

PLANO CITY COUNCIL
June 13, 2011

COUNCIL MEMBERS

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

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, June 13, 2011, at 7:04 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Deputy Mayor Pro Tem Smith.

The invocation was led by Dr. Leon Aduddell of First Baptist Church-Plano, and the Pledge of Allegiance was led by the Plano Chapter of The Sons of the American Revolution and The Daughters of the American Revolution.

Mayor Dyer received presentations of the USA Neighborhood Program Award - 3rd Place Neighborhoods and Outstanding Achievement in Local Government Innovation Award. He further presented a proclamation for Motorcycle Safety and Awareness Month Presented and recognized Ann Tucker, "Planning a City" Team Sponsor and Diane Zucco, Lone Star Chapter Clerk of the Year.

COMMENTS OF PUBLIC INTEREST

Dallas Resident Mike Rutter spoke to the importance of signage encouraging motorists to be aware of motorcycles and City Manager Glasscock advised that Staff would review information.

CONSENT AGENDA

Upon the request of Mayor Dyer, Consent Agenda Item "B" was removed for individual consideration due to a possible conflict of interest.

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Harris, the Council voted 7-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item “A”)

May 18, 2011
May 19, 2011
May 23, 2011
May 31, 2011

Approval of Expenditures

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

Bid No. 2011-121-B for the purchase of Installation of Anti-Freezing Drinking Fountains for the Parks and Recreation Department to R & S Commercial Services, LP in the amount of \$70,939 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

CSP No. 2011-108-C for a one (1) year revenue generating contract with four (4) City optional renewals for Collection Services and Verification of Financial Responsibility Services for the Municipal Court Department to Municipal Services Bureau in the estimated amount of \$113,445 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

RFP No. 2011-157-C for a one (1) year contract with five (5) City optional renewals for Fleet Fuel Card & Related Services to Mansfield Oil Company in the estimated amount of \$4,215,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

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

RFQ 2010-179-B for New Technology Services Data Center Phase I & II Design, Project No. 6119, Bldg. No. 3, for Public Works to Alliance Architects, Inc., in the amount of \$447,814; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

To approve a contract for the purchase of professional services to KEDAR Information Technologies, Inc., for a Business Process Mapping (BPM) Project for the Building Inspection, Property Standards and Planning Departments, in the amount not to exceed \$137,632 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

To approve a contract made and entered into by and between the City of Plano and Sharon Rowe, the Elections Administrator of Collin County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City's June 18, 2011 Runoff Election in the estimated amount of \$59,155. (Consent Agenda Item “H”)

Approval of Change Order

To TDI International dba TDI Golf increasing the contract by \$87,973 for the Pecan Hollow Golf Course Renovation, Project 5922, Change Order No. 8. Original Bid No. 2010-169-B. (Consent Agenda Item “I”)

Adoption of Resolutions

Resolution No. 2011-6-1(R): To certify that the City is eligible to receive financial assistance under the Collin County Parks and Open Space Matching Grant Program as provided by the Collin County Commissioners Court; certifying that the City’s matching share is readily available; designating the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano in dealing with the Collin County Commissioners Court for the purpose of participating in the Collin County Parks and Open Space Matching Grant Program; certifying that Chisholm Trail has been dedicated for public park and recreational uses; and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2011-6-2(R): To certify that the City is eligible to receive financial assistance under the Collin County Parks and Open Space Matching Grant Program as provided by the Collin County Commissioners Court; certifying that the City’s matching share is readily available; designating the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano in dealing with the Collin County Commissioners Court for the purpose of participating in the Collin County Parks and Open Space Matching Grant Program; certifying that Legacy Trail has been dedicated for public park and recreational uses; and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2011-6-3(R): To certify that the City is eligible to receive financial assistance under the Collin County Parks and Open Space Matching Grant Program as provided by the Collin County Commissioners Court; certifying that the City’s matching share is readily available; designating the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano in dealing with the Collin County Commissioners Court for the purpose of participating in the Collin County Parks and Open Space Matching Grant Program; certifying that Oak Point Park and Nature Preserve has been dedicated for public park and recreational uses; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2011-6-4(R): To certify that the City is eligible to receive financial assistance under the Collin County Parks and Open Space Matching Grant Program as provided by the Collin County Commissioners Court; certifying that the City’s matching share is readily available; designating the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano in dealing with the Collin County Commissioners Court for the purpose of participating in the Collin County Parks and Open Space Matching Grant Program; certifying that Preston Ridge Trail has been dedicated for public park and recreational uses; and providing an effective date. Consent Agenda Item “M”)

Resolution No. 2011-6-5(R): To approve the Investment Portfolio Summary for the quarter ending March 31, 2011 and providing an effective date. (Consent Agenda Item “N”)

Resolution No. 2011-6-6(R): To approve the execution of a waiver releasing the allocation of Qualified Energy Conservation Bond (QECCB) to the State of Texas for reallocation; and providing an effective date. (Consent Agenda Item “O”)

Resolution No. 2011-6-7(R): To rescind the prior action by the City Council on January 24, 2011 approving the First Amended Tax Abatement Agreement between City of Plano and Air System Components, Inc. and Plano Tech Partners, LP; adopting a revised First Amended Tax Abatement between the same parties and authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “P”)

Resolution No. 2011-6-8(R): To approve the terms and conditions of a First Amendment of the Economic Development Incentive Agreement by and between the City of Plano, Texas and MedAssets Net Revenue Systems, LLC., a Delaware limited liability company; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “Q”)

Resolution No. 2011-6-9(R): To find Officer Paul Malcom is entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Michelle Lucille Spikin v. City of Plano, Texas and Paul Malcom ; and providing an effective date. (Consent Agenda Item “R”)

Resolution No. 2011-6-10(R): To find that Thomas Muehlenbeck, Bruce D. Glasscock, Mark Israelson, Scott Neumeyer, Douglas Angle, Chad Beougher, Jamal Murray, Courtney Perot, Pete Gabriel, Jennifer Day, Gregory W. Rushin, Paul McNulty, Richard Perez, Joseph Claggett, Earnest Oldham, Eddie DeLeon and Glen Kaletta are entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Jay S. Cooper v. City of Plano, Texas, et al. and providing an effective date. (Consent Agenda Item “S”)

Adoption of Ordinances

Ordinance No. 2011-6-11: To transfer the sum of \$72,951 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2010-11 for the purpose of providing additional funds for the estimated costs associated with conducting a Runoff Election on June 18, 2011 to fill the Place 7 City Council position; 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 “T”)

END OF CONSENT

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

Bid No. 2011-175-B for Communications Parkway from Spring Creek Parkway to Tennyson Parkway to Mario Sinacola & Sons Excavating, Inc. in the amount of \$2,020,795 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Upon a motion made by Council Member Callison and seconded by Council Member Dunlap, the Council voted 6-0 to approve Bid No. 2011-175-B for Communications Parkway from Spring Creek Parkway to Tennyson Parkway to Mario Sinacola & Sons Excavating, Inc. in the amount of \$2,020,795.

Mayor Dyer resumed his place at the bench.

Discussion and Direction regarding Code of Ordinances Amendment Pertaining to Sale of Alcohol (Regular Agenda “1”) Tabled to June 27

Planning Manager Firgens advised that Staff has not fully vetted all issues and unintended consequences of this item and requested it be tabled.

Upon a motion made by Council Member Dunlap and seconded by Council Member Harris, the Council voted 7-0 to table the request until June 27, 2011.

Resolution No. 2011-6-12(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Interactive TKO, Inc., a Delaware corporation, and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda “2”)

Director of Finance Tacke advised that the agreement in the amount of \$9,625 provides for occupancy of not less than 17,000 square feet of existing space; retention, transfer or creation of up to 45 full-time jobs by May 1, 2011, with a possible additional 10 by December 31, 2012; business personal property in the amount of no less than \$260,000; and real property in the amount of \$10,000.

Upon a motion made by Council Member Harris and seconded by Council Member Davidson, the Council voted 7-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between Interactive TKO, Inc. and the City of Plano; and further to adopt Resolution No. 2011-6-12(R).

Public Hearing and adoption of Ordinance No. 2011-6-13 as requested in Zoning Case 2011-12, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 610 so as to allow for a Trade/Commercial School on 0.1± acre of land located 575± feet west of Custer Road and 300± feet south of Parker Road, in the City of Plano, Collin County, Texas, presently zoned Planned Development-90-Retail; 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: Weingarten Realty, Inc. (Regular Agenda “3”)

Ordinance No. 2011-6-13 (cont'd)

Planning Manager Firgens advised the Council that the applicant is proposing a 4,000 square-foot beauty school and spoke to review by the Planning and Zoning Commission and their recommendation to approve the item as submitted.

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

Upon a motion made by Council Member Callison and seconded by Council Member Davidson, the Council voted 7-0 to the Comprehensive Zoning Ordinance of the City, granting Specific Use Permit No. 610 so as to allow for a Trade/Commercial School located 575± feet west of Custer Road and 300± feet south of Parker Road; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2011-12.

Public Hearing and adoption of Ordinance No. 2011-6-14 as requested in Zoning Case 2011-13 to amend Section 1.600 (Definitions) of Article 1 (General Regulations) and Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, pertaining to a religious facility operated or sponsored onsite homeless shelter; 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 "4")

Planning Manager Firgens spoke to consideration of regulations related to religious facilities by the Council and Planning and Zoning Commission and advised regarding restrictions associated with household care facilities and institutions including permitting and the number of residents. She spoke to the use of variances from the Board of Adjustment and Staff's position that temporary shelters be allowed in all zoning districts by right as an accessory use to religious uses only and to the Commission's recommendation of approval amending Section 1.600 (Definitions) of Article 1 (General Regulations) to include the following:

Temporary accessory housing shelter - A not-for-profit housing shelter operated as an accessory use to a religious facility only, providing temporary free lodging for indigent individuals or families with no regular home or residential address. A temporary accessory housing shelter shall house a maximum of 14 individuals at one time, and shall operate for a maximum of 30 days per calendar year. This definition shall not include household care facility and household care institutions.

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow temporary accessory housing shelter by right in all zoning districts and adding End Note 45 as follows:

End Note 45: Permitted as an accessory use to a religious facility; see Section 1.600 (Definitions).

Ordinance No. 2011-6-14 (cont'd)

Mayor Dyer opened the Public Hearing. Family Promise of Collin County Board Member Gary Rodenbaugh spoke to the need for services in the area and provided information regarding the Family Promise Day Program, advising that participants would be sheltered at area churches in the evening. He responded to the Council regarding participant screenings, length of stay and the requirement that children are served. Rebecca Williams of West Plano Presbyterian Church spoke to the need for homeless services and the church's participation as part of a network serving temporarily homeless families. Melissa Hatch of First United Methodist Church of Plano spoke to need in the community. No one else spoke for or against the request. The Public Hearing was closed.

Council Member Harris stated concern that there may be facilities established outside the regulations of Family Promise. City Manager Glasscock advised that Staff will provide Council with current information on the number of homeless in the community when it becomes available. Mayor Dyer spoke to giving religious facilities an opportunity to provide services and stated that adjustments can be made on an as-needed basis to address concerns.

Upon a motion made by Council Member Harris and seconded by Mayor Pro Tem Miner, the Council voted 7-0 to amend Section 1.600 of Article 1 and Subsection 2.502 of Section 2.500 of Article 2, and related sections of the Comprehensive Zoning Ordinance of the City, pertaining to a religious facility operated or sponsored onsite homeless shelter; as requested in Zoning Case 2011-13 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2011-6-14.

Discussion and Direction regarding Arts of Collin County (Regular Agenda "5")

Arts of Collin County Executive Director Mike Simpson spoke to discussions held in the City of Frisco and advised that no action was taken. He spoke to prior meetings held with mayors and city managers and advised that an additional meeting has been planned to discuss options. Mr. Simpson spoke to the history of work on the project, advising that from 2004-08 the foundation gained 53 supporters during the silent fundraiser stage and that since 2008 the number has been raised to 500 people and 74 businesses. He spoke to having \$2.8 million in cash with additional pledges, and to difficulties in raising monies in 2009-10 due to the City of Frisco's inability to selling bonds and uncertainty regarding their participation. Mr. Simpson advised he would make an additional presentation to the Council following discussions related to operations/maintenance costs. Citizen Jack Lagos spoke to dividing the \$2.8 current cash fund among cities, ceasing provision of operations/maintenance funds and the disproportionate amount of funding being provided by the City of Plano. Resident Robbie Robinson spoke to the opportunities at hand, location of the property as the future population center of Collin County, design of the facility, and monies already raised. City Manager Glasscock advised that current budget projections do not include funding after September 30, 2011. Mayor Dyer requested additional information be provided following the city managers' meeting.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 8:12 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary