

PLANO CITY COUNCIL
November 22, 2010

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

Thomas H. Muehlenbeck, City Manager
Frank Turner, Deputy City Manager
Bruce Glasscock, Deputy City Manager
LaShon Ross, Deputy City Manager
Mark Israelson, Assistant City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, November 22, 2010, at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Rabbi Stefan Weinberg of Congregation Anshai Torah and the Pledge of Allegiance was led by Cub Scout Pack 261 of Christie Elementary.

Mayor Dyer and City Manager Muehlenbeck presented recognition to Director of Parks and Recreation Amy Fortenberry for her 20 years of service.

Comments of Public Interest

No one appeared to speak.

Consent agenda

Upon the request of Deputy Mayor Pro Tem Miner, Consent Agenda Item "I" was removed for individual consideration.

Mayor Dyer advised that due to a possible conflict of interest, he would be stepping down on Regular Agenda Item "1."

Upon a motion made by Mayor Pro Tem Dunlap 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 "A")

November 8, 2010

Approval of Expenditures

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

Bid No. 2010-28-C for a one (1) year contract with three (3) City optional renewals to purchase full encirclement pipe repair clamps, flange coupling adapters, service saddles, and steel couplings for Warehouse Inventory from Ferguson Enterprises Inc., Mainline Supply Company, & Municipal Water Works Supply in an estimated amount of \$53,353 and authorizing the City Manager to execute all necessary documents. (Consent Agenda "B")

Bid No. 2009-60-C for an initial term of 48 months, with two (2) one-year City optional renewals for Personal Protective Clothing for Structural Fire Fighting to Casco Industries Inc. in the amount of \$449,280 and authorizing the City Manager to execute all necessary documents. (Consent Agenda "C")

Purchase from an Existing Contract

To approve the purchase of GIS Maintenance in the amount of \$57,100 from ESRI through an existing contract with Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-SDD-492) (Consent Agenda "D")

To approve a contract for the purchase of Commvault-Galaxy Software Premium Support Coverage, in the amount of \$118,774 from CDW Government, through an existing contract with The Cooperative Purchasing Network (TCPN), and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R4713) (Consent Agenda "E")

To approve a contract for the purchase of maintenance support for network infrastructure switches in the amount of \$243,767 from INX, Inc. through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1386) (Consent Agenda "F")

To approve a contract for the purchase of microwave backhaul links to the new Emergency Operations Center, in the amount of \$314,775 from Scientel Wireless, LLC, through an existing contract with the Houston-Galveston Area Council (HGAC), and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. CW10-09) (Consent Agenda "G")

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

To approve of an annual contract with renewals by and between the City and E-Recycler for electronic recycling collection services and authorizing the City Manager to execute all necessary documents. (2011-30-C) (Consent Agenda "H")

Approval of Change Order

To Hencie International, Inc., increasing the contract by \$104,283 for the 2009-2010 Pavement Maintenance Project- Phase I, Project No. 6020, Change Order No. 1, Original Bid No. 2010-69-B. (Consent Agenda “J”)

Adoption of Resolutions

Resolution No. 2010-11-10(R): To approve the action of the Arts of Collin County Commission, Inc. to dedicate and convey a portion of land to the City of Allen, Texas to maintain the Six City Trail; and providing an effective date. (Consent Agenda “K”)

Resolution No. 2010-11-11(R): To approve the terms and conditions of a grant awarded by the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) to the City of Plano, Texas for Child Sexual Predator Program (CSPP); authorizing the execution of any and all documents in connection therewith by the City Manager; and providing an effective date. (Consent Agenda “L”)

Resolution No. 2010-11-12(R): To support a study of US75 regarding necessary improvements to accommodate the increasing traffic volume; authorizing the City Manager to effectuate such study; and providing an effective date. (Consent Agenda “M”)

Resolution No. 2010-11-13(R): To approve the issuance of a letter in support of the North Texas Municipal Water District’s request for a two-year extension of time to comply with the Federal Stage 2, Disinfection Byproduct Rule; authorizing its execution by the Mayor and providing an effective date. (Consent Agenda “N”)

Adoption of Ordinances

Ordinance No. 2010-11-14: To repeal in its entirety Ordinance No. 2008- 11-28, codified as Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste of the Code of Ordinances of the City of Plano, Texas and enacting this new Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, establishing a revised schedule of rates and charges for solid waste disposal and collection applicable to commercial accounts; providing a repealer clause, a severability clause, and providing an effective date. (Consent Agenda “O”)

Ordinance No. 2010-11-15: To repeal Ordinance No. 2005-12-14; 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 “P”)

ITEMS FOR INDIVIDUAL CONSIDERATION:

To approve of the agreement with CaremarkPCS Health, L.L.C. for pharmacy benefit management services at the estimated cost of \$4,000,000 annually for pharmacy claims, entered into through an existing agreement with PEBA (Public Employee Benefits Alliance), and authorizing the City Manager to execute all necessary documents. (Consent Agenda "I")

Compensation & Benefits Manager Covey advised that 4,800 individuals are on the pharmacy plan, last year's claims totaled \$3.9 million, and spoke to the growth in the number of specialty drugs due to research and marketing and their high costs. She responded to the Council advising that the estimated cost includes consideration of an 11% savings.

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member Smith, the Council voted 8-0 to approve an agreement with CaremarkPCS Health, L.L.C. for pharmacy benefit management services at the estimated cost of \$4,000,000 annually for pharmacy claims.

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

To approve the terms and conditions of a Depository Services Contract with Frost Bank for the Treasury Department, and authorizing the City Manager to execute the contract and all other necessary documents for CSP No. 2010-170-C; and providing an effective date. (Regular Agenda "1")

Treasurer Conklin advised regarding the selection process including requirements for a competitive sealed proposal and spoke to items covered by the contract including the deposit of all monies, processing customer receipts, payroll and vendor payments, maintaining various City bank accounts, and bank account reconciliation services. She reviewed the process schedule and spoke to consideration of applicants including services, legal qualifications, working relationships, compensation and their financial soundness. She advised regarding evaluation of proposals based on cost, financial strength, scope of services and effectiveness of plan, and experience and Staff's recommendation of Frost Bank.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison the Council voted 7-0 to approve the terms and conditions of a Depository Services Contract with Frost Bank for the Treasury Department.

Mayor Dyer resumed his seat at the dais.

Resolution No. 2010-11-16(R): To approve the Investment Portfolio Summary for the quarter ending September 30, 2010 and providing an effective date. (Regular Agenda Item “2”)

Treasurer Conklin advised that the quarterly investment report must be formally presented on an annual basis to comply with the Texas Public Funds Investment Act. She spoke to maintaining a market value greater than the book value of assets, the fluctuation of assets over the fiscal year as ad valorem taxes flow into the City and expenses occur, diversification of assets and maturities and comparison of the portfolio to benchmarks. Ms. Conklin spoke to the City’s yield in the quarter and fiscal year and the lower level of interest rates, laddering of investments and the portfolio’s decrease in value.

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Miner, the Council voted 8-0 to approve the Investment Portfolio Summary for the quarter ending September 30, 2010; and further to adopt Resolution No. 2010-11-16(R).

Public Hearing and adoption of Ordinance No. 2010-11-17 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 124 for tax abatement consisting of two tracts of land totaling 6.837 acres located in the Maria C. Vela Survey, Abstract No. 935 and the Henry Cook Survey, Abstract No. 183, in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date. (Regular Agenda “3”)

Director of Finance Tacke spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and this agreement based on an estimated \$70 million in real and \$18 million in business personal property for a period of 10 years from January 1, 2014 through December 31, 2023 with an abatement at the rate of 50% for real and business personal property and an impact of \$171,000 for real property and \$43,974 for business personal property based on the current tax rate.

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

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Harris, the Council voted 8-0 to designate two tracts of land totaling 6.837 acres located in the Maria C. Vela Survey, Abstract No. 935 and the Henry Cook Survey, Abstract No. 183, in the City of Plano, Texas as Reinvestment Zone No. 124 for tax abatement and further to adopt Ordinance No. 2010-11-17.

Resolution No. 2010-11-18(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, County of Collin, Texas, KDC Legacy North Investments One, LP, and Encana Oil and Gas (USA) Inc.; providing for a business personal property and real property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda “4”)

Director of Finance Tacke advised that this item includes construction of a regional headquarters for Encana Oil and Gas (USA) Inc. with 300,000 square feet of commercial office space and the transfer or creation of 510 full-time jobs on or before December 31, 2013.

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member Smith, the Council voted 8-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, County of Collin, Texas, KDC Legacy North Investments One, LP, and Encana Oil and Gas (USA) Inc.; and further to adopt Resolution No. 2010-11-18(R).

Resolution No. 2010-11-19(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and Encana Oil & Gas (USA) Inc.; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda “5”)

Director of Finance Tacke advised that Encana Oil & Gas (USA) Inc would occupy no less than 300,000 square feet of space and transfer or create up to 510 full-time jobs. She advised that terms of the agreement are for ten years in an amount of up to \$488,000 for reimbursement of permit, building inspections, engineering and planning fees, a cash grant of \$1,365,000 to offset relocation and occupancy costs, and \$459,00 for the first 510 jobs with an additional \$900 per job for those in excess before December 31, 2015 not to exceed \$103,500.

Upon a motion made by Council Member Harris and seconded by Council Member Smith, the Council voted 8-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and Encana Oil & Gas (USA) Inc.; and further to adopt Resolution No. 2010-11-19(R).

Public Hearing and adoption of Ordinance No. 2010-11-20 as requested in Zoning Case 2010-18 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development-434-Retail, on 10.5± acres located at the northeast corner of McDermott Road and Coit Road in the City of Plano, Collin County, Texas, to reduce landscape edge requirements and amend related sections of the ordinance; 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: Ronald McCutchin Family Partnership, Ltd. (Regular Agenda “6”)

Director of Planning Jarrell advised that this request reduces the landscape edge established on the property in the late 1980’s from 30 to 15 feet which is typical for properties not located in overlay districts and advised that the Planning and Zoning Commission recommended approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

Ordinance No. 2010-11-20 (cont'd)

Amend Planned Development-434-Retail as follows:

3. ~~Thirty~~ Fifteen foot landscape edge is required along ~~S.H. 121~~, Coit Rd. and McDermott Rd. crossing major thoroughfares (Type C or above). ~~A 15-foot landscape edge is required along Type E thoroughfares.~~ The ~~buffer~~ landscape edge shall be measured from the property line. ~~The area between the curb and the property line should also be maintained in living condition by the property owner.~~

Ms. Jarrell responded to Mayor Dyer, advising that Staff will ensure that right-of-way is acquired at the intersection.

Mayor Dyer opened the Public Hearing. Kevin Wier of Spiars Engineering advised the Council that he was available for any questions. No one else spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member Callison, the Council voted 8-0 to amend Planned Development-434-Retail, located at the northeast corner of McDermott Road and Coit Road in the City of Plano to reduce landscape edge requirements and amend related sections of the Comprehensive Zoning Ordinance as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2010-18; and further to adopt Ordinance No. 2010-11-20.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 7:43 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary