

PLANO CITY COUNCIL

January 14, 2008

COUNCIL MEMBERS

Pat Evans, Mayor
Sally Magnuson, Mayor Pro Tem
Jean Callison, Deputy Mayor Pro Tem
Shep Stahel
Scott Johnson
Loretta L. Ellerbe
Harry LaRosiliere
Lee Dunlap

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
John Gilliam, First Assistant City Attorney
Diane Zucco, City Secretary

Mayor Evans convened the Council directly into the Regular Session from the Preliminary Meeting at 7:03 p.m. on Monday, January 14, 2008, in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Imam Yaseen Shaikh of the Islamic Association of Collin County.

The Pledge of Allegiance was led by Representatives of the Boys & Girls Clubs of Collin County – Plano.

SPECIAL RECOGNITIONS AND PROCLAMATIONS

Mayor Evans received the NLC Gold Award in the amount of \$2,000 for the Plano African American Museum.

OATHS OF OFFICE

Mayor Evans administered an oath of office to Marilyn Mahoney of the Cultural Affairs Commission.

BOARD AND COMMISSION REPORT

Library Advisory Board Chair Myer advised that Plano was listed as having the 28th best library system by the America's Most Literate Cities 2007 Study and recognized the efforts of the City Council, Library Staff, Friends of the Plano Public Library, and Plano Public Library Foundation. He spoke to the Libraries Public Art Project and collaborative efforts between City Council, Public Art Committee, and the library system. Mr. Meyer spoke to the genealogy collection moving to Haggard Library from Harrington Library and ongoing library events including author visits, book launch, teen reads, Chinese/English bi-lingual story time and *Tales for Two*. He thanked Council for budgetary support and invited citizens to visit City libraries.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon the request of Council Member Dunlap, Consent Agenda Items "C" and "E" were removed for individual consideration due to possible conflicts of interest.

Upon a motion made by Council Member Ellerbe and seconded by Mayor Pro Tem Magnuson, 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)]

December 18, 2007

Approval of Expenditures

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

Bid No. 2008-25-B for Cheyenne Park Improvements and Russell Creek Park Improvements to Dean Electric, Inc., dba Dean Construction in the amount of \$1,987,417. Cheyenne Park improvements include irrigation renovation, plaza paving, backstop and dugout renovation, bleacher shade structures, loop trail, benches, soccer goal storage area, renovation of the parking lot screen along Matterhorn Drive, resurfacing the existing asphalt parking lots and a building for storage and the irrigation pump. Russell Creek Park improvements include irrigation renovation in the northwest corner of the park, concrete bleacher pads, and renovation of concrete cricket pitch/player bench pads. [Consent Agenda Item (B)] (Exhibit "A")

Bid No. 2008-21-B for Headquarters – Parkwood to Preston to McMahon Contracting, L.P., in the amount of \$681,307. The project consists of construction of additional street lanes and street lighting on Headquarters Drive from Parkwood Boulevard to Preston Road along with miscellaneous related construction. [Consent Agenda Item (D)] (Exhibit "B")

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

To approve an Engineering Services Contract by and between the City of Plano and Binkley & Barfield, Inc., in the amount of \$104,000 for design of Baffin Bay Drive and Morton Vale Road, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (F)]

To approve an Engineering Services Contract by and between the City of Plano and Teague Nall and Perkins, Inc., in the amount of \$658,500 for the 14th Street – Avenue K to Ridgewood Drive Reconstruction and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (G)]

Purchase from Existing Contract/Agreement: (Purchase of products/services through Cooperative Purchasing Interlocal Contract with another governmental/quasi-governmental agency or an additional purchase from current City of Plano annual purchase agreement).

To authorize the purchase of one Caterpillar 416 E Backhoe Loader in the amount of \$63,455 from Holt Cat through an existing contract/agreement with Texas Association School Buyboard Purchase Program, and authorizing the City Manager to execute all necessary documents. (#268-07) [Consent Agenda Item (H)]

To authorize the purchase of Air-Cooled Helical Rotary Water Chiller in the amount of \$159,290 from Trane, a division of American Standard, Inc. through The Cooperative Purchasing Network (TCPN) contract, and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R4669) [Consent Agenda Item (I)]

To authorize the purchase of nineteen Black & White Chevrolet Police Tahoes and four White Chevrolet Police Tahoes in the amount of \$672,967 from Caldwell Country Chevrolet through an existing contract/agreement with Texas Association of School Buyboard Purchase Program and authorizing the City Manager to execute all necessary documents. (#281-07)) [Consent Agenda Item (J)]

Approval of Change Order

To PBS&J, increasing the Professional Services Contract by \$147,514 for Chaparral – Avenue K to East City Limits, Contract Modification No. 1; and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (K)]

Approval of Contract Modification

To approve Contract Modification #1, Plano Heritage Association d/b/a Heritage Farmstead Museum, increasing the contract by \$29,330 for use exclusively for repairs/restoration of the Thornton House, as described in Exhibit "A" of the Funding Agreement and creating a total of \$49,330 required to be used for these purposes during this fiscal year and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (L)]

To approve the First Modification of contract by and between the City of Plano and Hay Group Inc. for Employee Benefits Consulting Services in the estimated amount of \$165,000 for year two of a three year contract, and authorizing the City Manager to execute all necessary documents. (2006-154-C) [Consent Agenda Item (M)]

To approve the First Modification of contract by and between the City of Plano and Arthur J. Gallagher Risk Management Services, Inc. for Broker of Records Services in the amount of \$25,500 for the first optional renewal period, and authorizing the City Manager to execute all necessary documents. (2007-3-C) [Consent Agenda Item (N)]

To approve the First Modification of contract by and between the City of Plano and Arthur J. Gallagher Risk Management Services, Inc. for Risk Control Services in the amount of \$24,500 for the first optional renewal period, and authorizing the City Manager to execute all necessary documents. (2007-4-C) [Consent Agenda Item (O)]

Approval of Rate Setting

To award an offer between E-Recycler and the City of Plano for Electronic Recycling Collection Services. This agreement establishes rates for the citizens who utilize this service and there is no actual cost to the City of Plano. [Consent Agenda Item (P)]

Adoption of Resolutions

Resolution No. 2008-1-1(R): To accept the findings and opinions of the Annual Audit; authorizing the City Manager to publish the results thereof; and providing an effective date. [Consent Agenda Item (Q)]

Resolution No. 2008-1-2(R): To approve the terms and conditions of a Multi-Jurisdictional Pretreatment Agreement by and between the City of Plano and the North Texas Municipal Water District (NTMWD) providing terms and conditions for each entity in the conduct of the required Pretreatment Program; authorizing the City Manager to execute any and all documents deemed necessary to effectuate the action taken; and providing an effective date. [Consent Agenda Item (R)]

Resolution No. 2008-1-3(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, and the North Central Texas Council of Governments providing terms and conditions for the funding to facilitate Public Awareness and Education Opportunities to reduce littering and illegal dumping; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (S)]

Resolution No. 2008-1-4(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the North Central Texas Council of Governments providing terms and conditions for the funding for Multi-Family Recycling, Compact Fluorescent Light (CFL) Bulb Recycling, Construction and Demolition Deposit Incentive Program, and “Going Green” Business Community Rollout; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (T)]

Resolution No. 2008-1-5(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the North Central Texas Council of Governments providing terms and conditions for the funding of a series of Live Green 2008 Expo Recycling Exhibits; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (U)]

Resolution No. 2008-1-6(R): To approve an Annual Contract with renewals with DriveCam Inc., a sole source provider, for the purchase of DriveCam Products and Managed Services for implementation and maintenance of cameras and recorders on City Operated Vehicles in an estimated annual amount of \$237,650; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the contract; and providing an effective date. [Consent Agenda Item (V)]

Adoption of Ordinances

Ordinance No. 2008-1-7: To abandon all right, title and interest of the City, in and to a portion of those certain Access Easements recorded in Volume 2233, Page 823, Volume 2876, Page 239, and Cabinet I, Page 274 of the Land Records of Collin County, Texas, being situated in Lot 1R, Block A of Carpenter Plaza Shopping Center Addition, an addition to the City of Plano, Texas, as recorded in Cabinet I, Page 274 of the Map Records of Collin County, Texas, which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the abutting property owner, Whisenant/Carpenter LP, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (W)]

Ordinance No. 2008-1-8: To amend Ordinance No. 2007-5-20 relating to City of Plano Retirement Security Plan as restated January 1, 2007 to provide that the last paragraph of Section 6.2 “Early Pension” in Article VI “Amount of Retirement Benefits” be effective November 1, 1998; authorizing its execution by the City Manager; providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (X)]

END OF CONSENT

Due to possible conflicts of interest, Council Member Dunlap stepped down from the bench on the following two items which were considered concurrently.

Bid No. 2008-29-B for 15th Street and Miscellaneous Drainage Improvements to RKM Utility Services, Inc., in the amount of \$1,384,706. The project consists of the installation of drainage pipe and inlet improvements on 15th Street from Columbia Place to the system outfall into Spring Creek, with additional inlet installation on Columbia Place at 15th Street and north of 15th Street at Danube Lane and at Geneva Lane. Also included will be the installation of additional storm drain inlets on Alma Drive between Parker Road and Revere Circle and on Ohio Drive between Quincy Lane and Old Pond Drive. [Consent Agenda Item (C)] (Exhibit “C”)

Bid No. 2008-32-B for Arterial Concrete Pavement Rehabilitation Project – Plano Parkway to Jim Bowman Construction Company, L.P., in the amount of \$464,900. This project involves the replacement of arterial street paving, curb and gutter, sidewalk repair and barrier free ramp construction on Plano Parkway between Dallas North Toll Road and Ohio Drive. [Consent Agenda Item (E)] (Exhibit “D”)

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Callison, the Council voted 7-0 to approve Bid No. 2008-29-B for 15th Street and Miscellaneous Drainage Improvements to RKM Utility Services, Inc., in the amount of \$1,384,706 and Bid No. 2008-32-B for Arterial Concrete Pavement Rehabilitation Project – Plano Parkway to Jim Bowman Construction Company, L.P., in the amount of \$464,900.

Council Member Dunlap resumed his place at the bench.

Ordinance 2008-1-9: To amend specific sections of Ordinance No. 2004-9-28 codified as Section 21-133, and Ordinance No. 2007-4-21 codified as Sections 21-135, 21-136 and 21-147, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, to establish the rates for Fire Hydrant Meter Services and increase the fee schedules for Water and Sewer Services effective February 1, 2008, and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Regular Agenda Item (1)]

Director of Budget and Research Rhodes spoke to City policy to maintain 45 days of working capital in the Water and Sewer Fund and the current \$6.5 million deficit. She discussed the contributing factors which include inconsistent precipitation conditions, an \$8.5 million major sewer break repair, and depletion of the Reserve Fund in efforts to offset rates. Ms. Rhodes spoke to the \$22.4 million financial impact since 2002 due to the “Take or Pay Contract” between the City and North Texas Water Municipal District (NTWMD) that obligates the City to pay an annual set amount regardless of usage and water revenues. She additionally provided a brief history of water and sewer rates and upcoming NTWMD rate increases.

Ordinance 2008-1-9 (cont'd)

Ms. Rhodes spoke to the recommendation proposed by the Finance Committee to implement water and sewer rate increases February 1, 2008 rather than May 1, 2008, extend summer months to include April and October to encourage conservation during heavy irrigation months, increase fire hydrant meter and back flow rental deposit from \$700 to \$1,050 and installation costs from \$30 to \$50. She further spoke to establishing a Water and Sewer Reserve Fund Policy in order to offset future rate increases and unforeseen weather patterns and updating the Water and Sewer Cost of Service Plan to differentiate the fund into separate funds for water and sewer.

Council Member Stahel spoke to the need to encourage modern conservation through future education and conservation plans in efforts toward not exceeding the established peak under the "Take or Pay Contract" with NTWMD. Ms. Rhodes responded to Council Member Stahel and stated that the extension of summer months would assist with water conservation and that she would bring his request regarding public awareness to the committee.

Upon a motion made by Council Member LaRosiliere and seconded by Mayor Pro Tem Magnuson, the Council voted 8-0 to amend specific sections of Ordinance No. 2004-9-28 codified as Section 21-133, and Ordinance No. 2007-4-21 codified as Sections 21-135, 21-136 and 21-147, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, to establish the rates for Fire Hydrant Meter Services and increase the fee schedules for Water and Sewer Services effective February 1, 2008, and providing a repealer clause, a severability clause, a savings clause, and an effective date; and further to adopt Ordinance No. 2008-1-9.

Public Hearing and Consideration of an Ordinance as Requested in Zoning Case 2007-57 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 589 so as to allow the additional use of Day Care Center on 0.5± acre of land located 100± feet west of N Avenue, 370± feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1; 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, and an effective date. Applicant: University of Gymnastics. (Tabled 12/10/2007). [Regular Agenda Item (2)]

Council Member Stahel made a motion to remove the item from the table which he then rescinded after Director of Planning Jarrell advised that the applicant requested the item remain on the table.

Zoning Case 2007-57 (cont'd)

Upon a motion made by Council Member Dunlap and seconded by Council Member Johnson, the Council voted 8-0 to table consideration of an ordinance as requested in Zoning Case 2007-57 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 589 so as to allow the additional use of Day Care Center on 0.5± acre of land located 100± feet west of N Avenue, 370± feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1; 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, and an effective date until February 11, 2008.

Public Hearing and adoption of Ordinance 2008-1-10 to amend the “Land Use and Transportation Element” of the Comprehensive Plan along with the Future Land Use Plan and Thoroughfare Plan Maps as originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said chapter as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date. Applicant: City of Plano. [Regular Agenda Item (3)]

Senior Planner Sims spoke to the components and recommended updates to the “Land Use and Transportation Element” of the Comprehensive Plan along with the Future Land Use Plan and Thoroughfare Plan Maps. Mr. Sims spoke to updating the elements to reflect current trends and issues impacting land use and transportation planning since the last update in 2004 and highlighted the changes in the land use and transportation element texts, land use and thoroughfare plan maps, and stated there would be no changes in the included thoroughfare cross sections and bicycle transportation plan map. He spoke to the increased emphasis on land use/transportation connection, balancing supply of land for future economic development and current demand for residential use, efficient use of existing systems, managing travel demand to improve air quality and mitigate traffic congestion and criteria for prioritizing future transportation projects. Council Member Ellerbe requested amendments be more clearly defined in future requests. Mr. Sims responded to City Manager Muehlenbeck regarding traffic studies done on Chaparral Road and stated that recommended amendments would be of benefit to both the City of Plano and the City of Allen.

Mayor Evans opened the Public Hearing. Valerie Ray of Stoney Hollow Homeowners Association requested the plan be permanently changed from six lanes to four lanes along Los Rios Boulevard between FM 544 and Parker Road due to low traffic and completed build out and stated that six lanes would increase the speed limit within two school zones and potentially eliminate landscaping and trees along the median of Los Rios Boulevard. Council Member Stahel spoke Los Rios Boulevard no longer being considered as a major loop. Mr. Sims responded to Council regarding the six lane sections on Los Rios Boulevard and stated the preliminary studies indicate no need to widen the remaining sections. Mayor Evans spoke to the potential impacts of road widening on the bike lane.

Mr. Sims and Ms. Jarrell spoke to Council regarding the options for amending the thoroughfare and bicycle transportation plan and to this portion of the request being returned to Planning and Zoning Commission for review and further traffic study.

Chuck Holley of Creek Side North Homeowner's Association spoke to the traffic flow along Los Rios Boulevard and requested the plan to be amended to four lanes. Citizen Alan Smith spoke to the land use plan within his neighborhood and the growth of the Research Technology District and requested the plan not be amended. Citizen James Kubota spoke regarding City personnel and services. No one else appeared to speak. Mayor Evans closed the Public Hearing.

Upon a motion made by Council Member Stahel and seconded by Council Member Dunlap, the Council voted 8-0 to amend the "Land Use Element" of the Comprehensive Plan along with the Future Land Use Plan Map originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said chapters as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date; and to adopt Ordinance 2008-1-10; and further directed Staff to return the amended Thoroughfare Plan Map, Transportation Element text, and the Bicycle Map to the Planning and Zoning Commission.

Resolution No. 2008-1-11(R): To accept and approve the "City of Plano Master Facilities Plan" as a guide for evaluating for the coordinated development and use of City facilities in the City of Plano, Texas; and providing an effective date. [Regular Agenda Item (4)]

Senior Planner Kate Perry spoke to the Master Facilities Plan and efforts to formalize the document through a resolution to enhance the link between the facilities planning and the Community Investment Program (CIP). She reviewed the planning criteria, procedures and responsibilities, and role of the Facilities Planning Committee. Ms. Perry responded to Council Member Dunlap regarding the Master Facilities Plan review process and City Manager Muehlenbeck spoke to Planning and Zoning Commission review and direction on the CIP building projects funded by bond referendums.

Upon a motion made by Council Member Dunlap and seconded by Mayor Pro Tem Magnuson, the Council voted 8-0 to accept and approve the "City of Plano Master Facilities Plan" as a guide for evaluating for the coordinated development and use of City facilities in the City of Plano, Texas; and providing an effective date; and further to adopt Resolution No. 2008-1-11(R).

There being no further discussion, Mayor Evans adjourned the meeting at 8:22 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary