

**PLANO CITY COUNCIL**  
**April 12, 2010**

**COUNCIL MEMBERS**

Phil Dyer, Mayor  
Harry LaRosiliere, Mayor Pro Tem  
Lee Dunlap, Deputy Mayor Pro Tem  
Pat Miner  
Ben Harris  
André Davidson  
Lissa Smith  
Jean Callison

**STAFF**

Thomas H. Muehlenbeck, City Manager  
Frank Turner, Deputy City Manager  
Bruce Glasscock, 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, April 12, 2010, at 7:06 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Reverend Alice Coder of First United Methodist Church and the Pledge of Allegiance was led by Pack 220, Jr. Webelos – Harrington Elementary.

Mayor Dyer received the 2010 Award for Excellence for the City of Plano's Building Inspections Department; presented Special Recognition to Dr. Mark Gamber, for his Chief Medical Officer Accreditation; and read a proclamation for National Volunteer Week.

Mayor Dyer administered oaths of office to Joseph Celso, Phil Head, Greg Price and Michael Shea as members of the Photographic Traffic Signal Advisory Committee.

**Comments of Public Interest**

No one appeared to speak.

**Consent Agenda**

Upon the request of Staff, Consent Agenda Item "G" was pulled and held until the April 26, 2010 Council Meeting.

Upon the request of Deputy Mayor Pro Tem Dunlap, Consent Agenda Items "H," and "I" were removed for individual consideration due to possible conflicts of interest.

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Callison, 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”)

March 22, 2010  
April 6, 2010

**Approval of Expenditures**

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

**Bid No. 2010-70-B** for Tennis Facility Lighting Renovation, Plano Senior High School to NEMA3 Electrical Contractors, Inc. in the amount of \$148,270. (Consent Agenda Item “B”)

**Bid No. 2010-58-C** for a one (1) year contract with three (3) City optional renewals for mowing and landscaping service for Public Works to TruGreen LandCare, LLC in the amount of \$51,485 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

**Bid No. 2010-90-B** for the purchase of three (3) Ballfield Groomers for Fleet Services to be utilized by Athletic Field Maintenance to Kromer Co. LLC in the amount of \$63,159. (Consent Agenda Item “D”)

**Bid No. 2010-71-C** for a one (1) year contract with three (3) optional one year renewals for Plano Police Department Pistol Lights and Holsters to GT Distributors, Inc. in the amount of \$65,470 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

**Bid No. 2010-75-C** for a one (1) year contract with three (3) optional one year renewals for the purchase of Athletic Field Bulk Fertilizer for the Parks and Recreation department to Lonestar Ranch and Outdoors in the amount of \$73,127 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

**Bid No. 2010-48-C** for a one (1) year contract with three (3) City optional renewals for the purchase of large and small plastic meter box lids to Bass and Hays Foundry, Inc. in an estimated amount of \$114,120 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”) (Pulled and held to 4-26-10)

**Bid No. 2010-83-B** for Russell Creek Sewer Main Rehab – Phase I to Insituform Technologies, Inc., in the amount of \$1,118,400. (Consent Agenda Item “J”)

### **Purchase from an Existing Contract**

To approve the purchase of mobile computer workstations for the Fire Department in the amount of \$206,395 from Motorola Inc. through an existing contract/agreement with Texas Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1304) (Consent Agenda Item “K”)

To approve the purchase of a maintenance agreement, for Wireless Mesh Network Devices, in the amount of \$209,950 from Motorola through an existing contract with the Houston-Galveston Area Council, and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. RA-01-08) (Consent Agenda Item “L”)

To approve the purchase of material testing services for 14th Street Reconstruction, K Avenue to Ridgewood Drive, in the amount of \$89,991 from GME Consulting Services, Inc. through an existing City of Plano contract and authorizing the City Manager to execute all necessary documents. (2009-186-D) (Consent Agenda Item “M”)

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

To approve the purchase of Justice Center Equipment Replacement in the amount of \$60,346 from Trane U.S., Inc. dba Trane, through an existing contract/agreement with The Cooperative Purchasing Network (TCPN) and authorizing the City Manager to execute all necessary documents. (TCPN Contract Number R4669) (Consent Agenda Item “N”)

### **Adoption of Resolutions**

**Resolution No. 2010-4-2(R):** To repeal Resolutions No. 99-9-35(R) and 2008-9-13(R) and thereby dissolving the Plano Public Art Committee; and providing an effective date. (Consent Agenda Item “O”)

**Resolution No. 2010-4-3(R):** To approve the terms and conditions of an Amended Contract between Helmick Sculpture LLC and the City of Plano for artwork in the Visitor Center of Oak Point Park and Nature Preserve; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “P”)

**Resolution No. 2010-4-4(R):** To approve the terms and conditions for the purchase of Lifepak defibrillators and related accessories from Physio- Control, Inc. in an amount not to exceed \$329,840 and technical support service agreement for a five (5) year bundled term in an amount of \$50,900 for use in the City’s emergency services vehicles; authorizing the execution of any and all documents by the City Manager; and providing an effective date. (Consent Agenda Item “Q”)

**Resolution No. 2010-4-5(R):** To approve the renewal of an Agreement with Oracle USA, Inc., a sole source vendor, for an amount not to exceed \$179,942 for maintenance and support of Peoplesoft Enterprise Software; authorizing the City Manager to execute any and all documents in connection therewith; and providing an effective date. (Consent Agenda Item “R”)

## **Adoption of Ordinances**

**Ordinance No. 2010-4-6:** To repeal Ordinance No. 2005-4-18 concerning the Plano Public Art Program and various matters related thereto; providing for the termination of the Public Art Program; providing for the completion of existing public art projects and the maintenance of completed public art; and providing an effective date. (Consent Agenda Item “S”)

## **END OF CONSENT**

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

**Bid No. 2010-78-B** for Alley Reconstruction – 16th Street & US 75 to Jim Bowman Construction Co., L.P. in the amount of \$210,458. (Consent Agenda Item “H”)

**Bid No. 2010-81-B** for 14th Street and George Bush Turnpike Waterlines to Jim Bowman Construction Co., L.P. in the amount of \$764,931. (Consent Agenda Item “I”)

Upon a motion made by Council Member Harris and seconded by Council Member Miner, the Council voted 7-0 to approve Bid No. 2010-78-B for Alley Reconstruction – 16th Street & US 75 to Jim Bowman Construction Co., L.P. in the amount of \$210,458 and Bid No. 2010-81-B for 14th Street and George Bush Turnpike Waterlines to Jim Bowman Construction Co., L.P. in the amount of \$764,931.

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

**Public Hearing and adoption of Ordinance No. 2010-4-7** to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 122 for tax abatement consisting of a 16.5852 acre tract of land located at the northeast corner of the intersection of Technology Drive and Klein Road in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date. (Regular Agenda Item “1”)

Director of Finance Tacke spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement based on an estimated \$750,000 in real and an estimated \$4 million in business personal property for a period of ten years from January 1, 2011 through December 31, 2020 at the rates of thirty percent for real property and fifty percent for business personal property. She stated that impact would be \$1,099 for real property and \$9,772 for business personal property at 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.

**Ordinance No. 2010-4-7 (cont'd)**

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 8-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 122 for tax abatement consisting of a 16.5852 acre tract of land located at the northeast corner of the intersection of Technology Drive and Klein Road in the City of Plano, Texas; and further to adopt Ordinance No. 2010-4-7.

**Resolution No. 2010-4-8(R):** To approve the terms and conditions of an Agreement by and between the City of Plano, Texas, Kracker Enterprises LLC, a Texas limited liability company, and various Tenants in Common Owners acting by and through their authorized agent Rainier Asset Management LLC, a Texas limited liability company; 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 "2")

Director of Finance Tacke advised that the agreement would be between the City of Plano and Kracker Enterprises LLC, include 60,500 square feet of space for ten years and retention, transfer or creation of 30 full-time job equivalents.

Upon a motion made by Council Member Callison and seconded by Mayor Pro Tem LaRosiliere, the Council voted 8-0 to approve an Agreement by and between the City of Plano, Texas, Kracker Enterprises LLC and various Tenants in Common Owners acting by and through their authorized agent Rainier Asset Management LLC; providing for a business personal property and real property tax abatement; and further to adopt Resolution No. 2010-4-8(R).

**Public Hearing and adoption of Ordinance No. 2010-4-9** to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 121 for tax abatement consisting of a 10.087 acre tract of land located north of the intersection of Mapleshade Lane and Silverglen Drive in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date. (Regular Agenda Item "3")

Director of Finance Tacke spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement based on an estimated \$6.25 million in real and an estimated \$1.35 million in business personal property for a period of ten years from January 1, 2011 through December 31, 2020 at the rate of fifty percent for both real and business personal property. She stated that impact would be \$15,269 for real property and \$3,298 for business personal property at 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 Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 8-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 121 for tax abatement consisting of a 10.087 acre tract of land located north of the intersection of Mapleshade Lane and Silverglen Drive in the City of Plano, Texas; and further to adopt Ordinance No. 2010-4-9.

**Resolution No. 2010-4-10(R):** To approve the terms and conditions of an Agreement by and between the City of Plano, Texas, and Atmos Energy Corporation, a Texas and Virginia corporation; 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 “4”)

Director of Finance Tacke advised that the agreement would be between the City of Plano and Atmos Energy Corporation and include not less than 48,000 square feet of a proposed new commercial industrial facility.

Upon a motion made by Council Member Callison and seconded by Council Member Miner, the Council voted 8-0 to approve an Agreement by and between the City of Plano, Texas, and Atmos Energy Corporation; providing for a business personal property and real property tax abatement; and further to adopt Resolution No. 2010-4-10(R):

**Resolution No. 2010-4-11(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and Atmos Energy Corporation, a Texas and Virginia corporation; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “5”)

Director of Finance Tacke advised that Atmos Energy Corporation would occupy no less than 48,000 square feet of commercial space and retain, transfer or create up to 78 full-time jobs by December 31, 2010 with up to an additional 11 full time jobs by December 31, 2012. She advised that the terms of the agreement are for ten years in an amount of up to \$80,100.

Upon a motion made by Mayor Pro Tem LaRosiliere 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 Atmos Energy Corporation; and further to adopt Resolution No. 2010-4-11(R).

There being no further discussion, Mayor Dyer adjourned the meeting at 7:29 p.m.

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**Phil Dyer, MAYOR**

ATTEST:

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Diane Zucco, City Secretary