

PLANO CITY COUNCIL
March 27, 2006

COUNCIL MEMBERS

Pat Evans, Mayor
Scott Johnson, Mayor Pro Tem
Sally Magnuson, Deputy Mayor Pro Tem
Shep Stahel
Jean Callison
Loretta L. Ellerbe
Harry LaRosiliere

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Elaine Bealke, City Secretary

Mayor Evans convened the Council into the Regular Session immediately following the Preliminary Session on Monday, March 27, 2006, at 7:00 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Rev. David Batchelder of West Plano Presbyterian Church.

The Pledge of Allegiance was led by Girl Scout Troop 852.

Mayor Evans recognized the Plano West Lady Basketball Team – State 5A Champions, presented a proclamation for National Library Week – 2006 and acknowledged the Texas Municipal Library Directors Association 2005 Achievement of Excellence in Libraries Award. She presented proclamations for Keep Plano Beautiful – Great American Cleanup and Outdoor Air Quality Awareness Month. Mayor Evans made a presentation to the Building Inspections Department for the Building Officials Association of Texas Award of Excellence, Bill McGovern – UTA Construction Research Center Building Inspector of the Year Award and Mamie Free – ICC North Texas Chapter Building Department Employee of the Year Award. She presented a proclamation recognizing Southwest Forum Day.

Kent Baker was unable to attend to receive an oath of office for the Keep Plano Beautiful Commission.

GENERAL DISCUSSION

Sonja Hammar, citizen of the City, spoke to the learning curve necessary for the proposed modified left turns at major intersections. She spoke to spreading the word regarding upcoming Urban Design Projects in the City and to the Council considering how projects will affect the lives of citizens.

Jack Lagos, citizen of the City, requested a response to his comments regarding the Arts of Collin County Commission certified audit being inaccurate as it states they are a 501(c)(3) charitable organization and he spoke regarding the City having one-third ownership. Mayor Evans advised that during General Discussion the Council may not comment on items as they have not been posted on the agenda.

Receive City Attorney's response to comments of public interest made at a previous Council meeting.

City Attorney Wetherbee spoke to comments received at the March 16, 2006 Council meeting regarding the Arts of Collin County Commission (ACC) not having received its Internal Revenue Service determination letter regarding its tax exempt status. She advised that it is typically nine months to one year before a letter is sent and that the law recognizes this delay. Ms. Wetherbee spoke to compliance by the ACC with the timelines established by the Department of Treasury and to being allowed to claim 501(c)(3) status until the IRS or a court of law determines otherwise. She spoke to the notation being in compliance with custom and practice and the determination letter having no bearing on funding from the City as a joint owner. Ms. Wetherbee stated that the fact that the determination letter has not been issued does not diminish nor lessen the ACC's 501(c)(3) status and it is consistent with IRS regulations allowing an organization to file within a period of time of its formation to make that claim.

BOARD/COMMISSION REPORTS

Public Art Committee Chair Michael Coleman spoke regarding upcoming projects including the Veterans Memorial for Memorial Park by sculpture David Newton and landscape architect Michael Kendall. He spoke to a community input meeting to be held on April 12 with completion scheduled for summer 2007. Mr. Coleman spoke to the Oak Point Park and Nature Preserve project which will integrate public art into the interior of the visitor's center. He spoke to a nationwide call to artists, the selection of three artists to develop their concepts, final selection in July 2006 and a scheduled completion date of summer 2007.

Mr. Coleman spoke to the creation of a collection for libraries that would be connected thematically while reflecting the unique character of each library. He spoke to Texas Poet Laureate Alan Birkelbach's composition of poems to be used for inspiration and stated that different media would be chosen for each site with installation beginning in early 2007. Mr. Coleman spoke to public art coming to the City's animal shelter and downtown fire station in 2008. He advised regarding benchmarking of sculpture festivals throughout Texas and the nation and spoke to an upcoming report to the Council regarding a possible *Sculpture in the Park* project. Mr. Coleman spoke to the collaborative efforts of the Council, Staff and citizens to bring public art to the City.

Committee member Janet Shaw responded to Council Member Stahel regarding research being done to determine the possibility of establishing a sculpture park in the City.

CONSENT AGENDA

Council Member Stahel advised that he would be stepping down due to possible conflicts of interest from Consent Items “H,” authorizing the purchase of annual license renewal and upgrade protection for Altiris Client Management Software from Dell Inc., “I,” authorizing the purchase of Neate Suite Software Maintenance from SHI Government Solutions, “M,” a resolution to approve renewal of an agreement with Oracle USA, Inc. for maintenance and support of PeopleSoft Enterprise Software, and “N” a resolution to approve the purchase of forty-one Predator Mobile Computers from Digital Computer Integration Corporation.

Citizen Sonja Hammar requested Consent Items “K” authorizing a contract with Jones & Boyd, Inc. to provide landscape architectural services for the Plano Transit Village Veloweb and “L” a resolution to approve a second modification to a wrecker service contract between the City and Signature Towing, Inc. be removed for individual consideration.

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

Approval of Minutes [Consent Agenda Item (A)]

March 16, 2006

Approval of Expenditures

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

Bid No. 2006-91-B for the 2005 Street Light Project to J & J Hardscape, Inc. in the amount of \$233,725. This project involves the construction and installation of underground infrastructure and street light bases on the following thoroughfares: Parkwood Boulevard (Plano Parkway to Windhaven Parkway), Windhaven Parkway (Red Wolf Drive to Dallas North Toll Road), Ventura Drive (Park Boulevard to Preston Road) and Chapel Hill Boulevard (Dallas North Toll Road to Parkwood Boulevard). [Consent Agenda Item (B)] (See Exhibit “A”)

Bid No. 2006-24-B for the purchase of W.O. Haggard Library Furniture Part 3 – Project No. 5216 Schedule 1: A Sign of Quality – Library Signs in the amount of \$2,924, Schedule 2: Contracta Office Furnishings – Reading Tables and Lounge Seating in the amount of \$60,132, and Schedule 3: Cultural Surroundings- End Panels in the amount of \$73,824. [Consent Agenda Item (C)] (See Exhibit “B”)

Bid No. 2006-92-B for Alley Reconstruction – Los Rios project to Jim Bowman Construction Company, L.P. in the amount of \$161,431. The project consists of construction of three alleys in East Plano: east of R Avenue and extending 450' north of 14th Street, west of R Avenue north from 17th Street to 18th Street and west of Hondo Drive in the Los Rios Area. [Consent Agenda Item (D)] (See Exhibit “C”)

Bid No. 2006-81-B Fire Stations No. 5 & 6 Generator Replacement to Kennedy Electric in the amount of \$73,070. [Consent Agenda Item (E)] (See Exhibit “D”)

RFP No. C182-05 to Target Safety in the amount of \$52,500 to provide on-line training for City employees and to provide ability for departments to analyze accidents. [Consent Agenda Item (F)] (See Exhibit “E”)

Purchase from Existing Contract/Agreement: (Purchase of products/services through Cooperative Purchasing Interlocal Contract with another governmental/quasi-governmental agency or an additional purchase from current City of Plano annual purchase agreement).

To authorize the purchase of Reading Chairs in the amount of \$35,000 from Lowenstein, Inc. a TXMAS contract through a Local Representative – Focus Plus to cover the cost of chairs amounting to \$34,502 plus any contingency charges that may arise, and authorizing the City Manager to execute all necessary documents. (TXMAS-4-7110120) [Consent Agenda Item (G)]

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

To approve the terms and conditions of an agreement between the City of Plano, Texas and David Newton, a qualified professional artist, for the design of artwork for the Veterans' Memorial at Memorial Park; authorizing the City Manager to execute such agreement with Mr. Newton; and providing an effective date. [Consent Agenda Item (J)]

Adoption of Resolutions

Resolution No. 2006-3-10(R): To approve the release of that certain temporary easement for construction for Spring Creek Parkway, as recorded in Clerk's No. 94-0025405; authorizing the City Manager to execute such documents releasing the easement; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2006-3-11(R): To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (P)]

Adoption of Ordinances

Ordinance No. 2006-3-12: To provide for partial exemption of certain heritage resources located in the City of Plano, Texas, from the current year ad valorem taxation in the amount of \$28,012; providing a severability clause and an effective date. [Consent Agenda Item (Q)]

Ordinance No. 2006-3-13: To amend Section 12-102(e) of Article V, Stopping, Standing, and Parking of Chapter 12, Motor Vehicles and Traffic of the Plano Code of Ordinances to extend the No Stopping, Standing, or Parking prohibition along the north and south sides of Maumelle Drive from 150 feet east of Spokane Place to 200 feet east of Garfield Drive between the hours of 8:00 a.m. to 8:45 a.m. and 3:15 p.m. to 4:00 p.m. on school days; declaring the parking of motor vehicles in said section of Maumelle Drive within the defined time limits as unlawful and a misdemeanor; and providing a severability clause, a penalty clause, and an effective date. [Consent Agenda Item (R)]

Ordinance No. 2006-3-14: To amend Section 12-101 of Article V Stopping, Standing, and Parking of Chapter 12 Motor Vehicles and Traffic of the Code of Ordinances of the City of Plano to delete the Subsection entitled 17th Street, along the north side from its intersection with P Avenue to its intersection with the alley west of R Avenue; providing a repealer clause, severability clause, savings clause, and an effective date. [Consent Agenda Item (S)]

END OF CONSENT

Due to possible conflicts of interest, Council Member Stahel stepped down from the bench on the following four items which were considered concurrently.

Purchase from Existing Contract/Agreement: To authorize the purchase of Annual License Renewal and Upgrade Protection for Altiris Client Management Software in the amount of \$26,573 (2000 license renewals at \$13,520, 15 helpdesk license renewals at \$3,803 and the annual premium support at \$9,250) from Dell Inc., through Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-192) [Consent Agenda Item (H)]

Purchase from Existing Contract/Agreement: To authorize the purchase of Neate Suite Software Maintenance in the amount of \$31,183 from SHI Government Solutions through a CISV contract, and authorizing the City Manager to execute all necessary documents. VID# 1-22-369-5478-500 [Consent Agenda Item (I)]

Resolution No. 2006-3-15(R): To approve the renewal of an agreement between Oracle USA., Inc., a sole source vendor formerly known as PeopleSoft, Inc. and the City of Plano, for the maintenance and support of PeopleSoft Enterprise Software; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2006-3-16(R): To approve the sole source purchase of forty-one (41) Predator Mobile Computers from Digital Computer Integration Corporation in the amount of \$305,770; authorizing the City Manager to take such action as is necessary to effectuate the purchase; and providing an effective date. [Consent Agenda Item (N)]

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Mayor Pro Tem Johnson, the Council voted 6-0 to authorize the purchase of Annual License Renewal and Upgrade Protection for Altiris Client Management Software in the amount of \$26,573 from Dell Inc., through Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents; to authorize the purchase of Neate Suite Software Maintenance in the amount of \$31,183 from SHI Government Solutions through a CISV contract, and authorizing the City Manager to execute all necessary documents; Resolution No. 2006-3-15(R) - To approve the renewal of an agreement between Oracle USA., Inc., a sole source vendor formerly known as PeopleSoft, Inc. and the City of Plano, for the maintenance and support of PeopleSoft Enterprise Software; authorizing its execution by the City Manager; and providing an effective date; and Resolution No. 2006-3-16(R) - To approve the sole source purchase of forty-one (41) Predator Mobile Computers from Digital Computer Integration Corporation in the amount of \$305,770; authorizing the City Manager to take such action as is necessary to effectuate the purchase; and providing an effective date.

Council Member Stahel resumed his place at the bench.

Approval of a Contract: To approve and authorize a contract with Jones & Boyd, Inc. to provide Landscape Architectural Services to prepare construction documents for the Plano Transit Village Veloweb in an amount not to exceed \$203,000, and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. (RFP No. B012-04. Project No. 5435) [Consent Agenda Item (K)]

Sonja Hammar, citizen of the City, requested information regarding the area covered by the project. Director of Parks and Recreation Wendell spoke to the item funding architectural services for a consultant to design the hike and bike trail in the Dart easement from the George Bush Station up to Haggard Park and ending at the Parker Road Station. He spoke to a state grant that would cover sixty percent of the cost of the trail with the City funding the remaining forty percent. City Manager Muehlenbeck responded to Ms. Hammar, advising that care would be taken to avoid negative effects on City-owned property east of the Parker Road Station.

Upon a motion made by Council Member Stahel and seconded by Mayor Pro Tem Johnson, the Council voted 7-0 to approve and authorize a contract with Jones & Boyd, Inc. to provide Landscape Architectural Services to prepare construction documents for the Plano Transit Village Veloweb in an amount not to exceed \$203,000, and authorizing the City Manager to execute any and all documents necessary to effectuate the contract.

Resolution No. 2006-3-17(R): To approve the terms and conditions of a Second Modification to a Wrecker Service Contract by and between the City of Plano, Texas and Signature Towing, Inc.; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2006-3-17(R) (cont'd)

Sonja Hammar, citizen of the City, requested information regarding where vehicles are stored after towing. Chief Purchasing Officer Ryan spoke to the main storage lot for Signature Towing, Inc. being located on Municipal Drive, south of 14th Street. City Attorney Wetherbee spoke to the amendment being a result of legislation addressing the City's responsibility with regard to vehicles placed on investigative hold by the police department. City Manager Muehlenbeck advised that he would provide information regarding the maintenance of citizens' vehicles when they are towed.

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 7-0 to approve the terms and conditions of a Second Modification to a Wrecker Service Contract by and between the City of Plano, Texas and Signature Towing, Inc.; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-3-17(R).

The Council resumed discussion of the Preliminary Agenda at this time.

Discussion and Direction Regarding Offsite Temporary Signs on Resident's Property

Mayor Evans spoke to previous consideration of garage sale signs wherein residents could request their neighbors who lived at intersections post a temporary directional sign in their yard. She spoke to consideration of similar signage for open houses only.

Craig Perry, representing the Collin County Association of Realtors, spoke to imposing time restrictions and responded to Council Member Ellerbe that there may be as many as one hundred open houses in the City on any given weekend. City Attorney Wetherbee spoke to the temporary sign referendum being limited to signs in public rights-of-way and stated that any attempt to alter those restrictions would require a major procedural step and an election. Mr. Perry responded to the Council that some cities are more restrictive regarding signage.

Deputy Mayor Pro Tem Magnuson spoke to there being many uses for temporary signs and Ms. Wetherbee spoke to the difficulty in enforcement if criteria were narrowly defined and to setting neutral parameters such as size, duration or number of signs. Mayor Evans spoke to including language addressing a timeframe and Council Member Callison spoke to possibly twelve hours on the day of the event. The Council discussed allowing a specific number of signs per year and City Manager Muehlenbeck spoke to the difficulty of enforcing this if no permits were required.

City Attorney Wetherbee responded to the Council stating that homeowners' association restrictions would supersede the City's ordinance if they were more restrictive regarding signage. The Council stated consensus to request the City Attorney bring forward several versions for Council consideration.

Council Member LaRosiliere spoke to it being unlikely that citizens would want constant commercial signage in their yards and Mayor Evans spoke to focusing on open house directional signs. Deputy Mayor Pro Tem Magnuson spoke to regulations being general in nature and to having the opportunity for adjustment or repeal. Council Member Ellerbe spoke to respecting the spirit of the referendum and to keeping the focus on one type of sign. Council Member LaRosiliere spoke to the sign ordinance being related to public property and rights-of-way.

Chief Building Official Mata spoke to the possibility of open house signs opening the door to other commercial messages and Mayor Evans spoke to the focus being on neighbors helping neighbors sell their homes. Council Member Callison spoke to implementing revisions for three to six months then revisiting the issue and Council Member LaRosiliere stated concurrence to limit it to open houses. City Attorney Wetherbee advised she would bring back versions for Council consideration.

Discussion Regarding the Financial Forecast

Director of Budget and Research Rhodes spoke to revisions in the presentation of the report and summary including a three-year financial forecast to provide more reliable projections, fund deficits assumed to be rectified in the year projected and expanded economic analysis, graphics, charts and tables to aid in understanding the financial section.

Ms. Rhodes spoke regarding the General Fund Summary and its conservative projections including a 1.5% increase in existing property values, maintaining a 45.35 cents per \$100 assessed property value, and sales tax projections. She spoke to the City having one of the lowest tax rates when calculating the homestead exemption and to the decline in building and development revenues. Ms. Rhodes spoke regarding expenditure assumptions which include salary increases of 3%, attrition at a rate of 5% for the General Fund and 1% for other funds, an increase of 10% for health insurance due to reserve requirements, \$1.5 million to offset the cost of retiree payouts, an O&M expenditure increase of 2.5%, a capital outlay of \$800,000 for library books and transfer to the Capital Reserve Fund based on the Council policy of 75% of depreciation. She further advised that Community Investment Projects would be absorbed within the existing tax rate and that 92 new full-time positions for 2006-07 (48 related to Public Safety) are not included in the forecast nor are increases related to mandates, growth or increased services.

Ms. Rhodes reviewed the Water & Sewer Summary and spoke regarding the weather's impact and increases projected by the North Texas Municipal Water District. She advised that consideration of the Winter Quarter Averaging Program will be brought to the Council and to the reserve fund helping to offset rate increases that would have taken place. Ms. Rhodes spoke regarding Environmental Waste Services and increased disposal costs. City Manager Muehlenbeck spoke to debris coming off construction projects done in other cities. Ms. Rhodes reviewed upcoming dates on the budget calendar.

FEMA Reimbursement Funding Report

Executive Director Glasscock spoke to the cooperative working relationship with regional FEMA personnel and advised the Council that since September 2005 the City has had expenditures supporting Katrina Hurricane evacuees of approximately \$5.3 million which were unanticipated and unbudgeted and that there has been a draw down on the General Fund. He spoke to the City receiving \$3.7 million in reimbursement, paying rent and utilities on 600+ apartments, and continuing its exit strategy of ending leases effective March 31, 2006. Mr. Glasscock spoke to advisement from FEMA to extend leases into April for those who have not been notified of their eligibility status.

Mr. Glasscock spoke to the average 60 day reimbursement process which includes submittal of worksheets to FEMA with approved funds being sent to the state who then releases them to the City. He stated that the City has authorized an additional 1% to cover administrative costs and spoke to the Texas Department of Public Safety Division of Emergency Management policy to hold 25% of funds pending a final audit as well as a 1% administrative fee. Mr. Glasscock stated that it could be “years” before the City receives the final audit, that the City continues to lose interest on earned revenue and that FEMA will not process March 2006 expenses until a final audit is complete.

Mr. Glasscock advised that while FEMA policy recognizes overtime and new hires, they do not recognize regular hours nor acknowledge that normal responsibilities are not being met or are being delayed. He stated that as of March 16 the City estimates this cost to be \$259,850. Mr. Glasscock spoke to 20-25% of evacuees not being eligible for continued federal assistance and that there is no plan to address this population and that FEMA does not acknowledge the time limits, legal obligations or commitments made to landlords who stepped up to provide assistance. Mr. Glasscock responded to the Council that there has been a mixed reaction from evacuees when asked if they intend to stay in the area or return to New Orleans.

City Manager Muehlenbeck thanked Mr. Glasscock for his efforts and the Council for their response. He stated disappointment that the state has not recognized the City’s need for reimbursement in order to balance its budget. Mr. Glasscock spoke to a group of cities formed to look at the issues and to pursuing answers regarding the delay in initiating an audit.

Council Items for Discussion/Action on Future Agendas

No items were brought forward.

Council Reports

No reports were given

There being no further discussion, Mayor Evans adjourned the meeting at 9:25 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary
