

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
February 27, 2012**

**COUNCIL MEMBERS PRESENT**

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 PRESENT**

Bruce Glasscock, City Manager  
Frank Turner, Deputy City Manager  
LaShon Ross, Deputy City Manager  
Victoria Huynh, Deputy City Attorney  
Diane Zucco, City Secretary

Mayor Dyer called the meeting to order at 5:07 p.m., Monday, February 27, 2012, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. 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; receive information regarding Economic Development, Section 551.087; discuss Real Estate, Section 551.072 and to discuss 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 6:04 p.m.

**Consideration and action resulting from Executive Session discussion**

No items were brought forward.

**Discussion and Direction regarding The Arts Center of North Texas**

City Manager Glasscock briefed Council in regards to a resolution passed by The Arts Center of North Texas Board recommending creation of a separate 501(c)(3) entity which would relieve the cities of their financial commitments. He stated the City of Frisco declined the recommendation and currently the attorneys of the three owner cities are working with the attorneys at The Arts Center of North Texas to bring back recommendations clarifying ownership of the assets. Mr. Glasscock stated there is no action required on the part of the Council at this time and advised that he will provide future updates. Mayor Dyer stated the City would not be issuing any more bonds, and that the revocation of the bonds will be placed on the ballot of the May 2013 election.

## **Report regarding Backflow Process**

Director of Public Works Cosgrove spoke regarding the Backflow and Cross Connection Program advising that the Federal Safe Drinking Water Act (SDWA) does not require a cross connection program; however, backflow contamination could be responsible for a water system's failure to maintain SDWA standards. He also stated the Texas Commission on Environmental Quality (TCEQ) has a rule that no water connection from any public drinking water supply system shall be allowed to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination. Mr. Cosgrove informed Council the purpose of the program is to: (1) protect the public water supply from possible contamination from the customer's premise; (2) eliminate or control, actual or potential, connection between the public water system and a non-potable water system; and (3) provide for testing and maintenance of existing cross connection control assemblies. He spoke to avoiding both health and non-health hazards and advised the program is managed by reviewing construction plans, inspecting existing properties, registering third party testers, observing testers, mailing out notices when annual tests are due and reviewing test reports. He stated the City does not provide testing service to the public; but, that a third party performs the testing. Mr. Cosgrove informed Council that over 12,000 high hazard devices were tested in 2011 and that there are 175 registered testers and approximately 1,000 devices that didn't pass the test which were either replaced or repaired. He stated the program consists of four employees with expenses of \$340,000 and is self-funded through revenues budgeted at \$410,000.

## **Discussion and Direction regarding Appointment Criteria for Heritage Commission and Community Relations Commission**

Director of Planning Jarrell spoke to the three commissions that make recommendations for grants to the City (Cultural Affairs, Community Relations and Heritage). She spoke to the requirements that the Cultural Affairs Commission currently has in place that "no member shall have served on a board of an affected Cultural Affairs organization or agency for the previous 12 months" and advised that it is not in place for the other boards. Ms. Jarrell mentioned that members step down for consideration and discussion when grant applications come up for review. She stated that the commissioners bring a lot of experience and understanding of non-profits to grant consideration. The Heritage Commission typically reviews 4 to 5 grants, and the Community Relations Commission receives grant applications from about 40 different groups, similar to the Cultural Affairs Commission. Ms. Jarrell mentioned that a one-year disqualification period could eliminate many desirable appointees bringing needed experience to consideration of the grants.

Council Member Davidson spoke of her preference for consistency in the criteria for the three commissions. Mayor Dyer spoke to board members stepping down on consideration of organizations/agencies with which they had association in the previous 12-24 months. The Council discussed standardization of timeframes and stated a preference for two years. Council Member Davidson requested input from the Cultural Affairs Commission and Ms. Jarrell stated Staff could collect this information, bring it to the Heritage and Community Relations Commissions and bring back recommendations for Council.

## **Discussion and Direction regarding Temporary Sign Ordinance – Sail Banners**

Chief Building Official Mata spoke to the increase in the number and size of sail banners, permitting and lack of regulations. He spoke of the picket fence effect, negative impact on traffic control, improper placement, distraction, and the banners not being attractive. He stated an alternate option is regulation of the number, size and space requirements of these types of banners. Mr. Mata described the banners and stated that 194 promotional permits were issued last year which included sail banners, banners, pennants, flags, balloons, etc. He stated two 2-week period permits are allowed annually for businesses with three weeks for a grand opening. Mr. Mata responded to Council regarding the number of permits, complaints, enforcement issues and advised that there are no regulations for the number of signs. Council spoke to visibility triangles and requested Staff bring forward options for restrictions on placement (setbacks and separation).

## **Comprehensive Monthly Financial Report**

Director of Finance Tacke advised that the January 2012 report finds General Fund revenues up slightly as a percentage of budget as compared to last year while Water and Sewer revenues are down slightly. She stated that actual General Fund revenues are up \$12.3 million, primarily due to an increase in ad valorem taxes and an increase in sales tax resulting from an audit adjustment. Ms. Tacke also stated revenues were up in court fines, electric and cable franchises and ambulance services. Ms. Tacke advised that General and Water & Sewer Fund expenditures are up slightly as a percentage of budget, as well as Golf Course Fund expenditures. She advised that the unemployment rate is down to 6.0%. Ms. Tacke stated sales tax collections for the month of February are up by \$1.4 million due in part to a favorable audit adjustment.

Mayor Dyer spoke in regards to paying for water in light of water conservation and inquired if the City has enough reserves to pay for any additional shortfall. City Manager Glasscock responded that the City is currently at a rate of 1.49 and will be going to 1.84 driven by the North Texas Municipal Water District's (NTMWD) \$350 million dollar pipeline project and routine increase in rates. Ms. Tacke stated that the City has reserves, but not enough to absorb the rate increases and advised that the City is almost completely self-funded in the Water/Sewer Fund. Mr. Glasscock spoke to issues related to the NTMWD Texoma pipeline: (1) Lacey Act restricting the transport of invasive species across state lines, (2) Presidential Executive Order (similar to the Lacey Act), and (3) a dispute between the two core districts of North Texas and Oklahoma.

Mr. Israelson spoke to blending the water to a ratio to make it usable within our system and connection of the pipeline with the Wylie treatment plant. Mr. Glasscock spoke to meeting with other City Managers and Council Member Harris requested updates on progress.

## **Council items for discussion/action on future agendas**

No items were discussed.

### **Consent and Regular Agendas**

Deputy Mayor Pro Tem Smith requested Consent Agenda Item “N”, to authorize the purchase of downloadable content (ebooks, music, video, and e-audio library materials) with Kindle functionality in an amount not to exceed the sum of \$150,000 from OverDrive, Inc., the sole source provider of such library materials for the City of Plano - Plano Public Library System, be removed for individual consideration.

Staff requested Consent Agenda Item “D”, to approve the purchase of a False Alarm Tracking and Billing System to include Software Licenses, Installation, Data Conversion and Training for the Plano Police Department in the amount of \$66,825 from Dell Marketing L.P., through an existing contract/agreement with Department of Information Resources (DIR Contract #SDD-890), be pulled and held.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:51 p.m.

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**Phil Dyer, MAYOR**

ATTEST

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Diane Zucco, City Secretary