

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING**

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 C. Wetherbee, City Attorney
Elaine Bealke, City Secretary

Mayor Pro tem Neudorff called the meeting to order at 5:06 p.m., Tuesday, May 29, 2001, in the Council Conference Room of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Mayor Akers. Council Member Roach arrived at 5:12 p.m.

Mayor Pro tem Neudorff 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 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 and as required by law.

Mayor Pro tem Neudorff reconvened the Council into the Preliminary Open Meeting at 5:36 p.m. in the Council Chambers wherein the following matters were discussed.

Consideration and Action Resulting From Executive Session Discussion: Personnel

Board of Adjustment

Upon a motion made by Deputy Mayor Pro tem Dyer and seconded by Council Member Stovall the Council voted seven (7) to none (0) to move Bob Deputy from alternate member to regular member of the Board of Adjustment and to further leave the alternate position open until the annual appointment process.

General Budget Discussion/Bond Rating Guidelines

Director of Budget and Research Rhodes requested guidelines from the Council regarding budget priorities for 2001-2002 fiscal year. She stated that budget requests have been received from the individual departments and that the City Manager will be meeting with Staff.

Mayor Pro tem Neudorff spoke regarding previous discussions to starting at the \$800,000 level for library funding.

Council Member Stovall spoke in support of increasing library funding, code and traffic enforcement, looking at traffic enforcement and needed staffing. He further spoke to looking again at costs for infrastructure repairs.

Council Member Lambert spoke regarding keeping the Triple A bond rating, developing a five-year plan to be at 100% funding of depreciation and stated that now it is at 75%, and having set this last year and further stated that he understood that is where it would stay and further whether or not there has been a change. City Manager Muehlenbeck advised that he would address this during his presentation. Mr. Lambert further spoke to appraisal district property increases and "where we are now." Ms. Rhodes spoke to current percentage increases and stated that final numbers should be received in July.

Council Member Roach spoke in support of code and traffic enforcement funding increases, and to planning for employee raises.

Council Member Stahel spoke in support of increasing code and traffic enforcement funding, and to keeping the tax rate about where it is, and further spoke to funding the Capital Reserve at the appropriate level. He further spoke to completing infrastructure work and repairs on a timely basis.

Council Member Evans spoke to installing cameras at intersections and finding funding for this and to the City of Garland with this regard. The City Manager advised with regard to cost of the equipment and fine allocation. He further responded to the Council that "dummy" cameras can be installed at some of the intersections and moved from point to point. Ms. Evans further spoke to funding the implementation of the Safe Streets Initiative plans and to obtaining an estimate of cost.

Deputy Mayor Pro tem Dyer spoke to maintaining the parks well.

City Manager Muehlenbeck advised that this item is intended to review thoughts and discuss guidelines on maintaining the Triple A rating and spoke to guidelines regarding the operating to debt tax rate ratio costs, five-year plan for funding depreciation at 100% and stated that GASB 34 will require funding at 100% once it is fully implemented, developing a Capital Reserve Fund for Water and Sewer, General Fund balance of 20% being the most costly of all the items, rapid pay down of debt, deferring of expenditures/administrative transfers/depreciation factors done not more than twice in five years and not in consecutive years, and maintaining fiscal policy funding balance levels that have been established.

Director of Finance McGrane advised the Council that recommendations for the Triple A savings are for the full five-years and that only 50% of the debt is being retired in seven to ten years. Mr. McGrane advised that GASB 34 status is currently being worked toward but that implementation is required next fiscal year.

City Manager Muehlenbeck advised Council Member Lambert regarding the rolling status of the Capital Reserve fund. He spoke to discussing during future budget sessions all funds at the fiscal policy balance level and examining what they should be.

Village Creek Neighborhood Plan Update

Village Creek Neighborhood Association representative Cheryl Bowden thanked the Council for their efforts in their neighborhood, and spoke to problems of apathy in the neighborhood projects due to a high rental number, appreciating the neighborhood police, Property Standards official, and adult probation used for cleanups. She stated that there are 42 items on the matrix with some not being feasible to deal with, and spoke in support of appropriate retail in the area, school traffic issues being worked on, revitalization of the parks, landscaping suggestions and stated that plans are being worked on for a national night out scheduled for July 31. Council Member Stovall spoke to property standards areas. Ms. Bowden spoke to revisiting some of these issues with the Council at a future date and stated that this program works.

Discussion and Direction Regarding Backflow Ordinance Enforcement

Director of Public Works Foster spoke to the Texas Natural Resources Conservation Commission (TNRCC) drinking water standards, and stated that safe and drinkable water must be provided. He spoke to backflow standards cost, identified users and spoke to the dental community and penalties for non-compliance. He stated that the City ordinance is in compliance with TNRCC regulations but have advised that they would prefer stronger language be used. Mr. Foster advised that Staff will most likely come back to the Council with this language.

Mr. Foster responded to questions of Deputy Mayor Pro tem Dyer and stated the City is coming into compliance and that they are consistent with the TNRCC regulations and advised Mayor Pro tem Neudorff that clarification is needed in two areas.

Dr. Marcus Whitmore stated that the dental community and he favor a quality backflow program but believe that dentists should be exempt as they are not a backflow risk and further referenced sections in the report. He stated that there is no scientific evidence to support a backflow risk and that these are only theoretical problems. He spoke to anti-retraction valves, and to older dental units versus contemporary units. He responded to Council Member Roach that dental practices are not of a medical nature. An individual in the audience stated that the cost of a backflow addition is \$5,000. Mr. Foster advised City Manager Muehlenbeck that the TNRCC has not excluded dental organizations and stated that he is not aware of any city that excludes dental offices under this provision. He spoke further regarding contacting the TNRCC on this issue and stated that entities are excluded from this ordinance if they do not pose any risk of contamination into a potable water supply.

The Council discussed obtaining information from the TNRCC as to how the dental community is classified, qualifying of equipment for an exemption, and surveying the dental community. The City Manager advised that the Dental Association requested this issue be addressed and advised that inquiries can be made of the TNRCC but that the ordinance is still valid. Mayor Pro tem Neudorff advised that the City Attorney will follow up with a memorandum regarding legal questions that have come up and specificities along with regard to the TNRCC. Council Member Lambert spoke to communicating to the TNRCC that the City is considering modification of the ordinance to exclude dental offices and asking whether or not the City would still be in compliance. City Attorney Wetherbee spoke regarding follow-up with the TNRCC and spoke to possible unclear rulings from the Attorney General as to City liability.

Dr. Rick Chapman advised that the City of Garland interprets the statutes differently and that in the City of Dallas it is equipment related. Mr. Foster advised that Staff did go to the TNRCC regarding excluding dental offices and that the answer was that dental offices are to be included and that the City will not be in compliance if this is done. Mayor Pro tem Neudorff spoke to calling a Public Hearing at a later meeting and Council Member Lambert spoke to receiving input regarding existing facilities becoming exempt until remodeling is done. Mr. Neudorff stated that clarification could be obtained and spoke to coming back if need be.

Dr. Nelson Wong, a Plano dentist, spoke to the EPA Clean Drinking Water Act and to not having jurisdiction in an office. He stated that no reports of contamination have been reported and further requested clarification of the required regulations. Mayor Pro tem Neudorff advised that the City Attorney will be asked to provide this information in her response to the Council.

Remaining Preliminary Items were discussed during the Regular meeting. Nothing further was discussed. Mayor Pro tem Neudorff recessed the meeting at 6:50 p.m.

Rick Neudorff, MAYOR PRO TEM

Elaine Bealke, City Secretary