

PLANO CITY COUNCIL
March 23, 2009

COUNCIL MEMBERS

Pat Evans, Mayor
Jean Callison, Mayor Pro Tem
Harry LaRosiliere, Deputy Mayor Pro Tem
Pat Miner
Scott Johnson
Mabrie Jackson
Sally Magnuson
Lee Dunlap

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 Evans convened the Council into the Regular Session on Monday, March 23, 2009, at 7:12 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Executive Pastor Wayne Sharp of Meadows Baptist Church and the Pledge of Allegiance was led by Cub Scout Pack 1133 - Church of Jesus Christ of Latter Day Saints.

COMMENTS OF PUBLIC INTEREST

Citizen Jack Lagos spoke to the Arts of Collin County Commission records from Briar Ridge providing for an easement across their land and referencing a gift agreement. He spoke to the City not having ownership of the land and \$57 million of City, \$3 million of Collin County, \$40 million requested by the City of Allen through the stimulus plan and \$1 million spent from the beginning of the organization until the current time, all of which is tax money. Mr. Lagos referred to the land being incorrectly reflected on the balance sheet as a \$22 million asset and spoke to public money spent on private land through clean up efforts of Parks and Recreation Staff.

CONSENT AGENDA

Citizen Jack Lagos requested that Consent Agenda Item "A," *Approval of Minutes*, be removed for individual consideration.

Council Member Dunlap requested that Consent Agenda Item "H," be removed for individual consideration due to a possible conflict of interest.

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 8-0 to approve and adopt all remaining items on the agenda as recommended and as follows:

Approval of Expenditures

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

CSP No. 2008-225-C for Professional Food Service Personnel to DiverseStaff in the estimated annual amount of \$251,661. This will establish an annual fixed price contract with two optional one-year renewals. [Consent Agenda Item (B)] (See Exhibit "A")

Purchase from an Existing Contract

To approve the purchase of four Toro Z-590 (D Series/27HP Diesel) 72" Commercial Zero Turn Mowers in the amount of \$61,845 from Professional Turf Products through an existing contract/agreement with Texas Association School Buyboard Purchase Program, and authorizing the City Manager to execute all necessary documents. (#292-08) [Consent Agenda Item (C)]

To approve the purchase of one Peterbilt Concrete Mixer Truck (MD) in the amount of \$130,389 from Rush Truck Center of Texas through an existing contract/agreement with H-GAC Cooperative Purchasing Program and authorizing the City Manager to execute all necessary documents. (HT11-07) [Consent Agenda Item (D)]

To approve the purchase and installation of Playground Equipment for Indian Creek Park, Copper Creek Park, and Shoshoni Park and an indoor water slide for Oak Point Recreation Center in the amount of \$298,413 from Miracle Recreation Equipment Company through PISD Contract (2008-51-I/PISD 2007-071); and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (E)]

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

To approve an Engineering Services Agreement contract by and between the City of Plano and Vision Electric, Inc., dba Engineering Associates in the amount of \$55,000 for design of improvements to tennis court lighting at various school and park sites across Plano and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (F)]

Approval of Change Order

To Core Construction Services of Texas, Inc. increasing the contract by \$84,907 for Oak Point Park and Nature Preserve, Project No. 5695, Change Order No. 2, (Bid No. 2008-184-B). The first part of the change order is for the addition of sidewalk and accessible ramps on the east side of Jupiter Road from Los Rios Boulevard to Spring Creek Parkway at Oak Point Park and Nature Preserve. The second part of the change order is for additional recreational trail from the special events area to an existing trail in the Amphitheater parking lot. [Consent Agenda Item (G)]

To Tiseo Paving Company, increasing the contract by \$355,064 for the Parkwood Boulevard Widening, Park Boulevard to Spring Creek Parkway, Change Order No. 2, (Original Bid No. 2007-208-B). [Consent Agenda Item (I)]

Modification

To approve a modification of a Council agenda item approved on August 13, 2007 to replace the references "Texas Building and Procurement Commission" and State Contract #985-A6 to "Buy Board" and Buy Board Contract #231-05. This signed contract is for a thirty six (36) month lease of a full color digital press copier. [Consent Agenda Item (J)]

Other Expenditure

To increase expenditure amount by \$227,100 from \$83,850 to \$310,950 due to miscalculation of Roadway Solutions bid to connect MESH devices to the Wireless Network. (RFP No. 2008-107-B, Approved 7-28-08) [Consent Agenda Item (K)]

Adoption of Resolutions

Resolution No. 2009-3-9(R): To support a comprehensive coordinated, interagency approach to Freeway Incident Management, and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2009-3-10(R): To find Jamey Cantrell and Donald Stevenson are entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Animal Guardians of America and David Wacaser v. City of Plano, et al.; and providing an effective date. [Consent Agenda Item (M)]

Adoption of Ordinances

Ordinance No. 2009-3-11: To repeal Ordinance No. 2008-11-25; establishing the number of certain classifications within the Police and Fire Departments for Fiscal Year 2008-09; establishing the authorized number and effective dates of such positions for each classification effective October 1, 2008, November 24, 2008 and March 23, 2009 respectively; establishing a salary plan for the Police and Fire Departments effective October 27, 2008; and providing a repealer clause, a severability clause and an effective date. [Consent Agenda Item (N)]

Ordinance No. 2009-3-12: To abandon all right, title and interest of the City, in and to a portion of that certain 15' Water Main Easement recorded in Volume 684, page 657 of the Deed Records of Collin County, Texas, being situated in the Samuel Klepper Survey, Abstract No. 216, 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, Tenth Street Plano, L.P., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (O)]

END OF CONSENT

Approval of Minutes [Consent Agenda Item (B)]

March 5, 2009

March 6-7, 2009

March 9, 2009

Citizen Jack Lagos spoke regarding the minutes from March 9, 2009, in which Bobby Baggett was appointed as the City of Plano representative subject to his resignation from a joint membership position. He spoke to the bylaws requiring a resignation to be submitted in writing, an open records request for a copy and to the Council enforcing the resolution providing the bylaws.

Upon a motion made by Council Member Magnuson and seconded by Council Member Johnson, the Council voted 8-0 to approve the minutes of March 5, 2009; March 6-7, 2009 and March 9, 2009.

Due to a possible conflict of interest, Council Member Dunlap stepped down from the bench on the following item.

Approval of Change Order: To Jim Bowman Construction Co., L.P., increasing the contract by \$98,314 for Railroad Quiet Zone Improvements to include a needed 12" water line in Park Vista Road, Change Order No. 1, (Original Bid No. 2008-167-B). [Consent Agenda Item (H)]

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 7-0 to approve a change order to Jim Bowman Construction Co., L.P., increasing the contract by \$98,314 for Railroad Quiet Zone Improvements.

Council Member Dunlap resumed his seat at the bench.

Presentation of the 2008-09 Status Report and Three-Year Financial Forecast to City Council. [Regular Agenda Item (1)]

Director of Budget and Research Rhodes-Whitley spoke to identifying the challenges and opportunities facing the City over the next three years, advised that every annual budget adopted by the Council is required to be balanced, fund deficits are assumed to be rectified in the year projected and the forecast does not include any reductions discussed at the March 6 Core Business Matrix Retreat, but that these will be included during the formal budget process. She advised that the General Fund will end 2008-09 with a positive balance of 47 days of operation with a \$13.5 million deficit in 2009-10, \$32 million in 2010-11 and \$31 million in 2011-2012. Ms. Rhodes-Whitley spoke to the decline in sales tax revenues, notice from the appraisal district that values will run flat to a 3% decrease in 2009-10, interest earnings decreasing by \$2.6 million, building revenues running 33% below last year, a transfer of an additional 1.54 cents to debt from operations totaling \$3.8 million in 2009-10 and an increase of 22% in health insurance claims.

Ms. Rhodes-Whitley spoke to receiving preliminary estimates on property values on May 2, 2009 anticipating new growth of \$450 million in 2010, \$300 million in 2011 and \$300 million in 2012 and a change in existing values -3% in 2010, 0% in 2011 and +1% in 2012. She spoke to maintaining the current level of anticipated sales tax revenues for 2009-12, projecting a 25% decline in building and development fees followed by a leveling off. Ms. Rhodes-Whitley advised that expenditures for the period assume no salary increases for civil service or non-civil service employees; attrition has been included at a rate of 5.0% for the General Fund and 1.0% for all other funds; health insurance is projected to increase \$3 million due to the increase in claims for 2009-10; an increase is included to fund TMRS system changes; funding for the Economic Development Incentive Program is projected at the same two-cents on the tax rate; operation and maintenance expenditures projected to increase at the inflation rate; and funding of \$1 million for library books.

Ms. Rhodes-Whitley spoke to community investment projects proposed to come online projected to be absorbed within the existing tax rate; passage of May 9, 2009 bond referendum totaling \$128 million; and advised that core business matrix reductions are not included or program enhancements related to increases for mandates, growth, increased services, information service requests, and other causes for 3 year period; and all discretionary items will be examined on their individual merit during budget development. She spoke to notification from the North Texas Municipal Water District of water and sewer rate increases, Upper East Fork Interceptor Project increase, and stated that the forecast proposes passing through all rate increases and assumes a consumption of 26.4 billion gallons of water. Ms. Rhodes-Whitley spoke to factors affecting Sustainability and Environmental Services including the decrease in global recycling and an increase in rates by the North Texas Municipal Water District.

Ms. Rhodes-Whitley spoke to pro-active measures taken to offset the projected deficit position: beginning the budget cycle early (October 2008), core budget matrix retreats, and requesting all departments include an additional 3% overall budget reduction. She reviewed the budget calendar, spoke to the public hearings required should there be any increase in property tax collection and responded to Council Member Dunlap, stating that 100% collection of ad valorem taxes is assumed. City Manager Muehlenbeck thanked Staff for their efforts and spoke to the possible effect of further reductions on City services.

Public Hearing and adoption of Ordinance No. 2009-3-13: To designate a certain area within the City of Plano as Reinvestment Zone No. 117 for a Tax Abatement consisting of a 9.602 acre tract of land located at the northwest corner of Summit Avenue and Jupiter Road, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (2)]

Director of Finance Tacke advised that the abatement is based on an estimated \$1 million in real and \$2.1 million in business personal property, includes a term of eight years from January 1, 2010 through December 31, 2017, is based on an amount equal to 50% of real (\$2,367 annually) and 50% business personal property (\$4,972 annually).

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

Ordinance No. 2009-3-13 (cont'd)

Upon a motion made by Council Member Johnson and seconded by Council Member Miner, the Council voted 8-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 117 for a Tax Abatement consisting of a 9.602 acre tract of land located at the northwest corner of Summit Avenue and Jupiter Road, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2009-3-13.

Resolution No. 2009-3-14(R): To approve the terms and conditions of an Agreement by and between the City of Plano, Texas, Telmar Network Technology, Inc., a Delaware corporation, and Jud and Catherine Ireland and Olivas Owners LLC, a Florida limited liability company; and 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 Item (3)]

Upon a motion made by Council Member Magnuson and seconded by Council Member Johnson, the Council voted 8-0 to approve the terms and conditions of an Agreement by and between the City of Plano, Texas, Telmar Network Technology, Inc., a Delaware corporation, and Jud and Catherine Ireland and Olivas Owners LLC, a Florida limited liability company; and providing for a Business Personal Property and Real Property Tax Abatement; and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2009-3-14(R).

Resolution No. 2009-3-15(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and Telmar Network Technology, 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 380 Grant offers \$136,000 for occupancy of not less than 143,817 square feet of office space and the retention, transfer or creation of 170 full-time job equivalents by December 31, 2010.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Miner, 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 Telmar Network Technology, Inc., a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2009-3-15(R).

Resolution No. 2009-3-16(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and Intertek, a New York corporation; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (5)]

Director of Finance Tacke advised that the 380 Grant offers a one-time payment of \$20,000 for occupancy of not less than 94,600 square feet of space, 30 full-time equivalent positions by December 31, 2008 with 20 added by December 31, 2012, has as term of ten years and adds a minimum of \$1.7 million in business personal property resulting in approximately \$8,000 annually in taxes.

Resolution No. 2009-3-16(R) (cont'd)

Upon a motion made by Council Member Magnuson and seconded by Deputy Mayor Pro Tem LaRosiliere 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 Intertek, a New York corporation; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2009-3-16(R).

Public Hearing and an Ordinance as requested in Zoning Case 2009-01 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 599 so as to allow the additional use of Arcade on 2.3± acres of land located on the south side of Chase Oaks Boulevard, 300± west of U.S. Highway 75 in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; 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: GBRE, LLC [Regular Agenda Item (6)]

Director of Planning Jarrell advised that a letter has been received from the applicant requesting the item be tabled until the May 26, 2009, Council meeting.

Upon a motion made by Mayor Pro Tem Callison and seconded by Council Member Johnson, the Council voted 8-0 to table a Public Hearing and an Ordinance as requested in Zoning Case 2009-01 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 599 so as to allow the additional use of Arcade on 2.3± acres of land located on the south side of Chase Oaks Boulevard, 300± west of U.S. Highway 75 in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial until May 26, 2009.

There being no further discussion, Mayor Evans adjourned the meeting at 7:52 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary