

**PLANO CITY COUNCIL
PRELIMINARY AND REGULAR OPEN MEETING
October 22, 2001**

COUNCIL MEMBERS

Jeran Akers, Mayor
Rick Neudorff, Mayor Pro tem
Phil Dyer, Deputy Mayor Pro tem
Shep Stahel
Steve Stovall
Jim McGee
Ken Lambert

STAFF

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

Mayor Akers called the meeting to order at 5:11 p.m., Monday, October 22, 2001, in the Council Conference Room of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Deputy Mayor Pro tem Dyer who took his seat when the Council reconvened at 7:03 p.m.

Mayor Akers 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, to discuss matters of Real Estate, Section 551.972 and 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 Akers reconvened the Council into open session at 7:03 p.m. in the Council Chambers.

The invocation was led by Reverend Monsignor Glenn D. Gardner of St. Marks Catholic Church.

The Pledge of Allegiance was led by Brownie Troop 3106 from Beverly Elementary.

The Plano Community Band performed the "Star Spangled Banner."

The Council presented plaques of appreciation to outgoing board and commission members.

Mayor Akers administered oaths of office to Gregory "Greg" A. Thomisee as a member of the Animal Shelter Advisory Committee and to Deputy Mayor Pro tem Dyer as a member of the Tax Increment Financing Reinvestment Zone No. 1 Board.

The Council then began discussion of the Preliminary Open Meeting.

Consideration and Action Resulting from Executive Session Discussion

Nothing was brought forward.

Comprehensive Monthly Financial Report

Director of Finance McGrane presented the Comprehensive Monthly Finance Report for the month of September and stated that the report culminates the entire fiscal year and includes many of the year-end statements. He stated that General Fund total revenues came in on budget at 100.4% and reviewed individual accounts. Mr. McGrane spoke regarding expenditures and stated that the Operating Fund Balance is at \$15,041,000. He stated that the Solid Waste Fund was down, sales tax has been down but came in just slightly above what was projected for the last fiscal year and building permits are down.

Review of Legislation on Ad Valorem Tax on Leased Vehicles

Director of Finance McGrane stated that legislation has been passed that would allow for the exemption of personal leased vehicles acquired after January 2, 2001. He spoke to the impact on the City stating that in the worst case it would mean a loss of approximately \$290,000-\$300,000 in ad valorem taxes and that the figure would probably be closer to \$100,000. Mr. McGrane stated that the exemption would be in effect from January 2, 2002 through December 31, 2003 unless continued by the legislature. He further stated if it were Council's desire to tax those vehicles, an ordinance must be passed by January 1, 2002.

Personnel

Library Advisory Board

Council Member McGee spoke regarding including representation from the eastern side of the City on the board, citizen concerns regarding the development of the library system and to finding additional applicants for the position. He further requested the item be deferred to a future Council meeting. The Council concurred to defer consideration of this item.

Council Items for Discussion/Action on Future Agendas

Deputy Mayor Pro tem Dyer spoke regarding temporary providers that are required to have both a health and building permit for operation. He spoke to the conflict that exists, stating that six health permits may be issued per year, but only one from Building Inspection.

Mayor Akers requested consideration of issues involving individuals selling wares or advertising along right-of-ways.

Consent and Regular Agenda

City Manager Muehlenbeck requested that Consent Agenda Items "B" consideration of Bid No. C183-01 for EMS Billing and Collection Service and "M" Consideration of a resolution to approve Agreed Order Docket No. 2001-0178-MWD-E and payment to the Texas Natural Resource Conservation Commission be removed for individual consideration.

Deputy Mayor Pro tem Dyer and Council Member Stovall advised that due to conflicts of interest, they would be stepping down on Consent Agenda Item "G" Consideration of a resolution to approve agreements between the City of Plano and various community organizations.

Deputy Mayor Pro tem Dyer advised that due to a conflict of interest, he would be stepping down on Regular Agenda Item "1" Presentation of options for revising current Council Member district boundaries.

Council Member McGee requested that Consent Agenda Item "E" Consideration of Bid No. C205-01 to establish a contract for Holiday Lighting, Installation, Maintenance and Storage Services be removed for individual consideration.

Council Reports

No reports were given.

GENERAL DISCUSSION

Arthur Townsend, citizen of the City, spoke regarding appeals to decisions made by the Board of Adjustment and their attitude. He requested that City Council reprimand the Board of Adjustment, assures citizens that no one in the future would be treated as he was, and further that these requests be placed on the next Council agenda under "Items for Individual Consideration."

Mayor Akers spoke to the accountability of the Board of Adjustment and Council's ability to remove members and regarding the appeal process required by state law. Mayor Akers requested a meeting be arranged with himself, Mr. Townsend, City Manager Muehlenbeck, and those who presented the report.

CONSENT AGENDA

Upon a motion made by Council Member Lambert and seconded by Mayor Pro tem Neudorff, the Council voted 7-0 to approve and adopt all remaining items on the agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

October 4, 2001
October 8, 2001

Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following

Bid No. C197-01 to establish an annual fixed-price contract for Custodial Services for New Facilities in the estimated annual amount of \$137,676 for an annual contract with renewals. [Consent Agenda Item (C)] (See Exhibit "A")

Bid No. C198-01 to establish an annual fixed-price contract for Library Subscription Services in the estimated annual amount of \$91,430 for an annual contract with renewals [Consent Agenda Item (D)] (See Exhibit "B")

Bid No. B201-01 for Median Landscaping (on 14th Street from Los Rios Boulevard east to the City limits, and Custer Road and Independence Parkway from Plano Parkway to Highway 190) and Street Lighting (14th Street from Los Rios Boulevard east to the City limits and on Los Rios Boulevard from 14th Street to Plano Parkway), Project 5046 in the amount of \$243,634. [Consent Agenda Item (F)] (See Exhibit "C")

Adoption of Resolutions

Resolution No. 2001-10-11(R): To find Michael Stom is entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Marjorie Willich, individually and as next friend for Joshua Willich v. City of Plano; and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2001-10-12(R): To authorize the purchase of various library materials from Dun & Bradstreet, Moody's, Standard & Poor's, and Proquest Information and Learning (formerly Bell & Howell), the sole source suppliers of such materials; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (I)]

Resolution No. 2001-10-13(R): To authorize the purchase of books and books-on-tape from the Brodart Company through the Northeast Texas Library System; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2001-10-14(R): To authorize the purchase of library materials, including books, books-on-tape, audio cassettes, compact disks, and videocassettes, from Baker & Taylor; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2001-10-15(R): To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for an Intersection Traffic Control Project, PIN 17560006409000, targeting intersections regulated by means of a signal light; authorizing the City Manager to execute the grant agreement and any other documents necessary to effectuate the action taken; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2001-10-16(R): To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (N)]

Adoption of Ordinances

Ordinance No. 2001-10-17: To repeal Division 3, Sections 12-226, 12-227, 12-228, 12-229, 12-230, 12-231 and 12-232 of Chapter 12, "Motor Vehicles and Traffic," of the City of Plano Code of Ordinances, and replacing with revised and renumbered regulations, which include amended provisions changing the definition of "Junked Vehicle" and "Antique Auto" to conform to State Law, allowing a person receiving notice regarding a junked vehicle to request a hearing within 10 days of the date on the notification, and establishing notification procedures for a public hearing on towing a junked vehicle should the person not respond to the initial notice; and providing a repealer clause, a penalty clause, a severability clause, and an effective date. [Consent Agenda Item (O)]

Ordinance No. 2001-10-18: To amend Ordinance No. 99-9-29 codified as Section 12-73 of Article IV (Speed) of Chapter 12 (Motor Vehicles and Traffic) of the City of Plano Code of Ordinances by amending Subsection (a) to include a previously existing school zone on San Gabriel Drive between Merriman Drive and Park Boulevard omitted in the School Zone Ordinance Revision No. 99-9-29; providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause and an effective date. [Consent Agenda Item (P)]

Ordinance No. 2001-10-19: To amend Ordinance No. 2001-10-1 by adding an additional early voting location for the Special Election to be held on November 6, 2001 for the purpose of electing one (1) member of Council, Place No. 2 (District 2), to the City Council to fill a vacancy until the May 2002 General Election; ordering corrected notices of election to be given as prescribed by law in connection with such election; and providing an effective date. [Consent Agenda Item (Q)]

Approval of Agreement

To approve a contract by and between the City of Plano and Plano Economic Development Board in the amount of \$570,150 to initiate, promote, monitor and perform activities related to economic development. [Consent Agenda Item (R)]

Award of Contract

To approve a contract by and between the City of Plano and Sharon Rowe, the Elections Administrator of Collin County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City of Plano's November 6, 2001, Special Election in the amount of \$23,273. [Consent Agenda Item (S)]

To approve and authorize for the selection of Reedcon, Inc. to provide Professional Engineering Services for an amount not to exceed \$26,955 in connection with the design of River Bend & Copper Creek Screening Wall Replacement and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (T)]

To approve and authorize for the selection of NTB Associates, Inc. to provide Professional Engineering Services for an amount not to exceed \$29,920 in connection with the design of O Place Reconstruction and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (U)]

Approval of Contract Renewal

To approve for payment of the annual maintenance fee for the City's contract with Motorola Communications, for annual maintenance services for the 800 MHz Trunked Radio System; (year five of a five-year contract); with the total expenditure for year five not to exceed \$229,334; authorizing the expenditure, and authorizing the City Manager to execute all necessary documents. Bid No. C9708-250. [Consent Agenda Item (V)]

Approval of Agreement Renewal

To renew an agreement to provide the Certificate of Public Administration Program between the City of Plano and the University of Texas at Dallas in the amount of \$26,000. [Consent Agenda Item (W)]

Approval of Texas State Dept. of Information Resources Agreement

To approve entering into a Master License Agreement with Novell, Inc. for software upgrades in an amount not to exceed \$82,760 and approving payment of such amount to SHI-GS, the authorized reseller for Novell; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. [Consent Agenda Item (X)]

END OF CONSENT

Approval of Bid No. C183-01 for a fixed contract for EMS Billing and Collection Service in the estimated annual amount of \$91,868 for a two-year contract with renewals. [Consent Agenda Item (B)] (See Exhibit "D")

City Manager Muehlenbeck spoke regarding receipt of a protest to this item and his meetings with Staff who have advised him regarding review and their recommendation to move forward.

Upon a motion made by Council Member Lambert and seconded by Council Member Stahel, the Council voted 7-0 approve Bid No. C183-01 for a fixed contract for EMS Billing and Collection Service in the estimated annual amount of \$91,868 for a two-year contract with renewals.

Resolution No. 2001-10-20(R): To authorize approval of Agreed Order Docket No. 2001-0178-MWD-E and payment to the Texas Natural Resource Conservation Commission in the amount of thirty-three thousand two hundred fifty and 00/100 dollars for violations of the sanitary sewer system; authorizing the City Manager to execute any and all documents in connection with this approval; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2001-10-20(R) (cont'd)

Executive Director Hogan spoke to amending the request to include implementation of a Supplemental Environmental Program for irrigation conservation in lieu of a fine.

Upon a motion made by Council Member Stovall and seconded by Council Member Stahel, the Council voted 7-0 to amend and authorize approval of Agreed Order Docket No. 2001-0178-MWD-E and *implementation of a Supplemental Environmental Program*; authorizing the City Manager to execute any and all documents in connection with this approval; and providing an effective date; and further to adopt Resolution No. 2001-10-20(R), as amended.

Approval of Bid No. C205-01 to establish an annual fixed-price contract for Holiday Lighting Installation, Maintenance and Storage Services in the estimated annual amount of \$23,292 for an annual contract with renewals. [Consent Agenda Item (E)] (See Exhibit "E")

City Manager Muehlenbeck advised Council Member McGee regarding outsourcing and spoke regarding possible expansion.

Upon a motion made by Council Member McGee and seconded by Council Member Stovall, the Council voted 7-0 to approve Bid No. C205-01 to establish an annual fixed-price contract for Holiday Lighting Installation, Maintenance and Storage Services in the estimated annual amount of \$23,292 for an annual contract with renewals.

Due to a conflict of interest, Council Member Stovall stepped down from the bench on the following item and Deputy Mayor Pro tem Dyer on the following two.

Resolution No. 2001-10-21(R): To approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of community services funds in the amount of \$243,467 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (G)]

Upon a motion made by Mayor Pro tem Neudorff and seconded by Council Member Stahel, the Council voted 5-0 to approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of community services funds in the amount of \$243,467 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2001-10-21(R).

Council Member Stovall resumed his place on the bench.

Presentation of options for revising current Council Member district boundaries; Council discussion and direction for finalizing a plan for adoption and receipt of public input. [Regular Agenda Item (1)]

City Attorney Wetherbee spoke to Council making a selection for further consideration of district boundaries and to receiving input from the public at the November 5 and 12 Council meetings. She stated that adoption by November 12 would provide time for Justice Department approval and allow candidates to be informed in time for the May 2002 election. Ms. Wetherbee spoke regarding the charter requirement that the districts be equal in population and the ordinance creating a 25% tolerance between the largest and smallest districts. She stated census data is used for Justice Department clearance, that current Council members not residing in designated districts would not be disqualified for the remainder of their term and that the plan changes will take effect in May, 2002.

Planning and Information Manager Zimmerman reviewed current and proposed boundaries and reviewed population information based on the census data and anticipated buildout. He responded to Council Member Stahel that census figures are as of April 2000 and the difference between the census data and buildout data.

Council Member Lambert spoke to not changing District One. Mr. Zimmerman advised Mr. Lambert that Preston Road provides a more clear separation of neighborhoods than Ohio Drive. Mr. Lambert stated a preference for Option 4 and that Option 3 might be used if boundaries are moved out to Preston Road and regarding utilizing Ohio Drive. Council Member Stovall spoke to growth in District One and in support of Option 6. Council Member McGee spoke to balancing out immediate and projected results and that numbers stay more level in Options 4 and 6. Mayor Pro tem Neudorff spoke regarding the similarities between Options 3 and 4 and stated a preference for Option 3 as it follows major streets. Council Member Stahel stated preference for Option 4 followed by 3, citing the use of census and buildout figures. He stated that Option 4 maintains the Alma Drive boundary and that District One's population may already be halfway between the 2000 census figures and those of buildout.

Mayor Akers spoke to consideration of Options 4 and 3 and Council Member Lambert stated a preference to narrow consideration down to one option.

Council Member Stovall spoke to the projected population differentials between the largest and smallest districts being over 25% with either Option 3 or 4 and that Option 6 would provide lower differential numbers both now and in the future.

Mayor Akers spoke regarding use of Ohio Drive as a boundary and stated concurrence to go with Option 4 and retaining the character of the "east side." Mayor Pro tem Neudorff spoke regarding the Ohio Drive boundary and stated he could "go with" Option 4. Council Member Lambert spoke to making an adjustment in five years.

Mayor Akers stated that five members of Council support Option 4 and one supports Option 6 and recommended that Option 4 be brought back for a Public Hearing at the November 5 and 12 Council meetings.

Deputy Mayor Pro tem Dyer resumed his place on the bench.

Resolution No. 2001-10-22(R): To approve the terms and conditions of agreements between the City of Plano, Texas, and various arts organizations which render services that are beneficial to the public and serve a valid public purpose; authorizing the City Manager to execute such agreements with these organizations for the provision of support of the arts, and historic preservation; and providing an effective date. [Regular Agenda Item (2)]

Mayor Akers spoke to hotel/motel taxes being down, that it is the source of funding for the arts/historic groups in the community and stated the recommendation by the City Manager to reduce the amount paid and that payment would be made at 50% in November, 25% in February and 25% no later than October 31. He stated that these suggestions include coming back at the end of next fiscal year to fully fund the budgeted amount and that recommendations include funding from the general revenue and/or a contingency fund. Mayor Akers spoke to the Council's support of the City Manager's proposal and stated that the funds would be deferred to the end of the next fiscal year.

Council Member Stahel spoke to cash flow and accelerating the first payment to November 1, the second to February 1, the final 25% to May 1 and a final adjustment in October 2002 when figures are available. City Manager Muehlenbeck stated concerns that the May payment may exceed the allowable 15% of hotel/motel tax since final numbers will not be available until the end of the fiscal year. Council Member Stahel spoke to funding an amount on May 1 that is known not to exceed the 15% limit. City Manager Muehlenbeck spoke to the May figures including taxes through March and stated that based on this schedule, Staff would have to identify an alternate source of revenue to protect the City for the 15%.

Deputy Mayor Pro tem Dyer spoke to acceleration of initial cash flow and to moving the final payment date to June and to identifying where the shortfall would come from.

Mayor Pro tem Neudorff stated that there has not been borrowing from the General Fund to hire Police, Fire, or Solid Waste Staff. He spoke regarding two major funding sources being down, the possibilities of receiving late property taxes and in support of the recommended schedule.

Resolution No. 2001-10-22(R) (cont'd)

Council Member Stovall spoke to unemployment in the Metroplex being less than 5%, the size of the City's budget, and the full support given for the Community Service grants. He recommended paying 50% of the original amount on November 1, 25% of the original amount on February 1, and 25% on May 1 each time augmenting from other funds if the amount is over 15% of the hotel/motel tax revenue. Mr. Stovall spoke regarding the effects on arts groups of paying at reduced levels and paying back funds as hotel/motel taxes are received. Council Member Stovall spoke to the request being less than one-tenth of one percent of the total budget, the devastating impact a cut would have on arts/historic groups and going into budgets to find monies.

Council Member Lambert spoke to the City's legal ability to only pay up to 15% out of the hotel/motel taxes and that if more funds are to be expended the Council must decide where those funds would come from. He stated that the City today, with revised projections, is at its policy level with regard to the operating reserve and review by bond services. Mr. Lambert spoke regarding those positions currently on hold, the possibility of late tax payments, and proceeding with caution. He spoke regarding the goal to raise funding to the full amount in the original budget, but stated that if commitment is made, then there is an obligation to determine the sources of funding.

Mayor Akers spoke to the Council meeting its obligations by deferring and not cutting commitments and to funding programs by the end of the fiscal year. He spoke to the primary source for funding being the hotel/motel tax and consideration of holding functions within the City.

Cliff Redd, Executive Direction for the ArtsCentre of Plano, requested the Council send a message that the arts community is of value to the City and that the Council keep their commitments. Michael Crawford, Board President of the ArtsCentre of Plano, spoke to plans for arts organizations in the City including construction plans at the ArtsCentre. Richard Herrick, representing the Heritage Farmstead Association, spoke to the farmstead being a City-owned asset and to the monies needed to maintain the property and pay fixed expenses. He stated that a reduction would be difficult to absorb and spoke to concerns regarding the funding mechanism requesting the Council adopt a program to give a more realistic cash flow. Elena Turner, Chairperson of the Cultural Affairs Commission, spoke to the impact Plano arts are having in the metroplex, the effect on the organizations, consideration of grants by the commission, the monies being spent in other areas and regarding facilities available in the City. Vicki Mayhan, representing the ArtsCentre of Plano, spoke to organizations being non-profit with small operating budgets, the decrease in corporate sponsorships, the effect a deferment would have on groups and their commitments and to the positive influence of the arts.

Resolution No. 2001-10-22(R) (cont'd)

Terry Greer, vice president of the Plano Civic Chorus, stated a deference would be detrimental, a price increase would limit the access of the citizens to the fine arts, and spoke regarding financial commitments already made. He spoke to providing the opportunity to grow and continue. Peggy Jernigan, representing The Classics, spoke to being a service organization and performances held in Plano. She stated that contracts are written a year in advance and spoke regarding possible staff and programming reductions and problems with cash flow and requested Council consider funding in May rather than October. Cheryl Regan, representing the Chamberlain Ballet Guild, spoke to commitments and stated that deferral is acceptable under the 100% funding that was offered in August. Mark D. Fleischer, representing the Plano Repertory Theatre, spoke to the effect of deferrals just as the Courtyard Theatre is ready to open, to those in the audience coming from other cities, challenges if funds are reduced and stated that arts are a service to the community. Melody Timinsky, president of The Classics, stated appreciation for the accelerated plan to address cash flow problems, spoke regarding performances held in Plano and those coming into the City and requested looking for a more stable approach to funding the arts. Craig McKinney, representing Plano Repertory Theatre, stated concern that the arts are struggling, that they are small organizations and spoke regarding the impact cuts would have on programs.

Mayor Akers clarified his recommendation that banquets for fundraisers, etc. be held within the City.

City Manager Muehlenbeck stated that by the month of July the City will know where it stands with regard to hotel/motel tax and recommended attempting to identify by May or June those general fund opportunities and that his first cut was at contingencies. He stated concern regarding exposing the hotel/motel tax until before it is "pinned down." Mr. Muehlenbeck further responded to Council Member Stahel that 50% of the revised figure could be funded on or about November 1, that the second payment could be done on or about February 1 and requested Council direction on the timing of the final payment stating that adjustments could be made. He responded affirmatively to Council Member Stahel's recommendation of July 1.

City Attorney Wetherbee spoke to the contracts being developed providing for the second and third payments being subject to availability of funding and Council authorization so that additional monies could be funded if available. She stated in response to Mayor Akers that the agreement is structured so that the February 1 and July 1 payments would be subject to Council action to release the funds.

Council Member Lambert stated that this item is to award the contracts based on the best estimates available at this time of what the total 15% hotel/motel tax would be and that supplemental appropriations beyond this action would need to come back as a future agenda item and identify funding sources.

Resolution No. 2001-10-22(R) (cont'd)

Council Member Stahel made a motion at this time to distribute 50% of the revised (reduced) budget by November 1, 2001, 25% of the reduced budget by February 1, 2002, and the remaining 25% by July 1 2002. City Manager Muehlenbeck clarified that the final 25% would not be of the reduced budget, but of the difference that is available in an effort to come up to 100% funding, and further stated that the contract may need to be revised. City Attorney Wetherbee spoke to setting up the agreements as motioned by Council Member Stahel but that the Council may appropriate more monies at a later time. Mr. Stahel spoke to Council coming back and taking another look at the amount in the spring and hopefully having an opportunity to increase it. No vote was taken at this time.

Council Member McGee stated that if the commitment is to the full original amount the final payment in July should reflect up to that amount rather than the amended amount. Mayor Pro tem Neudorff spoke to the recommendation to move up payments to November 1 and February 1 and moving up the remainder of the full funding from October to July 1. Council Member Stahel stated that the final payment would be reflected upon the committed budget. City Manager Muehlenbeck spoke to identifying the funds. Mr. Stahel spoke to leaving the recommendation with 25% on July 1 with the understanding that it is subject to the budgetary situation. Mr. Muehlenbeck spoke to staying with the existing contract except for the last date, which would be brought to July 1, 2002, that revised figures will be brought back in June and if an additional appropriation can be made, a new ordinance would be considered. He spoke regarding a budget supplement that might be made from contingencies or the General Fund.

Deputy Mayor Pro tem Dyer spoke regarding commitments made by the arts groups and the impact that might be caused. He stated if the intent is to fully fund based on the approved budget, Council should declare this, allocate funds and work to identify sources. Mr. Dyer spoke to the possibilities of deferring software, computers, or other equipment rather than personnel.

Mayor Pro tem Neudorff stated his support of the motion stating that in July the Council will fund to the full amount restating his second.

Council Member Stovall made a comparison to prior years when 80% of funding was granted in November. He spoke in support of looking for funding from other sources to be included no later than February 1.

City Attorney Wetherbee advised that the contract has been drafted to state that distributions after the 50% are subject to funds being available and Council authorization. Deputy Mayor Pro tem Dyer stated that if Council is convinced it will find the money, it should be identified now. Council Member Lambert stated concern voting for an expenditure without knowing the funding source.

Resolution No. 2001-10-22(R) (cont'd)

Council Member Stahel stated a motion that based on the reduced budget for the arts/historic groups, 50% of the reduced amount will be paid on November 1, 2001, 25% on February 1, 2002, and 25% on July 1, 2002 plus a supplement to bring it up to full funding for the originally budgeted amount, sources of funding to be determined. Mayor Pro tem Neudorff seconded the motion. The Council voted 5-2 with Deputy Mayor Pro tem Dyer and Council Member Stovall voting in opposition. The motion passed and the Council adopted Resolution No. 2001-10-22(R) as amended.

The Council took a brief recess at 9:47 p.m. and reconvened at 9:55 p.m.

Presentation and discussion re Emergency Preparedness [Consent Agenda Item (3)]

Explanation of the capability and activation criteria of the Plano Outdoor Warning System

Director of Public Safety Timmons spoke regarding Public Safety Staff responsibilities and the Outdoor Warning System and further spoke to encouraging citizens and businesses to have a weather alert radio. He stated that the outdoor system is not capable of notifying citizens in their homes and that it is tested every first Wednesday of the month. Mr. Timmons stated that the system may be utilized to alert citizens to weather conditions, hazardous materials or civil defense incidents and reviewed the information included on flyers which includes the signals for each event, where to tune for further information, siren locations, web resources, and tips for emergency preparation. He reviewed the matrix utilized by Staff for activation of the system.

Council Member Stovall recommended adding B58 on Plano Cable TV to the flyer. Mr. Timmons responded to Council Member Stovall stating that the buildout has increased the amount of background noise and that additional sirens are needed to ensure that citizens hear the sirens. Council Member Stovall spoke to being sure that monies are being spent wisely.

Council Member McGee spoke to having a sticker or magnet containing at least basic information regarding the tones. Mr. Timmons responded to Council Member McGee regarding the shrinking base of cable subscribers and looking to other communication methods. Mayor Pro tem Neudorff spoke to the use of weather radios and the service the sirens provide to the citizens. Mayor Akers spoke to the flexibility of the system.

Council Member Stovall spoke to the Federal Communications Commission requiring satellites to carry local channels inquired as to discussion regarding channels such as A30 and B58. City Manager Muehlenbeck stated that they have identified the major networks as the local channels.

Hazardous Materials - Report Regarding Joint Safety Committee

Fire Chief Peterson, who serves as the City's Emergency Management Coordinator, provided a briefing on activities on the months preceding and following September 11 events. He advised that the City's Emergency Management Plan has been updated to include a hazardous materials annex and terrorist incident response update. He further stated that a Hazard Analysis has been completed addressing natural threats, technological threats, and security issues including civil disorders, military attack or terrorism. Chief Peterson advised that a Grant Application was made in November 2000 for domestic preparedness through the State's Department of Public Safety and that no response has been received to date. He spoke to joint planning between the City's Police and Fire Departments and the Plano Independent School District addressing school facilities.

He stated that following the events of September 11 Staff has been monitoring national/local situations and trends, increased "critical" supplies, reviewed its emergency management plan, "recycled" the Y2K plan to deal with extended operation contingencies, and reviewed water supply security issues.

Chief Peterson spoke to ongoing activities including a joint Police, Fire and Health plan to respond to "suspicious" mail, updating procedures related to hazardous materials, the implementation of a new mass-casualty plan, meetings held with local corporate security officials to review emergency plans, meetings with local hospitals, a joint "county" planning meeting and Staff working together to plan any necessary response to potential local events of terrorism. He spoke regarding the symptoms of a chemical/biological attack being similar to those of influenza and recommendations that citizens receive a flu shot.

He reviewed the present status stating that local resources will likely handle any effects from terrorism, and that a positive response to the grant application would improve response capabilities to bio-terrorism events. Chief Peterson stated that local and federal law enforcement officials report "as of this time, no '*credible*' threats have been detected for the Plano area."

Chief Peterson stated that Staff is following up on the status of the grant application and responded to the Council that the risks associated with the power plant in Glen Rose are relatively limited and further spoke regarding the communications capability within the City and with other municipalities and agencies.

Mayor Akers advised at 10:35 p.m. that the Council would recess and reconvene into Executive Session in the Council Conference Room after which time the meeting will finally adjourn. The Council convened into Executive Session in compliance with Chapter 551,071 Government Code, Vernon's Texas Codes, Annotated, to discuss matters of 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 by law. Mayor Akers finally closed the meeting at 11:20 as reported to the City Secretary.

Jeran Akers, **MAYOR**

ATTEST:

Elaine Bealke, **City Secretary**