

**PLANO CITY COUNCIL**  
**August 8, 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 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 – 25<sup>th</sup> 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 Axiom 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