

**PLANO CITY COUNCIL  
PRELIMINARY AND REGULAR OPEN MEETING  
November 4, 2002**

**COUNCIL MEMBERS**

Pat Evans, Mayor  
Phil Dyer, Mayor Pro tem  
Steve Stovall, Deputy Mayor Pro tem  
Shep Stahel  
Scott Johnson  
Sally Magnuson  
Jim McGee  
Ken Lambert

**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 5:01 p.m., Monday, November 4, 2002, in the Council Chambers of the Municipal Center, 1520 K Avenue. All Council Members were present.

**PRELIMINARY OPEN MEETING**

**Oaths of Office**

Mayor Evans administered the oath of office to Robert W. Mitchell, an incoming member of the Keep Plano Beautiful Commission.

**Certificates of Appreciation**

Mayor Evans presented Certificates of Appreciation to off-going members of the boards and commissions.

**Spotlight on Finance**

Director of Finance McGrane reviewed the Finance Department divisions of Accounting, Financial Systems, Municipal Court Clerks, Purchasing, Risk Management, Treasury, and Warehouse, introduced Staff and spoke to their applicable responsibilities. He spoke to the early implementation of GASBY 34 financial reporting, and the receipt of the Certificate of Achievement of Excellence in Financial Reporting for 16 consecutive years.

Mr. McGrane spoke to working on an on-line auction and City store. He spoke to the conduction of safety and training classes in Risk Management, and stated that monitoring of the \$300 million total operating budget appropriated for the City on an annual basis is processed in some form through the Finance Department.

### **Presentation by Solid Waste Department Regarding Composting Business Plan**

Solid Waste Manager Nevil stated that the mission statement of the Composting Business Plan is to expand current composting operations regionally to member cities on behalf of the North Texas Municipal Water District (NTMWD). She spoke to the need to obtain a new site, stated that the Custer Transfer Station and the 121 sites are used in the process now, and that feed stock consists of what is picked up from the lawns of homes in Plano. Ms. Nevil stated that compost is now marketed rather than given away and that a superintendent and coordinator have been hired to work in the program. She stated that the markets for compost are erosion control, residential landscaping, bulk suppliers, horticultural industry, agriculture, and public agencies.

Ms. Nevil reviewed the composting process and benefits to be received by the NTMWD and advised that the business concept of the proposal would be an interlocal agreement between NTMWD and the City of Plano which would include a long-term agreement to use the Custer Transfer Station and 121 site. She stated that the agreement would also call for the NTMWD to make site modifications and for the member cities to amend their contracts with the NTMWD. Ms. Nevil stated that the City would retain the right to contract with non-member cities and market the material. Ms. Nevil stated that risks include costing out the program over the next five years, determining how much compost will actually be needed and used, and that the intent is to produce a high quality compost with program benefits to include a new revenue source. Ms. Nevil stated that the hope is to have an agreement finalized by the end of November or first part of December, the process can continue for now at the current sites, the City will receive a discounted rate, and that making smaller quantities available is a goal. She advised the Council that approximately \$400,000 is being saved on cost-avoidance by not taking the material to the landfill. The Council spoke to the outstanding job being done by Ms. Nevil and the department.

### **Report on Code Enforcement**

Chief Building Official Mower spoke to the committee formed to study Plano's code enforcement efforts and stated that it is comprised of members from Property Standards, Environmental Health, Building Inspections, Fire and Police, Municipal Courts, Legal, and Internal Audit Departments. He stated that means of detecting violations are a result of routine inspections by the Property Standards Department or complaints received. Mr. Mower stated that enforcement procedures involve notifying the property owner along with offering an opportunity to correct the violation, issuance of a citation, or issuance of a work order to a City contractor to have the violation corrected. Mr. Mower spoke to the follow-up process of enforcement and stated that the average time to correct a violation varies from one day up to four months.

Mr. Mower stated that the Property Standards Specialists are well trained and that the Nuisance Abatement Team consisting of various City departments works together along with Property Standards to identify properties where there have been repeated violations. He stated that during the last fiscal year approximately 16,000 inspections were conducted with an additional 20,000 follow-up inspections, and that Plano has 4.5 code enforcement officers per 100,000 citizens. Mr. Mower spoke to the need to develop a procedure for increasing fines for repeat offenders, the suggestion by the Police Department to explore a “repair option” for tickets as a means to correct the violation, and software options to better track enforcement activities. He spoke to the process of adopting the International Property Maintenance Code and the opening of a Property Standards office in the Joint Use Facility. Mr. Mower stated that work will be done with the Internal Audit Department to further review the code enforcement process and that conclusions of the study determine that Plano’s code enforcement efforts are effective and exceed the averages of other Texas cities.

City Attorney Wetherbee spoke to the perspective of the City being one of compliance and stated that she will discuss the issue further with the department as to whether or not a new ordinance will be needed. Council Member Stahel spoke in support of efforts made and to the possibility of an outreach program with various community assistance programs. Mr. Mower advised that a good labor pool is available from individuals performing community service. Mr. Stovall spoke to getting together with Staff to look at some of the details and determine the flow of the report and stated that there are extra things he would like to see done. Mr. Mower stated that repeat offenders do present a difficult problem.

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

No items were brought forward.

### **Consent and Regular Agendas**

No items were brought forward.

### **Council Committee Reports**

Deputy Mayor Pro tem Stovall spoke to his attendance at the Noah School related program and to the Noah Project for autistic children. Mayor Evans stated that a proclamation will be presented to the Noah School at the next Council meeting.

### **CONSENT AGENDA**

Upon a motion made by Council Member Lambert and seconded by Council Member Stahel, the Council voted 8-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

**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. B133-02** for the Municipal Center Gas-Fired Chiller Replacement in the amount of \$143,390. [Consent Agenda Item (A)] (See Exhibit “A”)

**Adoption of Resolutions**

**Resolution No. 2002-11-1 (R):** To authorize the filing of a project application with the North Central Texas Council of Governments (“NCTCOG”) for a regional solid waste program local project; and pledging that if a project is approved the City of Plano will comply with the project requirements of the NCTCOG, the Texas Natural Resource Conservation Commission and the State of Texas; and providing an effective date. [Consent Agenda Item (B)]

**Resolution No. 2002-11-2 (R):** To approve the terms and conditions of a real estate contract by and between the City of Plano, Texas, and Fred W. Baccus for the purchase of 3,950 square feet of land situated in the Henry B. Miller Survey, Abstract No. 614, being located at the northwest corner of Spring Creek Parkway and Dallas North Tollroad, in the City of Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (C)]

**Resolution No. 2002-11-3 (R):** To repeal Division 4, Section 11-156, Itinerant Vendors on Private Property, of Chapter 11 of the City of Plano Code of Ordinances, and replacing with revised regulations, which will change the minimum number of days that a permit will issue from nine days to five days, and which will forgo the requirement of a \$100 deposit for clean up of litter and debris related to use of the private property by the itinerant vendor; and providing penalty and severability clauses, as well as an effective date. [Consent Agenda Item (D)]

**Resolution No. 2002-11-4 (R):** To approve and adopt the written statement and report of the City's Engineer, showing the estimates of the total costs of all improvements, the estimate of costs to be paid by the City of Plano, the estimates of the costs per front foot proposed to be assessed against the abutting property and the real and true owners thereof, and the estimates of various other costs, for the improving of a portion of Spring Creek Parkway from approximately 370 feet east of Midway Road to the Dallas North Tollroad in the City of Plano, Collin County, Texas; and of other matters relating thereto; determining and fixing the portion of the costs and the rate thereof proposed to be assessed against and paid by abutting property, and the real and true owners thereof, and the portion of the costs proposed to be paid by the City of Plano, Texas; determining the necessity of levying an assessment against said abutting property, and the real and true owners thereof, for the part of the costs apportioned to them; ordering and setting a hearing at 7:00 o'clock p.m., on the 9th day of December, 2002, in the Council Chambers of the City Council in the Municipal Center of Plano, Texas, as to the time and place for the hearing of the real and true owners of said abutting property; directing the City Secretary of the City of Plano, Texas to give notice of said hearing as required by the laws of the State of Texas and the Charter of this City; and providing an effective date. [Consent Agenda Item (E)]

#### **Approval of Change Order**

To Ed Bell Construction Company, Inc., increasing the contract by \$30,913 for Hedgcoxe Road Pavement Widening and Reconstruction from Preston Road to Custer Road, Change Order No. 2 (Bid No. B019-02). [Consent Agenda Item (F)]

#### **Award of Contract**

To approve and authorize for the selection of Chiang, Patel & Yerby, Inc. to provide Professional Engineering Services for an amount not to exceed \$159,767 in connection with the design of Independence Square Water Line Renovation and Fire Hydrants and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (G)]

**END OF CONSENT**

#### **ITEMS FOR INDIVIDUAL CONSIDERATION**

**Resolution No. 2002-11-5 (R):** To adopt a 2003 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. [Agenda Item (1)]

Executive Director Glasscock spoke to the upcoming legislative session and stated that there are no significant changes to the program, but that there is a new category entitled Seek Introduction and Passage of Legislation.

He stated that this program involves actively going out and identifying an entity or individual who will introduce this legislation on behalf of the City of Plano. He stated that adoption of the resolution will allow the Council to go forward at the legislature.

Executive Director Turner stated that the Texas Municipal League (TML) will be adopting a resolution which will reflect the policy and recommendations of the league in December and that this information will be presented to the Council. He stated as in past years, the TML program will more than likely effectively become a part of Plano's program.

Upon a motion made by Council Member Stahel and seconded by Council Member Magnuson the Council voted 8-0 to adopt a 2003 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. 2002-11-5(R).

Mayor Evans recessed the open meeting at 6:25 p.m. and advised that the Council will convene into Executive Session in Training Room A after which time the meeting will reconvene back into open session in Training Room A and reconvene back again into executive session and finally adjourn. The Council convened into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, to discuss Personnel matters, Section 551.074, Real Estate matters, Section 551.072 and Legal matters, Section 551.071, for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Pro tem Dyer stepped down from the bench at 6:35 p.m. and did not return.

The Council reconvened back into the Preliminary Open Meeting in the Training Room at 7:16 p.m. where the following items were discussed:

**Consideration and Action Resulting from Executive Session Discussion:**

**Personnel -Planning and Zoning Commission**

Upon a motion made by Council Member McGee and seconded by Council Member Magnuson the Council voted 7-0 to appoint Willis "Will" Smith to an interim term on the Planning and Zoning Commission.

**Consideration of a Resolution:** To approve the terms and conditions of a modification of lease agreement between the City of Plano and Ken Grantham; authorizing its execution by the City Manager; and providing an effective date. (Pulled and held 10-28-02)

Upon a motion made by Council Member Lambert and seconded by Council Member Stahel the Council voted 7-0 to table a resolution to approve the terms and conditions of a modification of lease agreement between the City of Plano and Ken Grantham; authorizing its execution by the City Manager; and providing an effective date.

Mayor Evans advised at 7:20 p.m. that the Council will recess the open meeting and reconvene back into Executive Session in Training Room A. The Council convened into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, to discuss Personnel matters, Section 551.074.

At the conclusion of the executive session, Mayor Evans finally adjourned the meeting at 8:20 p.m. in Training Room A.

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Pat Evans, **MAYOR**

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Elaine Bealke, **City Secretary**