

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
October 10, 2005**

COUNCIL MEMBERS

Pat Evans, Mayor
Ken Lambert, Mayor Pro Tem
Scott Johnson, Deputy Mayor Pro Tem
Shep Stahel
Loretta Ellerbe
Sally Magnuson
Harry LaRosiliere
Jean Callison

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 5:07 p.m., Monday, September 10, 2005, 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, Section 551.071, discuss Personnel, Section 551.074, and to discuss Real Estate, Section 551.072 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 6:03 p.m. in the Council Chambers where the following matters were discussed:

Consideration and Action Resulting From Executive Session Discussion: Evaluation of Appointees, Board of Adjustment

Board of Adjustment

A motion was made by Mayor Pro Tem Lambert and seconded by Deputy Mayor Pro Tem Johnson to appoint Cameron McCall as an alternate. The Council voted 8-0.

Discussion and Direction Regarding 401 A Transition

Consultant Al DiCristofaro spoke to the intent of the 401A Retirement Plan being a vehicle to convert accrued sick leave into a retirement program, stated that currently investment of asset dollars is being directed by the City, and spoke to now looking at opportunities that would provide better value to both the City and the employees. He requested Council approval of terminating the existing 401A Plan and looking at replacement options that would provide better efficiency both to the City and to the administration of the Plan along with more autonomy to the employees who are participating in the Plan.

Mr. DiCristofaro responded to the Council that options going forward would provide the employee a choice regarding the placement of their asset dollars, the IRS must approve the termination of the Plan, option ideas are available, and spoke to the 457 Oversight Committee looking at these options. He further responded that options would be similar to existing investment opportunities with the City

Discussion and Direction Regarding Use of City Logo

City Attorney Wetherbee spoke to creating a process to standardize the use of the City logo, determining whether or not the applicant can make a commercial use of the logo, and whether the applicant will be required to indemnify the City if the logo is misused. She spoke to the revised license agreement for use of the Plano logo and to there being a reference to "size" under the Marking section of the agreement as being the only change allowed to the logo. The Council discussed previous uses of the logo and using the logo for commercial use only when it is a non-profit applicant. The Council concurred to allow commercial only as a non-profit, not alter the logo (allowing only for size adjustments), and to require there be an indemnity. The Council further concurred with Council Member Stahel that "elected and appointed officials" be substituted for "directors, officers, or employees" under the Indemnification and Limitation of Liability section of the agreement.

Discussion and Direction Regarding Rental Registration and Inspection Pilot Program

Director of Property Standards O'Banner spoke to working with the Plano Transition and Revitalization Commission to put together a cost efficient pilot program to begin a comprehensive rental registration and inspection program beginning with multi family complexes which are twenty years and older and which have five or more units in the complexes. She spoke to using two existing inspectors along with an administrative support staff, and a coordinating software program.

Ms. O'Banner spoke to the number of dwelling units to be inspected, requiring an annual inspection, areas of the complexes to be inspected, a need-to-inspect occurrence and inspecting on a volunteer basis, and further stated that property owners will be notified prior to the inspections. She spoke to fees of \$10 per unit, an evaluation at the end of the pilot program, and incorporating all eligible units into the program at some point. Ms. O'Banner spoke to a self inspection landlord/tenant process to be included in the ordinance.

Ms. O'Banner responded to the Council that an introductory packet will be sent out to landlords which will include a three-part checklist of the inspection, properties 20-years and older make up the majority of the complaints in the community, and that the pilot program will run from six to twelve months. She responded that recurring inspections will be made annually, there will be possible incentives for excelling properties, and that a 30 day notice of inspection will be provided. Ms. O'Banner further responded that the number of people in a unit will be kept with the occupancy records of the complex and that sleeping units will be looked at as well. The Council concurred to move forward with the pilot program. Ms. O'Banner advised that an ordinance will be brought forward for Council consideration.

Personnel

Plano Housing Authority

Upon a motion made by Mayor Evans and seconded by Council Member Magnuson, the Council voted 8-0 to appoint Ernest Burke. The Council concurred to place a personnel item on a future agenda to address the vacancy now created in the Plano Self Sufficiency Commission by Mr. Burke.

Items for Discussion/Action on Future Agendas

Deputy Mayor Pro Tem Johnson requested there be an item on a future agenda to discuss and understand garage sale fines. Mayor Evans spoke to addressing garage sale signage specifically as a separate issue apart from other signage.

Consent Agenda

Council Member Stahel advised that he will be stepping down from Consent Item "N," resolution to approve agreements for the maintenance and support of software applications due to a possible conflict of interest.

Nothing further was discussed. Mayor Evans adjourned the meeting at 6:44 p.m.

Pat Evans, MAYOR

ATTEST

Elaine Bealke, City Secretary