

PLANO CITY COUNCIL
Worksession
August 3, 2011

COUNCIL MEMBERS

Phil Dyer, Mayor
Pat Miner, Mayor Pro Tem
Lissa Smith, Deputy Mayor Pro Tem
Ben Harris
André Davidson
James Duggan
Patrick Gallagher
Lee Dunlap

STAFF

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Worksession on Wednesday, August 3, 2011, at 6:01 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 Duggan.

Funding Requests

Special Event Funding Discussion

City Manager Glasscock spoke regarding challenges for the Christmas Parade, July 4th Parade and Sunset at Memorial Park in raising private donations and funding requests not meeting their needs. He spoke to these events being focused on the Plano community, potential for different consideration, and funding through the budget process rather than grants. Budget and Research Director Rhodes-Whitley advised that the Dickens Christmas event is funded through the General Fund and Mr. Glasscock spoke to Staff determining City-required expenses (barricades, officers, etc.). The Council discussed determining which events would be considered for budget funding and Public Information Director Conklin advised that the sense is, if these events were not planned by other organizations, the City would be requested to do so. The Council stated a consensus in directing Staff to move forward as presented and to calculate the difference in grant funding.

Presentation of Cultural Affairs Commission

Cultural Affairs Commission Chair Stroh spoke regarding the grant application process including electronic submittal, focusing on Plano “centric” groups, the increase in applicants and future consideration of funding Small Arts Grants as a percentage of monies rather than a simple \$1,000 grant. She responded to the Council, advising that if Small Grants were considered as a percentage they may have received lesser funds. Ms. Stroh reviewed activities for various organizations and advised that monies raised by the Partnership Walk/Run are dedicated to poverty in Africa.

The Council spoke to the lack of a demonstrated impact to the City for this event and concurred to remove their funding. They further favored events that benefit the community rather than fundraising efforts. Ms. Stroh spoke regarding the impact on Plano of other organizations and attendance at the *Taste of Plano*. Budget and Research Director Rhodes-Whitley advised the Council that available funds are a result of hotel/motel taxes; Council may cap distribution with the excess placed in the fund balance; and that changes discussed this evening will be brought forward for Council's approval.

Presentation of Heritage Commission

Heritage Commission Chair Quaintance-Howard spoke to the applications received and recommended grants for the Heritage Farmstead Museum (\$487,000) and the Plano Conservancy for Historic Preservation, Inc. (\$198,153). She spoke to both organizations as returning groups and advised regarding items funded. Ms. Quaintance-Howard responded to the Council, advising that should ownership of the Old City Cemetery property remain unidentified, monies for restoration will return to the fund. She further advised that applicants are aware of the increase in grant funds available due to the lower number of applicants. The Council concurred with recommendations as presented.

Council Items and Issues for Discussion

No items were considered

City Manager Glasscock spoke to the August 13, 2011, Budget Worksession to include a Public Hearing regarding the Charter Review Process.

Nothing further was discussed. Mayor Dyer adjourned the meeting at 7:02 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
August 8, 2011**

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Lissa Smith, Deputy Mayor Pro Tem
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Diane Zucco, City Secretary

Mayor Dyer called the meeting to order at 5:01 p.m., Monday, August 8, 2011, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Duggan. 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, Section 551.071; and to receive information regarding Economic Development, Section 551.087; and 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 6:15 p.m.

Consideration and action resulting from Executive Session discussion

No items were considered.

Discussion and Direction Regarding Michigan U-Turn for Legacy Drive/Preston Road; Plano Parkway/Preston Road; and Springcreek Parkway/Coit Road

Police Chief Rushin spoke to the change in the number of crashes at Legacy Drive/Preston Road following installation of the Michigan U-Turn, efforts to educate drivers regarding the change, the increase in warnings/citations, and increased normalization as awareness rises. Director of Public Works Cosgrove spoke to the decision to remove plans for overpasses at these locations and evaluation of alternative methods of addressing traffic concerns. He advised that congestion and traffic backup has been reduced since the installation at Legacy Drive/Preston Road and spoke to current issues including U-turn violations.

Mr. Cosgrove spoke to possible alternatives at other locations and advised the Council that Staff will continue to gather data on the Michigan U-Turn since Texas Department of Transportation funding for other locations will not be available until 2015. Mayor Dyer spoke to traffic movement during off-peak times and consideration of alternatives. Mr. Cosgrove responded to Council Member Harris, advising that the costs to return the Legacy Drive/Preston Road intersection to normalized operations would be minimal. City Manager Glasscock advised that Staff would proceed with design for the other locations and return with additional information early in 2012 for Council consideration.

Presentation Regarding Police Vehicle Idle Reduction Program

Police Chief Rushin spoke to police vehicles being left idling to power emergency lights, in-car cameras and computers while officers work on major calls and the need to reboot if there is a power failure. He spoke to the increased draw on the vehicle battery and the benefits of idle reduction equipment. Chief Rushin spoke to using Local Initiative Project funds to assist in the purchase of 123 idle reduction units with 29 data collection units and covering the match with in-line services for the cost of installation and a partial cash match on data collection units. He advised that policies will be developed regarding usage/compliance and that mileage/maintenance/emissions data will be collected. Chief Rushin advised that the equipment does not power the air conditioning or heating and spoke to its location inside vehicles.

Update Regarding North Texas Municipal Water District Restrictions

Director of Customer Utility Services/Assistant City Manager Israelson spoke to the cooperative effort among departments to implement watering restriction stages in the City. He advised that stages are initiated at the direction of the North Texas Municipal Water District (NTMWD) Board of Directors and spoke to criteria for the City detailed in the *Water Management Plan* adopted in 2009. Mr. Israelson advised that stages may terminate when circumstances causing their implementation no longer prevail, spoke to conditions triggering implementation of stages, and advised that the current concern is pumping capacity rather than lake levels. He advised that Stage 1 is educational and voluntary in nature and achieves 2% reduction in the overall volume; Stage 2 is a 5% reduction with two-day a week watering based on the design and capacity of the City's water system; Stage 3 is a 10% reduction with watering one day per week; and Stage 4 implements whatever reduction goals are necessary and limits watering to one day per week for two hours.

Mr. Israelson spoke to prohibited actions in each of the stages, implementation by August 19 and providing notification. He spoke to the use of courtesy door hangars and letters followed by enforcement for repeat complaints through the Public Works Department. Mr. Israelson spoke to consideration of variances and responded to the Council that scheduled watering ensures the viability of the system for regular and emergency use. Mr. Israelson advised that Staff has been working with other cities to coordinate programs and spoke to maintenance of City assets through a variance for athletic fields while complying with a 5% reduction. He responded to the Council, advising that citizens may hand water if they ensure there is no runoff and stated that there is no penalty to cities for non-compliance, but that they have made a financial and operational commitment. Director of Public Works and Engineering Cosgrove stated that the district's pump conversion will be complete in 2013-14.

Mr. Israelson responded to the Council regarding the potential loss of revenue as a result of reductions and City Manager Glasscock advised that an additional \$15 million has been paid since the City reached its take-or-pay maximum in 2001. Mr. Glasscock spoke to continued efforts to restructure the agreement.

Personnel Appointments – Tax Increment Financing Reinvestment Zone No. 1 Board

The Council concurred that Mayor Dyer would serve as a member of the Board.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 7:20 p.m.

Phil Dyer, Mayor

ATTEST

Diane Zucco, City Secretary

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August 8, 2011

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Mayor Dyer convened the Council directly from the Preliminary Open Meeting into the Regular Session on Monday, August 8, 2011, at 7:20 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 Duggan.

The invocation was led by Pastor Jack Schneider of St. Paul Lutheran Church and Mayor Dyer led the Pledge of Allegiance.

Mayor Dyer presented special recognition to Collin College LULAC and David L. Perry, Sr. The GFOA Distinguished Budget Presentation Award – 25th Year Award was presented to the Budget Department and the Battle of the Badges Trophy was presented to the Plano Police Department.

Mayor Dyer recessed the meeting at 8:02 p.m. and the meeting reconvened at 8:12 p.m.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Gallagher, the Council voted 7-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda “A”)

July 25, 2011

July 27, 2011

Bid No. 2011-199-B for Asbestos Removal at Plano Aquatic Center and Custer Pump Station to Empire Environment Group LLC, in the amount of \$239,163 and authorizing the City Manager to execute all necessary documents. (Consent Agenda “B”)

Bid No. 2011-238-B for the Stadium Pump Station Ground Storage Reservoir Nos. 2 & 3 Repaint project to Blastco Texas, Inc. in the amount of \$1,060,550 and authorizing the City Manager to execute all necessary documents. (Consent Agenda “C”)

Bid No. 2011-194-B for the Citywide On-street Bicycle Route Signage, Project No. 5858, to Centerline Supply, Ltd. in the amount of \$315,071 and authorizing the City Manager to execute all necessary documents. (Consent Agenda “D”)

Bid No. 2011-196-G for Photovoltaic Systems for Logistics Warehouse, Oak Point Recreation Center and Tom Muehlenbeck Center - Project Nos. 6121, 6136, to Axium Solar, in the amount of \$134,972 and authorizing the City Manager to execute all necessary documents. (Consent Agenda “E”)

Purchase from an Existing Contract

To approve the purchase of nine (9) Crane Carrier Refuse Truck Chassis's from Bond Equipment Company, Inc. in the amount of \$1,427,187, five (5) Heil Automated Single Arm Bodies & two (2) Rear Loader Bodies from Heil of Texas in the amount of \$679,088, and two (2) Labrie Automated Dual Arm Bodies from Equipment Southwest Inc. in the amount of \$312,756, totaling \$2,419,031 to be utilized by Environmental Services, through an existing contract/agreement with TASB/Buyboard, and authorizing the City Manager to execute all necessary documents. (TASB/Buyboard Contract #358-10 & 357-10) (Consent Agenda “F”)

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

To approve an Engineering Services Agreement by and between the City of Plano and BW2 Engineers, Inc. in the amount of \$54,950 for the design of the Preston Ridge Trail connection and authorizing the City Manager to execute all necessary documents. (Consent Agenda “G”)

Approval of Expenditure

To approve the purchase and installation of 10 rooftop units and 2 split systems at Davis Library in the amount of \$136,597 from Johnson Controls, Inc. through an existing contract with Choice Facilities Partners and authorizing the City Manager to execute all necessary documents. (Choice Facility Partners Contract Number 09/003JC-01) (Consent Agenda “H”)

To approve the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$200,000 from Baker & Taylor for purchase of various library materials including books, compact disks, books-on-CD and DVDs. These purchases will be made through the State of Texas CO-OP Purchasing Program under Texas State Contract 715-N1 Print Materials and Multimedia with Baker & Taylor; and authorizing the City Manager to execute all necessary documents. (Consent Agenda "I")

Adoption of Resolutions

Resolution No. 2011-8-1(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County for the implementation of Idle Reduction Technology for law enforcement vehicles; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda "J")

Resolution No. 2011-8-2(R): To accept the Certified Appraisal Rolls for Fiscal Year 2011-12 for Collin County and Denton County, and providing an effective date. (Consent Agenda "K")

Resolution No. 2011-8-3(R): To approve the settlement of the lawsuit styled Belinda Saldana, Individually and as Representative of the Estate of Michael Anthony Alcala, Deceased, and as Next Friend of Michael Anthony Alcala, Jr., a Minor, and Nancy Nava, Individually and as Next Friend of Michael Anthony Alcala, Jr., a Minor v. City of Plano, Cause No. 296-05020-2010 in the 296th District Court of Collin County, Texas in the amount of Two Hundred Forty Five Thousand and No/100 Dollars (\$245,000.00); authorizing the City Manager to execute any and all documents necessary to settle such lawsuit; and providing an effective date. (Consent Agenda "L")

Adoption of Ordinances

Ordinance No. 2011-8-4: To amend Chapter 12 (Traffic Code), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, to revise the designated times of operation for the school zones on Coit Road at McDermott Road, Crystal Creek Drive, Elsinore Drive, Floyd Drive, Gillespie Drive, McDermott Road at Rockledge Lane, McDermott Road at Coit Road, Oakland Hills Drive, Ohio Drive at Wildbriar Drive, Ridgeview Drive, Robinson Road, Rockledge Lane, and Waskom Drive; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda "M")

Ordinance No. 2011-8-5: To approve a negotiated resolution between the Atmos Cities Steering Committee ("ACSC" or "Steering Committee") and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company") regarding the Company's fourth annual Rate Review Mechanism ("RRM") filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; requiring the company to reimburse Cities' reasonable ratemaking expenses; repealing conflicting resolutions or ordinances; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Ordinance to the Company and the Steering Committee's legal counsel. (Consent Agenda "N")

END OF CONSENT

Discussion of the FY 2011-12 Proposed Community Investment Program. (Regular Agenda Item “1”)

City Manager Glasscock spoke to the \$89 million in programs and a planned \$31 million in bond sales for 2012.

Director of Parks and Recreation Fortenberry spoke regarding the Park Master Plan, advising that the Recreation Centers Bond Program (totaling \$2 million) will apply toward renovations at the Aquatic Center and the Park Improvements Bond Program (totaling \$8.2 million) will apply toward Arbor Hills (\$350,000), Athletic Field Improvements (\$450,000), Athletic Field Renovations (\$400,000), Land Acquisitions (\$3.5 million), Oak Point Park & Nature Preserve (\$150,000), Park Improvements (\$950,000), Trail Connections (\$500,000), White Rock Creek Community Park Site (\$100,000), Legacy Trail (\$900,000) and Neighborhood Park Improvements (\$973,000). She spoke to the Park Fee Program (totaling \$960,000) to be applied toward Greenbelt Acquisition and Development and the Capital Reserve Fund (totaling \$3.6 million) including High Point Tennis Center Light Replacements (\$600,000), Irrigation Renovations (\$500,000), Park Shelter Replacements (\$100,000), and Park Structures and Equipment (\$425,000). She advised the Council that the Capital Reserve Fund irrigation renovations include small repairs and that large athletic sites trigger a bond referendum. Ms. Fortenberry further advised that Recreation Center Equipment (\$100,000) includes miscellaneous items such as curtains or furniture and stated that bond expenditures are a bit lower than previous years due to consideration of balancing the needs of the City with operations costs.

Director of Public Works Cosgrove advised regarding the Street Improvements Program (totaling \$24 million) including Rehabilitation Projects (\$5.3 million), Design Projects (\$1.1 million), Capacity Improvements (\$13.9 million), Funding Continuation (\$2.7 million), and Miscellaneous (\$1 million). He responded to Council regarding screening walls advising that patches are funded through the Capital Reserve Fund or Operating Budget with those in the worst condition are replaced. He advised that the City does not maintain living screening walls with the exception of one located on Coit Road between Parker Road and Irving Drive. Mr. Cosgrove spoke to other funding sources totaling \$14.3 million and responded to the Council that Collin County funds are geared towards new construction. Mr. Glasscock spoke to discussion with the County to revise wording in issuances to allow for more diverse use of funds. Mr. Cosgrove spoke to Municipal Drainage Projects (\$3.4 million), Water Improvements (\$9.9 million), Sewer Improvements (\$2 million), Capital Reserve Projects (\$9.7 million), Other Community Investment Projects (\$3.1 million), Facilities Capital Reserves (\$2 million), and Facilities Projects (\$13.8 million).

Public Hearing on the FY 2011-12 Recommended Budget and the FY 2011-12 Proposed Community Investment Program (CIP) (Regular Agenda Item “2”)

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

A vote on a proposal to consider an increase in the total tax revenue (Regular Agenda Item “3”)

Director of Budget and Research Rhodes-Whitley advised that the Truth-In-Taxation Law states that if a proposed tax rate exceeds the rollback or the effective tax rate, whichever is lower, the taxing unit’s governing body must vote to place a proposal on the agenda of a future meeting as an action item; the vote must be recorded; and the proposal must specify a tax rate. Ms. Rhodes-Whitley advised that the debt rate is set at 17.31 cents and cannot be changed and that the proposed rate is 48.86 cents per \$100 of assessed valuation. She spoke to the effective tax rate (48.06) being the rate which would result in the same tax revenue as last year using this year’s appraised values and the rollback rate which raises the same amount for operations as the prior year plus 8% cushion which would be a difference of \$1.64. She reviewed the upcoming sessions including a budget worksession on August 13 and Public Hearings on August 22 and August 31.

Upon a motion made by Council Member Dunlap and seconded by Deputy Mayor Pro Tem Smith, the Council voted 7-0 to establish a tax rate of 48.86.

Consideration of a request for a revised site plan for a Data Center on one lot on 23.8± acres located at the southeast corner of Coit Road and Jomar Drive. Zoned Planned Development-128-Light Industrial-1. Applicant: Bank of America (Regular Agenda Item “4”)

Planning Manager Firgens advised that the Planning and Zoning Commission approved the request subject to City Council approval of the request for a parking reduction and the applicant executing a performance agreement with the City subject to approval by the City Attorney. She advised that the number of spaces to be provided should be more than adequate to meet the demands of the data center use.

Upon a motion made by Council Member Dunlap and seconded by Deputy Mayor Pro Tem Smith, the Council voted 7-0 to approve the request for a revised site plan for a Data Center located at the southeast corner of Coit Road and Jomar Drive.

Transmittal of Fiscal Year 2009-2010 Affirmative Action Report (Regular Agenda Item “5”)

Deputy City Manager Ross reviewed the history of the Affirmative Action Program and spoke to making sure there is a diverse applicant pool. She reviewed the City’s labor force as it compares to Collin County, spoke to analysis of underutilization and concentration reflecting employment traditions and history of interests, and the increase in applications through the online system. Ms. Ross spoke to civil service screening and testing and the City’s commitment to the spirit and objectives of true equal employment opportunity.

Public Hearing and Council discussion and direction regarding a possible charter election to include, but not limited to, propositions on: revising Council length of terms and term limits; municipal court of record; and general clean-up of provisions that are obsolete or preempted by state or local law. (Regular Agenda Item “6”)

City Attorney Wetherbee spoke regarding consideration of substantive charter amendments that would revise election to the Council and their term limits and amend the structure of the municipal court to allow for the establishment of a court of record. She spoke to other non-substantive items that remove obsolete or duplicate provisions, stated that Plano is most likely the only city of its size that does not have a court of record, and spoke to revisions in the Chief Municipal Judge's role.

City Secretary Zucco spoke regarding the passage of Senate Bill 100 and advised that the uniform election dates utilized by the City for General Elections remain in May and November, but that the primary run-off has been moved to May thus creating a conflict. She spoke to options provided by the Collin County Elections Administrator: 1) move elections to an odd-year cycle; 2) move to a November election; 3) remain in May for even/odd years with the County acquiring equipment at the City's expense and the entities hiring election judges/clerks and acting as early voting clerk; and 4) remain in May and the City conduct the election including acquisition of equipment, hiring, and early voting clerk duties. Ms. Zucco reviewed the preliminary costs provided by the Elections Administrator for coding, machine acquisition, employees, licensing and machine delivery, advising that the City should receive more details within the next week.

Ms. Zucco reviewed the options for term limits should the Council support moving to staggered four-year terms elected in odd-numbered years. City Manager Glasscock spoke to other cities expressing support for retaining the current election calendar, possible revisions to cost estimates and a deadline of September 7 to order a charter election. Assistant City Manager Israelson advised that there has been no movement on the part of the legislature to revise the new provisions. City Attorney Wetherbee advised that if the Council were to hold a charter election in May of 2012, they would not be permitted to hold another charter election for two years to address any concerns. The Council stated a consensus for an option for term limits in which all completed terms served will count toward the two-term limit resulting in members of the current Council serving a total of seven to nine years. Council Member Harris spoke to providing information to the public regarding the reasons behind the revision, the shortening of Council service and cost savings.

Mayor Dyer opened the Public Hearing. No one appeared to speak for or against the item. The Public Hearing was closed. The Council stated a consensus to hold another Public Hearing on August 13 followed by one on August 22. Ms. Wetherbee advised that she would review whether or not individual items such as Council terms of office/elections can be removed from the ballot once the election is ordered and Council Member Harris requested clarification of language related to the time Council members must wait before again running for office.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 9:43 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary