

PLANO CITY COUNCIL
March 28, 2011

COUNCIL MEMBERS

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

STAFF

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, March 28, 2011, at 7:09 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Jessie Prince, Executive Pastor of Grace Outreach Center and the Pledge of Allegiance was led by Jr. Girl Scout Troop 1861 of Dooley Elementary and McCall Elementary.

Mayor Dyer presented a proclamation recognizing Sexual Assault Awareness and Prevention Month; received an Achievement of Excellence in Libraries Award presented to the Plano Public Library System; presented special recognition to the Plano Public Library System; and recognized Alan Upchurch, Director of Public Works and Engineering.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon the request of Mayor Pro Tem Dunlap, Consent Agenda Item “G” was removed for individual consideration due to a possible conflict of interest.

Upon the request of Council Member Davidson, Consent Agenda Item “P” was removed for individual consideration. She further advised that she would be stepping down on Regular Agenda Item “3” due to a possible conflict of interest.

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

Approval of Minutes (Consent Agenda Item "A")

February 28, 2011

March 9, 2011

Approval of Expenditures

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

Bid No. 2011-73-C for a one (1) year contract with three (3) optional one year renewals for Tree Maintenance for the Parks and Recreation Department to Somerset Landscape Maintenance in the estimated annual amount of \$60,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Bid No. 2011-22-C for a one (1) year contract with three (3) City optional renewals to purchase biodegradable paper bags for Warehouse Inventory to be utilized by Sustainability and Environmental Services from Duro Bag Manufacturing Co. Inc. in an estimated amount of \$62,986 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Bid No. 2011-79-C for Annual Contract for Athletic Field Mowing Landscape Maintenance for the Parks and Recreation Department to O'Donnell's Landscape Services, Inc. in the amount of \$71,916 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

Bid No. 2011-35-C for Custodial Services - Various Locations, to OJS Systems, Inc., in the estimated annual amount of \$1,055,808 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

Bid No. 2011-74-B for the 2010-11 Brick Screening Wall Panel Replacement, Project No. 6112, to Tracon Ventures, LTD. in the amount of \$248,700 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

Bid No. 2011-86-B for Russell Creek Sewer Main Rehabilitation Phase 2 to Insituform Technologies, Inc., in the amount of \$818,681 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "H")

Purchase from an Existing Contract

To approve the purchase of one (1) Alamo Interstater Mower for Fleet Services to be utilized by Ground Maintenance in the amount of \$51,024 from Alamo Sales Corporation through an existing contract/agreement with HGAC, and authorizing the City Manager to execute all necessary documents. (HGAC Contract #GRO-10) (Consent Agenda Item "I")

To approve the purchase of Facilities Maintenance Building Roof Replacement in the amount of \$64,800 from R&B Roofing, LLC and U.S. Ply, Inc., through an existing contract/agreement with Texas Multiple Award Schedule (TXMAS) and authorizing the City Manager to execute all necessary documents. (TXMAS Contract Number 10-56030-1) (Consent Agenda Item “J”)

To approve the purchase of WebEOC (an emergency incident management software) for the Department of Emergency Management in the amount of \$110,342 from Emergency Services Integrators through an existing contract with the State of Texas Department of Information Resources, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-822) (Consent Agenda Item “K”)

To approve the purchase of office supplies for City departments in the estimated annual amount of \$240,000 from Office Depot Inc. through an existing contract with The Cooperative Purchasing Network (TCPN), and authorizing the City Manager to execute all necessary documents. (TCPN #R5023) (Consent Agenda Item “L”)

To approve the purchase of fitness equipment for the Carpenter Park Recreation Center renovation in the amount of \$249,268 from Fitco Fitness Center Outfitters and Bodyworks Fitness Equipment through an existing contract with BuyBoard and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract 336-10) (Consent Agenda Item “M”)

To approve the purchase of Scott Self-Contained Breathing Apparatus (SCBA) equipment for the Fire Department in the amount of \$254,315 from Municipal Emergency Services through an existing contract with the City of Fort Worth and authorizing the City Manager to execute all necessary documents. (City of Fort Worth Contract # 07-0191) (Consent Agenda Item “N”)

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

To approve Professional Services Contract by and between City of Plano and CSL Marketing Group, LLC, for a term of one (1) year for the MP3 project Revenue Generation through Municipal Marketing. CSL Marketing Group will be seeking sponsorships for the program on behalf of the City for a \$72,000 annual retainer plus a not to exceed \$78,000 in concept and signage production fees and expenses. (Consent Agenda Item “O”)

Approval of Contract Modification

To approve and authorize Contract Modification No. 1 for the purchase of Engineering Design Services for Project No. 5925 – Preston Road Corridor in the amount of \$85,850 from Huitt-Zollars, Inc. This modification will provide for the addition of the intersection of Preston Road and Tennyson Parkway to the original contract. (Consent Agenda Item “Q”)

Approval of Change Order

To HMC Asphalt & Concrete Construction, Inc., increasing the contract by \$52,090 for the 2008-09 Sidewalk Construction, Project No. 5988, Change Order No. 1, Bid No. 2010-60-B, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “R”)

Approval of Expenditure

To approve a 30-day contract extension with UBM Enterprise, Inc. for Custodial Services in the amount of \$92,330 to facilitate the transfer from UBM Enterprises to the newly recommended contractor, and authorizing the City Manager to execute any necessary documents. (Current Contract Number 2007-63-C) (Consent Agenda Item "S")

Adoption of Resolutions

Resolution No. 2011-3-7(R): To approve the terms and conditions of an Agreement by and between Bruce D. Glasscock and the City of Plano for City Manager services; authorizing its execution by the Mayor; and providing an effective date. (Consent Agenda Item "T")

Resolution No. 2011-3-8(R): To amend a Communication Facilities License Agreement approved by Plano City Council on December 14, 1998, by and between the City of Plano, Texas, and AT&T Mobility Texas LLC, a Delaware limited liability company, to install, and operate telecommunications ground equipment in certain specific premises; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "U")

Resolution No. 2011-3-9(R): To amend a Communication Facilities License Agreement approved by Plano City Council on December 14, 1998, and a First Amendment to Communications Facilities License approved by Plano City Council on March 12, 2009, by and between the City of Plano, Texas, and AT&T Mobility Texas LLC, a Delaware limited liability company, to install, and operate telecommunications ground equipment in certain specific premises; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "V")

Resolution No. 2011-3-10(R): To amend a Communication Facilities License Agreement approved by Plano City Council on March 8, 2002, by and between the City of Plano, Texas, and AT&T Mobility Texas LLC, a Delaware limited liability company, to install, and operate telecommunications ground equipment in certain specific premises; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "W")

Resolution No. 2011-3-11(R): To amend a Communication Facilities License Agreement approved by Plano City Council on October 6, 1999, and a First Amendment to Communications Facilities License approved by Plano City Council on September 11, 2008, by and between the City of Plano, Texas, and AT&T Mobility Texas LLC, a Delaware limited liability company, to install, and operate telecommunications ground equipment in certain specific premises; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "X")

Resolution No. 2011-3-12(R): To approve the assignment of the Public Rights-of-Way Use Agreement from Nodenble Associates, LLC, a Delaware limited liability company, to FSP One Legacy Circle LLC, a Delaware limited liability company, and approving an amendment to the Agreement reflecting same. (Consent Agenda Item "Y")

Resolution No. 2011-3-13(R): To approve the assignment of an Airspace Agreement from Nodenble Associates, LLC, a Delaware limited liability company, to FSP One Legacy Circle LLC, a Delaware limited liability company, and approving an amendment to the agreement reflecting same. (Consent Agenda Item “Z”)

Resolution No. 2011-3-14(R): To approve the Investment Portfolio Summary for the quarter ending December 31, 2010 and providing an effective date. (Consent Agenda Item “AA”)

Resolution No. 2011-3-15(R): To designate authorized representatives and investment officers of the City of Plano to transact business with TexPool/TexPool Prime, public funds investment pool; and providing an effective date. (Consent Agenda Item “BB”)

Adoption of Ordinances

Ordinance No. 2011-3-16: To transfer the sum of \$150,000 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2010-11 for the purpose of providing funds for implementation of the Plano Star Program; amending the budget of the City and Ordinance 2010-9-8; declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item “CC”)

Ordinance No. 2011-3-17: To repeal Ordinance No. 2010-11-15; establishing a certification pay plan for classified members of the Plano Fire and Police Departments; establishing an assignment pay plan for members of the Plano Fire Department in a rank less than Battalion Chief serving in the capacity of paramedic; establishing a Paramedic Preceptor pay plan for members of the Plano Fire Department; establishing an assignment pay plan for members of the Plano Police Department serving in the capacity of Field Training Officers; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “DD”)

Ordinance No. 2011-3-18: To adopt and enact Supplement Number 93 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date. (Consent Agenda Item “EE”)

Ordinance No. 2011-3-19: To amend Section 2-313. Duties and responsibilities of Article XVII. Board and Commission Review Committee, of Chapter 2 Administration of the City of Plano Code of Ordinances and providing an effective date. (Consent Agenda Item “FF”)

Ordinance No. 2011-3-20: To amend Ordinance No. 2011-2-5, ordering an election to be held on May 14, 2011, for the purpose of electing four (4) Members of Council, by expanding the list of early voting polling locations; and providing a repealer clause, and an effective date. (Consent Agenda Item “GG”)

END OF CONSENT

Due to a possible conflict of interest, Mayor Pro Tem Dunlap stepped down from the bench on the following item.

Bid No. 2011-80-B for the 2010-11 Pavement Maintenance Phase I, Project No. 6110, to Jerusalem Corporation in the amount of \$383,443 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

Upon a motion made by Council Member Callison and seconded by Deputy Mayor Pro Tem Miner, the Council voted 7-0 to approve Bid No. 2011-80-B for the 2010-11 Pavement Maintenance Phase I, Project No. 6110, to Jerusalem Corporation in the amount of \$383,443.

Mayor Pro Tem Dunlap resumed his place at the bench.

Due to a possible conflict of interest, Council Member Davidson stepped down from the bench on the following item.

To approve the Third Modification of the contract by and between the City of Plano and Columbia Medical Center of Plano Subsidiary, L.P. d/b/a Medical Center of Plano (Contract No. 2008-102-C) RFP for Wellness and Safety Program to reduce the contract amount from \$162,800 as provided in the Second Modification to \$64,244 for 2010-11 and \$24,000 per year from 2011-12 and 2012-13, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “P”)

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member Smith, the Council voted 7-0 to approve the Third Modification of the contract by and between the City of Plano and Columbia Medical Center of Plano Subsidiary, L.P. d/b/a Medical Center of Plano for Wellness and Safety Program to reduce the contract amount from \$162,800 as provided in the Second Modification to \$64,244 for 2010-11 and \$24,000 per year from 2011-12 and 2012-13.

Council Member Davidson resumed her place at the bench.

Presentation of the 2010-11 Status Report and Three-Year Financial Forecast to the City Council (Regular Agenda Item “1”)

Director of Budget and Research Rhodes-Whitley provided a recap of the 2010-11 Budget advising that combined expenditures total \$396 million and consist of water/sewer, public safety, debt service and general government spending while projected revenues for the General Fund are \$202 million from property tax, sales tax and fees/fines. She spoke to General Fund expenditures for Public Safety (50%), non-departmental (18%), Parks and Recreation (10%) and general administration (6%). Ms. Rhodes-Whitley further advised that salaries and wages account for 68% of expenditures with the majority in Public Safety related departments. Ms. Rhodes-Whitley reviewed reductions taken from 2008-11 which resulted in a total loss of \$32.5 million from the General Fund, increased fees/fines of \$2.5 million, adoption of a 1.51 cent tax increase to cover additional debt requirements and elimination of 129 full-time and 17 part-time positions.

Presentation of the 2010-11 Status Report and Three-Year Financial Forecast (Cont'd)

Ms. Rhodes-Whitley advised that every annual budget is statutorily required to be balanced; fund deficits are assumed to be rectified in the year projected; \$9.3 million is the projected deficit for 2011-12; and 31 cents will be required to be transferred from operations/maintenance to pay for debt. She reviewed items contributing to the deficit including declines in court fines, property tax revenues, interest earnings, and building/development fees; and increases in TMRS costs, health care costs, transfer to the loss fund, PC replacement, Capital Improvement Projects, and a transfer to the Plano Television Network. Ms. Rhodes-Whitley advised that projections do not include salary increases or inflation to operation/maintenance expenses and include attrition, increased health insurance costs, and changes to the Retirement Security Plan and Texas Municipal Retirement System. She spoke to Capital Improvement Projects absorbed within the existing ad valorem tax rate, and exclusion of program enhancements or debt for the Arts of Collin County project. Ms. Rhodes-Whitley advised that projections pass through anticipated water district increases and that Staff will review convention and tourism fees/expenditures.

Ms. Rhodes-Whitley spoke to departments covering the inflation factor in their estimated budget and advised regarding public hearings that may be required. Council Member LaRosiliere requested additional information regarding the Capital Reserve Fund. City Manager Glasscock spoke to the worksession scheduled for April 4, 2011, to review funds and their restrictions along with financial policies.

Ordinance No. 2011-3-21: To provide certain Heritage Resources located in the City of Plano, Texas, partial exemption from the current year Ad Valorem Taxation in the amount of \$32,367; providing a severability clause, an effective date, and consideration of the appeals of the Heritage Commission's recommended denial of tax exemption for 1211 15th Street, 1407 15th Street, 909 18th Street, and 1701 H Avenue. (Regular Agenda Item "2")

Heritage Preservation Officer Hersch reviewed 2011 exemption recommendations based on use and designation, and spoke regarding the annual survey and decision process. She spoke to review of 72 properties resulting in 67 recommendations with \$32,366.79 in City tax exemptions and to those properties that have appealed. Randy Edwards, representing 1211 East 15th Street spoke regarding financial issues and advised that repairs have been completed. Harriet Linz, representing 1407 15th Street spoke regarding personal issues and advised that repairs have been completed. Council Member Smith spoke to the difficult economic times and made a motion for approval with Deputy Mayor Pro Tem Miner seconding. No vote was taken at this time.

Melissa O'Neal, representing 1701 H Avenue, spoke to driveway repairs costing \$20,000 and impacting future improvements to the home. Ms. Hersch and Planning Director Jarrell stated that if the driveway were to deteriorate and become gravel-only in nature, it would be referred to the Property Standards Department.

Upon the motion made by Council Member Smith and seconded by Deputy Mayor Pro Tem Miner, the Council voted 8-0 to approve certain Heritage Resources located in the City of Plano, Texas, partial exemption from the current year Ad Valorem Taxation and approving the appeals for 1211 15th Street, 1407 15th Street, 909 18th Street, and 1701 H Avenue; and further to adopt Ordinance No. 2011-3-21.

Due to a possible conflict of interest, Council Member Davidson stepped down from the bench on the following item.

Public Hearing and adoption of Ordinance No. 2011-3-22 as requested in Zoning Case 2011-03 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 609 so as to allow Helistop on 9.1± acres of land located at the southwest corner of Amelia Court and American Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-137-General Office; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: HSP of Texas, Inc./Medical Center of Plano (Regular Agenda Item “3”)

Planning Manager Firgens spoke to the request for a helistop adjacent to the existing stop and including no refueling, maintenance or repairs. She advised that currently, the hospital clears an area in the parking lot when there is a request for a second landing and reviewed neighboring zoning, advising that the Planning and Zoning Commission recommends approval subject to the Helistop locations being minimum 300-foot setback from residential zoning district boundary lines. Ms. Firgens reviewed the notification process for area residents.

Mayor Dyer opened the Public Hearing. Glenn Wallace, representing the applicant, spoke to the proposed site close to the existing helistop, providing close access to the emergency room entrance, the distance from residential areas and the hospital operating as a Level 2 Trauma Center. He advised that of 197 landings in the last two years there have been four occasions with a need for two landings and spoke to issues of safety for the patient and hospital staff, other area trauma facilities and the processing of cordoning off a site. Resident Royce Clayton spoke to promoting safety and requirements for FAA construction/approval, proximity of oxygen to the area, and lack of fencing. Mr. Wallace spoke to application for input from the FAA and Director of Planning Jarrell spoke to integration of the Zoning Ordinance for the Specific Use Permit and the Code of Ordinances for other regulations with applicants responsible for approval from other entities. Mayor Pro Tem Dunlap spoke to zoning as the first step in the process. No one else spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, granting Specific Use Permit No. 609 so as to allow Helistop on 9.1± acres of land located at the southwest corner of Amelia Court and American Drive; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-03; and further to adopt Ordinance No. 2011-3-22.

Council Member Davidson resumed her place at the bench.

Public Hearing and adoption of Ordinance No. 2011-3-23 as requested in Zoning Case 2010-22 to amend Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, pertaining to medical office parking requirements; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item “4”)

Planning Manager Firgens spoke to the challenges of reusing office buildings due to the restrictive nature of parking requirements for medical offices and the recommendation of the Planning and Zoning Commission to reduce requirements and approve the request as submitted.

Mayor Dyer opened the Public Hearing. No one spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Callison and seconded by Deputy Mayor Pro Tem Miner, the Council voted 8-0 to amend Subsection 3.1107 of Section 3.1100 of Article 3 of the Comprehensive Zoning Ordinance of the City, pertaining to medical office parking requirements; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 201-11, and further to adopt Ordinance No. 2011-3-23.

Public Hearing to consider a request to amend the Future Land Use Plan map, Thoroughfare Plan map, and Transportation Element of the Comprehensive Plan, and related sections of the plan as it pertains to the designation of future rail stations within the City of Plano. (Regular Agenda Item “5”)

Senior Planner Sims spoke to recommended amendments adding text to the Thoroughfare and Future Land Use Plans to support the development of the Cottonbelt Corridor and 12th Street/Shiloh Road stations. He spoke to the Cottonbelt Corridor as part of the 2030 DART Service Plan, benefits for Plano including connectivity to key destinations across the region, acting as a catalyst for expansion of the Downtown Transit Village and benefits in the Research/Technology District. He spoke to public hearings and meetings held with business and property owners, and reviewed proposed text which considers possible expansion of service to Wylie, focuses on the connection to DFW Airport and reinforces the opportunity for an additional red-line station. Mr. Sims reviewed map amendments to include DART symbols at the 12th Street and Shiloh Road station locations advising that the Planning and Zoning Commission recommends approval as submitted. He further stated following Council’s approval Staff would bring forward an ordinance on April 11, 2011.

Mayor Dyer opened the Public Hearing. Resident Matt Jackson spoke to continuing Plano’s efforts at garnering a 12th Street Station. No one else spoke for or against the request. The Public Hearing was closed.

Public Hearing to consider amendments to the Comprehensive Plan (cont'd)

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member Davidson, the Council voted 8-0 to approve amendments to the Future Land Use Plan map, Thoroughfare Plan map, and Transportation Element of the Comprehensive Plan, as it pertains to the designation of future rail stations within the City of Plano.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 9:05 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary