

PLANO CITY COUNCIL

April 27, 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, April 27, 2009, at 7:03 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Dr. Leon Aduddell of First Baptist Church - Plano. The Pledge of Allegiance was led by Boy Scout Troop 1177 of the Church of Jesus Christ of Latter Day Saints.

Mayor Evans presented proclamations recognizing National Volunteer Month – April 2009 including Volunteers in Plano and Legacy Community Partners. She recognized Building Safety Week and a presentation was made to Diane Zucco, City Secretary – Certified Municipal Clerk. Deputy City Manager Turner was recognized for his 25 years of service.

Mayor Evans administered oaths of office to Jerry E. Yancey for the North Texas Municipal Water District Board and to Stephen E. Vitasek for the Self Sufficiency Committee.

COMMENTS OF PUBLIC INTEREST

Citizen of Plano Jay Cooper stated concern regarding a required utility deposit following a bankruptcy filing, a subsequent cut-off of services, and code enforcement's precondemnation findings since no water is circulating at the residence. He requested an agenda item for action.

CONSENT AGENDA

Council Member Dunlap requested that Consent Agenda Item “C” be removed for individual consideration due to a possible conflict of interest.

Council Member Jackson requested that Consent Agenda Item “G” be removed for individual consideration due to a possible conflict of interest and advised that she would be stepping down on Regular Agenda Item “7.”

City Secretary Zucco advised that Consent Agenda Item “H” would be tabled until following the May election.

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 8-0 to table Consent Agenda Item “H” and further to approve and adopt all remaining items on the agenda.

Approval of Minutes [Consent Agenda Item (A)]

April 14, 2009

Approval of Expenditures

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

Bid No. 2009-80-B for Screening Wall-Desert Garden to Ratliff Hardscape, Ltd. in the amount of \$295,582. The project includes the removal and replacement of existing screening walls with new screening walls. The total length of new walls add up to 1,172 linear feet. Also includes 5,540 square feet of adjacent sidewalks. [Consent Agenda Item (B)] (See Exhibit “A”)

Bid No. 2009-88-B for Shiloh Pump Station to Crescent Constructors, Inc., in the amount of \$921,000. The project includes replacement of pumps, motors, piping, electrical motor control centers, etc. [Consent Agenda Item (D)] (See Exhibit “B”)

Bid No. 2009-93-B for Avenue P, 18th Street and Belle View Addition to McMahon Contracting, LP, in the amount of \$1,394,301 for the Alternate No. 2 Bid (low nitrous oxide dry kiln cement). The project consists of pavement reconstruction and water line replacement on the following streets: P Avenue – 17th Street to 18th Street, 18th Street – P Avenue to Redbud Lane, 17th Street – N Avenue to P Avenue, N Place – 17th Street to 18th Street, O Avenue – 17th Street to 18th Street, Concord Circle – 17th Street to end and N Avenue – 16th Place to 18th Street (water line replacement only). The project also includes storm drainage, sidewalks, driveways and other related construction. [Consent Agenda Item (E)] (See Exhibit “C”)

Purchase from an Existing Contract

To approve the purchase of Fire Station #6 Kitchen Remodel in the amount of \$55,580 from Kellogg Brown and Root Services, Inc. through an existing contract/agreement with The Cooperative Purchasing Network (TCPN), and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R4895) [Consent Agenda Item (F)]

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

To approve a Professional Services Agreement by and between Weibring-Wolfard Golf Design, Inc. and the City of Plano, Texas in the amount of \$876,200 for Pecan Hollow Golf Course Renovation and authorizing the City Manager to execute all necessary documents (RFQ #208-55B). The renovation includes a new cart barn, new greens, new tee boxes, cart path additions, new irrigation system, re-routing of several existing fairways and a new fully functional driving range. [Consent Agenda Item (H)] (Item tabled until after the May 9, 2009 election.)

Approval of Change Order

To Motorola, Inc. increasing the contract by \$139,753 for Services of Cabinet move as part of the backhaul upgrade for Coit Water Tower, Jupiter Water Tower and Parkwood Water Tower through an existing contract/agreement with Houston Galveston Area Council (HGAC), and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. RA01-06). Change Order No. 3. [Consent Agenda Item (I)]

To Alan Plummer Associates, Inc., increasing the Professional Services Contract by \$21,278 for Alma Drive and Parker Road Drainage Improvements, Contract Modification No. 2. Additional design services are required for additional survey work, drainage study/analysis of an additional drainage area, design modifications to the proposed drainage relief line route and re-analysis of the proposed drainage relief system considering the additional drainage area. [Consent Agenda Item (J)]

To Ratliff Hardscape Ltd., increasing the contract by \$28,028, for Screening Wall – 15th Street Project, Change Order No. 1, Original Bid No. 2008-178-B. This change order is for revising the scope of work to include the changes to the quantities of drilled piers. [Consent Agenda Item (K)]

To McMahon Contracting, L.P., increasing the contract price by \$56,082 for Intersection Improvements – Jupiter Road and Plano Parkway, Change Order No. 1, Original Bid No. 2008-76-B. This change order is for revising the scope of work to include various paving, drainage, water and landscaping repairs. [Consent Agenda Item (L)]

Adoption of Resolutions

Resolution No. 2009-4-14(R): To approve and authorize the refunds of Property Tax Overpayments; and providing an effective date. This will authorize the City's Tax Assessor/Collector to make the appropriate property tax refunds totaling \$8,365. [Consent Agenda Item (M)]

Resolution No. 2009-4-15(R): To approve and authorize the refunds of Property Tax Overpayments; and providing an effective date. This will authorize the City's Tax Assessor/Collector to make the appropriate property tax refunds totaling \$12,804. [Consent Agenda Item (N)]

Resolution No. 2009-4-16(R): To authorize the purchase of street light standards and associated equipment for Headquarters Drive from Spring Creek Parkway to Parkwood Drive, Communications Parkway from Headquarters Drive to Tennyson Parkway, Corporate Drive from Legacy Drive to Tennyson Parkway, Democracy Drive from North Dallas Parkway to Tennyson Parkway, Brand Road from south of Tribune Way to north of Logan Drive, from Oncor Electric Delivery, who is the selected provider of electric service and the selected provider of such equipment; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase in an amount not to exceed \$285,134 and providing an effective date. [Consent Agenda Item (O)]

Adoption of Ordinances

Ordinance No. 2009-4-17: To amend Ordinance No. 2008-4-39, currently codified as Chapter 6, Article XX, Residential Code, Division 2, Section 6-710, with certain additions, deletions and amendments to the City of Plano Code of Ordinances by adding Appendix R; establishing a "Residential Green Building Standard" for all new single family residential buildings and structures in the City of Plano, Texas; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date. [Consent Agenda Item (P)]

Ordinance No. 2009-4-18: To repeal Article XVIII. Youth Advisory Commission of Chapter 2 Administration of the City of Plano Code of Ordinances; and providing an effective date. [Consent Agenda Item (Q)]

Ordinance No. 2009-4-19: To amend Section 12-73 and add Section 12-73.1 to Chapter 12 Motor Vehicles and Traffic of the City of Plano Code of Ordinances; to revise the definition of school days during the regular school year, and to enact school zones for summer school sessions; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. [Consent Agenda Item (R)]

Ordinance No. 2009-4-20: To repeal City of Plano Ordinance No. 95-12-29, codified as Article VIII, Flood Damage Prevention, Sections 16-161 through 16-194, Chapter 16 of the Code of Ordinances of the City and enacting a new Article VIII, Flood Damage Prevention, Chapter 16 of the Code of Ordinances; adding rules and regulations to minimize loss from flooding; incorporating new flood plain maps as developed by the Federal government; authorizing the Director of Public Works and Engineering to implement and administer this ordinance; providing for permits; and providing a savings clause, a penalty clause, a severability clause, a publication clause, and an effective date. [Consent Agenda Item (S)]

Ordinance No. 2009-4-21: To amend Section 14-7 of Chapter 14. Offenses-Miscellaneous of the Code of Ordinances of the City of Plano thereby providing that roller skates and similar devices are prohibited in certain portions of Memorial Park; providing a repealer clause; a savings clause; a severability clause; a penalty clause; and providing an effective date. [Consent Agenda Item (T)]

Ordinance No. 2009-4-22: To amend Chapter 15. Parks and Recreation of the Code of Ordinances of the City of Plano designating athletic fields and support areas as reserved facilities; closing soft trails and native park areas between dusk and dawn; prohibiting owners from accompanying animals in park areas without proper materials to clean up animal droppings; adjusting sports seasons for various activities; prioritizing facilities use; setting fees for residents and non-residents; amending the composition of the Tree Ordinance Review Board; excluding franchise utility companies from certain tree trimming restrictions on public property; providing a repealer clause; a savings clause; a severability clause; a penalty clause; and providing an effective date. [Consent Agenda Item (U)]

END OF CONSENT

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

Bid No. 2009-100-B for Baffin Bay Drive and Morton Vale Road to JRJ Paving, L.P., in the amount of \$637,033 for the Alternate No. 2 Bid (low nitrous oxide dry kiln cement). The project consists of pavement reconstruction and water line replacement on Baffin Bay Drive from Custer Road to Country Place Drive and pavement reconstruction on Morton Vale Road from Parker Road to 500 feet west. [Consent Agenda Item (C)] (See Exhibit “D”)

Upon a motion made by Council Member Magnuson and seconded by Council Member Jackson, the Council voted 7-0 to approve Bid No. 2009-100-B for Baffin Bay Drive and Morton Vale Road to JRJ Paving, L.P., in the amount of \$637,033.

Council Member Dunlap resumed his seat at the bench.

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

Purchase from an Existing Contract: To authorize the renewal of Technical Support Services for PeopleSoft Software License Applications, in the amount of \$157,187 from Oracle, through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents (DIR-VPC-03-018). [Consent Agenda Item (G)]

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Dunlap, the Council voted 7-0 to authorize the renewal of Technical Support Services for PeopleSoft Software License Applications, in the amount of \$157,187 from Oracle.

Council Member Jackson resumed her place at the bench.

Transmittal of Fiscal Year 2007-2008 Affirmative Action Report. [Regular Agenda Item (1)]

Assistant City Manager/Human Resources Director Ross spoke to review of the City's labor force as it compares to Collin County and data sources utilized. She advised with removal of the "para-professional" category, those positions have been redistributed, and reviewed the utilization analysis which may reflect employment traditions for females and ethnic minorities. Ms. Ross reviewed the makeup of the applicant pool, new hires and promotions and spoke to recruitment resources. She advised that Staff is focused on providing fair opportunity for access to information and employment and responded to Council Member Dunlap that the Multi-Cultural Outreach Roundtable can be considered as an additional venue.

Public Hearing and adoption of Resolution No. 2009-4-23(R) to adopt the 2009-2010 Action Plan, including the Final Statement of Community Development Block Grant and Home Program Objectives and Proposed Use of Funds for Program Year 2009-2010; and declaring an effective date. [Regular Agenda Item (2)]

Community Development Coordinator Brown spoke to the HUD requirement for an Action Plan, a change in the cycle for next year with the program moving to an October 1, 2010 date and 2009 funding allocations being unavailable at the current time. She advised that the Action Plan represents funding allocations based on the previous year and spoke to designating any additional monies received to the City's Rehabilitation Program and Habitat for Humanity.

Community Relations Commission Chair Pam Harvey spoke to efforts to meet crucial community needs, the allotment of \$2,336,339 in HUD and Buffington Community Service Grant funding to 27 agencies and 4 City of Plano programs helping to provide sustainable shelter, food and clothing to individuals and families along with medical assistance. She spoke to one-time change in the grant cycle to fifteen months and the possibility of distributing additional federal stimulus funding monies. Council Member Magnuson thanked the Commission for their efforts.

Mayor Evans 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 Magnuson and seconded by Deputy Mayor Pro Tem LaRosiliere, the Council voted 8-0 to adopt the 2009-2010 Action Plan, including the Final Statement of Community Development Block Grant and Home Program Objectives and Proposed Use of Funds for Program Year 2009-2010; and declaring an effective date; and further to adopt Resolution No. 2009-4-23(R).

Resolution No. 2009-4-24(R): To authorize the filing of applications for Federal Funds in an amount not to exceed \$1,751,851 under the Housing and Community Development Act and the Home Investment Partnership Act; designating Thomas H. Muehlenbeck as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. [Regular Agenda Item (3)]

Resolution No. 2009-4-24(R) (cont'd)

Upon a motion made by Council Member Miner and seconded by Council Member Johnson, the Council voted 8-0 to authorize the filing of applications for Federal Funds in an amount not to exceed \$1,751,851 under the Housing and Community Development Act and the Home Investment Partnership Act; designating Thomas H. Muehlenbeck as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date; and further to adopt Resolution No. 2009-4-24(R).

Public Hearing and adoption of Ordinance No. 2009-4-25 to designate a certain area within the City of Plano as Reinvestment Zone No. 118 for a Tax Abatement consisting of a 17.181 acre tract of land located at the northwest corner of East Plano Parkway and Stewart Avenue, 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 (4)]

Director of Finance Tacke advised that if created, the abatement will be based on an approximate value of \$9.5 million as of June 30, 2011 with an additional \$10.5 in real property improvements by June 20, 2013. She spoke to a value of \$10.5 million in business personal property by June 30, 2011 with an additional \$20.7 by June 30, 2013 and further stated that the abatement will be for ten years from January 1, 2010 through December 31, 2019 based on amounts equal to 50% for real property (saving \$47,350 annually) and 50% for business personal property (saving \$73,866 annually).

Mayor Evans 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 Magnuson and seconded by Council Member Jackson, the Council voted 8-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 118 for a Tax Abatement consisting of a 17.181 acre tract of land located at the northwest corner of East Plano Parkway and Stewart Avenue, 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. 2009-4-25.

Resolution 2009-4-26(R) approving the terms and conditions of an Agreement by and between the City of Plano, Texas, The Planet, a Delaware corporation and Northwest Mutual Life, a Wisconsin 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 (5)]

Director of Finance Tacke advised that the agreement provides for real property improvements to 85,000 square feet of office space and runs for ten years based on 50% abatement for both business and personal property.

Resolution No. 2009-4-26(R) (cont'd)

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 8-0 to approve the terms and conditions of an Agreement by and between the City of Plano, Texas, The Planet, a Delaware corporation and Northwest Mutual Life, a Wisconsin 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 2009-4-26(R).

Resolution No. 2009-4-27(R) to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and The Planet, a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (6)]

Director of Finance Tacke advised that the 380 Grant is in the amount of \$160,000 for occupancy of not less than 85,000 square feet of office space and the retention, transfer or creation of 17 full time jobs by December 31, 2009 with an additional five full time jobs by June 30, 2011. She spoke to the median annual salaries and assurance that the company will use reasonable efforts to utilize hotel facilities within the City for activities.

Upon a motion made by Council Member Magnuson and seconded by Council Member Jackson, 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 The Planet, a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2009-4-27(R).

Council Member Jackson stepped down from the bench on the following item due to a possible conflict of interest.

Resolution 2009-4-28(R) to approve an amendment to the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Bear Transportation Services, LP, a Delaware limited partnership; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (7)]

Director of Finance Tacke advised the Council that the amendment modifies by one year the time frame in which Bear Transportation must meet the total job requirement of 480 jobs and lowers the initial job requirement from 290 to 275. She further spoke to amendment of the initial payment from \$290,000 to \$275,000 to reflect the decrease in initial jobs.

Upon a motion made by Council Member Magnuson and seconded by Council Member Dunlap, the Council voted 7-0 to approve an amendment to the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Bear Transportation Services, LP, a Delaware limited partnership; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution 2009-4-28(R).

Council Member Jackson resumed her place at the bench.

Public Hearing and approval of disbursement of grant funds in the total amount of \$597,704 awarded through the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Award for the purpose of purchasing equipment resources, pursuant to the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the “Recovery Act”) and by 42 U.S.C. 3751 (a). Under this Grant, the City of Plano will be the Fiscal agent and will disburse funds to the City of Allen, City of Frisco, City of McKinney, City of Wylie and the Collin County Sheriff’s Office as agreed upon in the Memorandum of Understanding signed by all entities. [Regular Agenda Item (8)]

Chief Rushin advised that these grants are given to cities and counties to reduce crime and improve public safety. He spoke to the City of Plano as the fiscal agent disbursing the monies with \$226,929 remaining in the City and stated that the proposed uses would an in-house automated fingerprint identification system, live-scan equipment upgrade, and completion of the network for digital video systems in patrol cars.

Mayor Evans 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 Magnuson and seconded by Council Member Jackson, the Council voted 8-0 to approve disbursement of grant funds in the total amount of \$597,704 awarded through the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Award for the purpose of purchasing equipment resources, pursuant to the American Recovery and Reinvestment Act of 2009.

Resolution 2009-4-29(R) to approve the terms and conditions of an Interlocal Cooperation Agreement between the City of Plano, Texas, the City of Allen, the City of Frisco, the City of McKinney and the City of Wylie and the County of Collin, Texas for the disbursement of the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Award funds; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (9)]

Upon a motion made by Council Member Miner and seconded by Council Member Johnson, the Council voted 8-0 to approve the terms and conditions of an Interlocal Cooperation Agreement between the City of Plano, Texas, the City of Allen, the City of Frisco, the City of McKinney and the City of Wylie and the County of Collin, Texas for the disbursement of the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Award funds; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution 2009-4-29(R).

There being no further discussion, Mayor Evans adjourned the meeting at 8:03 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary