

PLANO CITY COUNCIL
July 22, 2013

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Jim Duggan
Patrick Gallagher
David Downs

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 LaRosiliere convened the Council into the Regular Session on Monday, July 22, 2013, at 7:02 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Associate Pastor Julian McMillian of Grace Outreach Center led the invocation and Boy Scout Troop 747 of Legacy Church led the Pledge of Allegiance.

Mayor LaRosiliere recognized the Plano Planning Department for receipt of the 2013 CLIDE Award from the North Central Texas Council of Governments

The Council resumed discussion of items from the Preliminary Agenda.

Comprehensive Monthly Financial Report

Director of Finance Tacke advised that the June 2013 report finds General Fund revenues down as a percentage of budget as compared to last year while Water and Sewer revenues are up slightly. She stated that actual General Fund revenues are up 2.4 million, primarily due to an increase in collection of ad valorem taxes. She spoke to the overall sales tax improvement during the fiscal year. Ms. Tacke advised that General Fund expenditures are up due to a 3% non-civil and 2% civil service pay increase effective in October and she spoke to Marketing and Community Engagement professional services and annual maintenance for the new radio system. She advised that the unemployment rate is at 5.7%.

Personnel – Reappointments:

Photographic Traffic Signal Advisory Committee

Council Member Duggan reappointed Doug Bender. Mayor Pro Tem Smith reappointed Joseph Celso. Council Member Gallagher reappointed Natalie Crawford. Council Member Miner reappointed Peter Pennesi. Council Member Davidson reappointed Robert B. Drotman.

Plano Housing Authority

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Duggan, the Council voted 8-0 to reappoint Earnest Burke, Linda K. Prindiville, and Wanda F. Russell.

Appointments:

Plano Health Facilities Development Corporation

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Duggan, the Council voted 8-0 to appoint Mayor LaRosiliere and Council Members Miner and Davidson.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

Mayor Pro Tem Smith requested that Consent Agenda Item “T” be removed for individual consideration.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon a motion made by Council Member Miner and seconded by Deputy Mayor Pro Tem Harris, 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”)
June 24, 2013

Approval of Expenditures

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

Bid No. 2013-237-B for the purchase of Below Grade Waterproofing from Mid-Continental Restoration Company, Inc. in the amount of \$83,758 for the Fire Administration Building and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

CSP No. 2013-269-B for the Mapleshade Lane project to McMahan Contracting, L.P. in the amount of \$1,230,754 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Bid No. 2013-194-C for an annual contract with three (3) City optional renewals for Auto and Truck Non-OEM Parts for the Inventory Control and Asset Disposal (ICAD) Department to be utilized by the Fleet Department to Freedom Chevrolet and Dodge in the estimated annual amount of \$140,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Purchase from an Existing Contract

To approve the purchase of material testing services for Preston Road Corridor in the amount of \$95,007 from TEAM Consultants, Inc. through an existing City of Plano contract and authorizing the City Manager to execute all necessary documents. (Contract No. 2012-399-D) (Consent Agenda Item “E”)

To approve the purchase of Utility Billing and Risk Management suite construction at the Municipal Center in the amount of \$142,639 to Kellogg, Brown, and Root, LLC through an existing contract and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R5087) (Consent Agenda Item “F”)

To approve the purchase of installation and maintenance of raised pavement markers through an existing annual contract for Public Works in the estimated annual amount of \$145,000 from A & M Maintenance Services, Inc. through the City of Garland (Contract No. 2339-11) and authorizing the City Manager to execute all necessary documents. (City of Plano Contract No. 2013-303-I) (Consent Agenda Item “G”)

To approve the purchase of thermoplastic pavement markings and installation through an existing annual contract with three (3) City optional renewals for Public Works in the estimated annual amount of \$145,000 from A & M Maintenance Services, Inc. through the City of Richardson (Contract Number 61-11) and authorizing the City Manager to execute all necessary documents. (City of Plano Contract No. 2013-304-I) (Consent Agenda Item “H”)

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

To approve an Architectural Services Agreement by and between the City of Plano and Brown Reynolds Watford Architects, Inc. in the amount of \$152,500 for Gun Range Modifications - Design; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “J”)

To approve an Architectural Services Agreement by and between the City of Plano and EIKON Consultant Group, LLC in the amount of \$180,000 for Plano Centre Renovations; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “K”)

