

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
May 10, 2010**

COUNCIL MEMBERS

Phil Dyer, Mayor
Harry LaRosiliere, Mayor Pro Tem
Lee Dunlap, Deputy Mayor Pro Tem
Pat Miner
Ben Harris
André Davidson
Lissa Smith
Jean Callison

Designation of Mayor Pro Tem and Deputy Mayor Pro Tem

Lee Dunlap, Mayor Pro Tem
Pat Miner, Deputy Mayor Pro Tem

STAFF

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

Mayor Dyer called the meeting to order at 5:07 p.m., Monday, May 10, 2010, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Council Member Callison arrived at 5:09 p.m. Mayor Dyer 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/Litigation, Section 551.071, discuss Personnel, Section 551.074; and to receive information regarding 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 Dyer reconvened the meeting back into the Preliminary Open Meeting at 5:48 p.m.

Consideration and action resulting from Executive Session discussion:

**Personnel - Designation of Mayor Pro Tem and Deputy Mayor Pro Tem;
Appointment/Reappointment DART Board of Directors**

Upon a motion made by Mayor Dyer and seconded by Mayor Pro Tem LaRosiliere, the Council voted 8-0 to designate Council Member Dunlap as Mayor Pro Tem and Council Member Miner as Deputy Mayor Pro Tem.

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member Davidson, the Council voted 8-0 to appoint Loretta Ellerbe as the City of Plano DART Board of Directors member and Faye Moses Wilkins as the shared member for terms beginning July 1, 2010.

City Council Appointments to Various Committees and Organizations

Mayor Dyer read the following into the record:

CITY COUNCIL APPOINTMENTS TO VARIOUS COMMITTEES AND ORGANIZATIONS

- Arts of Collin County Mayors Committee - Mayor Dyer
- Collin County Mayors Committee – Mayor Dyer
- Council of Governments - Texas Clean Air Steering Committee – André Davidson
- Dallas Regional Mobility Coalition - Mayor Dyer
- Designation of Official North Central Texas Council of Governments
- Voting Representative - Mayor Dyer
- Economic Development Board - Mayor Dyer and City Manager Muehlenbeck
- Memorial Day Committee – Mayor Pro Tem Lee Dunlap
- Metroplex Mayors Committee - Mayor Dyer
- North Texas Commission – Lissa Smith
- North Texas Housing Coalition – Ben Harris
- Plano Health Facilities Development Corporation – Mayor Dyer, Mayor Pro Tem Lee Dunlap and Deputy Mayor Pro Tem Pat Miner
- Regional Committee on Child Predator Legislation – Jean Callison and Harry LaRosiliere
- Regional Transportation Council – NCTCOG – Mayor Pro Tem Lee Dunlap and Lissa Smith
- TML & Other Legislative Action - Mayor Dyer

CITY COUNCIL COMMITTEES

- Board and Commission Review Committee – Deputy Mayor Pro Tem Pat Miner and Jean Callison
- Community Finance – Harry LaRosiliere and Ben Harris
- Joint PISD/Council Committee – Deputy Mayor Pro Tem Pat Miner and André Davidson

ADHOC/ROUNDTABLES/TASK FORCES

- 2010 Census Complete Count Committee – (deferred)
- Multi-Cultural Outreach Roundtable – Harry LaRosiliere and André Davidson

COUNCIL LIAISONS TO BOARDS AND COMMISSIONS

- Animal Shelter Advisory Committee – Ben Harris and André Davidson
- Arts of Collin County Commission Board of Directors – Jean Callison and Harry LaRosiliere
- Board of Adjustment – Mayor Pro Tem Lee Dunlap and Deputy Mayor Pro Tem Pat Miner
- Building Standards Commission – Mayor Pro Tem Lee Dunlap and Ben Harris
- Civil Service Commission - City Manager Thomas Muehlenbeck
- Collin County Appraisal District Board – Ben Harris

- Community Relations Commission – Jean Callison and Lissa Smith
- Cultural Affairs Commission – Mayor Pro Tem Lee Dunlap and Jean Callison
- DART Board of Directors – Loretta Ellerbe and Faye Moses Wilkins
- Heritage Commission – Mayor Pro Tem Lee Dunlap and Lissa Smith
- Library Advisory Board - Harry LaRosiliere and Ben Harris
- North Texas Municipal Water District Board – Deputy Mayor Pro Tem Pat Miner and Ben Harris
- Parks and Recreation Planning Board – Ben Harris and André Davidson
- Photographic Traffic Signal Advisory Committee – Deputy Mayor Pro Tem Pat Miner and Harry LaRosiliere
- Planning and Zoning Commission – Harry LaRosiliere and André Davidson
- Plano Housing Authority –Jean Callison and Harry LaRosiliere
- Retirement Security Plan Committee – City Manager Thomas Muehlenbeck
- Self Sufficiency Committee – Lissa Smith and André Davidson
- Senior Citizens Advisory Board –Jean Callison and André Davidson
- Tax Increment Financing Reinvestment Zone No. 1 Board – Harry LaRosiliere
- Tax Increment Financing Reinvestment Zone No. 2 Board – Deputy Mayor Pro Tem Pat Miner

**Personnel Appointments: Photographic Traffic Signal Advisory Committee -
Member/Chair/Vice Chair**

Upon a motion made by Mayor Dyer and seconded by Mayor Pro Tem Dunlap, the Council voted 8-0 to appoint Doug Bender as Chair and Joseph Celso as Vice-Chair. Council Member Harris appointed Alyse Ferguson-Evans as a member for a term expiring in October, 2012.

DART Report

DART Board of Directors Member Ellerbe spoke to declines in sales tax revenue and ridership and advised that no capital projects not currently under construction or planned/funded will be built. She spoke to consideration of a route utilizing federal funds and the choice of Young Street (less expensive/more ridership) or to the Dallas Convention Center Hotel. Ms. Ellerbe expressed support for the Young Street line and advised that DART will make application for the funds. She stated concern regarding making federal funds available to non-DART entities for busses, citing member cities who still only have bus service and the original goal of creating a regional system. Ms. Ellerbe spoke to a proposed pilot program addressing senior transportation with low cost fares and an alternative containing only fixed routes with no service to medical facilities. She spoke to the heavy ridership for the Texas/OU game and possible use of the Union Pacific lines which would increase capacity from 330 to 1400 per train with dedicated bus lanes for overflow. Ms. Ellerbe advised that the West Plano Park and Ride should be completed in December 2011 and Council Member Smith requested information be included in Council packet.

Departmental Briefing – Fire

Chief Esparza reviewed recent accomplishments of the department including the number of response calls in 2009; inspections, investigations and enforcement; implementation of a payment plan for ambulance fees; new training programs; *Smoke Alarm Hotline*; changes in hiring requirements; reaccreditation from Commission on Accreditation of Ambulance Standards (CAAS); and work with Insurance Services Offices, Inc (ISO) in verifying business automatic sprinklers for insurance credits. He responded to Mayor Dyer, advising that ambulances in the City will take patients to the hospital of their choice and spoke regarding billing for mileage. Chief Esparza responded to the Council regarding programs discontinued due to budget reductions.

Chief Esparza reviewed current operations including increases in the number of responses and incidents; elimination of a “demand” ambulance; completion of Station 12; redistribution of emergency apparatus; relocation of Hazmat Program; slight increases in response times; partnering with the Cardiac Arrest Registry to Enhance Survival (CARES); electronic relay of information to hospitals; new employee physical fitness program; and equipment additions. He spoke to upcoming issues including recertification with ISO; construction of Station 13; expansion of Station 4; acquisition of Lifepak monitor/defibrillators; partnering with downtown business owners in facilitation of the grant to install automatic sprinkler systems; and coordination with Emergency Management Department to implement new training software. He advised the Council that in the future, all cardiac monitor reports will be electronically provided directly to those hospitals receiving patients. Chief Esparza further advised that all new businesses in the downtown area are tied into the sprinkler suppression system and that the increase in calls may be attributed to factors including changing demographics and increased traffic. Mayor Pro Tem Dunlap requested a Council CPR session.

Discussion re US Senate Bill No. S3194 - To Provide Collective Bargaining for Public Safety Officers Employed by States or their Political Subdivisions

Deputy City Manager Glasscock advised that the bill may come to the floor in as little as 48 hours without committee review and is expected to pass by the end of June, 2010. He advised that it would grant all police officers, firefighters, and emergency medical services personnel the right to form and join a labor union to be recognized by the City. Mr. Glasscock spoke to establishment of procedures and advised that the bill sets minimum standards for rights and timeframes for the establishment of state standards. He stated that there are no exclusions for part-time or temporary personnel and some non-sworn groups may be covered due to job duties.

Mr. Glasscock advised that the bill is considered “bare bones” with specifics undefined and the law being administered by Federal Labor Relations Authority (FLRA) who will promulgate rules and determine states’ compliance. He spoke to the minimum standards: the right of employees to form/join union which may exclude management/confidential employees; recognize and bargain with organization; commit agreement in writing; bargain over hours, wages, terms of employment (currently excluding health insurance, pensions, retirement systems), interest impasse resolution mechanism; and accessibility to state courts to enforce. He noted that under other provisions: strikes are prohibited; current agreements remain effective; states retain the right to enforce “right-to-work” laws; and states can exempt cities with population under 5,000 or fewer than 25 full-time employees.

Mr. Glasscock advised that if passed: Texas will have two years to comply; a strong push for state law in 2011 is anticipated; state leagues may file litigation on 10th Amendment grounds; it is uncertain whether courts will stay the law; cities will have training/education requirements; and costs for collective bargaining will increase significantly.

Council Items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

No items were discussed.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:55 p.m.

Phil Dyer, Mayor

ATTEST:

Diane Zucco, City Secretary