the center, and reviewed field and shelter operations. He advised that local rabies control would revert to the county if not done by the City and City Manager Muehlenbeck spoke to possible public reaction should services be reduced. The Council requested Staff look into efforts to encourage registration of all animals in the City and to review possible hiring of a veterinarian to reduce costs.

### **Customer Utility Services, Library, Technology Services & Public Information Office**

Assistant City Manager Israelson spoke to monies derived mainly from the Water and Sewer Fund with utility management funded additionally through the General Fund. He spoke to resolving issues with franchisees and their revenue collection, right-of-way management and legislative representation. Mr. Israelson spoke to the highest priority service being field services and upgrade of the meter system. He spoke regarding the billing and systems areas including the issuance of statements, management of inserts and quality control as well as the revenue and collections area where a payment kiosk has been installed. Mr. Israelson advised that 56% of customers utilize electronic payment and spoke to the cost for “high touch” services including the call center(s), notification tags and after-hours collections and restarts. He spoke to services provided at the Davis Library location and Council requested usage figures for this site. The Council requested information regarding possible charges for services conducted on weekends/holidays.

Director of Libraries Baumbach spoke to the costs and services provided by the Municipal Reference Library whose librarian also acts as the department web master advising that if eliminated, the savings would be \$18,000 in materials. She spoke to the libraries providing income tax forms to the public and service time expenses should this be discontinued. Ms. Baumbach spoke regarding program room administration, adult education programs and increased usage of the genealogy area. She spoke to Plano's inter-library loan program, enrichment activities, technical services/administration, and the use of "pools" for librarians, clerks and pages to fill in where needed. Ms. Baumbach spoke to the state-mandated 64 hours of operation for libraries, which does not need to be met by every location and to the lightest service day as Friday. She spoke to collection management and community education services including reference librarians, children's education services, increased computer usage, program changes implemented on October 1 to limit holds and lock book drops during holidays, and funds received from the county and state. The Council spoke to receiving information on the impact of rolling closures; fees for genealogy services and non-residents; and provision of income tax forms.

Mayor Dyer adjourned the session for lunch at 12:22 and resumed the session at 12:34 p.m.

Director of Technology Services Stephens spoke to service provided to all departments, management of cell phone and wireless data services, and desktop support for over 2,000 users. He advised regarding utilization of the Moto-mesh system beyond the Public Safety area and spoke to operations management costs for equipment and personnel, main internet connectivity in providing citizens with access to information and the need for highly secure networks. Mr. Stephens advised that Staff provides support for in-house developed software and maintenance of the telecommunications and data network along with the City's e-mail services. He further advised regarding support provided to the Fire, Police and Public Safety Communications Departments and responded to Deputy Mayor Pro Tem Dunlap that Staff will evaluate all maintenance and support service agreements providing more detailed information to the Council.

Assistant City Manager Israelson advised that the Joint Use Facility of Customer Utility Billing receives 21,000 payments per month while the Municipal Center Facility receives 51,000.

Assistant City Manager Israelson spoke to service changes in the Public Information Department including the outsourcing of printing, reassignment of publishing duties and moving mail services and action center responsibilities to the City Secretary's office. He spoke to the role of Public Information to provide press releases and publications mandated by state and federal authorities and the creation of annual reports, inserts, resident guides and to further study of the department. Mr. Israelson spoke to the role of Plano Television Network including emergency communications, televised meetings and agenda postings, and the level of grants. City Manager Muehlenbeck responded to Deputy Mayor Pro Tem Dunlap regarding Staff consideration of programming and the need for a long-term strategy for funding as \$134,000 was transferred in from the General Fund to offset expenses. Mr. Dunlap spoke to selling air time to other entities to increase revenues. Staff was directed to evaluate their mission and responsibilities going forward including the number of productions and billing other departments for their efforts.

Mr. Israelson spoke to the web site providing a link for communications, including postings and live streaming of meetings, web-based forms, and citizen response. He advised that design is accomplished in-house with the exception of a small contract. Ms. Rhodes-Whitley advised that the \$250,000 in revenues noted is a transfer from the Technology Fund to pay web site expenses and Deputy Mayor Pro Tem Dunlap spoke to the importance of the web site and the possibility of revenue by charging organizations for posting to the City's calendar.

## **Public Works & Engineering Business Center**

Director of Public Works/Engineering Upchurch spoke to Utility Operations, paid by the Water/Sewer Fund providing water main services and repair, right-of-way management, review of contractual rehabilitation and community outreach. He spoke to Pumping Facilities including flow testing, inspection of contractor services, and contractual mowing of facilities. Mr. Upchurch spoke to Municipal Drainage paid from drainage funds, administration costs spread to various business areas, and to street operations paid partially from the General Fund and including repairs, patching, screening walls and alleyways. Deputy City Manager Hogan advised that the Capital Reserve Fund was established to fund repairs and Mr. Upchurch advised that while most maintenance is an in-house function, major construction is contracted out. City Manager Muehlenbeck spoke to possible consolidation of graffiti removal efforts between the Engineering and Property Standards Departments.

Mr. Upchurch spoke to continued maintenance, design and operation required for traffic signals, the uninterruptable power supply system, quality of life issues such as lighted signs and “no choice” items including traffic signs and markings. Mr. Hogan spoke to federal guidelines requiring specific size lettering and reflexivity on signage as mandates passed to the City.

Mr. Upchurch spoke to the Engineering Department’s responsibility for Community Investment Projects including street design, construction and inspection. The Council expressed no interest in charging inspection costs against projects to move revenue to the General Fund. Mr. Upchurch spoke to right-of-way management, operations/maintenance of facilities, contract services, energy management and pest control. He spoke to FEMA’s publication of new maps with slight variations in topography indicating some homes are now in the flood plains. The Council requested Staff provide public information regarding the map changes to advise citizens. Mr. Upchurch spoke to traffic management, operations, and signals.

Director of Parks and Recreation Fortenberry advised the Council that the department is responsible for maintaining grounds/buildings, providing programs to the public and offering “quality of life” programs including special event permit processing and senior transportation. Mayor Pro Tem LaRosiliere requested information regarding the number of riders at which the senior transportation program reaches a “break even” point and the Council concurred to evaluate the program and consider possible discontinuation. Ms. Fortenberry spoke to community events, and the Council stated a consensus to look into corporate sponsorship of events. Staff spoke to input received following changes to the parks mowing/maintenance program and the Council spoke to the opportunity for cost recovery with partnerships from those utilizing the ball fields. Staff reviewed use of recreation centers and cost recovery, advising that there is neighborhood interest in providing service at Douglass Center. The Council discussed attendance at the centers and revenues and stated a consensus not to implement rolling closures. Ms. Fortenberry advised regarding performing arts venues, the interurban rail station, public arts program, and volunteer program. She advised that costs reflected for the Aerobats Gymnastics program include administrative costs and that the program typically covers its costs and City Manager Muehlenbeck spoke to the use of both General and Recreation Funds.

Director of Sustainability and Environmental Services Nevil spoke to the department’s funding through an enterprise fund with costs recouped by fees, advising that Plano offers a high value of services at low rates. She spoke to “no choice” programs including refuse collection, commercial disposal and solid waste and to “quality of life” programs including yard trimming, bulky waste and household chemical collection and to the decline in revenues from recycling services from \$1.3 million to \$150,000 in two years. Ms. Nevil spoke to Texas Pure Processing’s goal to become self sufficient, savings gained through the sustainability program, costs associated with the Live Green Expo and the Commercial Recycling Team and organic recycling which results in cost savings by diverting 47,000 tons from the land fill.

Ms. Nevil responded to Mayor Dyer, advising that mulch products are selling as soon as they are processed and rated the lowest priority items in the department as the Live Green Expo and special paid collection. She advised that the water district is having difficulty locating a site for transfer station #4 and to expansion of a City of Richardson station for the region. She responded to the Council that administrative costs have been spread across the expenditures and spoke to the funding of communications through the Enterprise Fund rather than the General Fund. Ms. Nevil advised that approximately 70% of the attendees at the Expo are residents.

The Council recessed at 2:41 p.m. and resumed at 2:47 p.m.

### **Development Services Business Center**

Director of Planning Jarrell spoke to the geographic information system/mapping, advising that there has been some staff reduction in this area; spoke to the phases of commercial development and redevelopment; customer assistance provided; demographics and census support; the regulatory role of heritage preservation and to “quality-of-life” issues including the day labor center, community building, and neighborhood enhancement programs. She spoke to discussions related to the day labor center, posting notice that activities are prohibited on other properties and advised that 200-250 workers per day utilize the site.

Chief Building Official Mata spoke to “no choice” items including inspections/plan review/permit services and records and information management. He spoke regarding sign enforcement as a “quality of life” issue and City Manager Muehlenbeck spoke regarding the cost of the program. The Council discussed continuation of the program and fines and stopping sign pick up to determine the impact. Mr. Mata spoke to departmental vacancies, contractor meetings, dispute resolution, community benefits and the waiver of fees for other entities including the county, school district, etc. He responded to Deputy Mayor Pro Tem Dunlap regarding contractor luncheons and the Council requested consideration of expansion to include realtors.

Director of Property Standards O’Banner spoke to Staff preparation and testifying for administrative and judicial hearing of cases and to neighborhood assessment and education. She advised regarding enforcement officer education and offering classes to other communities for fees and clarified state legislation regarding graffiti. Ms. O’Banner spoke to the lack of interest in retailers recouping abandoned shopping carts and exploration of ways to recycle them and to Staff time in bringing sub-standard property cases before the Building Standards Commission. She spoke to liens placed on public nuisance property, the rental inspection program as self-sustaining and challenges in expanding the program to single family locations. City Manager Muehlenbeck spoke to waiting to move forward on a new program during the current economic times. Ms. O’Banner spoke to Staff providing community service spruce up and to participation in professional organizations to further legislative needs and garner regional support.

### **Human Resources, Risk Management & Finance**

Assistant City Manager Ross spoke to Human Resources compliance with federal and state laws regarding employment law and to offering recruitment/retention and employee development to managers. She spoke to other cities enrolling in Plano leadership courses, suspension of the tuition assistance program, and expenses and returns derived from the Management Preparation Program. Ms. Ross spoke to the number of employees indicating that their spouse has other coverage, changes to the health plan directed toward cost sharing, addressing the costs for civil service examinations, review of overtime payment, collection of retirees’ insurance payments and consideration of alternative coverage. Mayor Dyer requested Staff follow-up on those employees whose spouses have other coverage and address it during the budget cycle. City Manager Muehlenbeck advised that after review of the Management Preparation Program, it was retained based on the minor cost as compared to the benefits derived. Director of Finance Tacke spoke to the cost savings realized by moving over-65 retirees to an alternate program.

Director of Finance Tacke spoke to “no choice” programs including monitoring bond sales, tax increment finance administration and “choice” items (economic development and audits). She advised regarding court administration revenues generated (\$7.9 million) versus costs (\$2.1 million) and spoke to the savings realized by “special projects” in purchasing the new court system. Ms. Tacke advised that the annual audit is “no choice” and to the retention of some general accounting functions, stating that the Redflex contract could be outsourced to save costs. She spoke to the efficiency of payroll operations, accounts payable/receivable and advised there may be no savings in outsourcing these items. Ms. Tacke advised that Property Management Programs are included in an enterprise fund and are cost neutral; spoke to savings through reorganization in the purchasing area; the role of the treasury in debt management and securities; and Financial Systems Administration who support the accounting functions. Director of Fleet Services Ryan spoke to a reduction in the number of vehicles and to maintenance issues. City Manager Muehlenbeck spoke regarding plans for a bond sale in January.

Risk Manager Edwards spoke to managing costs for subrogation, workers compensation claims, the need for a risk control program and training to provide in-house expertise for management.

City Manager Muehlenbeck responded to Mayor Dyer regarding Staff reductions over the last two years and to the new fire fighter positions that will be added. Deputy Mayor Pro Tem Dunlap spoke to a possible reduction in Council stipends and Council Member Smith spoke to attracting all citizens to serve on the Council. She and Mayor Pro Tem LaRosiliere spoke to declining the stipend if members so choose. The Council spoke to meals being appropriate for board/commission day programs and Deputy City Manager Hogan spoke to the Parks and Recreation Planning Board ceasing meal service beginning in January. Mayor Dyer spoke to addressing Council meals at a later time.

City Manager Muehlenbeck spoke to securing monies from hotel/motel taxes for development of a new convention center and funding historic and arts groups at a lower percentage. Council Member Callison spoke to the effect of the economy on the arts groups and ensuring the timing is right for a shift. Mayor Pro Tem LaRosiliere spoke to notifying arts groups if grants will be scaled down. City Manager Muehlenbeck advised that Staff would bring back information regarding alternatives for center funding and for graduated grants to the arts groups. In response to Deputy Mayor Pro Tem Dunlap, he spoke regarding meetings with the Arts of Collin County to determine the project’s status as well as operations and maintenance costs. The Council discussed special event grants and stated a consensus to have a committee review these requests prior to the budget session.

### **Council Appointees**

Municipal Judge Stevenson spoke to the Juvenile Case Managers as a “quality of life” program and provided at no cost to the City; the Building Security Fund paid for by court costs and to funds available to cover expenses for five years; and to the Court Technology Fund where state statutes prohibit fees collected to be spent on personnel. He advised that court operations is a “choice” and spoke to magistrate operations and having judges available 24 hours a day to perform functions. Judge Stevenson spoke the Teen Court Program, paid for by defendants throughout the year.

City Secretary Zucco spoke to expansion of the department to include Records Management and the “no choice” areas of open record coordination and retention of records and charge back of costs to departments. She spoke to costs for warehousing, scanning, and the action center and advised that postage and equipment costs for mail services are \$290,000 per year. Ms. Zucco advised that in the City Secretary’s office most items are “no choice,” and spoke to the January 2010 election as a supplemental appropriation. She spoke to creation of the paperless agenda packet, legal publications, income received from alcoholic beverage permits in the City, and customer service provided by the department. Ms. Zucco spoke to coordinating the boards/commissions and utilization of an on-line application process in 2009.

City Attorney Wetherbee spoke to the reductions in Staff and other cities that do not have in-house attorneys. She spoke to utilizing a mentor program to reduce costs, her department acting as a corporation counsel, disposition of lawsuits, and recovering monies due the City.

Director of Budget and Research Rhodes-Whitley spoke to areas of “no choice” including preparation of a budget and regarding her role as the tax assessor. She spoke to her department coordinating special projects including the core business matrix and budget projections.

Ms. Rhodes-Whitley spoke to retiree payouts and Mayor Dyer requested a briefing on this and other employee benefits. She further spoke to costs for unemployment insurance, central appraisal district estimates, electrical/water costs for the City. Ms. Rhodes-Whitley spoke to retiree health insurance costs, vacation/sick-leave buy backs, holiday luncheon, minor apparatus, funding of Technology Services, departmental awards, regional/national association memberships, departmental transfers, and social service add-ons.

City Manager Muehlenbeck spoke to the duties of the Internal Audit Department to produce reports to streamline operations, audit arts groups, and complete special projects. He advised that Economic Development attracts business, develops the incentive fund program, provides business retention and expansion services, and coordinates redevelopment efforts. Mr. Muehlenbeck spoke to providing information on the potential of issuing debt for water and sewer as opposed to pay as you go. Mayor Dyer thanked the Staff for their work and requested the Council forward any questions.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 5:28 p.m.

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**Phil Dyer, Mayor**

ATTEST:

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Diane Zucco, City Secretary

**PLANO CITY COUNCIL  
NEIGHBORHOOD ROUNDTABLE  
DISTRICT TWO  
DECEMBER 10, 2009**

**COUNCIL MEMBERS**

Phil Dyer, Mayor  
Harry LaRosiliere, Mayor Pro Tem  
Lee Dunlap, Deputy Mayor Pro Tem  
Pat Miner  
Ben Harris  
Mabrie Jackson (resigned)  
Lissa Smith  
Jean Callison

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Mark Israelson, Assistant City Manager  
LaShon Ross, Assistant City Manager  
Diane C. Wetherbee, City Attorney  
Diane Zucco, City Secretary

The Plano City Council met informally at 7:09 p.m., Thursday, December 10, 2009, at the Tom Muehlenbeck Recreation Center, 5801 West Parker Road, Plano, Texas. All Council Members were present with the exception of Council Member Smith. Mayor Dyer welcomed those in attendance and introduced Council and Staff. He spoke regarding the structure of the Council where all members represent citizens across the City.

**2009/2010 Budget Update**

Director of Budget and Research Rhodes-Whitley spoke to the decline in sales tax revenues, efforts on the part of Council and Staff to address a deficit projected for 2009-10, and an increase in ad valorem taxes of 1.51 cents, the majority of which will be used to pay for debt. She spoke to the projected \$20 million deficit for 2010-11 and the requirement that Council pass a balanced budget. Ms. Rhodes-Whitley stated that the Collin County Appraisal District has advised there will likely be an 8% reduction in commercial property value for the coming year and spoke to the positive impact of the economic development fund, the costs for operation/maintenance for new facilities, and the impact of heavy rains on income for the Water/Sewer Fund. She responded to questions from citizens regarding the cost of the January special election and efforts to maintain the City's AAA bond rating. Ms. Rhodes-Whitley welcomed new ideas and spoke to the low tax rate in Plano as compared to other area cities. City Manager Muehlenbeck spoke to a January bond sale and Ms. Rhodes-Whitley spoke to street projects where there are matching funds.

In response to a citizen's question, City Manager Muehlenbeck advised that there was a 45% decrease in participation when recreation membership fees were raised. Citizens spoke to maintaining library hours and to their willingness to pay more taxes with the understanding these would be adjusted when the economy improves.

Mayor Pro Tem LaRosiliere spoke to the deficit forecast for 2009-10 and \$10 million in service/personnel cuts and review of services by the Council. Mayor Dyer spoke to a one penny increase in the property tax rate resulting in \$2.5 million and the reduction of \$10 million in sales tax revenues. Ms. Rhodes-Whitley responded to a citizen, advising that the City is unable to track spending by citizens versus non-citizens and Mayor Dyer spoke regarding sales tax distribution (6.25 cents to the state, 1 cent to DART and 1cent to the City).

### **Economic Development Progress Report**

Plano Economic Development Board Executive Director Bane reviewed the facilities that opened in 2008-09 including Children's Medical Center, Capital One Auto Finance, Denbury Resources, Cigna-Regional Headquarters, Diodes, and Hope Center. She spoke to the number of medical facilities in Plano, 2009-10 projects including Crumb Corp and Huawei, Pizza Hut construction with a value of \$15-20 million, and the number of data centers. Ms. Bane spoke to the jobs brought to the City, improvements and pending projects from Alliance Data Systems and Tektronics.

Ms. Bane spoke to Chapter 380 incentives where companies agreement to comply with requirements for occupancy and personnel, the number of healthcare industries coming to the City, the popularity of incentives and limitations/benefits of tax abatements. She advised that Plano is advertised as a top city for working families with low business costs, educated workforce and world-class business parks. Ms. Bane spoke to challenges of a maturing city as aging infrastructure, slow revenue streams, the impact of other cities with 4A and 4B funds, and external retail growth and the opportunities including redevelopment/infill, organic business growth, emerging industries, increased awareness, and recruiting from high-cost and regulated markets. She advised that the board has a staff of five and that efforts can be Plano-specific or regional in nature and that during slow economic times, companies take more time to analyze decisions.

### **Community Investment Projects/Street Repairs/Improvements/Resurfacing – District 2**

Director of Public Works/Engineering Upchurch advised regarding design work on intersection improvements for Plano Parkway/Preston Road; construction of improvements at Coit Road and Legacy Drive; widening of McDermott Road from Coit Road to Ohio Drive; intersection improvements at Spring Creek Parkway/Coit Road; improvements on Communications Parkway from Parker Road to Spring Creek Parkway and on Razor Boulevard east of Ohio Drive. He spoke to work on the left turn lanes on Ohio Drive south of S.H. 121; testing of equipment at the Mapleshade Lift Station; widening of Marsh Lane south of Parker Road; widening of Plano Parkway west of Midway Road; residential reconstruction in the area bounded by Spring Creek Parkway/Coit Road/Hedgcoxe Road/Preston Road and the change out of water meters in the City.

Mr. Upchurch responded to citizens, advising that now is an opportune time to bid projects as pricing is low; S.H 544 west of the Burlington Northern Railroad is not within Plano City limits; the median left-turn lane at Preston Road/Legacy Drive has been delayed by weather; ramps at Parker Road/U.S. 75 are working toward completion; and advised that plans for an overpass at Preston Road/Plano Parkway have been removed from plans.

### **Fire Station #12/Emergency Operations Center & Fire Station #13 Update**

Fire Chief Esparza spoke to completion of Station #12 (including Logistics Facility and Emergency Operations Center) at Parker Road/Coit Road; plans to go to bid for Station #13 early in 2010; and adding a bay at the Roundrock Station. He responded to citizen questions advising that Station #12 was delayed due to contractor issues, is much larger than a typical station and Staff does not anticipate traffic problems in the area. Mayor Dyer spoke to Plano's ISO 1 rating and being the only "flagship" municipality.

### **Major Park Projects and Park Land Acquisition**

Parks and Recreation Director Fortenberry spoke to the similarities between the Park Master Plan in place in the 1960's and development today. She advised regarding two acquisitions: Sunset Park at Midway Road to provide parking and a trail connection; and the White Rock Creek Community Park Addition including 80 acres completing a 124-acre site with trail connections for future development. She responded to citizen questions, advising that trails will follow creeks and bridges, spoke to the cost for park land and advised there would still need to be agreement between parties even if eminent domain were used. Ms. Fortenberry spoke to removing the proposed pool from plans for Carpenter Park Recreation Center and moving forward with an expansion of the weight room; and the use of "soft" trails at Oak Point Park. She advised that Staff will review uneven trails at Arbor Hills.

Council Member Harris opened the floor for general questions and advised that Staff will review multiple mailings related to utility billing and that the Council has not yet considered increased expenses that may be associated with caps on trade. City Manager Muehlenbeck spoke to the City being turned down in efforts to secure stimulus funds and Mayor Dyer advised that the City cannot increase the sales tax rate. Council Member Harris spoke to the 1 cent of sales tax that is paid to DART and responded to a citizen regarding traffic/noise concerns.

Mayor Dyer thanked those in attendance. Nothing further was discussed and the meeting was closed at 8:47 p.m.

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**Phil Dyer, Mayor**

ATTEST:

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Diane Zucco, City Secretary

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
December 14, 2009**

**COUNCIL MEMBERS**

Phil Dyer, Mayor  
Harry LaRosiliere, Mayor Pro Tem  
Lee Dunlap, Deputy Mayor Pro Tem  
Pat Miner  
Ben Harris  
Mabrie Jackson (resigned)  
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Diane C. Wetherbee, City Attorney  
Diane Zucco, City Secretary

Mayor Dyer called the meeting to order at 5:13 p.m., Monday, December 14, 2009, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Miner. Council Member Callison arrived at 5:28 p.m. Mayor Dyer 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/Litigation, Section 551.071; to receive information regarding Economic Development, Section 551.087; and to 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 Dyer reconvened the meeting back into the Preliminary Open Meeting at 6:25 p.m. in the Council Chambers where the following matters were discussed:

**Consideration and Action Resulting From Executive Session: Personnel**

Appointment - Arts of Collin County Commission Board of Directors

Upon a motion made by Council Member Smith and seconded by Mayor Pro Tem LaRosiliere, the Council voted 6-0 to appoint Sandra Yancey as a Joint Member of the board.

## **Departmental Briefing – Building Inspections**

Chief Building Official Mata spoke to the department's responsibilities to verify that construction of all buildings and residential homes meet adopted standards for quality of life and building safety through plan review and construction inspection services and enforcing the international codes. He advised that permit services include permitting, plan review, variances and records while inspection services are comprised of field inspections, code consultation/enforcement and job tracking. Mr. Mata spoke to the timeframe and electronic processing for permit review and the variety of inspections performed. He advised that the department facilitates the Building Standards Commission and Board of Adjustment, spoke to adoption of green building standards and an updated sign ordinance and referenced outreach efforts and future projects.

## **Council items for discussion/action on future agendas**

No items were discussed.

## **Consent and Regular Agenda**

Council Member Harris requested that Consent Agenda Item "J," a resolution to approve the terms and conditions of a real estate contract between the Jason Byron Sowell Jr. Trust and the City of Plano for the purchase and lease of property located at Spring Creek Parkway and Windhaven Parkway, be removed for individual consideration due to a possible conflict of interest.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:41 p.m.

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**Phil Dyer, Mayor**

ATTEST

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**Diane Zucco, City Secretary**

**PLANO CITY COUNCIL**  
**December 14, 2009**

**COUNCIL MEMBERS**

Phil Dyer, Mayor  
Harry LaRosiliere, Mayor Pro Tem  
Lee Dunlap, Deputy Mayor Pro Tem  
Pat Miner  
Ben Harris  
Mabrie Jackson (resigned)  
Lissa Smith  
Jean Callison

**STAFF**

Thomas H. Muehlenbeck, City Manager  
Frank Turner, Deputy City Manager  
Bruce Glasscock, Deputy City Manager  
Rod Hogan, Deputy City Manager  
Mark Israelson, Assistant City Manager  
LaShon Ross, Assistant City Manager  
Diane C. Wetherbee, City Attorney  
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, December 14, 2009, at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Miner.

The invocation was led by Deputy Mayor Pro Tem Dunlap and the Pledge of Allegiance was led Douglass Community Center Seniors.

**COMMENTS OF PUBLIC INTEREST**

No one appeared to speak

**CONSENT AGENDA**

Upon a request by Council Member Harris, Consent Agenda Item "J" was pulled for individual consideration due to a possible conflict of interest.

Upon a motion made by and seconded by the Council voted 6-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

**Approval of Minutes** (Consent Agenda Item "A")

November 18, 2009  
November 23, 2009

### **Approval of Expenditures**

#### **Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)**

**Bid No. 2009-192-C** for Annual Supply Contract for Herbicides, Insecticides, and Miscellaneous Chemicals in the estimated annual amount of \$78,149 to Red River Specialties, Mann Farm and Ranch, Estes Inc., CWC Chemical Inc., BWI Companies, Univar USA, and Helena Chemical Co., and authorizing the City Manager to execute all necessary documents. This will establish an annual fixed price contract with three optional one-year renewals. (Consent Agenda Item “B”)

**Bid No. 2009-143-B** for construction of the McDermott Road from Ohio Drive to Coit Road project to Tiseo Paving Company in the amount of \$2,132,270. The project consists of the construction of the widening of McDermott Road to a six lane road from Coit Road to Razor Boulevard and a four lane road from Razor Boulevard to Ohio Drive. The project also includes a bridge over White Rock Creek between Robinson Road and Razor Boulevard. (Consent Agenda Item “C”)

#### **Purchase from an Existing Contract**

To approve the purchase of GIS Maintenance Expenses as designated in the amount of \$58,700 from ESRI, Inc. through a State of Texas Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute any and all necessary documents. (DIR-SDD-492) (Consent Agenda Item “D”)

#### **Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)**

To approve a Professional Services Agreement contract between the City of Plano and Mandy Vassigh Engineering, Inc., in the amount of \$64,850 for the engineering design of Screening Wall – Parker Road and Independence Parkway and authorizing the City Manager to execute all necessary documents. This is for the engineering design and specifications for the reconstruction of screening walls at the following two locations: (1) On the south side of Parker Road from 560 feet west of Alma Drive to Spring Creek Parkway – Length 1,400 LF and (2) On the west side of Independence Parkway from approximately 140 feet north of Lanarc Drive to approximately 150 feet south of Sebring Drive – Length 380 LF. (Consent Agenda Item “E”)

To approve a Professional Services Agreement by and between the City of Plano and BW2 Engineering, Inc., in the amount of \$97,450 for Dallas North Estates 3, and authorizing the City Manager to execute all necessary documents. This includes the complete reconstruction of existing street pavement, sidewalks and waterlines at the following locations: Edgefield Drive-Janwood Drive to Springbrook Road, Linden Drive-Edgefield Drive to Ridgefield Drive and Meadowcrest Drive-Springbrook Drive to Ridgefield Drive. (Consent Agenda Item “F”)

To approve a contract made and entered into by and between the City of Plano and Sharon Rowe, the Elections Administrator of Collin County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City’s January 30, 2010, Special Election in the estimated amount of \$68,149. (Consent Agenda Item “G”)

## **Approval of Change Order**

To Smith Contracting, Inc., increasing the contract by \$43,351 for the 2008-2009 Arterial Concrete Pavement Rehabilitation Project, Enterprise Drive and Premier Drive, Project No. 5892, Change Order No. 1, Bid No. 2009-133-B. (Consent Agenda Item “H”)

## **Adoption of Resolutions**

**Resolution No. 2009-12-1(R):** To approve receipt of funds in the amount of \$158,403 from the Texas State Library and Archives Commission – Loan Star Libraries to fund the following for the Plano Public Library System; tagging Library materials for Radio Frequency Identification (RFID) implementation, English and Spanish Microsoft computer class instructors; books; large print books, World Language materials, and CDs and DVDs; and authorizing the City Manager to execute all necessary documents for receipt of the funding. (Consent Agenda Item “I”)

**Resolution No. 2009-12-2(R):** To authorize an Interlocal Cooperation Agreement between the City of Plano, and the City of Murphy for backup assistance in Building Plans Examination and Building Inspection; and providing for an immediate effective date. (Consent Agenda Item “K”)

**Resolution No. 2009-12-3(R):** To approve and adopt an amendment to the City of Plano Supplemental Savings Plan (Governmental Money Purchase Plan); authorizing its execution by the City Manager; approving the termination of the Plan; delegating to the City Manager the authority to submit the Plan to the Internal Revenue Service for a determination as to its qualified status upon termination; and providing an effective date. (Consent Agenda Item “L”)

**Resolution No. 2009-12-4(R):** To approve the terms and conditions of a Texas Traffic Safety Program Grant Agreement by and between the State of Texas and the City of Plano, Texas; authorizing the City Manager to execute the Grant Agreement and any other documents necessary to effectuate the action taken; and providing an effective date. (Consent Agenda Item “M”)

**Resolution No. 2009-12-5(R):** To approve the terms and conditions of a First Amendment to a Development Agreement between the City of Plano and RH 15<sup>th</sup> Condos One, Ltd. for the development of 15<sup>th</sup> Street Village; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “N”)

## **Adoption of Ordinances**

**Ordinance No. 2009-12-6:** To transfer the sum of \$79,954 from the General Fund Unappropriated Fund Balance for Fiscal Year 2009-10 to the General Fund Operating Appropriation for the purpose of providing additional funding for the estimated costs associated with conducting a Special Election on January 30, 2010 to fill the vacant Place 3 City Council position; amending the budget of the City and Ordinance 2009-9-13, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item “O”)

**Ordinance No. 2009-12-7:** To amend Ordinance No. 2007-5-20 relating to City of Plano Retirement Security Plan as restated January 1, 2007 as follows: the last paragraph of Section 2.1(b) "Mortality Assumption" to comply with certain provisions of the Worker, Retiree, and Employee Recovery Act of 2008 ("WRERA") effective January 1, 2009 and the second paragraph of Section 12.3 "Non-Alienation of Benefits" to adopt the provisions of Subchapters A and C of Chapter 804 of the Texas Government Code effective January 1, 2010; authorizing its execution by the City Manager; providing a repealer clause, a severability clause, a savings clause, and an effective date. (Consent Agenda Item "P")

**Ordinance No. 2009-12-8:** To adopt and enact Supplement Number 88 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date. (Consent Agenda Item "Q")

### **END OF CONSENT**

Due to a possible conflict of interest, Council Member Harris stepped down from the bench on the following item.

**Resolution No. 2009-12-9(R):** To approve the terms and conditions of a Real Estate Contract and Lease by and between the Jason Byron Sowell Jr. Trust and the City of Plano for the purchase and lease of approximately 80 acres of land located at the intersection of Spring Creek Parkway and Windhaven Parkway, Plano, Collin County, Texas; authorizing the City Manager to execute such contract; and providing an effective date. (Consent Agenda Item "J")

Upon a motion made by Council Member Callison and seconded by Deputy Mayor Pro Tem Dunlap, the Council voted 5-0 to approve a real estate contract and lease by and between the Jason Byron Sowell Jr. Trust and the City of Plano for the purchase and lease of land located at the intersection of Spring Creek Parkway and Windhaven Parkway; and further to adopt Resolution No. 2009-12-9(R).

Council Member Harris resumed his seat at the bench.

**Public Hearing and adoption of Ordinance No. 2009-12-10 as requested in Zoning Case 2009-19** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 602 so as to allow the additional use of Day Care Center on 3.0± acres of land located on the south side of McDermott Road, 800± feet east of Independence Parkway, in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7; 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. Applicant: Northpointe Assembly of God (Regular Agenda Item "1")

Director of Planning Jarrell advised that the request for a day care center in this location requires a specific use permit and that it has direct access to a median opening and meets required parking, loading and unloading specifications. She advised that, while not necessary, the applicant intends to put in a landscape boundary between the site and adjacent residential property and that the Planning and Zoning Commission has recommended approval as submitted.

**Ordinance No. 2009-12-10**

Mayor Dyer opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Deputy Mayor Pro Tem Dunlap, the Council voted 6-0 to grant Specific Use Permit No. 602 allowing a day care center at McDermott Road and Independence Parkway as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2009-19; and further to adopt Ordinance No. 2009-12-10.

**Resolution No. 2009-12-11(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Allied Solutions, LLC; authorizing its execution by the City Manager and providing an effective date. (Regular Agenda Item “2”)

Director of Finance Tacke advised that Allied Solutions, LLC would occupy no less than 19,500 square feet of commercial space and retain no less than 78 full-time jobs by January 1, 2010. She advised that the terms of the agreement run from January 1, 2010 – December 31, 2014 for a grant in the amount of \$54,600.

Upon a motion made by Council Member Callison and seconded by Council Member Smith, the Council voted 6-0 to approve an Economic Development Incentive Agreement between the City of Plano, Texas and Allied Solutions, LLC. And further to adopt Resolution No. 2009-12-11(R).

**Resolution No. 2009-12-12(R):** A Resolution to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Tektronix Texas, LLC; authorizing its execution by the City Manager and providing an effective date. (Regular Agenda Item “3”)

Director of Finance Tacke advised that Tektronix Texas, LLC would occupy no less than 125,000 square feet of commercial space and transfer or create up to 450 full-time jobs by August 1, 2010 with the creation or transfer of 25 additional jobs by December 31, 2012. She advised that the terms of the agreement run from August 1, 2010 – December 31, 2022 in the total amount of \$593,750.

Upon a motion made by Council Member Harris and seconded by Council Member Smith, the Council voted 6-0 to approve an Economic Development Incentive Agreement between the City of Plano, Texas and Tektronix Texas, LLC. And further to adopt Resolution No. 2009-12-12(R).

**Public Hearing pursuant to Chapter 26 of the Texas Parks and Wildlife Code** pertaining to the use or taking of a portion of a City of Plano park and known as the Bluebonnet Trail site for a Communications Facilities License Agreement for cellular equipment attached to and at the base of the existing Oncor Electric transmission tower. (Regular Agenda Item “4”)

Assistant City Manager Israelson spoke to the request for a ground lease for Clear Wireless, LLC at Bluebonnet Trail, advising that the request has been approved by the Parks and Recreation Planning Board. Mr. Israelson stated that the project includes all reasonable planning to minimize harm to the land resulting from the use and spoke to there being no feasible and prudent alternative to the use of this land.

Mayor Dyer opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

**Ordinance No. 2009-12-13:** to approve the use and taking by Clear Wireless, LLC, a Nevada limited liability company, of a portion of City of Plano public park land known as Bluebonnet Trail Park (near Stillwell Road between Brunchberry Lane and Ashington Lane); finding and determining that there is no feasible and prudent alternative to the proposed use or taking of the park land and that the proposed project includes all reasonable planning to minimize harm to the land, the park and the recreation area; and providing an effective date. (Regular Agenda Item "5")

Upon a motion made by Council Member Callison and seconded by Mayor Pro Tem LaRosiliere, the Council voted 6-0 to approve the use and taking by Clear Wireless LLC of a portion of Bluebonnet Trail Park and further to adopt Ordinance No. 2009-12-13.

**Resolution No. 2009-12-14(R):** To approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas, and Clear Wireless, LLC, a Nevada limited liability company, to locate, place, attach, install, and operate, telecommunications ground equipment in certain specific portions of City of Plano public park land, known as the Bluebonnet Trail site, authorizing its execution by the City Manager and providing an effective date. (Regular Agenda Item "6")

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Harris, the Council voted 6-0 to approve an agreement between the City of Plano and Clear Wireless LLC for ground equipment at Bluebonnet Trail and further to adopt Resolution No. 2009-12-14(R).

**Public Hearing pursuant to Chapter 26 of the Texas Parks and Wildlife Code** pertaining to the use or taking of a portion of a City of Plano park and known as the Preston Ridge site for a Communications Facilities License Agreement for cellular equipment attached to and at the base of the existing Oncor Electric transmission tower. (Regular Agenda Item "7")

Assistant City Manager Israelson spoke to the request for a ground lease for Clear Wireless, LLC at Preston Ridge site, advising that the request has been approved by the Parks and Recreation Planning Board. Mr. Israelson stated that the project includes all reasonable planning to minimize harm to the land resulting from the use and spoke to there being no feasible and prudent alternative to the use of this land.

Mayor Dyer opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

**Ordinance No. 2009-12-15:** An Ordinance to approve the use and taking by Clear Wireless, LLC, a Nevada limited liability company, of a portion of City of Plano public park land known as Preston Ridge Trail Park (near Legacy Drive between Rock Springs Drive and Los Altos Drive); finding and determining that there is no feasible and prudent alternative to the proposed use or taking of the park land and that the proposed project includes all reasonable planning to minimize harm to the land, the park and the recreation area; and providing an effective date. (Regular Agenda Item “8”)

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Callison, the Council voted 6-0 to approve the use and taking by Clear Wireless, LLC of a portion of Preston Ridge Trail Park and further to adopt Ordinance No. 2009-12-15.

**Resolution No. 2009-12-16(R):** to approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas, and Clear Wireless, LLC, a Nevada limited liability company, to locate, place, attach, install, and operate, telecommunications ground equipment in certain specific portions of City of Plano public park land, known as the Preston Ridge site, authorizing its execution by the City Manager and providing an effective date. (Regular Agenda Item “9”)

Upon a motion made by Council Member Callison and seconded by Deputy Mayor Pro Tem Dunlap, the Council voted 6-0 to approve an agreement between the City of Plano and Clear Wireless LLC for ground equipment at Preston Ridge Trail Park and further to adopt Resolution No. 2009-12-16(R).

**Resolution No. 2009-12-17(R):** Relating to the giving of notice of intention to issue City of Plano, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2010; and providing an effective date. (Regular Agenda Item “10”)

Upon a motion made by Mayor Pro tem LaRosiliere and seconded by Council Member Smith the Council voted 6-0 to give notice of intention to issue City of Plano Combination Tax and Revenue Certificates of Obligation and further to adopt Resolution No. 2009-12-17(R).

There being no further discussion, Mayor Dyer adjourned the meeting at 7:19 p.m.

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**Phil Dyer, MAYOR**

ATTEST:

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Diane Zucco, City Secretary

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
December 22, 2009**

**COUNCIL MEMBERS**

Phil Dyer, Mayor  
Harry LaRosiliere, Mayor Pro Tem  
Lee Dunlap, Deputy Mayor Pro Tem  
Pat Miner  
Ben Harris  
Mabrie Jackson (resigned)  
Lissa Smith  
Jean Callison

**STAFF**

Thomas H. Muehlenbeck, City Manager  
Frank Turner, Deputy City Manager  
Bruce Glasscock, Deputy City Manager  
Rod Hogan, Deputy City Manager  
Mark Israelson, Assistant City Manager  
LaShon Ross, Assistant City Manager  
Diane C. Wetherbee, City Attorney  
Paige Mims, Assistant City Attorney III  
Diane Zucco, City Secretary

Mayor Dyer called the meeting to order at 5:16 p.m., Tuesday, December 22, 2009, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Mayor Dyer 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/Litigation, Section 551.071 and to receive information regarding Economic Development, Section 551.087 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 5:52 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**

Tax Increment Financing Reinvestment Zone No. 1

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Harris, the Council voted 7-0 to appoint Mayor Pro Tem LaRosiliere as Chair.

## Tax Increment Financing Reinvestment Zone No. 2

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Deputy Mayor Pro Tem Dunlap, the Council voted 7-0 to appoint Council Member Miner as Chair.

## **Arts of Collin County Quarterly Report**

Executive Director Mike Simpson presented a virtual-tour video of the Arts of Collin County and spoke to recent activity including \$2.9 million in new donations, an expanded donation program, online donation capability, and brick paver/seat programs. He spoke to over 110 presentations made, the promotion planned for January 2010 through April 2010, and the new website. Mr. Simpson reviewed recent donations, spoke to the "Businesses for the Arts Project" and the level of private funds to date. He provided project status, advising that the master plan and site standards, theater design, construction documents, and surrounding roads are complete. Mr. Simpson spoke to funding over 80% complete and bidding the job in a timely manner to keep costs down. He spoke to the bid opening on December 9, with 265 bidders on more than 30 projects, low pricing, presentations made to cities January-March and a final award by April 2010 with an opening early-summer of 2012.

## **Comprehensive Monthly Financial Report**

Director of Finance Tacke spoke to the General, Water/Sewer and Golf Course funds being down year-to-date as a percentage of the budget. She advised that actual General Fund revenue is down approximately \$1 million overall primarily due to the decrease in sales tax and lower franchise fees. Ms. Tacke spoke to expenditures in the General Fund experiencing increases in contractual and professional services and expenses related to the *Lights at Legacy*. She advised that overall personnel expenses are down due to open positions and are offset by payment of post-retirement benefits. Ms. Tacke spoke to low sales tax receipts in area cities and lowered revenues for the Water/Sewer fund related to increased rains.

City Manager Muehlenbeck spoke to monies deposited into a reserve (\$6 million per year) to fund and pre-fund health care benefits for retirees and possible consideration of future levels of participation. Ms. Tacke spoke to the unknown future of the health care industry, Plano being proactive as related to other communities, and monies impacting the General Fund. Mayor Dyer requested a presentation to the Council regarding reserve funds. Ms. Tacke responded to Mayor Pro Tem LaRosiliere regarding building the fund based on future estimates.

Deputy Mayor Pro Tem Dunlap spoke to the Public Utility Commission's decision regarding franchise fees and the impact on cities. Ms. Tacke advised that the monies collected to date are \$300,000 lower than last year and that collections are based on electrical billings. City Manager Muehlenbeck spoke to the funding of state agencies through fees collected by municipalities such as those for water sampling. Ms. Tacke responded to Deputy Mayor Pro Tem Dunlap regarding the General Fund being made up of ad valorem and sales taxes with other funds (water/sewer and municipal drainage) enterprise funds operating as businesses and able to make a profit.

### **Paperless Agenda Process**

City Secretary Zucco reviewed the development of a paperless agenda, benefits for Council, citizens and Staff in delivery, access and downloading. She advised regarding the savings in resources and more effective routing and creation of packets. Ms. Zucco spoke to introduction to Staff with parallel packets on January 11, 2010 and full conversion on January 25, 2010. Director of Technology Services Stephens provided the Council an overview to the packet highlighting access and the availability of all items related to a Council meeting. He responded to Council Member Harris, advising that the packet will be searchable and Ms. Zucco spoke to cost savings.

### **Council items for discussion/action on future agendas**

No items were discussed.

### **Consent and Regular Agenda**

No items were discussed.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:34 p.m.

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**Phil Dyer, Mayor**

ATTEST

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**Diane Zucco, City Secretary**

**PLANO CITY COUNCIL**  
**December 22, 2009**

**COUNCIL MEMBERS**

Phil Dyer, Mayor  
Harry LaRosiliere, Mayor Pro Tem  
Lee Dunlap, Deputy Mayor Pro Tem  
Pat Miner  
Ben Harris  
Mabrie Jackson (resigned)  
Lissa Smith  
Jean Callison

**STAFF**

Thomas H. Muehlenbeck, City Manager  
Frank Turner, Deputy City Manager  
Bruce Glasscock, Deputy City Manager  
Rod Hogan, Deputy City Manager  
Mark Israelson, Assistant City Manager  
LaShon Ross, Assistant City Manager  
Diane C. Wetherbee, City Attorney  
Paige Mims, Assistant City Attorney III  
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Tuesday, December 22, 2009, at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

Mayor Dyer requested the audience rise for a moment of silence and the Pledge of Allegiance was led by Cub Scout Pack 280 of Christ United Methodist Church.

Mayor Dyer presented a plaque of appreciation to outgoing Council Member Mabrie Jackson.

**COMMENTS OF PUBLIC INTEREST**

No one appeared to speak.

**CONSENT AGENDA**

Upon a motion made by Council Member Harris and seconded by Council Member Callison, the Council voted 7-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

### **Approval of Expenditures**

#### **Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)**

**Bid No. 2010-7-P** for 2009-2010 Sanitary Sewer Rehab Requirements Contract to Insituform Technologies, Inc. in the amount of \$1,925,970. This project involves the repair and lining of sanitary sewer mains using trenchless technology and the replacement of sanitary sewer laterals to eliminate infiltration and inflow into the City's sewer system, at various locations in the City. This will establish a fixed price requirements contract with two optional renewals. (Consent Agenda Item "A")

**Bid No. 2010-14-B** for 14<sup>th</sup> Street – Avenue K to Ridgewood Drive to McMahan Contracting, L.P. in the amount of \$5,479,272. This project consists of the reconstruction of the sewer main and attached services from Avenue O to Avenue K, the construction of a 12" water main and attached services, from Avenue K to Ridgewood Drive, and the removal and replacement of the concrete paving from Avenue K to Ridgewood Drive, including the intersection at Jupiter Road, approximately 8,700 linear feet (1.6 miles) total. (Consent Agenda Item "B")

#### **Purchase from an Existing Contract**

To authorize maintenance for Sun Storage Area Network and Sun Tape Library, in the amount of \$56,887 from Sigma Solutions, Inc., through a State of Texas Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. This is for a one-year maintenance agreement. (Contract No. DIR-SDD-503) (Consent Agenda Item "C")

To authorize the purchase of maintenance support for our IBM i550 server in the amount of \$60,788 from Sirius, through a TXMAS Contract, and authorizing the City Manager to execute all necessary documents. (TXMAS Contract No. 4-70080) (Consent Agenda Item "D")

To approve to extend the existing Service Agreement between Motorola and the City of Plano for an additional two-month period, for the amount of \$149,814 through an existing contract with the Houston-Galveston Area Council, and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. RA-01-08) (Consent Agenda Item "E")

To authorize an expenditure in the amount of \$663,248 with Dell for a Microsoft Enterprise Agreement renewal and true-up for our server and desktop licenses through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. This is the first year of a three year contract. (Contract No. DIR-SDD-1014) (Consent Agenda Item "F")

#### **Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)**

To approve an Engineering Contract by and between the City of Plano and Lam Consulting Engineering, in the amount of \$60,000 for Drainage Improvements – Briarwood, Liverpool & Stoney Point, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "G")

### **Modification of Contract**

To approve a first modification to contract with DataProse, Inc. increasing the annual contract amount by \$71,300 from \$388,700 to \$460,000 to allow other printing options, adding an itemized fee schedule for the new printing options, approving the assignment of contract to CSG Systems, Inc., and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

### **Approval of Change Order**

To McMahon Contracting, L.P., increasing the contract by \$246,095 for Preston at Legacy Intersection Improvements, Change Order No. 1. (Original Bid No. 2009-34-B) (Consent Agenda Item “I”)

### **END OF CONSENT**

**Resolution No. 2009-12-18(R):** To approve the terms and conditions of an Agreement by and between Motorola, Inc. and the City of Plano, Texas, the City of Allen, Texas, the City of Wylie, Texas and the City of Murphy, Texas who are parties to an Interlocal Agreement for the purchase of a Radio System, of which Plano’s share will be \$12,271,398; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “1”)

City Manager Muehlenbeck advised that the current radio system is no longer supported and the project was put out to bid and includes a partnership with the cities of Allen, Wylie and Murphy. Communications Manager Carr spoke to the items on the agenda, the first being a replacement of the existing radio system, the second a resolution to approve the terms of an agreement with other cities for joint purchase and operation and the third a resolution to upgrade and replace the existing microwave system to connect to the radio system. Radio System Manager Goldsmith spoke to the need to move to another system, review of all vendors and notice provided that the current system was no longer serviceable and has been in place since 1991.

Upon a motion made by Council Member Miner and seconded by Council Member Callison, the Council voted 7-0 to approve an Agreement with Motorola, Inc. and the cities of Plano, Allen, Wylie and Murphy, Texas for the purchase of a Radio System and further to adopt Resolution No. 2009-12-18(R).

**Resolution No. 2009-12-19(R):** To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the City of Allen, Texas, the City of Wylie, Texas and the City of Murphy, Texas for Joint Radio Communications System for Municipal Services; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “2”)

Citizen Mona Tuffer spoke to the importance of communication and cooperation between agencies in the event of a disaster.

**Resolution No. 2009-12-19(R) (cont'd)**

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Callison, the Council voted 7-0 to approve an Interlocal Agreement between the cities of Plano, Allen, Wylie and Murphy, Texas for a Joint Radio Communications System for Municipal Services and further to adopt Resolution No. 2009-12-19(R).

**Resolution No. 2009-12-20(R):** To approve the terms and conditions of an Agreement by and between the City of Plano, Texas, the City of Allen, Texas, the City of Wylie, Texas and the City of Murphy, Texas and Alcatel-Lucent, Inc., a sole source provider, for upgrade and replacement of the existing Microwave Radio System which will connect the new Motorola P-25 Radio System Infrastructure to each of the above cities of which Plano's share will be \$893,732; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "3")

Upon a motion made by Council Member Miner and seconded by Council Member Smith, the Council voted 7-0 to approve an agreement between the cities of Plano, Allen, Wylie, and Murphy, Texas and Alcatel-Lucent, Inc. for upgrade and replacement of the existing Microwave Radio System and further to adopt Resolution No. 2009-12-20(R).

There being no further discussion, Mayor Dyer adjourned the meeting at 7:16 p.m.

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**Phil Dyer, MAYOR**

ATTEST:

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Diane Zucco, City Secretary