To approve an Architectural Services Agreement by and between the City of Plano and Brinkley Sargent Architects in the amount of \$621,640 for Oak Point Recreation Center Expansion and Renovation; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “L”)

To approve a Landscape Architecture Services Agreement by and between the City of Plano and Halff Associates, Inc. in the amount of \$76,500 for design services for Three Cities Trail - Rowlett Creek SH 121 to Custer and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “M”)

To approve the assignment of an existing agreement with Allegiance Security Group, LLC to a new provider, Universal Protection Service, LP, for Security Personnel Services and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “N”)

Approval of Contract Modification

To Wiginton Hooker Jeffrey, PC increasing the agreement by \$153,050 for Fire Stations 2, 6 and 7 Renovations, Modification No. 1. (Consent Agenda Item “O”)

Adoption of Resolutions

Resolution No. 2013-7-1(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Harley-Davidson Financial Services, Inc., a Delaware corporation, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “P”)

Resolution No. 2013-7-2(R): To approve the terms and conditions of a Third Amendment to an Advance Funding Agreement by and between the City of Plano and the Texas Department of Transportation for Preston Road Corridor, authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “Q”)

Resolution No. 2013-7-3(R): To approve the terms and conditions of a First Modification to the contract by and between Samaritan Inn, Inc. and the City of Plano for Homelessness Prevention Program services in Plano and reallocating unused funds available for this program; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “R”)

Adoption of Ordinances

Ordinance No. 2013-7-4: To repeal Ordinance No. 2013-1-17; establishing the number of certain classifications within the Fire Department for fiscal year 2012-13; establishing the authorized number and effective dates of such positions for each classification; establishing a salary plan for the Fire Department effective July 22, 2013; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item "S")

Ordinance No. 2013-7-5: To abandon all right, title and interest of the City, in and to that certain 80-foot Drainage Easement recorded in Volume 2343, Page 689 of the Deed Records of Collin County, Texas and being situated in the Hezekiah Douglas Survey, Abstract No. 272, 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, Magnolia Lodging Development, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item "T")

END OF CONSENT

Purchase from an Existing Contract: To approve the purchase of fitness equipment for the Carpenter Park, Liberty, Oak Point, and Tom Muehlenbeck Recreation Centers from Fitco Fitness in the amount of \$315,331 through an existing contract/agreement with BuyBoard and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract 413-12) (Consent Agenda Item "I")

Director of Parks and Recreation Fortenberry stated that funding for equipment replacement is provided through recreation center memberships and gave a breakdown of expenses for each location. She responded to Mayor Pro Tem Smith, advising that decisions on what equipment to replace are based on wear and the number of hours of usage and she reviewed specific items for the Liberty Center.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 8-0 to approve the purchase of fitness equipment for the Carpenter Park, Liberty, Oak Point, and Tom Muehlenbeck Recreation Centers from Fitco Fitness in the amount of \$315,331.

Public Hearing and adoption of Resolution No. 2013-7-6(R) to approve the terms and conditions of an Interlocal Agreement and Memorandum of Understanding by and between the City of Plano, the City of McKinney and the Collin County Sheriff's Office for the disbursement of the 2013 Edward Byrne Justice Assistance Grant funds; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "1")

Chief Rushin spoke to monies shared among entities with the City of Plano receiving \$21,456 that can be spent in several law enforcement areas. He advised that there is no cash match for these funds and stated that the recommended purpose is the funding of GPS trackers for the Criminal Investigative Services Division.

Resolution No. 2013-7-6(R) (cont'd)

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

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to approve the terms and conditions of an interlocal agreement between the City of Plano, the City of McKinney and the Collin County Sheriff's Office for the disbursement of the 2013 Edward Byrne Justice Assistance Grant funds; and further to adopt Resolution No. 2013-7-6(R).

Consideration of Bid No. 2013-235-C for a one (1) year contract with three (3) City-optional renewals for animal licensing services for the Animal Services Department in the estimated annual amount of \$63,900; whether to declare the low bidder, LDM Design and Construction, a non-responsible bidder based on Staff's assessment of the bid parameters; and whether to award the contract to PetData, Inc. as the lowest responsible bidder and authorizing the City Manager to execute all necessary documents. (Regular Agenda Item "2")

Animal Services Manager Cantrell spoke to the services currently provided by PetData, Inc. and the significant increase in revenues. He responded to the Council, advising that pet registrations enable Staff to verify rabies vaccinations and provide owner information to facilitate the return of animals. Mr. Cantrell spoke to Staff efforts to publicize the need for registration. He advised that upon review, the low bidder for the contract had no verifiable history in handling animal registrations or a website and spoke to the recommendation to award the bid to PetData, Inc.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 8-0 to declare the low bidder, LDM Design and Construction, a non-responsible bidder based on Staff's assessment of the bid parameters and to award the contract to PetData, Inc. as the lowest responsible bidder.

Public Hearing and adoption of Resolution No. 2013-7-7(R) to adopt the 2013-2014 Action Plan, including the summary of Community Development Block Grant and HOME Investment Partnership objectives and proposed use of funds for program year 2013-2014; and declaring an effective date. (Regular Agenda Item "3")

Community Services Manager Day advised that the plan includes proposed use of funds for 2013-14 and spoke to the application process, public hearings and decision-making of the Community Relations Commission. She advised that recommendations are tied to the goals established by the Council and that Staff and the Commission request approval as submitted. Ms. Day responded to Mayor LaRosiliere advising that, as a result of a one-time increase in Buffington funds, recipients are seeing an increase.

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

Resolution No. 2013-7-7(R) (cont'd)

Upon a motion made by Council Member Miner and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to adopt the 2013-2014 Action Plan, including the summary of Community Development Block Grant and HOME Partnership objectives and proposed use of funds for program year 2013- 2014.

Resolution No. 2013-7-8(R): To authorize the filing of applications for Federal Funds in an amount not to exceed \$1,535,127 under the Housing and Community Development Act and the HOME Investment Partnership Act; designating Bruce D. Glasscock as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. (Regular Agenda Item “4”)

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Downs, the Council voted 8-0 to authorize the filing of applications for Federal Funds in an amount not to exceed \$1,535,127 under the Housing and Community Development Act and the HOME Investment Partnership Act; and further to adopt Resolution No. 2013-7-8(R).

Public Hearing and consideration of Annexation Case A2013-01 – Request to annex 3.14+ acres of land located within the right-of-way of West Park Boulevard east of Midway Road, including the intersection of the two roadways, in the J. Myers Survey, Abstract No. 619 (Collin County) and the J. Myers Survey, Abstract No. 882 (Denton County). Applicant: City of Plano (Regular Agenda Item “5”)

Director of Planning Jarrell advised that this portion of Park Boulevard was never brought into the City of Plano and spoke to clarifying responsibility for emergency response. She stated that a second Public Hearing will be held on July 24 with an ordinance for consideration coming forward in late August. Ms. Jarrell spoke to future boundary adjustments to address strips of property lying within Hebron city limits.

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

Public Hearing and adoption of Ordinance No. 2013-7-9 as requested in Zoning Case 2013-11 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 638 so as to allow the additional use of Patio Home on 6.1± acres of land located on the north side of McDermott Road, 370± feet west of Custer Road, in the City of Plano, Collin County, Texas, presently zoned 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: Randall’s Food & Drug, LP (Regular Agenda Item “6”)

Ordinance No. 2013-7-9 (cont'd)

Director of Planning Jarrell advised that the property was originally planned for a supermarket; but, that the company has decided to sell it for a new subdivision of 31 patio homes. She spoke to the plan's conformance with the Comprehensive Plan, available capacity in area schools, and resultant reduction in the amount of undeveloped retail zoned property within the City. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as submitted.

Mayor LaRosiliere opened the Public Hearing. Chuck McKinney of JBI Partners, representing the applicant, responded to Council regarding access points to the subdivision and adjacent retail parcels. Ms. Jarrell spoke to the challenges of converting infill properties from retail to residential and responded to Council that adjacent retail lighting must meet City requirements. Mr. McKinney advised regarding sales prices and timeframes. No one else spoke for or against the item. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to grant Specific Use Permit No. 638 so as to allow the additional use of Patio Home on 6.1± acres of land located on the north side of McDermott Road, 370± feet west of Custer Road; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2013-11 and further to adopt Ordinance No. 2013-7-9.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 8:01 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Diane Zucco, City Secretary