

PLANO CITY COUNCIL
January 25, 2010

COUNCIL MEMBERS

Phil Dyer, Mayor
Harry LaRosiliere, Mayor Pro Tem
Lee Dunlap, Deputy Mayor Pro Tem
Pat Miner
Ben Harris
Mabrie Jackson (resigned)
Lissa Smith
Jean Callison

STAFF

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

Mayor Dyer convened the Council into the Regular Session on Monday, January 25, 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 Pastor Jack Schneider of St. Paul Lutheran Church and the Pledge of Allegiance was led by Brownie Troop 1522 of Shepard Elementary.

Mayor Dyer presented a proclamation for Heart Awareness Month - 2010 and a Certificate of Appreciation to Dr. Christopher Parr for his service on the Multicultural Outreach Roundtable.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Deputy Mayor Pro Tem Dunlap requested that Consent Agenda Items "C," "D," and "E" be removed for individual consideration due to possible conflicts of interest.

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, 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”)
January 11, 2010

Approval of Expenditures

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

CSP No. 2009-145-C for LIBRARY RFID SYSTEM to Integrated Technology Group (ITG) in the amount of \$694,813 and authorizing the City Manager to execute all necessary documents. This will establish an annual fixed price contract with three optional one-year renewals for the maintenance thereof. (Consent Agenda Item “B”)

Adoption of Resolutions

Resolution No. 2010-1-6(R) to repeal Resolution No. 2008-9-26(R) and approving new recreation membership fees that include a three (3) month membership option; and providing an effective date. (Consent Agenda Item “F”)

Resolution No. 2010-1-7(R) to approve the terms and conditions of a Professional Services Agreement by and between Alternative Service Concepts, LLC, and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “G”)

Resolution No. 2010-1-8(R) to approve the terms and conditions of a Second Amended Real and Business Personal Property Tax Abatement Agreement by and between the City of Plano, Texas and Diodes Incorporated, a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “H”)

Resolution No. 2010-1-9(R) to approve the terms and conditions of a Second Amended Economic Development Incentive Agreement by and between the City of Plano, Texas and Diodes Incorporated, a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “I”)

Resolution No. 2010-1-10(R) to approve the terms and conditions of an Easement for Encroachments by and between Legacy North PT MFA II, L.P., and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2010-1-11(R) to approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, providing for the reconstruction of 14th Street from K Avenue to Ridgewood Drive; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2010-1-12(R) to approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Colin County, Texas, providing for the widening of McDermott Road from Coit Road to Ohio Drive; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2010-1-13(R) to approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, providing for major thoroughfare rehabilitation improvements on Plano Parkway, Preston Meadow Drive, Legacy Drive, Jupiter Road, Parker Road, Los Rios Boulevard, Ohio Drive and Premier Drive; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2010-1-14(R) to approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, providing for the widening of Chaparral Road from K Avenue to east of Cloverhaven Way; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “N”)

Adoption of Ordinances

Ordinance No. 2010-1-15 to amend Section 12-102(e) and adding Section 12-102(f) to Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to prohibit the stopping, standing, or parking of motor vehicles on a certain section of Gifford Drive and to prohibit the parking of vehicles on a certain section of Gifford Drive, within the City limits of the City of Plano; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadways within the limits herein defined; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “O”)

END OF CONSENT

Due to possible conflicts of interest, Deputy Mayor Pro Tem Dunlap stepped down from the bench on the following items.

Bid No. 2010-27-B for Meadows Addition project to Jim Bowman Construction Co., L.P., in the amount of \$1,106,456. (Consent Agenda Item “C”)

Approval of Change Order - To Jim Bowman Construction Company, LP, increasing the contract by \$59,190 for Ridgeview Drive from Independence Parkway to Coit Road, Change Order No. 1. (Original Bid No. 2009-105-B) (Consent Agenda Item “D”)

Approval of Change Order - To Jim Bowman Construction Company, L.P., increasing the contract by \$86,349 for the 2008 - 2009 Arterial Concrete Pavement Rehabilitation Project, Ohio Drive and Kings Manor Drive, Project No. 5984, Change Order No. 1, Bid No. 2009-174-B. (Consent Agenda Item “E”)

Upon a motion made by Council Member Callison and seconded by Council Member Harris, the Council voted 6-0 to approve Bid No. 2010-27-B for Meadows Addition project to Jim Bowman Construction Co., L.P., in the amount of \$1,106,456; a change order to Jim Bowman Construction Company, LP, increasing the contract by \$59,190 for Ridgeview Drive from Independence Parkway to Coit Road; and a change order to Jim Bowman Construction Company, L.P., increasing the contract by \$86,349 for the 2008 - 2009 Arterial Concrete Pavement Rehabilitation Project, Ohio Drive and Kings Manor Drive.

Deputy Mayor Pro Tem Dunlap resumed his seat on the bench.

Ordinance No. 2010-1-16 to transfer the sum of \$49,000 from the Convention & Tourism Fund unappropriated fund balance to the Convention & Tourism Fund operating appropriation for Fiscal Year 2009-10 for the purpose of providing additional funds for the costs associated with conducting a Plano Convention Center feasibility and market study; amending the budget of the City and Ordinance 2009-9-13, Section 1, Item "H" to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. (Regular Agenda Item "1")

Deputy City Manager Hogan advised that this item appropriates funding for more specific studies related to development of a future conference center.

