

**PLANO CITY COUNCIL  
PRELIMINARY AND REGULAR MEETINGS  
November 13, 2006**

**COUNCIL MEMBERS**

Pat Evans, Mayor  
Scott Johnson, Mayor Pro Tem  
Sally Magnuson, Deputy Mayor Pro Tem  
Shep Stahel  
Jean Callison  
Loretta L. Ellerbe  
Harry LaRosiliere  
Lee Dunlap

**STAFF**

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

Mayor Evans called the meeting to order at 5:08 p.m., Monday, November 13, 2006, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Mayor Evans 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 and discuss Litigation, Section 551.071, 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 Evans reconvened the meeting back into the Preliminary Open Meeting at 6:58 p.m. in the Council Chambers where the following was discussed:

**Consideration and Action Resulting From Executive Session Discussion**

**Personnel**

DART Board Appointment

Mayor Evans advised that the DART Board of Directors representative Robert Pope is retiring which leaves an opening. She requested that anyone interested in this position submit an application.

Mayor Evans convened directly into the Regular Meeting at 7:00 p.m.

The invocation was led by Father Leo Almazan of John Paul II High School.

The Pledge of Allegiance was led by the Plano American Legion Post Honor Guard and Cub Scout Pack 280, Wolf Den 7.

Mayor Evans administered an oath of office to Paul Gephart for the Plano Housing Authority.

Mayor Evans read proclamations recognizing Veterans' Day, National Adoption Month – 2006, American Cancer Society: Great American Smokeout Day, and Animal Shelter Appreciation Week.

The Council resumed discussion of items from the Preliminary Meeting.

### **Discussion and Direction Regarding Indigent Health Care Proposal**

Richard Dodson, co-chair of the Collin County Task Force on Indigent Health Care requested the Council provide a statement of support for recommendations to be made to the county. He reviewed highlights including increasing the funding from \$200,000 to \$700,000 and expanding the grant program to include three offerings which specifically target health delivery needs in Collin County. Mr. Dodson advised that the offerings would include primary care accessibility grants which would have a three-year program for qualifying clinics, special projects grants to promote the development of programs in the county, and matching funds grants which would create a partnership between churches/businesses/cities. He spoke to hiring a director/coordinator, the creation of a data base to facilitate communication throughout the county and the level of uninsured citizens in the City of Plano.

Mr. Dodson responded to the Council regarding the level of need, stated that less than 35% of employees are provided health insurance in the traditional manner and reviewed those organizations currently receiving grants. He advised that grants are based on need and that funds are provided as a supplement, and stated that while there is currently no data base, it is expected that the number of undocumented workers would be a small factor. He spoke regarding proposed legislation and to taking a constructive leadership role showing the state that Collin County has a program in place. Mr. Dodson spoke to grants being provided as a reimbursement and to auditing done on a regular basis. He spoke to clinics filling the void left when the hospital was sold and to providing them with support and stated that a large part of the expense is the cost of medical supplies since many services are provided voluntarily.

By a majority show of hands, the Council endorsed the Collin County Task Force on Indigent Health Care Program.

### **Discussion and Direction Regarding NLC Voting Delegate and Alternate**

City Manager Muehlenbeck advised that this item would be pulled from the agenda.

### **Discussion and Direction Regarding Employee Health Clinic Feasibility**

Executive Director Hogan requested consideration to move forward with the RFP process to look at private sector operation of a clinic to address the increase in medical costs including workman's compensation claims, pre-employment testing and disease management and spoke to the study done by Practiva Health.

Dr. vanOort of Practiva Health spoke to determining the feasibility of an employee health clinic to impact costs related to the City's medical plan, workman's compensation, wellness programming and pre-employment physicals. He spoke to the increase in medical costs, the leveling off of the City's tax base and the successful implementation of clinics in other municipalities. Dr. vanOort spoke to addressing the needs of all stakeholders, reviewing claims' history and health programs to identify opportunities for cost savings, a survey of employees regarding their interest, determining regional provider interest and provider impact, peer review of existing clinics and a review of management service providers. He advised regarding the opportunity to redirect services to the clinic environment, stated that 84% of employees surveyed would use the clinic if offered at lower or no co-pay, the clinic concept is supported by community providers, it does not significantly impact providers and peer clinics are perceived positively by employees and dependents.

Dr. vanOort spoke to the recommended services to include minor medical occurrences, on the job injury assessment, wellness assessment and risk management, pre-employment physical assessments, chronic disease management and monitoring and referrals for in-depth diagnostics and treatment. He advised that pharmacy services were not considered at this time. Dr. vanOort spoke to cost reduction opportunities including the provision of services at lower cost than purchased under the current system, reducing the time away from work for medical treatment, making a first stop assessment of on-the-job injuries, integrating pre-employment physicals with medical records, coordinating and integrating total employee and dependent health, directing use of prescription drugs and to providing future leverage for insurance rates. He spoke to the option of self management which is the most cost effective and the ability to integrate the clinic with other health initiatives and attract expertise for management.

Dr. vanOort spoke to moving forward with Council's approval with distribution of an RFP for clinic management services to decide whether to outsource or manage in-house, evaluating the RFP responses and developing the final implementation plan and timeline and determining the extent to which current medical fund dollars can be re-directed to start and manage the clinic.

Dr. vanOort responded to Council Member Ellerbe that participation in the clinic would be on a voluntary basis and would not impact access to the health plan. Mr. Hogan spoke to the proposed staffing of the facility and advised that no decision has yet been made regarding access by retirees. Council Member Ellerbe requested consideration of the difficulty in finding a physician by those over sixty-five. Mr. Hogan spoke to further steps including testing the private sector market through the RFP, coming back to the Council and consideration of the item during the budget worksession. Council Member Stahel spoke to the possibility of partnering.

Dr. vanOort reviewed other entities utilizing clinics, spoke to the level of participation and responded to the Council regarding the impact of reducing absenteeism. He spoke to considering cost reductions by comparing what charges would be for services “on the outside.” Council Member Stahel spoke to the benefits of looking at an RFP and considering some other cost considerations and partnerships. Dr. vanOort responded to Mayor Pro Tem Johnson that the clinic for Collin County employees has been well received overall and to Mayor Evans that thirty employees were surveyed in focus groups.

Mayor Evans spoke to obtaining a larger sampling of employees before moving ahead and to defining the cost of visits. Mr. Hogan advised that a survey could be conducted and that it would result in a thirty-day delay to the process. The Council concurred to move forward with the survey.

### **Discussion and Direction Regarding Updated City of Plano Logo**

Director of Public Information Helt thanked Staff for their work on the updated logo and advised that following Council input, the star has been straightened in the design and an outline added. She advised that for additional consideration, the star and trail designs were added to the original “P” form. The Council conducted a straw poll on three alternatives (options A, B, C and the current logo) and with a 4-4 split between the rounded “P” form and star trail (option B) and the current logo, determined that a broader panel of staff would make the selection between the two and bring these findings back to the Council.

Council Member LaRosiliere spoke to considering the logo as a reflection of the brand of the City.

### **Council Items for Discussion/Action on Future Agendas**

Mayor Evans thanked Council Members LaRosiliere and Dunlap for hosting the November 9, 2006 Roundtable. She spoke to placing an item on the next agenda to consider whether or not to change the structure, format or scheduling of roundtables. Council Member Stahel spoke to looking at the content of the meetings and Mayor Evans requested the Council provide suggestions.

### **Consent Agenda**

Council Member Stahel requested that Consent Agenda Items “E,” purchase of Gartner Membership Seats; “F,” purchase of Microsoft server and desktop software; and “G,” purchase of maintenance support for network infrastructure switches be removed for individual consideration and advised that he would be stepping down due to possible conflicts of interest.

Council Member Dunlap advised that he would be stepping down on consideration of Regular Agenda Items “2,” consideration of an ordinance to establish and designate Reinvestment Zone No. 101 for a tax abatement; and “3,” consideration of a resolution to approve the terms and conditions of an agreement with Santo Paschal, LLC and PASCO Brokerage, Inc. providing for business personal property and real property tax abatement due to possible conflicts of interest.

### **Council Reports**

Mayor Evans spoke to the City of Plano being recognized as the second safest City in Texas and the forty-first in the United States.

Council Member Stahel spoke regarding attendance by himself and Council Member Dunlap at a Veterans’ Day ceremony held at the Plano Senior Center.

Deputy Mayor Pro Tem Magnuson spoke to attendance at the Salvation Army’s Kettle Drive.

Council Member Stahel spoke regarding attendance at the Frontiers of Flight Museum and a proclamation presented to Plano citizen Anousheh Ansari recognizing her travel into space.

### **COMMENTS OF PUBLIC INTEREST**

No one appeared to speak.

### **CONSENT AGENDA**

Mayor Pro Tem Johnson spoke regarding local transportation advance funding agreements and partnership in the amount of \$3.8 million and to Staff efforts in making application for funding.

Upon a motion made by Council Member Ellerbe and seconded by Mayor Pro Tem Johnson, the Council voted 8-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

#### **Approval of Minutes** [Consent Agenda Item (A)]

October 23, 2006

#### **Approval of Expenditures**

**Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)**

**Bid No. 2006-217-B** for Municipal Center Roof Replacement to Supreme Systems, Inc. in the amount of \$226,500 [Consent Agenda Item (B)] (Exhibit “A”)

**Bid No. 2006-154-C** to establish an annual fixed price contract for Employee Benefit Professional Services with Hay Group Inc. in the annual amount of \$85,000 with Special Projects in 2006-2007 totaling \$80,000. [Consent Agenda Item (C)] (Exhibit “B”)

**Bid No. 2006-234-B** for Plano Parkway – Tollroad to Park Boulevard and West Plano Quiet Zone Improvements project, to Tiseo Paving Company in the amount of \$2,342,664 for the base bid. The project consists of the widening from four lanes to six lanes of Plano Parkway from the Tollroad to Park Boulevard and the completion of the southbound lanes from International Parkway to Park Boulevard and improvements to Parker Road at the west City limits for a future quiet zone. [Consent Agenda Item (D)] (Exhibit “C”)

**Purchase from Existing Contract/Agreement: (Purchase of products/services through Cooperative Purchasing Interlocal Contract with another governmental/quasi-governmental agency or an additional purchase from current City of Plano annual purchase agreement).**

To authorize the purchase of new office furniture, in the amount of \$53,065 from Plano Office Supply through an existing contract/agreement with Collin County, and authorizing the City Manager to execute all necessary documents. (Collin County IFB No. 0307-011 / City of Plano Tracking No. 2004-45-I). [Consent Agenda Item (H)]

**Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)**

To approve an Architectural Professional Services Agreement by and between the City and PSA-Dewberry, Inc., in the amount of \$123,000 for architectural services for Haggard Library Basement and Harrington Library Renovations, Design Phase, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (I)]

To approve and authorize a contract with Newman, Jackson, Bieberstein, Inc. to provide Landscape Architectural Services for master planning and conceptual planning for Chisholm Trail North: Park Boulevard to Legacy Drive in an amount not to exceed \$30,701 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (J)]

To approve and authorize a contract with Newman, Jackson, Bieberstein, Inc. to provide Landscape Architectural Services for master planning and conceptual planning for Chisholm Trail South: Park Boulevard to President George Bush Turnpike in an amount not to exceed \$29,071 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (K)]

**Change Order: (Change to current City of Plano contract allowable under State law)**

To approve a change order to the contract with Motorola, Inc. increasing the contract by \$69,630 for additional Wireless Backhaul Canopy Coverage, Change Order #2. Contract #RA01-06 (HGAC) [Consent Agenda Item (L)]

**Approval of Assignment**

To approve Assignment and Consent from Global Data Systems to Calence, LLC.; and authorizing the City Manager to execute all necessary documents. (Quote #09072006-003 and Purchase Order #362889) [Consent Agenda Item (M)]

**Adoption of Resolutions**

**Resolution No. 2006-11-1(R):** To approve an Agreement between the City of Plano and SunGard H.T.E., Inc., a sole source vendor, for the maintenance and support of H.T.E. software applications in the amount of \$100,536; authorizing their execution by the City Manager; and providing an effective date. [Consent Agenda Item (N)]

**Resolution No. 2006-11-2(R):** To approve the terms and conditions of an agreement by and between CommVault Systems, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. This maintenance is for a one-year term for a total price of \$51,490. [Consent Agenda Item (O)]

**Resolution No. 2006-11-3(R):** To ratify the terms and conditions of an Agreement by and between Database Technologies Inc. and the City of Plano for needs assessment/evaluation report of Collin County's public safety resources ability to respond to a chemical, biological, radiological or nuclear event; approving its execution by the City Manager; and providing an effective date. [Consent Agenda Item (P)]

**Resolution No. 2006-11-4(R):** To authorize the purchase of a Service Agreement from 3M Library Systems, suppliers of maintenance for 3M equipment in the amount of \$44,734 for the Plano Public 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 (Q)]

**Resolution No. 2006-11-5(R):** To approve and authorize the refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (R)]

**Resolution No. 2006-11-6(R):** To amend the ICMA-RC Deferred Compensation Plan as originally adopted by Resolution No. 2005-8-12(R) to amend Section IV and allow the plan to permit loans to participants; and providing an effective date. [Consent Agenda Item (S)]

**Resolution No. 2006-11-7(R):** To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, providing terms and conditions for the widening of Plano Parkway from Dallas North Tollroad to Park Boulevard; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (T)]

**Resolution No. 2006-11-8(R):** To approve the terms and conditions of a Local Transportation Project Advance Funding Agreement between the State and the City of Plano for Windhaven Parkway from West Plano City Limits to Spring Creek Parkway; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (U)]

**Resolution No. 2006-11-9(R):** To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and University of Texas at Dallas for educational services at a fee not to exceed eight thousand nine hundred ninety-five dollars (\$8,995); authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (V)]

**Resolution No. 2006-11-10(R):** To approve the terms and conditions of an Agreement between the City of Plano, Texas, and Helmick + Schechter, Inc., a qualified professional artist corporation comprised of Ralph Helmick and Stuart Schechter, for the design, fabrication and delivery and installation of an artwork for the Visitor Center of the Oak Point Park and Nature Preserve in the amount of \$185,000; authorizing the City Manager to execute such agreement with Helmick + Schechter, Inc.; and providing an effective date. [Consent Agenda Item (W)]

**Resolution No. 2006-11-11(R):** To approve the purchase of E Team Incident Management Software in the amount of sixty thousand dollars (\$60,000) from NC4 Public Sector LLC, the sole source vendor of such software, equipment and services; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase; and providing an effective date. [Consent Agenda Item (X)]

**Resolution No. 2006-11-12(R):** To approve the terms and conditions of a Local Transportation Project Advance Funding Agreement between the State of Texas and the City of Plano for bicycle, pedestrian and vehicular enhancements along 15<sup>th</sup> Street from Avenue G to Chisholm Trail in the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (Y)]

### **Adoption of Ordinances**

**Ordinance No. 2006-11-13:** To amend Section 12-101 Prohibited on certain streets at all times in Article V, Stopping, Standing, and Parking, Chapter 12, Motor Vehicles and Traffic, of the Plano Code of Ordinances to modify parking restrictions along and upon specified portions of 18th Street and G Avenue within the City limits of the City of Plano, declaring it unlawful and a misdemeanor to stop, stand, or park motor vehicles at all times along and upon the specified portions of 18th Street and G Avenue listed in Section 12-101, providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (Z)]

**Ordinance No. 2006-11-14:** To abandon all right, title and interest of the City, in and to that certain five foot (5') water main easement being situated in the Joseph Klepper Survey, Abstract Number 213, being part of the Plano Savings Addition, an addition to the City of Plano, as recorded in Volume G, Page 298 of the Collin County Map Records; which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such right-of-way to the abutting property owner, Mary and Ruben Garza Family Partnership, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (AA)]

**END OF CONSENT:**

Due to possible conflicts of interest, Council Member Stahel stepped down from the bench on the following three items which were considered concurrently.

**Purchase from Existing Contract/Agreement:** To authorize the purchase of Gartner Membership Seats in the amount of \$32,878 from Gartner through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-204) [Consent Agenda Item (E)]

**Purchase from Existing Contract/Agreement:** To authorize the purchase of Microsoft server and desktop software in the amount of \$512,588 from SHI-GS through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR#SDD-198) [Consent Agenda Item (F)]

**Purchase from Existing Contract/Agreement:** To authorize the purchase of maintenance support for network infrastructure switches in the amount of \$148,722 from Internetwork Experts through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-239) [Consent Agenda Item (G)]

Upon a motion made by Council Member Ellerbe and seconded by Council Member LaRosiliere, the Council voted 7-0 to authorize the purchase of Gartner Membership Seats in the amount of \$32,878 from Gartner through a Department of Information Resources (DIR) Contract; authorize the purchase of Microsoft server and desktop software in the amount of \$512,588 from SHI-GS through a Department of Information Resources (DIR) Contract; and authorize the purchase of maintenance support for network infrastructure switches in the amount of \$148,722 from Internetwork Experts through a Department of Information Resources (DIR) Contract.

Council Member Stahel resumed his place at the bench.

**Ordinance No. 2006-11-15:** To amend existing franchise Ordinance No. 2006-8-17 between the City of Plano and TXU Electric Delivery Company, a Texas Corporation, its successors and assigns, to correct an error in the date that final payment under the franchise will be made; providing for TXU Electric Delivery acceptance; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; and providing a repealer clause, a severability clause and an effective date. Second Reading - First Reading held and approved 09-25-06 [Regular Agenda Item (1)]

Director of Customer and Utility Services Israelson advised the Council that this item is an amendment to provide quarterly payments to the City and to extend the agreement from 2013 to 2018 and further that there are no other material changes.

Upon a motion made by Council Member Stahel and seconded by Mayor Pro Tem Johnson, the Council voted 7-0 to amend existing franchise Ordinance No. 2006-8-17 between the City of Plano and TXU Electric Delivery Company, a Texas Corporation, its successors and assigns, to correct an error in the date that final payment under the franchise will be made; providing for TXU Electric Delivery acceptance; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; and providing a repealer clause, a severability clause and an effective date; and further to adopt Ordinance No. 2006-11-15. (Deputy Mayor Pro Tem Magnuson was away from the bench.)

Due to possible conflicts of interest, Council Member Dunlap stepped down from the bench on the following two items.

**Public Hearing and adoption of Ordinance No. 2006-11-16** to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 101 for a tax abatement consisting of a 0.6247 acre tract of land located west of Chase Oaks at its intersection with Wagner Way in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (2)]

Director of Finance McGrane advised that the request would establish Reinvestment Zone No. 101 and that the company, currently located in Plano, will be moving to Chase Oaks, that the anticipated real and business personal property will be \$671,000 and that the abatement will be for five years at 50%.

Mayor Evans 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 LaRosiliere and seconded by Council Member Ellerbe, the Council voted 6-0 to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 101 for a tax abatement consisting of a 0.6247 acre tract of land located west of Chase Oaks at its intersection with Wagner Way in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2006-11-16. (Deputy Mayor Pro Tem Magnuson was away from the bench.)

**Resolution No. 2006-11-17(R)** to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, Santo Paschal, LLC, a Texas Limited Liability Company, and PASCO Brokerage, Inc., a Texas Corporation and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (3)]

Upon a motion made by Council Member Stahel and seconded by Mayor Pro Tem Johnson, the Council voted 7-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, Santo Paschal, LLC, a Texas Limited Liability Company, and PASCO Brokerage, Inc., a Texas Corporation and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-11-17(R).

Council Member Dunlap resumed his place at the bench.

Council Member LaRosiliere left the meeting at 9:07 p.m. and did not return.

**Public Hearing and adoption of Ordinance No. 2006-11-18** to repeal Ordinance No. 2006-5-23 in its entirety, which was codified as Chapter 21, Article II, Division 4, Drought Contingency Plan, of the Code of Ordinances of the City of Plano; adopting a new Drought Contingency Plan to be codified as Chapter 21, Article II, Division 4 of the Code of Ordinances of the City of Plano; establishing procedures and criteria for declaring a water emergency and implementing and terminating drought response stages; establishing restrictions on certain water uses during drought response stages; establishing administrative remedies and fees and criminal penalties for violating the restrictions and provisions for enforcement of these restrictions; and providing a repealer clause, a severability clause, a savings clause, an effective date and providing for the publication of the caption hereof. [Regular Agenda Item (4)]

Director of Public Works Foster advised that although there has been some improvement, lake levels remain low. He stated that the City's use from June 19, 2006 through October 31, 2006 reflects a 16.94% reduction when compared to 2005 usage and that the City has conserved 1.938 billion gallons of water. Mr. Foster advised that only one city has done better in conserving and spoke to the level of reduction in various user categories. He stated that the revised drought ordinance establishes administrative remedies for violations, permits criminal penalties, and makes no changes to the triggers for drought stages or actions to be taken in each stage except the period of time when watering is prohibited.

Mr. Foster advised that for in-ground irrigation systems a notice flag will be placed next to the double check valve, a locking device will be installed, notice will be sent by letter and a \$210 administrative fee would be assessed for removing the locking device (\$225 if a hearing is requested). He stated that for the third violation the locking device would stay in place for 14 days, and for fourth and subsequent violations the device would be in place for 28 calendar days.

**Ordinance No. 2006-11-18 (cont'd)**

Mr. Foster stated that this would not prevent the property owner from using a hose or oscillating sprinkler and that after the fourth violation consideration would be given to either locking the system or going back through the criminal process system for compliance. He advised that locks would be put on for the first violation and spoke regarding placement of the notice flag. City Attorney Wetherbee spoke to broadening the location of the flag to allow placement in an area other than near the double check valve.

Mr. Foster spoke to systems without in-ground irrigation or double check valves and stated that a flag will be placed, a notice sent by letter and stated that the administrative fee is \$200 (\$215 if a hearing is requested). He advised that 75% of locations have double check valves, stated that hearings may be requested to protest the assessment of any administrative fee, there should be no watering between 10:00 a.m. and 6:00 p.m., trees may be watered by drip irrigation or soaker hoses and spoke to the procedure for variances. Mr. Foster spoke to issues related to citations previously issued and advised that the fees requested are based on the departmental costs. He advised that copies of the ordinance would be made available at City libraries, spoke to determining whether a property has a double check valve, making the City of Plano hours similar to other municipalities and to the discrepancy between the levels of Lake Lavon and Lake Ray Hubbard.

Mayor Evans 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 Stahel and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 7-0 to repeal Ordinance No. 2006-5-23 in its entirety, which was codified as Chapter 21, Article II, Division 4, Drought Contingency Plan, of the Code of Ordinances of the City of Plano; adopting a new Drought Contingency Plan to be codified as Chapter 21, Article II, Division 4 of the Code of Ordinances of the City of Plano; establishing procedures and criteria for declaring a water emergency and implementing and terminating drought response stages; establishing restrictions on certain water uses during drought response stages; establishing administrative remedies and fees and criminal penalties for violating the restrictions and provisions for enforcement of these restrictions; and providing a repealer clause, a severability clause, a savings clause, an effective date and providing for the publication of the caption hereof with revisions below:

- Sec. 21-60.4(a) In-Ground Irrigation Systems Violations
  - (1) Notification of Violation
    - i. Placement of a notice flag *on the premises* to advise the person his double check device has been turned off and locked; and
  
- Sec. 21-60.4(b) Violations for Systems Without Double-Check Valves or In-Ground Irrigation Systems
  - (1) Violation Notification
    - i. Placement of a notice flag *on the premises* to advise the person he was in violation of watering restrictions.

**Ordinance No. 2006-11-18 (cont'd)**

The Council further adopted Ordinance No. 2006-11-18 as revised.

Mr. Foster advised that the ordinance will be in effect and enforced following publication. He spoke to a December timeframe to allow Staff to obtain equipment necessary to implement the new ordinance.

**Resolution No. 2006-11-19(R)** to adopt a 2007 State Legislative Program for the City of Plano; directing the City Manager to act with regard to the City's Legislative Program; and providing an effective date. [Regular Agenda Item (5)]

Executive Directors Turner and Glasscock spoke to the beginning of the 80<sup>th</sup> Legislative Session which runs from January 9 – May 28, 2007, advised that 250-260 bills have been prefiled and spoke to City of Plano activity aimed at defending against bills which adversely affect municipalities. They spoke to working with the Texas Municipal League and advised that this agenda item provides information on items the City would endorse or oppose. Mr. Turner advised that additional areas may arise and Mr. Glasscock spoke to a bill filed which would prohibit cities from using red-light photographic technology. Mr. Turner responded to Mayor Pro Tem Johnson, advising that generally it is not in the interest of school districts to participate in tax increment financing districts.

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, the Council voted 7-0 to adopt a 2007 State Legislative Program for the City of Plano; directing the City Manager to act with regard to the City's Legislative Program; and providing an effective date; and further to adopt Resolution No. 2006-11-19(R).

There being no further discussion, Mayor Evans adjourned the meeting at 9:35 p.m.

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**Pat Evans, MAYOR**

ATTEST:

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**Elaine Bealke, City Secretary**