

PLANO CITY COUNCIL
May 29, 2001

COUNCIL MEMBERS

Jeran Akers, Mayor
Rick Neudorff, Mayor Pro tem
Phil Dyer, Deputy Mayor Pro tem
Shep Stahel
Pat Evans
Steve Stovall
John R. Roach, Jr.
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 Pro tem Neudorff convened the meeting into open session on Tuesday, May 29, 2001, at 7:05 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Mayor Akers.

The invocation was led by Pastor Jerry Lee of New Covenant Church of God.

The Pledge of Allegiance was led by Boy Scout Troop 285 of St. Mark's Catholic Church.

Mayor Pro tem Neudorff presented proclamations recognizing "2001 Living Treasures," "Community Credit Union Scholarship Awards," Paul Standberry Scholarship Awards, and "Bruce Friddle Week".

GENERAL DISCUSSION

No one appeared to speak.

PRELIMINARY AGENDA (continued)

Employee Recruitment and Retention Report

Director of Human Resources Ross reviewed the proposed market adjustment, discussed previous efforts, turnover, churning of the work force, present standards, and spoke to targeting and bringing up the below-market areas. Ms. Ross spoke to falling behind in the pay structure and recommended that a 3.5% of the mid-point and 4% across the board for civil service be implemented. She advised that monies that can be allocated for this purpose represent 3% of payroll or \$982,000. Ms. Ross further spoke to training, benefits, and work environment efforts underway to help maintain a competitive stance.

Ms. Ross responded to questions of the Council and stated that the ideal situation is that there be 50% at market with 25% below market and 25% above market employee ratio.

Compensation Administrator Covey spoke to job classification and ranges and the turnover rate being difficult to pinpoint and stated that turnover is being experienced in all areas in the City and not particularly one department. She stated that she can go back and attempt to obtain this information but that turnover is being experienced in all levels and spoke to a tight labor market. Ms. Covey stated that Plano is at about 12% to 17% along with the other cities indicated in the report.

City Manager Muehlenbeck advised that the monies will be used from the unappropriated ending balance along with other additional revenues and stated that if the Council approves this request, a supplemental appropriation will come back to the Council at the next meeting. Ms. Ross stated that the long-range plan is to continue to take the steps that they are taking, reviewing recruiting efforts, and work on appropriating career ladders. Ms. Ross responded that Staff could look at how other cities are doing things. City Manager Muehlenbeck recommended taking things in small steps in order to avoid a compression problem. Ms. Ross advised that Watson and Wyatt did do an apples-to-apples comparison with actual positions with both the public and the private sectors.

City Manager Muehlenbeck advised Council Member Lambert as to why this is being done now instead of during the budget process and stated that during the last budget process Staff advised that market salaries would be looked into in February. He stated that this was done, and that this is really a matter of reacting to what communities are doing. Mr. Muehlenbeck further stated that it is his hope that the same thing is done next year in order for the City to stay competitive. Mr. Lambert recommended in the future having a number in the budget in order to not go with an off budget item. Mr. Muehlenbeck advised that no sales tax monies will be used for this proposal.

Ms. Rhodes stated that an additional \$300,000 will remain unallocated out of sales tax, and that with regard to the \$982,000 on the table tonight for the market adjustment that this will be coming from gas franchise fees that were up and also that building permits are also up which identifies the sources for the market adjustment recommendations and further that the 75% going to the Capital Reserve has been taken care of. Mr. Muehlenbeck advised the Council that in May or June of next year additional costs if added can be identified. Council Member Lambert stated that he feels this is a more appropriate time to look at this realizing the need for flexibility and stated he is opposed to taking money out of unappropriated surpluses.

Council Member Roach recommended that this plan be adopted as proposed by Ms. Ross and that Staff proceed accordingly. Mr. Muehlenbeck stated that the supplemental appropriation will be brought back at the next Council meeting.

Council Member Stahel stated he would rather look at this during the budget cycle and identify it as 7% at one time and then budget for it. He also spoke to concerns that the Watson and Wyatt survey goes back twelve months and that the employment picture has changed in the past 90 to 120 days and further stated he would be more comfortable in knowing what has happened in the last three months. Mr. Stahel stated he is not sure that the competition is with the same people such as are in Fort Worth and Arlington in terms of salaries as opposed to actual City positions. He spoke to looking at exactly where the turnover problems actually are and to doing a series of target adjustments instead of across the board. He stated that if it is the will of the rest of the Council that he will not object.

City Manager Muehlenbeck spoke to the last 90 to 120 days possibly as being not relevant and stated that salaries are based on other cities and actual salaries with adopted budgets. He stated that 7% budgeted would not be the figure given to the employees but would be a number adopted into the budget and that the merit increase can go from 0% to 4% for the employees. Mr. Muehlenbeck further stated that the 3.5% is not going across the board uniformly but is going from the bottom to the mid-point. He stated that attempting to budget for this at budget time and holding off to see where the City stands for the other 3.5% in the mid-year can be done. He stated that what is being addressed here is not to compete with every position in Arlington or Fort Worth but to look at for size comparisons and stated that Plano is oftentimes used as the target. Mr. Stahel stated that salary comparisons may never be able to compete with neighboring entities like Nortel and Flextronics and spoke to recent layoffs in these industries affecting the situation. Mr. Muehlenbeck stated that it is also a retention measure as well as a competitive measure. Mr. Stahel stated that he would like to identify where the departments are that have the biggest problem and turnover and not just the level of the position and further looking at the next budget year being able to plug this into the budget numbers and look ahead. He spoke to having Watson and Wyatt look at the commercial, non-governmental competition. Mr. Muehlenbeck stated that this is already available.

Mayor Pro tem Neudorff spoke to previously supporting adjustments and stated his disappointment has been that the City is still at the same turnover rate as last year and spoke to looking at how the City stands with regard to benefits and to looking at this at budget time. He stated that it appears the Council is in agreement to move forward with this proposal. The City Manager advised that this will come back at the June 4 Council meeting. Council Member Lambert requested that at that time hard numbers be provided and an indication be given as to where the monies are coming from.

Comprehensive Monthly Finance Report

Director of Finance McGrane presented the April, 2001 Finance Report which encompasses the first seven months of the City's fiscal year. He spoke to the impact on funds as a result of weather and also spoke to adding the Downtown Center Fund as a new item. Mr. McGrane spoke to possibly coming back to the Council with a drainage bond sale in the future.

Council Items For Discussion/Action on Future Agendas

Council Member Stovall requested a report from the Traffic Engineering Department regarding the length of time a yellow traffic light stays on. He further requested a report from Staff regarding extensive road repairs and what causes this condition. Mayor Pro tem Neudorff spoke to a road repair time line report. Mr. Stovall further spoke to the need for updating the Property Standards ordinances as part of a housecleaning type event.

Consent and Regular Agenda

Council Members Stahel and Stovall advised that they will be stepping down from Consent Item "T", Approval of Change Order with OneWorld Financial System Project due to a conflict of interest.

City Engineer Upchurch advised Council Member Evans that the bid came in very high with regard to Consent Item "E" for construction of Pleasant Valley Sewer and George Bush Tollroad Water Line, and spoke to obtaining a better price fairly soon. He stated that this will only be a temporary delay.

Council Reports

Council Member Roach spoke to the live, televised Memorial Day Celebration and the good job done by Staff and further spoke to the 2001 Keep Texas Beautiful Governor's Community Achievement Award received by the Solid Waste Division and Keep Plano Beautiful Commission and stated that the City will receive \$155,000 from the Texas Department of Transportation towards landscaping projects along state maintained highways that run through the community.

CONSENT AGENDA

Upon the request of Council Members Stahel and Stovall, Consent Agenda Item “T” was removed for individual consideration due to a conflict of interest.

Upon a motion made by Council Member Roach and seconded by Council Member Lambert, the Council voted seven (7) to none (0) to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

Bid No. C095-01 for a fixed-price contract for Golf Shirts, Tee Shirts and Work-Out Shorts for the City of Plano Fire Department in the estimated annual amount of \$48,400 for an annual contract with two one-year renewals. [Consent Agenda Item (B)] (See Exhibit “A”)

Bid No. B074-01 for the Purchase and Installation of one 20,000lb Capacity, Two-Post, Above Ground Truck Lift for use by the Equipment Services Department in the amount of \$25,825. [Consent Agenda Item (C)] (See Exhibit “B”)

Bid No. B136-01 for Two Cab & Chassis for Rear Load Refuse Bodies/a five-year engine warranty and extended transmission warranty in the amount of \$197,374. [Consent Agenda Item (D)] (See Exhibit “C”)

Rejection of Bid

To reject the lowest responsible bid/proposal for construction of Pleasant Valley Sewer and George Bush Tollroad Water Line (Bid No. B130-01). [Consent Agenda Item (E)] (See Exhibit “D”)

Adoption of Resolutions

Resolution No. 2001-5-16(R): To authorize intervention in TXU Electric Company’s application to implement price to beat fuel factor filed at the Public Utility Commission of Texas, Docket No. 24040; authorizing the joining with other intervening cities to protect municipal and ratepayer interests; authorizing the hiring of attorneys and consultants; and requiring reimbursement of the cities ratemaking costs; and providing an effective date. [Consent Agenda Item (F)]

Resolution No. 2001-5-17(R): To authorize an expenditure of funds not to exceed one hundred sixty thousand dollars (\$160,000) to Uretek USA, Inc., the sole source provider and licensee of the Uretek Method® and Uretek 486, a high-density polyurethane material used for street and alley pavement repair; authorizing the City Manager to take such action and execute such documents as necessary to effectuate this expenditure; and providing an effective date. [Consent Agenda Item (G)]

Resolution No. 2001-5-18(R): To extend the term of the City Depository and Banking Services Agreement between the City of Plano and Bank One to September 30, 2003. [Consent Agenda Item (H)]

Resolution No. 2001-5-19(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, City of Carrollton, and Town of Hebron, Texas, for the construction of the east side of Marsh Lane, north of Park Boulevard/Hebron Parkway; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (I)]

Resolution No. 2001-5-20(R): To approve the terms and conditions of a Master Agreement governing Local Transportation Project Advance Funding Agreements by and between the City of Plano and the State of Texas providing terms and conditions for the management and administration of joint transportation projects; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2001-5-21(R): To approve the terms and conditions of an agreement in a total amount not to exceed \$1,000 between the City of Plano, Texas and Plano Metropolitan Ballet, which renders services that are beneficial to the public and serve a valid public purpose; authorizing the City Manager to execute such agreement with the organization for support of the arts; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2001-5-22(R): To approve the terms and conditions of a letter agreement by and between City of Plano and The Oldani Group for the purpose of professional services relating to the search for a Police Chief for the City of Plano and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (L)]

Adoption of Ordinances

Ordinance No. 2001-5-23: To amend Ordinance No. 77-8-2, Section 12-206 of Chapter 12 (Motor Vehicles and Traffic) of the Code of Ordinances and Ordinance No. 92-6-18, Sections 12-228, 12-229, 12-230 and 12-232 of Chapter 12 of the Code of Ordinances; amending the definition of "Abandoned Vehicle" and procedure to abate nuisance and providing a public hearing prior to any towing of "Junked Vehicles," providing notice to the Texas Department of Transportation and authority of enforcement of the removal of "Junked Vehicles" to be consistent with state law; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (M)]

Ordinance No. 2001-5-24: To abandon all right, title and interest of the City, in and to those certain street easements as recorded in Volume 1144 at Page 730 and Volume 1152 at Page 197 of the Land Records of Collin County, Texas, but retaining certain drainage and utility rights with the construction of North Star Road south of Plano Parkway within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements, except for those certain drainage and utility rights to the abutting property owners, to the extent of their interests; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (N)]

Ordinance No. 2001-5-25: To transfer the sum of \$13,249 from the General Fund Unappropriated Fund Balance to the General Fund Operating Appropriation for Fiscal Year 2000-01 for the purpose of paying taxes on the option agreement by and between AGF Spring Creek Coit II, Ltd. and the City of Plano, Texas to acquire the art center tract; amending the budget of the City and Ordinance 2000-9-8, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. [Consent Agenda Item (O)]

Approval of Contracts:

To approve and authorize for the selection of TranSystems Corporation. Consultants to provide Professional Engineering Services for an amount not to exceed \$89,155 in connection with the design of Marsh Lane Extension from West Park Boulevard to Plano Parkway and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (P)]

To approve and authorize for the selection of Wendy Lopez & Associates, Inc., to provide Professional Engineering Services for an amount not to exceed \$174,500 in connection with the design of the P Avenue Reconstruction from Park Boulevard north to Parker Road and authorizing the City Manager or his designee to execute all necessary documents to effectuate this contract. [Consent Agenda Item (Q)]

Approval of Change Order

To approve Change Order No. 3 in the amount of \$19,980 for the Technical Consulting Services and travel expenses for William Zietzke in conjunction with the Public Safety Technology Project; and authorizing the City Manager to negotiate and execute all necessary contract documents (B9911-030). [Consent Agenda Item (R)]

To Jim Bowman Construction Co., LP increasing the contract by \$130,073 for the Residential Slab Replacement Project – Phase I (River Bend Subdivision area), Change Order No. 1, (Bid No. B217-00). [Consent Agenda Item (S)]

END OF CONSENT

Due to a conflict of interest, Council Members Stahel and Stovall stepped down from the bench on the following item.

Approval of Change Order to Divine (formerly marchFIRST), increasing the contract by \$100,000 for completion of the OneWorld Financial System Project including implementation of the Job Costing system. [Consent Agenda Item (T)]

Upon a motion made by Council Member Lambert and seconded by Council Member Roach, the Council voted 5-0 to approve a Change Order to Divine (formerly marchFIRST), increasing the contract by \$100,000 for completion of the OneWorld Financial System Project including implementation of the Job Costing system.

Council Members Stahel and Stovall resumed their places on the bench.

Resolution No. 2001-5-26(R): To review and approve the City's written public funds investment policy and providing an effective date. [Regular Agenda Item (1)]

Finance Director John McGrane stated that state law requires that the City's investment policy be brought before the governing body for review on an annual basis and stated that there are no changes.

Upon a motion made by Council Member Lambert and seconded by Council Member Roach, the Council voted 7-0 to adopt Resolution No. 2001-5-26(R) to review and approve the City's written public funds investment policy; and providing an effective date.

Public Hearing to consider amending City of Plano's vehicles for hire regulations in Article III of Chapter 11, License and Business Regulations, of the City Code of Ordinances. The proposed revisions would increase the rate of fare a taxicab operator may charge, increase the permit fees assessed to taxicab and limousine services and restrict the age of taxicabs and limousines serving Plano. [Regular Agenda Item (2)]

Chief of Police/Executive Director Glasscock advised that this item represents recommended changes to the current ordinance that will bring the City in line with the City of Dallas. He stated that changes in the proposed ordinance represent cab rate fees, permit fee increases, along with a provision that will restrict the age of equipment that is used for cabs. He stated that letters were sent out to 14 companies on file holding permits with the City as well as new applicants and that no responses have been received.

Mayor Pro tem Neudorff opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Council Members Stovall and Evans spoke in support of this request and the Council concurred to bring back an ordinance to amend City of Plano's vehicles for hire regulations in Article III of Chapter 11, License and Business Regulations, of the City Code of Ordinances. The proposed revisions would increase the rate of fare a taxicab operator may charge, increase the permit fees assessed to taxicab and limousine services and restrict the age of taxicabs and limousines serving Plano.

Public Hearing and adoption of Ordinance No. 2001-5-27 to adopt the maximum permitted rates to be charged by AT&T Broadband ("AT&T") (formerly TCI of Plano, Inc.) for certain cable services and reducing the maximum permitted rates to be charged by AT&T for certain other cable services; providing for enforcement action generally; providing a repealer clause, a severability clause, and an effective date. [Regular Agenda Item (3)]

City Attorney Wetherbee advised that the proposed ordinance approves the service rates and installation charges for a maximum permitted rate that TCI has requested changes to. She stated that one key issue in this ordinance is that the maximum permitted rate would be reduced in certain categories lower than what TCI had requested. She stated that backup information has been provided addressing some of the issues as to where deficiencies were found. Ms. Wetherbee advised that TCI was notified of the proposed ordinance and stated that the proposed rates will go into effect July 1.

Mayor Pro tem Neudorff opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Stovall and seconded by Council Member Stahel, the Council voted 7-0 to adopt the maximum permitted rates to be charged by AT&T Broadband ("AT&T") (formerly TCI of Plano, Inc.) for certain cable services and reducing the maximum permitted rates to be charged by AT&T for certain other cable services; providing for enforcement action generally; providing a repealer clause, a severability clause, and an effective date and further to adopt Ordinance No. 2001-5-27.

Consideration and Direction Concerning the Initiation of a Zoning Case to assign a Specific Use Permit for a Private Club located at the Community Room within Eastside Village and adjoining the DART platform. [Regular Agenda Item (4)]

Executive Director Turner advised that on May 14 the Council approved a 2500 square foot lease at the East Side Village Project for the purpose of operating a community room to be available for assorted functions in the community. He stated that Plano Centre will handle the lease and the catering and requested that the Council initiate a zoning case to consider a Specific Use Permit for a Private Club. Mr. Turner stated that if the Council supports the request, a Public Hearing should be scheduled for the July 16 Planning and Zoning meeting.

Council Member Lambert recommended that the Planning Department double advertise and schedule a Public Hearing for the Planning and Zoning Commission July 16 and the Council on July 23 if approved by the Commission. The Council concurred.

Public Hearing and adoption of Ordinance No. 2001-5-28 as requested in Zoning Case 2001-08 – To amend Subsection 2-824 (Regional Employment District) and Subsection 2-825 (Regional Commercial District) C. (Area, Yard, and Bulk Requirements), 7. (Maximum Height), 10. (Other Setback Standards), and F. (Special District Requirements) 1.b. of Section 2-800 (District Charts) of Article 2 of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to clarify the allowable height and required façade materials for parking structures within the Regional Commercial and Regional Employment districts; and providing a repealer clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date. [Regular Agenda Item (5)]

Director of Planning Jarrell advised that the proposed zoning case will amend the Regional Commercial and Regional Employment districts, formerly the Tollway Employment and Commercial Districts. She spoke to clarifying language for the maximum of parking decks allowed and façade requirements for brick, stone, or glass and also applying to parking decks as well as the main structures. Ms. Jarrell stated that this item has been recommended for approval by the Planning and Zoning Commission, as submitted and that no changes have been made to the regulations, only these clarifications.

Mayor Pro tem Neudorff opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Lambert and seconded by Council Member Roach, the Council voted 7-0 to amend Subsection 2-824 (Regional Employment District) and Subsection 2-825 (Regional Commercial District) C. (Area, Yard, and Bulk Requirements), 7. (Maximum Height), 10. (Other Setback Standards), and F. (Special District Requirements) 1.b. of Section 2-800 (District Charts) of Article 2 of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, to clarify the allowable height and required façade materials for parking structures within the Regional Commercial and Regional Employment districts; in accordance with the recommendation of the Planning and Zoning Commission and providing a repealer clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date and further to adopt Ordinance No. 2001-5-28 as requested in Zoning Case 2001-08.

Public Hearing and adoption of Ordinance No. 2001-5-29 as requested in Zoning Case 2001-11 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to grant a request for a Specific use Permit (SUP) for a Private Club on 1.3± acres on one lot on the east side of the Dallas North Tollway, 1,600± feet south of Parker Road in the City of Plano, Collin County, Texas; directing a change accordingly in the official zoning map of the City; and providing a repealing clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date. Zoned Regional Employment (RE). Neighborhood #41. [Regular Agenda Item (6)]

Director of Planning Jarrell advised that the proposed ordinance is a request for a private club to go along with an approximately 7,000 square foot restaurant. She stated that this standing restaurant is utilizing the 10% retail and restaurant allowance within the regional employment zoning district and stated that all setback requirements are met with regard to churches, schools, and residential areas and that this item has been recommended for approval by the Planning and Zoning Commission as submitted.

Mayor Pro tem Neudorff opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Roach and seconded by Council Member Stovall, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to grant a request for a Specific use Permit (SUP) for a Private Club on 1.3± acres on one lot on the east side of the Dallas North Tollway, 1,600± feet south of Parker Road in the City of Plano, Collin County, Texas, in accordance with the recommendation of the Planning and Zoning Commission and directing a change accordingly in the official zoning map of the City; and providing a repealing clause, a savings clause, providing a fine for criminal penalties not to exceed \$2,000 for each offense, a severability clause and an effective date and further to adopt Ordinance No. 2001-5-29 as requested in Zoning Case 2001-11.

There being no further discussion, Mayor Pro tem Neudorff adjourned the meeting at 8:28 p.m.

Rick Neudorff, Mayor Pro tem

ATTEST:

Elaine Bealke, CITY SECRETARY