

## PLANO CITY COUNCIL

**WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M. ON FEBRUARY 23, 2015, FOLLOWED BY THE PRELIMINARY OPEN MEETING IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:**

**Mission Statement: The City of Plano is a regional and national leader, providing outstanding services and facilities through cooperative efforts that engage our citizens and that contribute to the quality of life in our community.**

### EXECUTIVE SESSION

- |      |  |                |         |
|------|--|----------------|---------|
| I.   | Legal Advice<br>a) Respond to questions and receive legal advice on agenda items   | Mims           | 10 min. |
| II.  | Economic Development<br>Discuss a financial offer or other incentive to a business prospect to locate, stay, or expand in Plano and consider any commercial and financial information from the business prospect | Glasscock/Bane | 10 min. |
| III. | Real Estate<br>a) Downtown Plano<br>b) Legacy Area   | Turner         | 10 min. |

### PRELIMINARY OPEN MEETING

- |      |  |                |         |
|------|--|----------------|---------|
| I.   | Consideration and action resulting from Executive Session discussion | Council        | 5 min.  |
| II.  | Discussion re: Water Restrictions                                    | Cosgrove       | 10 min. |
| III. | Equal Rights Ordinance Report  | Henderson/Mims | 45 min. |
| IV.  | Council items for discussion/action on future agendas                | Council        | 5 min.  |
| V.   | Consent and Regular Agendas  | Council        | 5 min.  |

**In accordance with the provisions of the Open Meetings Act, during Preliminary Open Meetings, agenda items will be discussed and votes may be taken where appropriate.**

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

STATE OF TEXAS §  
COUNTY OF COLLIN §  
COUNTY OF DENTON §  
CITY OF PLANO §

### CERTIFICATION OF CITY SECRETARY

I, Lisa C. Henderson, City Secretary of the City of Plano, Texas do hereby certify that the 919 petition pages filed in nine (9) separate submissions with my office on January 16, 2015 and January 20, 2015, were not prepared, signed and verified as required by the Plano City Charter and Texas Election Code. Because the petition pages and signatures contained therein fail to meet the requirements of the Plano City Charter for submission of a referendum petition, which requires compliance with the law as discussed herein and signatures equal in number to twenty percent of the number of votes cast at the last regular City election, i.e. 3,822 valid signatures, the petition pages fail to meet the requirements for presentation to City Council to consider repealing or placing the item on the ballot.

The petition pages and/or signatures submitted failed to satisfy the requirements of the Plano City Charter and the Texas Election Code as set out below.

**A. False Information and Failure to Attach Ordinance to Petition Pages.**

Petitioners failed to properly prepare and verify the petition pages in accordance with the Plano City Charter requirement for referendum petitions because they requested repeal of an ordinance different than the Equal Rights Policy passed by City Council on December 8, 2014 and failed to attach a copy of the ordinance to the petition(s). Specifically,

- i. petitioners failed to request a referendum on an ordinance passed by the City Council. A significant number of the petition pages contained false information regarding the Equal Rights ordinance requirements. In this regard, Four Hundred and Forty-Two (442) petition pages referenced a policy that authorized males declaring their identity as female to enter the women's restroom. The Equal Rights Ordinance passed by the Plano City Council on December 8, 2014 expressly excluded regulation of restrooms. By making false representations, the Equal Rights petition pages asked signees to repeal an ordinance different than the one that City Council approved which is ineffective to require a vote on the issue pursuant to the Plano City Charter (See form attached hereto as Exhibit "A"); and

- ii. a copy of the ordinance was not attached to any of the petition(s) as required by the Plano City Charter.

Petitioners submitted only 1,114 verifiable signatures on petition pages that did not include the false information referenced in A.(i) (See form attached hereto as Exhibit "B"). However, as noted above, they lacked a copy of the ordinance as an attachment as required by the Plano City Charter.

In addition to the above referenced deficiencies with the petition pages themselves, every signature on each of the 919 petition pages was deficient in information required by the Texas Election Code. As a result, there were no valid signatures on any petition page(s) as set out below.

**B. Failure to Comply with Mandatory Texas Election Code Requirements.**

There was a failure by petitioners to properly prepare, sign and verify the petition pages as required to submit a petition for referendum in accordance with the Plano City Charter because there was a lack of compliance with the Texas Election Code.

Compliance with the Texas Election Code is required by the Plano City Charter, and as a result, the signatures do not meet the requirements to be presented to the City Council for referendum. While there were multiple deficiencies with signatures failing to meet the provisions contained in the requirements set out in B(iii) and (iv) below, every signature failed to comply with B(v). The petitioners also failed to comply with B(vi) as set out in Section A, C and D herein.

The Texas Election Code sets out the mandatory requirements for petition signatures. The following are required:

- i. signature in signer's own handwriting;
- ii. the signer's printed name;
- iii. the signer's residence address,
- iv. the date of signing,
- v. the signer's date of birth; or voter registration number and county of registration if the city is in more than one county (the City of Plano is in more than one county, that being Collin and Denton Counties); and
- vi. compliance with any other applicable requirements prescribed by law. Other requirements prescribed by law relevant to the petition pages are found in the Plano City Charter and Texas Government Code.

**C. Petition Supplementation Improper.**

The Texas Election Code prohibits petition supplementation on or after the date it is received. Petition pages were submitted at nine different times on two separate days and in three different formats.

**D. Notary Inconsistencies.**

There was an additional failure by petitioner to properly verify the petition pages in that many did not comply with the Plano City Charter requirement regarding verification of the petitions, as it requires proper notarization and there were multiple instances of failure to comply with the notary requirements in the Texas Government Code.

Because the petitioners failed to properly prepare, sign, verify and submit the petition pages to the City in accordance with the Plano City Charter and Texas Election Code, the submitted signatures and pages fail to meet the requirements of the Plano City Charter for submission of a referendum petition to the City Council.

WITNESS MY HAND AND SEAL OF THE CITY OF PLANO, TEXAS THIS THE 20 DAY OF FEBRUARY, 2015.



Lisa C. Henderson, City Secretary

City of Plano, Texas



# **EXHIBIT A**



# **EXHIBIT B**



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**2015 - Discussion/Action Items for Future Council Agendas**

***March 7-11 – National League of Cities, Washington, D.C.***

***March 9-13 – PISD Spring Break***

**March 17 (Tuesday)**

- Zoning Case 2014-50, Premier Drive and Renaissance Drive rezoning to include Multi-Family
- Zoning Case 2015-01, 14 Street and M Avenue, SUP for Food Trucks

**March 23**

- Presentation of the FY2014-15 Status Report and Three-Year Financial Forecast

***March 27 – HOA President’s Breakfast –7:30 am***

***March TBD – Plano Fire-Rescue Awards Ceremony***

**April 13**

- DART Report

***April 16 – TEDx Plano – 4:00 p.m.***

***April 18 - Police Annual Awards Banquet – 6:00 p.m.***

***April 25 – Love Where You Live***

**April 27**

- Comprehensive Monthly Financial Report – March 2015

**April 27 – May 5 – Early Voting**

**May 9 – Election 7:00 am – 7:00 pm**

**May 11**

*May 14– Plano Police Memorial Service – 10:00 am*

*May 16 – Plano Fire-Rescue Appreciation Picnic – Noon, Heritage Farmstead*

**May 20 – Canvass Election Results**

*May 25 – Memorial Day*

**May 26 (Tuesday)**

**June 8**

*June 11-14 – Texas City Management Association Conference – Plano, TX*

*June 12 – HOA President's Breakfast –7:30 am*

*June 19-22 – US Conference of Mayors – San Francisco, CA*

**June 22**