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Callison, the Council voted 7-0 to transfer the sum of \$49,000 from the Convention & Tourism Fund unappropriated fund balance to the Convention & Tourism Fund operating appropriation for Fiscal Year 2009-10 for the purpose of providing additional funds for the costs associated with conducting a Plano Convention Center feasibility and market study; and further to adopt Ordinance No. 2010-1-16.

Resolution No. 2010-1-17(R) to approve the terms and conditions of an Agreement by and between North Star Research Corporation, a division of HVS Convention, Sports and Entertainment and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "2")

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Callison, the Council voted 7-0 to approve the terms and conditions of an agreement by and between North Star Research Corporation, a division of HVS Convention, Sports and Entertainment and the City of Plano; and further to adopt Resolution No. 2010-1-17(R).

Public Hearing and consideration of Zoning Case 2009-24 to request to rescind a portion of the H-05 Heritage Resource Designation on 0.1± acre located on the west side of K Avenue, 355± feet south of 18th Street. Zoned Downtown Business/Government with Heritage Resource (Regular Agenda Item "3")

Planning Manager Firgens advised that this request is a result of the sale of property and the intent to clean up zoning. She further advised that both the Heritage Commission and the Planning and Zoning Commission recommended approval as submitted and that if approved an ordinance would come back to Council for consideration.

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

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem LaRosiliere, the Council voted 7-0 to rescind a portion of the H-05 Heritage Resource Designation on 0.1± acre located on the west side of K Avenue, 355± feet south of 18th Street as requested in Zoning Case 2009-24 and as recommended by the Planning and Zoning Commission.

Resolution No. 2010-1-18(R) to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and ADS Alliance Data Systems, Inc., a Delaware corporation; authorizing its execution by the City Manager and providing an effective date. (Regular Agenda Item “4”)

Director of Finance Tacke advised that ADS Alliance Data Systems, Inc. would occupy no less than 84,200 square feet of commercial space and retain, transfer or create up to 216 full-time jobs by September 1, 2010 with the possibility of an additional 49 jobs by December 31, 2012. She advised that the terms of the agreement run from September 1, 2010 – August 31, 2020 in an amount of up to \$849,000.

Upon a motion made by Council Member Callison and seconded by Council Member Harris, the Council voted 7-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and ADS Alliance Data Systems, Inc.; and further to adopt Resolution No. 2010-1-18(R).

Ordinance No. 2010-1-19 providing for the issuance and sale of City of Plano, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2010; levying a tax in payment thereof and pledging surplus municipal drainage utility system revenues in payment thereof; approving execution and delivery of a purchase contract; approving the Official Statement; and enacting other provisions relating thereto. (Regular Agenda Item “5”)

Vice Chairman of First Southwest Company David Medanich spoke to giving citizens of the City priority in orders for the bonds and the sales of \$28.5 million in General Obligation (GO) Refunding and Improvement Bonds, \$9.6 million in Combination Tax and Revenue Certificates of Obligation and \$6.8 million in Municipal Drainage Utility System Revenue Refunding and Improvement Bonds. He spoke to the low interest rates on all issuances, AAA ratings for the GO bonds and rating based on what the City has done and how it plans to move forward. Mr. Medanich spoke to the benefits of refunding drainage bonds. City Manager Muehlenbeck advised the Council that the sale includes bond authority from 2005 and 2009 elections and Director of Finance Tacke spoke to tying the lifespan of equipment to the term of certificates of obligation which are initiated by Council action.

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Smith, the Council voted 7-0 to provide for the issuance and sale of City of Plano, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2010; levying a tax in payment thereof and pledging surplus municipal drainage utility system revenues in payment thereof; approving execution and delivery of a purchase contract; approving the Official Statement; and enacting other provisions relating thereto; and further to adopt Ordinance No. 2010-1-19.

Ordinance No. 2010-1-20 providing for the issuance and sale of City of Plano, Texas, General Obligation Refunding and Improvement Bonds, Series 2010; levying a tax in payment thereof; approving the Official Statement; approving the execution and delivery of a purchase contract; and enacting other provisions relating thereto. (Regular Agenda Item “6”)

Ordinance No. 2010-1-20 (cont'd)

Upon a motion made by Council Member Callison and seconded by Council Member Miner, the Council voted 7-0 to provide for the issuance and sale of City of Plano, Texas, General Obligation Refunding and Improvement Bonds, Series 2010; levying a tax in payment thereof; approving the Official Statement; approving the execution and delivery of a purchase contract; and enacting other provisions relating thereto; and further to adopt Ordinance No. 2010-1-20.

Ordinance No. 2010-1-21 providing for the issuance and sale of City of Plano, Texas, Municipal Drainage Utility System Revenue Refunding and Improvement Bonds, Series 2010; approving execution and delivery of a purchase contract; approving the Official Statement; and enacting other provisions relating thereto. (Regular Agenda Item "7")

Upon a motion made by Council Member Harris and seconded by Council Member Miner, the Council voted 7-0 to provide for the issuance and sale of City of Plano, Texas, Municipal Drainage Utility System Revenue Refunding and Improvement Bonds, Series 2010; approving execution and delivery of a purchase contract; approving the Official Statement; and enacting other provisions relating thereto; and further to adopt Ordinance No. 2010-1-21.

There being no further discussion, Mayor Dyer adjourned the meeting at 7:36 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary