

## PLANO CITY COUNCIL

**WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M. ON AUGUST 26, 2013, 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 contribute to the quality of life in our community.**

### EXECUTIVE SESSION

- |      |  |           |         |
|------|--|-----------|---------|
| I.   | Legal Advice   | Wetherbee | 15 min. |
|      | a) Respond to questions and receive legal advice on agenda items       |           |         |
|      | b) Update re Legislative Revisions to the Texas Public Information Act |           |         |
| II.  | Real Estate  | Turner    | 20 min. |
|      | a) Collin Creek Mall Update  |           |         |
|      | b) 15th Street Easement and Right-of-Way Condemnation                  |           |         |
| III. | Personnel: Evaluation of Council Appointees                            | Council   | 30 min. |

### PRELIMINARY OPEN MEETING

- |      |  |             |         |
|------|--|-------------|---------|
| I.   | Consideration and action resulting from Executive Session discussion                     | Council     | 5 min.  |
| II.  | Discussion and Direction re Red Light Camera Collection Program                          | Rushin      | 15 min. |
| III. | Overview of Promotion/Production of Music Festival at Oak Point Park and Nature Preserve | Fortenberry | 40 min. |
| IV.  | Discussion and Direction re Establishment of Public Improvement Districts                | Turner      | 10 min. |

- |     |   |         |        |
|-----|---|---------|--------|
| V.  | Council items for discussion/action on future agendas | Council | 5 min. |
| VI. | 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.***



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## MEMORANDUM

**DATE:** August 19, 2013  
**TO:** LaShon Ross, Deputy City Manager  
**FROM:** Gregory W. Rushin, Chief of Police  
**SUBJECT:** Red Light Camera Collection Program Offered by Redflex Traffic Systems, Inc.

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The City of Plano began its Red Light Camera program in March 2006 with the installation of the first four cameras. We are currently operating 19 cameras at 16 intersections. Since the inception of the program we have contracted with Redflex Traffic Systems, Inc. We pay Redflex a fixed monthly fee per camera approach. Redflex installs and maintains the equipment and also bills and collects on violations issued. A red light camera violation carries a \$75 civil penalty. A \$25 fee is assessed if the violation becomes past due and is sent to collections. Currently, Redflex contracts with Penn Credit for collection services. There is no action taken against a violator if he/she does not pay the penalty.

Plano's collection rate of violations, even though it is higher than the state average, is dropping. In 2011, Plano's collection rate was 80.4% and the state average was 70.5%. For 2012, Plano's rate dropped to 77% and the state rate dropped to 68.4%. As of June 2013, there were 48,512 violations that were more than 90 days past due. This amounts to approximately \$4,775,536 in uncollected revenue. The number of uncollected violations is growing at a rate of 450 per month. Due to this drop in collections, we want to submit a proposal from Redflex for Council consideration.

Section 702.003 allows a county tax assessor-collector or the Texas Department of Transportation (TxDOT) to refuse to register a motor vehicle if the owner has outstanding warrant for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law. Section 707.017 added delinquency in the payment of a civil penalty to the authority to refuse registration renewal.

Redflex is offering to contract with the City to provide up-to-date information on outstanding, past due violations to TxDOT. TxDOT would then flag the registration of the vehicle and the owner would not be able to register the vehicle without first paying the violation, at which time Redflex would send the clearance request to TxDOT. Redflex completes all of the billing and collections already; therefore, this information is readily available in the Redflex computer system and would be accurate and timely. Reflex would be providing an additional service with data that already exists in their system.

To have Redflex act on the City's behalf, the City would contract with Redflex, sign TxDOT's contract, and send TxDOT a letter authorizing Redflex to submit the City's files to TxDOT.

Redflex estimates the initial batch of entries to be flagged by TxDOT to be 37,000. Redflex would charge the City \$5 for each entry for a total of \$185,000. After the initial batch the cost would be \$10 each. Redflex's collection program will maintain and fund the required escrow account at TxDOT. This is an account from which TxDOT draws its processing fees. Redflex would fund this escrow account up front. Redflex would collect its \$185,000 initial fee only after twice that amount has been collected and is available in the escrow account. The City will collect \$95 or \$90 (dependent on whether we paid \$5 or \$10) on each past due violation. Currently, if the collection agency is successful, the City collects \$86 and pays the collection agency \$14. Redflex advises that flagging has proven four times as effective as the phone call that violators receive from the collection agency. We would have to collect 1947 past due violations (5%) of the initial batch to cover the cost of Redflex's services.

Redflex prints and mails a letter to the registered owner notifying him/her of the hold being placed on his/her registration. Redflex has found this to be more effective than the owner finding out at registration renewal time. Upon payment, Redflex generates a receipt and a paid-in-full letter, which the owner then presents to complete registration of the vehicle. Flags can be set to only Collin County or the entire state. By setting to cover the whole state, we would be able to collect from out-of-county violators in areas that are participating in flagging collection programs. Approximately, 45% of our outstanding violations are related to vehicles registered in Collin County.

The following cities are using Redflex collection program: Corpus Christi, El Paso, Richland Hills, North Richland Hills, Haltom City, Denton, Hurst, Balch Springs and University Park. All of these cities except Corpus Christi have targeted the entire state, not just their home county.

The Collin County Tax Assessor-Collector, Kenneth Maun does not intend to honor the flags if the owner walks into the tax office or mails in; therefore, these customers will be able to renew their registration even if they have outstanding violations. Persons who complete their registration online or at off-site locations such as Tom Thumb, anywhere in Texas, will not be able to complete the process without first clearing their violation. TxDOT does not keep figures on the number who walk into the tax office and those that register by alternate methods, but a representative of TxDOT estimated that 75% use the alternate methods.

The City would have no upfront investment. Redflex would cover the escrow necessary for the initial batch entry and would not charge us until the escrow account has grown to double that size. Contracting with Redflex for this service can help us collect part of the \$4.7 million that would not be collected otherwise.

TEXAS TRANSPORTATION CODE

§ 702.003. REFUSAL TO REGISTER VEHICLE. (a) A county assessor-collector or the department may refuse to register a motor vehicle if the assessor-collector or the department receives under a contract information from a municipality that the owner of the vehicle has an outstanding warrant from that municipality for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law.

(b) A municipality may contract with a county in which the municipality is located or the department to provide information to the county or department necessary to make a determination under Subsection (a).

(c) A municipality that has a contract under Subsection (b) shall notify the county or the department regarding a person for whom the county assessor-collector or the department has refused to register a motor vehicle on:

- (1) entry of a judgment against the person and the person's payment to the court of the fine for the violation and of all court costs;
- (2) perfection of an appeal of the case for which the arrest warrant was issued; or
- (3) dismissal of the charge for which the arrest warrant was issued.

(d) After notice is received under Subsection (c), the county assessor-collector or the department may not refuse to register the motor vehicle under Subsection (a).

(e) A contract under Subsection (b) must be entered into in accordance with Chapter 791, Government Code, and is subject to the ability of the parties to provide or pay for the services required under the contract.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, § 30.160(b), eff. Sept. 1, 1997.

Sec. 707.017. ENFORCEMENT. (a) If the owner of a motor vehicle is delinquent in the payment of a civil penalty imposed under this chapter, the county assessor-collector or the Texas Department of Motor Vehicles may refuse to register a motor vehicle alleged to have been involved in the violation.

(b) This section does not apply to the registration of a motor vehicle under Section 501.0234.

Added by Acts 2007, 80th Leg., R.S., Ch. [1149](#), Sec. 1, eff. September 1, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. [266](#), Sec. 1, eff. May 30, 2009.

Acts 2009, 81st Leg., R.S., Ch. [542](#), Sec. 4, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. [933](#), Sec. 2T.03, eff. September 1, 2009.

Reenacted by Acts 2011, 82nd Leg., R.S., Ch. [91](#), Sec. 24.018, eff. September 1, 2011.

# Red Light Camera Collection Program



**Gregory W. Rushin**  
**Chief of Police**



# Plano Red Light Camera Program

- First cameras installed in March 2006
- Currently operating 19 cameras at 16 intersections
- Contract with Reflex Traffic Systems, Inc. for a fixed monthly fee
- \$75 civil penalty, \$100 when sent to collections



# Collections

- Plano's Collection Rate
  - 2011 – 80.4%
  - 2012 – 77%
- Average Rate of Texas RLC Program
  - 2011 – 70.5%
  - 2012 – 68.4%
- RedFlex contracts with a collection agency



# Flagging of Registrations

- Section 702.003 of the Texas Transportation Code – county tax assessor or Texas Dept. of Transportation (TxDOT) may refuse to register a vehicle if fines are outstanding.
- Section 707.017 covers delinquencies in payment of civil penalties.



# Outstanding RLC Violations

- As of June 2013 Plano has 48,512 violations that are more than 90 days past due
- Amounts to \$4,775,536
- Number is growing by approximately 450 per month.



# Redflex Proposal for Collection

- City can contract with Redflex to provide up-to-date information to TxDOT on unpaid violations
- Redflex will send letter to registered owner advising of the impending registrations renewal hold
- TxDOT will flag the registration
- Redflex will interact with TxDOT to remove cleared flags



# Redflex Proposal - Continued

- Redflex estimates the initial batch of entries to be 37,000.
- Cost for initial batch is \$5 each - \$185,000
- After initial batch, cost will go to \$10 each entry
- Each violation collected would net \$95 or \$90
- 1947 collected violations will cover the \$185,000 escrow investment



# Other Cities Using the Redflex Program

- Corpus Christi
- El Paso
- Richland Hills
- North Richland Hills
- Haltom City
- Denton
- Hurst
- Balch Springs
- University Park



- Collin County Tax Assessor has declined to recognize and act on flagged registrations
- Violators will still be able to walk into the tax office or mail in and renew registration without paying the violations
- On-line and off-site, such as Tom Thumb, would require payment to remove flag before registration would occur – TxDOT estimates that these methods account for 75% of renewals



Questions?



**Date:** August 15, 2013

**To:** Bruce D. Glasscock, City Manager

**From:** Amy Fortenberry, Director of Parks and Recreation

**Subject:** Overview of Proposed Music Festival

The Parks & Recreation Department has been working with Live Nation, the world's leading producer of live concerts, to host multi-day, multi-act music festival at Oak Point Park and Nature Preserve. A license agreement has been prepared for Council's review and action which upon execution, will result in an inaugural festival being produced in May 2014.

It is the mutual desire of Live Nation and Plano Parks & Recreation to produce a first class music festival with top industry talent. The first year will be a smaller event with approximately 20,000 people per day, focusing on fan experience. This is comparable to the capacity at Gexa Energy Pavilion. This smaller initial year allows the festival committee to improve upon various components and grow the event in a controlled manner. After time, the festival could grow to a capacity of 50,000 - 70,000 per day. Master planning of the festival site shows that the required support facilities, such as potential stage areas and parking, can accommodate this type of growth.

Live Nation will be required to obtain a special event permit as outlined in the City of Plano's Code of Ordinances. The permit process will ensure that proper planning and safety measures have been addressed. These areas include but are not limited to: traffic, parking, food and beverage permits, temporary infrastructure, litter collection and removal, security, and emergency action plan. The license agreement details specific items that do not fall under the special event process but are conditions in which the City must agree in order to create and build this signature event. Key items include:

- Festival will be on a weekend in May, not to conflict with Richardson's Wildflower! Festival (if Wildflower changes dates in future years, Live Nation is not obligated to change dates)
- Two year term with four renewal options
- One time contribution - \$500,000 for headlining performance artists
- In-kind services - \$125,000 with eventual goal of becoming cost neutral
- Live Nation retains 100% of revenues and is responsible for all expenses except as mentioned above
- Live Nation to be responsible for set up and removal of equipment and temporary improvements
- Plano Centre may be used by a separate license agreement
- City to provide site preparation including mowing, fertilization, insect control, and removal of standing water
- Live Nation will provide links on festival website to the City of Plano website and the Plano Convention and Visitor's Bureau website along with using the City's name as feasible in advertising materials

The general location of the festival will be on the hillside on the north east side of the park, in the area that is across Los Rios from Fire Station 11. This area is located out of the flood plain which is crucial for festival success. A site plan will be submitted and reviewed for approval as part of the special event permitting process. The first year, we expect three stage areas to be erected to accommodate approximately 60 different acts over a two day period. Music will end by 11 pm on Saturday and 10 pm on Sunday. These time limits are not called out in the license agreement however they are a part of the special event permit process required for the festival. Chapter 15, Section 4 of the Plano, Texas Code of Ordinances allows, by permit, certain accommodations for special events. The special event permit for the festival will most likely include: the sale of alcohol in the designated festival area, the sale of goods and services, conducting commercial and business activity in the park, and motor vehicle use in the park.

Staff is developing a Community Engagement Plan. The purpose of the plan is twofold: (1) to inform key neighborhoods of the pending festival, and (2) receive and appropriately respond to citizen concerns related to the event. City staff, with support from the event organizer, will take the lead in working with the citizens to minimize the expected impact on nearby homeowners. The City will act as the clearinghouse for complaints about the event prior to, during and after the festival. The City will also coordinate a post event evaluation and debriefing similar to what we do with other large events. An outline of the plan is attached to this memo.

The agreement before you provides a method for producing a signature event in Plano. It caps our participation in the event while allowing Live Nation to have a risk-reward scenario. The strengths of both parties will combine for a first class music festival. Plano has a showcase park unlike any other in North Texas and will soon have a showcase event to match its grandeur. Live Nation has access to top musical talent, the ability to handle event promotions and ticketing, and has concert and festival operations expertise. This is a great opportunity for us to provide a music festival that serves our citizens, stimulates the economy, provides entertainment, and promotes Plano as a destination in a cost and resource effective manner.

**Date:** August 20, 2013  
**To:** Bruce D. Glasscock, City Manager  
**From:** Frank F. Turner, Deputy City Manager  
**Subject:** Public Improvement Districts

Chapter 372, Texas Local Government Code provides for the establishment of Public Improvement Districts (PIDs) <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.372.htm>. A PID provides cities and counties a means for collecting a special assessment within a defined geographic area for the purposes of making certain public improvements and conducting supplemental services to benefit the area. Examples of improvements and programs include: landscaping, amenities, streets, sidewalks, pedestrian malls and plazas, public art, recreation and cultural facilities, sanitation services, common area maintenance, public safety and security, advertising and marketing, events and promotions.

Chapter 372, Texas Local Government Code, specifies the procedures for the establishment, administration and termination of a PID. Establishment of a PID is initiated by a petition of the property owners within the proposed district. At a minimum, property owners representing more than 50% of the district's assessed tax value; and more than 50% of the owners, or owners representing more than 50% of the land area must sign the petition. The city or county governing body may then appoint an advisory committee to formulate an improvement plan/program and recommend the means and amount of assessment. Following required notice and hearings, the governing body may approve the PID.

Public improvement districts have been created throughout the state, most often in support of downtown improvements and programs. PIDs permit the delivery of special improvements and programs to benefit an area with the cost borne by the benefiting area.

Staff believes one or more PIDs may be created in Plano in areas such as downtown and other urban mixed-use centers. Although state law provides a detail set of requirements and procedures for establishing PIDs, staff recommends the adoption of additional policies to guide the establishment of PIDs. The following ten policies are offered for council's consideration.

## Public Improvement District (PID) Proposed Policy

Plano PID Policy – The following policies are supplemental to the requirements contained in Chapter 372 of the Texas Local Government Code. Further explanation of each policy is provided in red.

1. A Public Improvement District (PID) may only be established for an area zoned for commercial or mixed use development.

**Staff recommends the use of PIDs be limited to commercial and mixed-use development because of the administrative costs where there is a large number of property owners, such as with single-family subdivisions.**

2. A PID may not be initiated or renewed without a petition from property owners in accordance with Section 372.005(b) LGC, The City will require that owners representing at least 60% of the value and 60% of all record owners or 60% of land area support the creation of a new or renewing PID.

State law only requires a petition to establish a PID to require that owners representing at least 50% of the value and 50% of all record owners or 50% of land area support the creation of a new or renewing PID. Staff believes a higher threshold would give property owners greater confidence in requesting establishment of a PID.

3. The maximum PID assessment shall be \$0.15 per \$100 valuation.

State law does not establish a maximum assessment. Staff believes setting a limit would make property owners more likely to support creating a PID.

4. Administrative expenses, including costs for day-to-day City staff administration, for a PID shall not exceed 15% of the total budget in any year.

Establishing a cap on administrative costs will give property owner's greater assurance that assessment revenue is directed to services and improvements. Administrative cost will likely exceed 15% of assessment revenue for smaller PIDs and would need to come from other sources.

5. A PID shall terminate 5 years after the date of its establishment provided that the district does not have any outstanding debt or unpaid financial obligation and subject to the provisions of Sec. 372.011 LGC.

Property owners are more likely to support establishment of a PID if there is an automatic termination provision. This gives all parties opportunity to judge the effectiveness of the district before extending its duration.

6. A PID shall be extended or reinstated by the same process by which it was initially established.

This policy assures property owners that the same petition process will be used for extending or reinstating a PID.

7. A PID application for creating or renewing a PID shall include a section that clearly identifies the special benefit of the PID to the affected property owners.

This policy provides both the city and property owners assurance that the PID provides a benefit that applies to their property and is not normally enjoyed by properties outside the district.

8. Property designated in the PID petition, including City owned property, shall not be subject to assessment if the City Council determines that the benefit of the proposed improvements to the property are of incidental value pursuant to Section 372.015 of the Texas Local Government Code.

City Council will need to determine if its properties also receives benefit from the PID. It may elect or not elect to be subject to the assessment, or it may also decide to grant other revenue to the district.

9. Any management firm for a PID shall be required to submit quarterly reports of all activities and expenditures; an annual independent audit of all PID expenditures; and shall hold an annual meeting open to all property owners and held in a public meeting space with written notice to all property owners in the PID at least two (2) weeks prior to this meeting to provide an opportunity for property owner questions, comments and input to be considered during the PID Budget and Service Plan approval process.

Management of some or all PID services and improvements may be conducted by contract to an outside entity. The policy provides for additional oversight.

10. Council shall appoint an oversight and advisory board the majority of whose membership consisting represents owners of at least 60% of the value; and 60% of all record owners or 60% of land area.

This policy ensures property owners maintain ongoing oversight of the PID.

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## Discussion/Action Items for Future Council Agendas

### September 2 – Labor Day

#### **September 4 (Wednesday) 5 pm**

- Second Public Hearing on Tax Rate

#### **September 9**

- Adoption of Operating Budget, Community Investment Program
- Set Tax Rate

***September 19 – Meet & Greet your City Council and City Staff – Haggard Library Program Room – 6-7:30 pm***

### ***September 20-22- Balloonfest***

#### **September 23**

- Consideration of Board/Commission Appointments

***September 22-25 - ICMA Conference – Boston, MA***

***October 8-11 - TML Conference – Austin***

#### **October 14**

- DART Report

***October 19-22 - IACP Conference – Philadelphia, PA***

***October 25 – HOA President’s Breakfast – TBD – 7:30 am***

**October 28**

- Comprehensive Monthly Financial Report – September 2013

**November 11**

***November 12-16 – NLC Congress of Cities – Seattle, WA***

***November 21 – Town Hall Meeting – Municipal Center – 7-8 pm***

**November 25**

***November 28-29 – Thanksgiving Holidays***

***December 5 - Holiday Luncheon – Plano Centre – 11 am – 1 pm***

**December 9**

**December 17 (Tuesday)**

***December 24 & 25 – Winter/Christmas Holidays***