

**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 10<sup>th</sup> 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.

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**Phil Dyer, Mayor**

ATTEST:

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Diane Zucco, City Secretary

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Mayor Dyer convened the Council into the Regular Session on Monday, May 10, 2010, at 7:06 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Pastor Brian McLane of Northpointe Church and the Pledge of Allegiance was led by Cub Scout Pack 220 – Harrington Elementary.

Mayor Dyer presented the 2010 Paul L. Standberry Scholarship Awards, read proclamations recognizing Public Service Recognition Week, National Safe Boating Week and Keller Williams RED DAY. He further presented special recognition to Employee of the Year, Nicole Offerdahl.

Mayor Dyer administered an oath of office to Denver Tracy, incoming member of the Library Advisory Board.

**Comments of Public Interest**

No one appeared to speak.

**CONSENT AGENDA**

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Deputy Mayor Pro Tem Miner, the Council voted 8-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

**Approval of Minutes** (Consent Agenda Item “A”)  
April 26, 2010

**Approval of Expenditures**

**Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)**

**CSP No. 2009-180-C** for a mobile data system for the Radio Shop to Moseley Associates, Inc. in the amount of \$1,413,767 plus a 5 year maintenance contract in the amount of \$167,527 for a total system cost of \$1,581,294 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

**Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)**

To approve an engineering contract by and between the City of Plano and EJES Incorporated in the amount of \$215,365 for the engineering design of the Split Trail Road - K Avenue to Spring Creek Parkway Project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

**Approval of Contract Modification**

To approve and authorize Contract Modification No. 6 for the purchase of Engineering Services for the McDermott Road - Ohio Drive to Coit Road Project in the amount of \$12,965 from Half Associates, Inc. (Consent Agenda Item “D”)

**Adoption of Resolutions**

**Resolution No. 2010-5-1(R):** To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for a “Click It or Ticket” Project, to be conducted during Memorial Day Holiday period; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “E”)

**Resolution No. 2010-5-2(R):** To authorize the purchase of the Northrup Grumman Remotec Talisman wireless hybrid radio system and maintenance support from Remotec, Inc., a sole-source provider, in the amount of \$54,998 for use by the Plano Police Department; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase; and providing an effective date. (Consent Agenda Item “F”)

**Resolution No. 2010-5-3(R):** To approve the Investment Portfolio Summary for the quarter ending March 31, 2010; and providing an effective date. (Consent Agenda Item “G”)

**Resolution No. 2010-5-4(R):** To approve a Boundary Line Agreement between the City of Plano, the North Texas Municipal Water District and Oncor Electric Delivery Company for property located south of Plano Parkway, west of Coit Road in the City of Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “H”)

**Resolution No. 2010-5-5(R):** To approve and grant an electric easement to Oncor Electric Service Company on City property, Fire Station #13, located on the west side of Corporate Drive, south of Legacy Drive, authorizing its execution by the City Manager, and providing an effective date. (Consent Agenda Item “I”)

**Resolution No. 2010-5-6(R):** To approve and grant an electric easement to Oncor Electric Service Company on City property, Rowlett Creek Treatment Plant, located on the east side of Los Rios Boulevard, north of 14th Street, authorizing its execution by the City Manager, and providing an effective date. (Consent Agenda Item “J”)

### **Adoption of Ordinances**

**Ordinance No. 2010-5-7:** To approve the terms and conditions of a Boundary Adjustment Agreement between the City of Plano, Texas and the City of Murphy, Texas; authorizing the City Manager to execute the Agreement on behalf of the City of Plano; and providing an effective date. (Consent Agenda Item “K”)

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

**Resolution No. 2010-5-8(R):** To repeal Resolution No. 2007-5-17 and approving the terms and conditions of a new Economic Development Incentive Agreement by and between the City of Plano, Texas, and Denbury Onshore LLC, a Delaware limited liability company; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “1”)

City Manager Muehlenbeck advised that Denbury Onshore LLC, would occupy no less than 274,000 square feet of commercial space and transfer 275 full-time jobs by March 1, 2011 with an additional 125 new jobs by March 1, 2011, and 125 by December 31, 2011. He advised that the terms of the agreement run from March 1, 2011 through February 28, 2023 and include the addition or relocation of business personal property values of not less than \$7.5 million and add real property values of not less than \$13 million.

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member LaRosiliere, the Council voted 8-0 to approve the terms and conditions of a new Economic Development Incentive Agreement by and between the City and Denbury Onshore LLC; and further to adopt Resolution No. 2010-5-8(R).

**Public Hearing and adoption of Ordinance No. 2010-5-9** as requested in Zoning Case 2010-03 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 7.1± acres located at the southwest corner of 14th Street and Bradshaw Drive in the City of Plano, Collin County, Texas, from Planned Development-202-Research/Technology Center to Single-Family Residence-6; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Roger Lawler (Regular Agenda Item “2”)

**Ordinance No. 2010-5-9 (cont'd)**

Director of Planning Jarrell advised that Staff recommended denial as the use requested is inconsistent with the Comprehensive Plan; however, the Planning and Zoning Commission approved the item and recommends approval as submitted. She advised the Council that property to the west is part of a Planned Development, and spoke to multi-family zoning to the north, and discussions with the applicant regarding possible alignment of Bradshaw Drive.

Mayor Dyer opened the Public Hearing. Sharon Barbosa-Crane, representing the owner/applicant spoke to surrounding residential zoning, current Research-Technology zoning, and efforts to broaden the opportunity for commercial development. She spoke to the demand for residential sites in the area, the long-term opportunities provided and retail/commercial development that will follow. Ms. Barbosa-Crane spoke to the low impact of sound from the Police firing range, possible use of sound attenuation methods, addressing concerns regarding fire response times by including sprinkler systems, and a similar development in Irving. No one else spoke for or against the request. The Public Hearing was closed.

Deputy Mayor Pro Tem Miner expressed support and spoke to encouraging development, mutual aid agreements for fire services and a school in the area. Ms. Jarrell advised that upgrades will be needed to the sanitary sewer system paid for by the applicant. She responded to the Council regarding consideration of service impacts for departments and stated that sprinkling may address fires but not other emergency calls. She spoke noise being moderated by winds, but audible at the location and responded to the Council that the City could not control or require advising potential buyers of issues. Planning Manager Firgens spoke to receipt of another residential request for the area. Member Harris spoke in support of maintaining zoning integrity and in opposition to the request. Council Member LaRosiliere spoke in support of the request, citing its location on the edge of the R/T district not disrupting the area concept. Council Member Davidson spoke in support with inclusion of sprinklers and water/sewer upgrades and Council Member Callison spoke to the proximity of worship facilities. Ms. Jarrell spoke to Staff working details through the concept plan.

A motion was made by Mayor Pro Tem Dunlap and seconded by Deputy Mayor Pro Tem Miner to approve the request to rezone 7.1± acres located at the southwest corner of 14th Street and Bradshaw Drive in the City of Plano from Planned Development-202-Research/Technology Center to Single-Family Residence-6 as requested in Zoning Case 2010-03 and as recommended by the Planning and Zoning Commission. The Council voted 7-1 with Council Member Harris in opposition. The motion carried and Ordinance No. 2010-5-9 adopted.

Mayor Dyer spoke to the recent passing of former Council Member Jim Boswell and to the upcoming Law Enforcement Memorial Service.

There being no further discussion, Mayor Dyer adjourned the meeting at 8:06 p.m.

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**Phil Dyer, MAYOR**

ATTEST:

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Diane Zucco, City Secretary