

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
March 23, 2009**

COUNCIL MEMBERS

Pat Evans, Mayor
Jean Callison, Mayor Pro Tem
Harry LaRosiliere, Deputy Mayor Pro Tem
Pat Miner
Scott Johnson
Mabrie Jackson
Sally Magnuson
Lee Dunlap

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Deputy City Manager
Bruce Glasscock, Deputy City Manager
Rod Hogan, Deputy City Manager
Mark Israelson, Assistant City Manager
LaShon Ross, Assistant City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Evans called the meeting to order at 5:10 p.m., Monday, March 23, 2009, 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, and to discuss Economic Development, Section 551.087 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 5:54 p.m. in the Council Chambers where the following matters were discussed. All Council Members were present. Council Member Miner arrived at 5:59 p.m.

Consideration and Action Resulting from Executive Session Discussion:

No items were brought forward.

Comprehensive Monthly Financial Report

Director of Finance Tacke advised the Council that actual revenues in the General Fund are up as compared to last year due to an increase in ad valorem taxes but are offset by a decrease in sales tax.

She spoke to an increase in actual Water/Sewer revenue due to increased consumption but stated that the percentage of revenue is down 2% and referred to declines in civic center and hotel/motel revenues. Ms. Tacke spoke to unemployment at 6.5% which is below the national and state averages. She spoke to sales tax being down as compared to the prior two years and advised that the increase in Dallas sales tax noted last month was a result of a state comptroller audit adjustment. Ms. Tacke advised that housing prices remained consistent with a decline in the number of days on the market and spoke to Staff efforts to diversify the City's portfolio.

Presentation of Police Department's Racial Profiling Report

Police Chief Rushin spoke to the requirement to present data gathered from traffic stops resulting in a citation or arrest noting the race or ethnicity of the individual detained and whether a search was conducted. He advised that the report contains rough data and does not constitute evidence of racial profiling. Chief Rushin spoke to unique factors in Plano including events in the City and shopping opportunities, the difficulty in determining what constitutes the driving public with 54% of reported contacts/57% of arrests affecting non-Plano citizens. He spoke to a baseline for the percentage of crash data population and regarding the equitable nature of discretionary arrests and consent searches. Chief Rushin described those circumstances where an officer has limited or no discretion including a warrant arrest/no driver's license or searches based on probable cause. He advised there were 74,114 traffic contacts in 2008 with four alleging bias and stated that stops were found to be based on transportation code violations with no racial profiling. Chief Rushin spoke to officer involvement in the community and future strategies to include gathering and analyzing data, utilizing car videos, supervisor review of random stops, maintaining zero tolerance for racial profiling, minority recruiting and partnering with the community.

Presentation of Police Department's Annual Report

Police Chief Rushin spoke to the police as the largest City department with 599 full/part time employees (347 sworn officers, 164 civilians and 88 part time crossing guards) and its mission to provide outstanding police services in partnership with the community and to maintain a safe environment that contributes to the quality of life. He spoke to emphasizing voluntary compliance, education of citizens, partnership with the community, visual presence, detection and apprehension of offenders. Chief Rushin referred to performance measures including the crime rate (one of the lowest in Texas), traffic safety with aggressive enforcement and education, timely service with overall response times within target ranges and quality of service as measured by citizen expectations. He responded to City Manager Muehlenbeck, stating that he would review surveys to determine why the percentage of citizens who feel unsafe has risen (to 5%). Chief Rushin spoke to accomplishments including Plano being named as the 51st Safest City in America – 6th in Texas by the CQ Press City Crime Rankings, efforts of Law Enforcement Explorer's Post 911, the award winning National Night Out Program, and the rise in volunteer programs. He spoke to continuing a focus on performance measures, doing more with less, technology, employee development, and community partnerships.

Chief Rushin responded to Deputy Mayor Pro Tem LaRosiliere stating that Allen and Frisco ranked higher for safety but that Plano's population is significantly higher. He advised that data on the types of crime is reviewed with theft as the most common.

Briefing on SB 855 - Local Option Transportation Act

Deputy City Manager Turner spoke to the North Texas Region as the fourth largest in the United States with continued growth during the current recession. He spoke to efforts to draft legislation in response to the Rail North Texas Initiative and addressing all mobility concerns in the metropolitan area including: maintenance, operation, reconstruction and enhancement of existing assets. Mr. Turner spoke to developing a process to include county-wide local option elections, the resistance on the part of legislators to include sales tax funds and advised that six funding sources were identified with each county selecting its own program which include: New resident Impact Fee imposed on vehicles previously registered out of state (\$1-\$250), Mobility Improvement Fee imposed at the time of vehicle registration (\$1 to \$60), Drive Fee imposed on license issuance and renewal (\$1 up to the cost of the license), Local Option Motor Fuels Tax (one tenth a penny to a ten cent maximum) which may generate \$43 million in Collin County at ten cents per gallon, an Emissions Fee imposed on vehicles at inspection (\$1 to \$15), Parking Fee at flat rate of \$2 per day imposed on publicly owned parking lots, and low income relief.

Mr. Turner spoke to the question of regional equity and Plano's status as a DART member city that has contributed to development of the transit system backbone and current recommendations providing that funds generated in a portion of the county must be segregated and may be spent outside that area only with the consent of the authority and each city in the authority's jurisdiction. He spoke to the approval of projects requiring a vote of two-thirds of the county committee and spoke to funds staying within the county unless the project is of regional benefit.

Mr. Turner advised the Council that in the area of Collin, Dallas, Tarrant, and Denton counties the bill calls for an eleven member committee comprised of two county commissioners, a small- and a mid-size city representative, two elected officials from the most populous city and one each from the second, third, fourth and fifth most populous with one member from the transit agency. He advised that ballot language for a November 2010 election will be brought to county commissioners' courts who will conduct two public hearings and may reject or approve the proposal but may not make modifications. Mr. Turner stated that if they were to decide not to call for election, it may be called by cities representing 60% of the population and it still would be county wide or it could be triggered by 10% of the citizens voting in last gubernatorial election. Mr. Turner advised that the bill provides measures to ensure public transparency and accountability including: broad jurisdictional participation, three public hearings by committee, two public hearings by the commissioner's court, internet posting of funds and projects, annual report to TxDOT and annual audits.

Mr. Turner responded to Council Member Dunlap, stating that wording in the bill refers to new projects on the regional plan but that maintenance projects would not have to meet these criteria. He responded to Council Member Johnson that monies raised in Plano could be used for rail or road maintenance, but there might be projects outside of City limits that would benefit the community. Mr. Turner advised that the county and voters would determine projects and stated concern that following adoption there can be little shifting of priorities.

Mr. Turner advised that there is little interest in eliminating the 4a and 4b tax programs and that monies collected under the new legislation will be strictly limited to transportation including elements such as platforms, walkways and signal systems but that enforcement is not covered.

Council items for discussion/action on future agendas

No items were brought forward.

Consent and Regular Agenda

Council Member Dunlap requested Consent Agenda Item "H," Approval of Change Order: To Jim Bowman Construction Co., L.P., increasing the contract by \$98,314 for Railroad Quiet Zone Improvements be removed for individual consideration due to a possible conflict of interest.

Nothing further was discussed. Mayor Evans adjourned the Preliminary Meeting at 6:52 p.m.

Pat Evans, MAYOR

ATTEST

Diane Zucco, City Secretary