

PLANO CITY COUNCIL
February 13, 2012

COUNCIL MEMBERS PRESENT

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

STAFF PRESENT

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, February 13, 2012, at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Pastor Barry Gin of Plano Chinese Alliance Church led the invocation and Boy Scout Troop 219 of Christ Church Plano led the Pledge of Allegiance.

COMMENTS OF PUBLIC INTEREST

Citizen Matt Dixon spoke to the impact of apartment residents on TEA ratings and the corresponding effect on Plano City taxes.

CONSENT AGENDA

City Manager Glasscock requested that Consent Agenda Item “K,” be removed for individual consideration.

Council Member Harris advised that he would be stepping down on Regular Agenda Item “1” due to a possible conflict of interest.

Upon a motion made by Council Member Harris and seconded by Council Member Dunlap, 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”)

January 23, 2012
January 30, 2012

Approval of Expenditures

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

Bid No. 2012-47-B for the 2011-2012 Pavement Maintenance Phase I – Plano Parkway and Custer Road, Project No. 6170 to Laughley Bridge & Construction, Inc., in the amount of \$870,258 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

CSP No. 2012-44-B for the construction of Aquatic Center Renovation to J.C. Commercial, Inc., in the amount of \$4,260,777 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Bid No. 2012-40-C for a one (1) year contract with three (3) City optional renewals for Irrigation Repair Parts for the Parks Department to Irrigator's Supply Inc., Longhorn Inc., and Professional Turf Products LP, in the estimated annual amount of \$65,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Bid No. 2012-32-C for a one (1) year contract with three (3) City optional renewals to purchase Reinforcing Steel from BARNSCO Inc. and CMC Construction Services Inc., in an estimated amount of \$63,850 to be utilized by Public Works, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Purchase from an Existing Contract

To approve a contract for the purchase of maintenance and support for Ironport Software, in the amount of \$68,624 from Solid Border, Inc., through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD- 1123) (Consent Agenda Item “F”)

To approve the purchase of a Court Management System in the amount of \$970,278 from Tyler Technologies, Inc., through an existing contract and authorizing the City Manager to execute all necessary documents. (City of Carrollton RFP #07-014) (Consent Agenda Item “G”)

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

To approve a Professional Services Agreement by and between the City of Plano and CP&Y, Inc., in the amount of \$190,000 for Plano Park 1 – Street Reconstruction and Water Main Replacement project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

To approve a Landscape Architecture Services Agreement by and between the City of Plano and la terra studio, inc., in the amount of \$58,723 for Improvements to Carpenter Park and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

To approve a Landscape Architecture Services Agreement by and between the City of Plano and la terra studio, inc., in the amount of \$177,085 for Improvements to High Point Park and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “J”)

Reimbursement of Oversize Participation

To approve and authorize reimbursement to TOG Development I, LLC for oversize participation for public improvements associated with the construction of Bright Star Way and a portion of Oceanview Drive in the amount of \$131,837 and to TOG Development II, LLC for oversize improvements associated with the construction of a portion of Oceanview Drive in the amount of \$4,811. (Consent Agenda Item “L”)

Adoption of Resolutions

Resolution No. 2012-2-1(R): To approve the terms and conditions of a Corporate Sponsorship Agreement by and between Texas Health Presbyterian Hospital Plano and the City of Plano; approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2012-2-2(R): To approve the Investment Portfolio Summary for the quarter ending December 31, 2011 and providing an effective date. (Consent Agenda Item “N”)

Resolution No. 2012-2-3(R): To repeal Resolution No. 2011-6-23(R) approving the terms and conditions of an agreement by and between the City of Plano, Texas, Collin County, Texas, Internap Network Services Corporation, a Delaware corporation and Behringer Harvard 1221 Coit, LP, a Texas limited partnership; providing for a business personal property and real property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “O”)

Resolution No. 2012-2-4(R): To appoint James D. Shields and Lori A. Leu to serve for two year terms as investigators as required by Section 2-104 of the Code of Conduct of the City of Plano; and providing an effective date. (Consent Agenda Item “P”)

Adoption of Ordinances

Ordinance No. 2012-2-5: To abandon all right, title and interest of the City, in that certain 15-foot wide Sanitary Sewer Easement recorded in Instrument No. 20111026001150700, Official Public Records of Collin County, Texas, and being situated in the Collin County School Survey, Abstract No. 153, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Florida Etoile, Inc., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “Q”)

Ordinance No. 2012-2-6: To amend Chapter 14, Offenses-Miscellaneous, of the Code of Ordinances of the City of Plano to add a new Article XI, Vulnerable Road Users, to regulate the conduct of motor vehicle operators while passing cyclists on a highway or street and providing a penalty; and providing a repealer clause, a savings clause, a severability clause, a publication clause and an effective date. (Consent Agenda Item “R”)

Ordinance No. 2012-2-7: To repeal Ordinance No. 2011-6-22 designating a certain area within the City of Plano, Texas, as Reinvestment Zone No. 123 for tax abatement consisting of a 7.255 acre tract of land located in the Martha McBride Survey, Abstract No. 553, Collin County, in the City of Plano, Texas; and providing an effective date. (Consent Agenda Item “S”)

Ordinance No. 2012-2-8: To adopt and enact Supplement Number 97 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 “T”)

END OF CONSENT

Approval of Contract Modification - To approve and authorize Contract Modification No. 5 to increase the contract cap in the amount of \$2,414,290 for the purchase of water meters and installation services from HD Supply Waterworks Ltd to be utilized by Public Works, Customer & Utility Services, and Warehouse, and authorizing the City Manager to execute all necessary documents (2007- 223-B). (Consent Agenda Item “K”)

Director of Public Works Cosgrove advised that the item includes the cost of additional contracted services to expedite the installation of meters and the purchase of meters for new construction and replacement. He responded to Mayor Dyer, stating that the use of contractors would reduce City-wide installation time from three years to one.

Upon a motion made by Mayor Pro Tem Miner and seconded by Deputy Mayor Pro Tem Smith, the Council voted 8-0 to approve and authorize Contract Modification No. 5 to increase the contract cap in the amount of \$2,414,290 for the purchase of water meters and installation services from HD Supply Waterworks Ltd.

Due to a possible conflict of interest, Council Member Harris stepped down from the bench on the following item and did not return to the meeting.

Public Hearing and adoption of Ordinance No. 2012-2-9 as requested in Zoning Case 2011-35 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 26.5± acres located 348± feet south of State Highway 121 and 698± feet west of Gillespie Drive in the City of Plano, Collin County, Texas, from Regional Employment and Regional Commercial 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: Haggard-Jezzeen Partners (Regular Agenda Item “1”)

Planning Manager Firgens reviewed the current and proposed zoning and allowed uses. She spoke to surrounding zoning and advised that the request is inconsistent with the Comprehensive Plan. Ms. Firgens advised that the Planning and Zoning Commission recommended approval as submitted.

Ordinance No. 2012-2-9 (cont'd)

Mayor Dyer opened the Public Hearing. Thomas Juhn, of JBI Partners, representing the applicant, spoke to challenges of the property including its topography/access and the setbacks of similar residential developments along State Highway 121. He spoke to discussions held with TxDOT and the Frisco Independent School District and the property's location near other residentially zoned parcels and a school. Beau Brooks of Grand Homes reviewed the company's other developments in the City and spoke to the homes planned. He responded to the Council regarding the anticipated home size and stated that Grand Homes would take all of the lots. No one else spoke for or against the item. The Public Hearing was closed.

Mr. Juhn responded to questions from Council Member Davidson regarding access from the State Highway 121 Frontage Road.

A motion was made by Council Member Duggan and seconded by Council Member Gallagher to rezone 26.5± acres located 348± feet south of State Highway 121 and 698± feet west of Gillespie Drive in the City of Plano, from Regional Employment and Regional Commercial to Single-Family Residence-6; as requested in Zoning Case 2011-35 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2012-2-9. The Council voted 6-1 with Council Member Davidson voting in opposition. The motion carried.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 7:29 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary