

PLANO CITY COUNCIL
June 11, 2007

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
Diane Zucco, City Secretary

Mayor Evans convened the Council directly into the Regular Session from the Preliminary Open Meeting on Monday, June 11, 2007, 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 Reverend Edlen Cowley, Associate Pastor of St. Andrew United Methodist Church.

The Pledge of Allegiance was led by Plano Police Explorer Post 911.

Mayor Evans presented recognition to Mike Ryan, Chief Purchasing Officer for 30 Years of Service to the City of Plano and made presentation of the 2006 Achievement of Excellence in Libraries Award by the Texas Municipal Library Director's Association. She further recognized the Plano West Senior High School Lady Wolves Soccer Team for winning the State Championship

COMMENTS OF PUBLIC INTEREST

Gerald Weygant, citizen of the City, stated concerns regarding upcoming zoning cases requesting changes from Single-Family 7 to Specific Use Permits for Day Care Centers. He spoke to these changes allowing the Plano Independent School District the opportunity to operate a private enterprise, being an unfair use of tax dollars, and a reversal of the Comprehensive Plan. Mr. Weygant spoke to the lack of identification of trees in the area, the lack of proper sign notification and to dismissal of Commission members.

Jack Lagos, citizen of the City, requested the Council place an item on an agenda regarding the Arts of Collin County funding and spoke regarding the lack of a groundbreaking and monthly penalties incurred since the project is not on schedule.

BOARD AND COMMISSION REPORT

Plano Transition and Revitalization Commission Chair Russ Kissick provided a brief history of the board and advised the Council regarding adoption of the Urban Centers Study, work with the Parks and Recreation Department to provide input on the Chisholm Trail Master Plan as it relates to the Collin Creek Corridor, and the Workforce Housing Study. He spoke to participation in the development of an employer assisted housing program, development of a Design Book to provide ideas for the renovation of older homes and efforts to find a partner for this endeavor, implementation of the rental inspection program and annual review and recommendations regarding the Plano at Maturity Report. The Council thanked the board and Staff for their efforts.

CONSENT AGENDA

Upon the request of Council Member Stahel, Consent Agenda Item "E" was removed for individual consideration due to a possible conflict of interest.

Council Member Dunlap advised that he would be stepping down on Regular Agenda Item "1" due to a possible conflict of interest.

Citizens Sonja Hammar and Jack Lagos requested that Consent Agenda Item "Q" be removed for individual consideration.

Citizen Sonja Hammar requested that Consent Agenda Item "X" be removed for individual consideration.

Upon a motion made by Council Member Johnson and seconded by Council Member LaRosiliere, 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)]

May 24, 2007

May 29, 2007

Approval of Expenditures

Rejection of Bid No. 2007-129-B for Parker Road Elevated Storage Tank Repaint. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. 2007-151-B for the Hayfield Drive, Thunderbird Lane, Morton Vale Road, and Cloverhaven Way Reconstruction Project to RKM Utility Services Inc. in the amount of \$986,875. This project consists of reconstruction of four residential type streets totaling approximately 10,900 square yards of 6” concrete street pavement. [Consent Agenda Item (C)] (See Exhibit “B”)

Bid No. 2007-144-B for Dallas North Trunk Sewer Main Rehabilitation – Phase II to Insituform Technologies, Inc., in the amount of \$1,043,160. This project consists of rehabilitation of approximately 5,500 feet of 15 to 36-inch sanitary sewer along Prairie Creek from south of Plano Parkway to the George Bush Turnpike Service Road and along the George Bush Turnpike Service Road from west of Custer Road to east of Independence Parkway. [Consent Agenda Item (D)] (See Exhibit “C”)

RFP No. 2007-118-C for an annual fixed price contract for Professional Services: Audit Services to Grant Thornton LLP in the estimated annual amount of \$110,750. This will establish an annual contract with four City optional one-year renewals. [Consent Agenda Item (F)] (See Exhibit “D”)

CSP No. 2007-136-C for NetMotion Enterprise License and Services to Scientel Wireless, LLC, in the estimated amount of \$181,448. This will establish an annual fixed price contract, with three optional one-year renewals. [Consent Agenda Item (G)] (See Exhibit “E”)

Bid No. 2007-111-C for new Tires to Gray’s Wholesale, Southern Tire Mart, and Blagg Tire & Service in the estimated annual amount of \$243,971. This item establishes an annual contract with three optional renewals. [Consent Agenda Item (H)] (See Exhibit “F”)

Bid No. 2007-133-C for Batteries - Automobile/Truck/Marine (2) to IBS Dallas and Park Cities Ford in the estimated annual amount of \$27,416. This will establish an annual fixed price contract with three optional renewals. [Consent Agenda Item (I)] (See Exhibit “G”)

Bid No. 2007-134-C for Vertical Transportation Maintenance to Texas Independent Elevator Co., LLC., in the estimated annual amount of \$26,000. This will establish an annual fixed price contract, with three optional one-year renewals. [Consent Agenda Item (J)] (See Exhibit “H”)

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 approve the purchase of a telecommunication system for the Tom Muehlenbeck Recreation Center from Affiliated Communications in the amount of \$53,053 through an existing City of Plano Contract #2002-100-C and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (K)]

To approve the purchase and installation of a Nortel Succession Voice System (VOIP) at the Plano Centre in the amount of \$50,239 through an existing contract with Affiliated Communications, and authorizing the City Manager to execute all necessary documents. (2002-100-C) [Consent Agenda Item (L)]

To approve the purchase of material testing services for the Wyatt North Addition Paving and Water project in the amount of \$28,545 from GME Consulting Services, Inc., through an existing contract/agreement, and authorizing the City Manager to execute all necessary documents. (Contract # 2006-243-D) [Consent Agenda Item (M)]

To approve the purchase of mounting hardware and installation services for the MDC/DVR Project in the amount of \$125,260 from Integrian, Inc. through an existing contract/agreement with the City of Dallas, and authorizing the City Manager to execute all necessary documents. (Contract# 2006-1264) [Consent Agenda Item (N)]

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

To approve an engineering contract by and between the City of Plano and TRC Engineers, Inc., for the widening of Ridgeview Drive - Independence Parkway to Coit Road in the amount of \$126,105 and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (O)]

Approval of Agreement

To approve the terms and conditions of a Public Road Crossing License Agreement between Dallas Area Rapid Transit and the City of Plano for an existing public road for Parker Road, and authorizing the City Manager to execute such agreement. [Consent Agenda Item (P)]

Adoption of Resolutions

Resolution No. 2007-6-1(R): To approve the settlement of the lawsuit styled Saadi Darvish and Minou Darvish V. City of Plano and Planning & Zoning Commission, Cause No. 4:07CV105, United States District Court for the Eastern District of Texas, Sherman Division; authorizing the City Manager to execute any and all documents necessary to settle such lawsuit; and providing an effective date. [Consent Agenda Item (R)]

Resolution No. 2007-6-2(R): To approve the purchase of ErgoPower Dispatch Console Furniture, from XYBIX Systems, Inc.; a sole-source provider; authorizing the City Manager to take such action as is necessary to effectuate the purchase; and providing an effective date. [Consent Agenda Item (S)]

Resolution No. 2007-6-3(R): To approve the purchase of SmartNet 800MHZ portable and mobile radios from Motorola Communications and Electronics Incorporated, a sole-source provider, authorizing the City Manager to take such action as is necessary to effectuate the purchase; and providing an effective date. [Consent Agenda Item (T)]

Resolution No. 2007-6-4(R): To authorize the purchase of specialized online database library materials for Plano Public Library System in the amount of \$34,650 from *infoUSA*, a sole source supplier of such materials; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. [Consent Agenda Item (U)]

Resolution No. 2007-6-5(R): To approve the terms and conditions of a quote by and between the City of Plano and Motorola, the sole source provider of Police Mobile Data Computers; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (V)]

Resolution No. 2007-6-6(R): To remove JPMorgan Chase Bank, N.A. as trustee of the City of Plano, Texas Retirement Security Trust and appoint Comerica Bank as Successor Trustee of the same effective as of July 2, 2007, and providing an effective date. [Consent Agenda Item (W)]

Adoption of Ordinances

Ordinance No. 2007-6-7: To grant a permit to Andrus Water Well Drilling Company to drill a water well to supply irrigation needs at Plano East Senior High School, Plano, Texas, located at Los Rios Boulevard and Merriman Drive; authorizing the City Manager to execute any and all documents in connection therewith; and providing an effective date. [Consent Agenda Item (Y)]

Ordinance No. 2007-6-8: To grant a permit to MSM Investment Company Incorporated to drill a water well to supply irrigation needs at a vacant tract north of 6701 Glendenny Lane, Plano, Texas; authorizing the City Manager to execute any and all documents in connection therewith; and providing an effective date. [Consent Agenda Item (Z)]

END OF CONSENT

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

CSP No. 2006-105-C for Event Log Management Software Application to dataReference, Inc., in the estimated annual amount of \$77,760. This will establish an annual fixed price contract, with four optional one-year renewals. [Consent Agenda Item (E)] (See Exhibit "I")

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Johnson, the Council voted 7-0 to approve CSP No. 2006-105-C for Event Log Management Software Application to dataReference, Inc., in the estimated annual amount of \$77,760.

Resolution No. 2007-6-9(R): To approve an agreement by and between the cities of Allen, Frisco, and Plano to amend a provision of prior funding agreements related to the development of design documents for the Arts of Collin County Commission, Inc.; authorizing the City Manager to execute all documents in connection therewith; and providing an effective date. [Consent Agenda Item (Q)]

Resolution No. 2007-6-9(R) (cont'd)

Sonja Hammar, citizen of the City, spoke to the Arts of Collin County (ACC) Commission not filing an IRS 990 report and to the Council looking into their accountability. Jack Lagos, citizen of the City, spoke to the item being procedurally incorrect.

Council Member Stahel resumed his place at the bench.

Mr. Lagos spoke to the lack of a memo addressed to the cities and to this item not being approved by the ACC Board of Directors. City Attorney Wetherbee spoke to the agreement not being with the ACC, but rather between the participating cities. She spoke to the terms of the funding agreement remaining in place and this item extending the deadline for cities to receive credit for prior advanced funding.

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Callison, the Council voted 8-0 to approve an agreement by and between the cities of Allen, Frisco, and Plano to amend a provision of prior funding agreements related to the development of design documents for the Arts of Collin County Commission, Inc.; authorizing the City Manager to execute all documents in connection therewith; and providing an effective date; and further to adopt Resolution No. 2007-6-9(R).

Ordinance No. 2007-6-10: To repeal Article XI. International Relations Advisory Commission of Chapter 2. Administration of the Plano Code of Ordinances which established an International Relations Advisory Commission; adopting a new Article XI. Chapter 2 and creating the Plano Global Advisory Committee; providing a purpose therefore; providing for the appointment and terms of members; providing rules and guidelines under which the committee will function; and providing an effective date. [Consent Agenda Item (X)]

Sonja Hammar, citizen of the City, spoke to the new board as precedent setting with regard to its responsibilities, membership and goals and to international business recruitment being assigned to the Economic Development Board. She requested information regarding the appointment process, posting of agendas and minutes and whether meetings would be open to the public. Ms. Hammar spoke to the Council providing oversight of the committee and regarding appointment of the chair and vice chair by the Mayor.

City Attorney Wetherbee spoke to the residency requirement for boards as provided in the Charter. Mayor Evans advised that this board would go through the same process as others and to the possibility of subcommittees that could provide assistance, but would not be regular members of the board and possibly include individuals who may work or reside in the City.

Ms. Hammar spoke to the Mayor having oversight of the Chair and Executive Director Glasscock spoke to the proposed ordinance being styled after the International Relations Advisory Commission. Council Member Stahel spoke to the Council appointing the Chair for a one-year term with the board electing their vice chair and secretary. Mayor Evans advised that the application process and the posting of agendas and minutes would be done they are for current boards.

Ordinance No. 2007-6-10 (cont'd)

Upon a motion made by Council Member Ellerbe and seconded by Council Member Dunlap the Council voted 8-0 to repeal Article XI. International Relations Advisory Commission of Chapter 2. Administration of the Plano Code of Ordinances which established an International Relations Advisory Commission; adopting a new Article XI. Chapter 2 and creating the Plano Global Advisory Committee with revision to *Sec. 2.33. Officers to read: "A Chairperson shall be appointed by the City Council for a one-year (1) term;" and to remove reference to appointment of a Vice-chair or secretary; providing a purpose therefore; providing for the appointment and terms of members; providing rules and guidelines under which the committee will function; and providing an effective date; and further to adopt Ordinance No. 2007-6-10 as revised.*

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

Public Hearing and adoption of Ordinance No. 2007-6-11 as requested in Zoning Case 2007-10 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development-65-Central Business-1, 168.1 ± acres located generally at the northeast and southeast corners of Dallas North Tollway and Legacy Drive in the City of Plano, Collin County, Texas, as it pertains to loading docks adjacent to residential development; 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: City of Plano. [Regular Agenda Item (1)]

Director of Planning Jarrell spoke to Legacy Town Center developing with a unique mix of residential and commercial and to the difficulty in finding an appropriate location for loading docks. She advised that this proposal would allow docks to be adjacent to or across the street from residential buildings, but would require them to be screened in a number of different ways. Ms. Jarrell advised that the Planning and Zoning Commission has recommended approval subject to the following: (Additions are italicized and underlined text, and deletions are strike-through text.)

Specific Provisions of the Planned Development

2. Residential Development Standards

a. Standards relating to all residential development

- ii. No off-street loading docks shall be required for buildings containing residential uses. Off-street loading docks for nonresidential uses may not be located adjacent to or across a street or alley from buildings containing residential uses *unless the loading dock is screened in accordance with the following:*

Ordinance No. 2007-6-11 (cont'd)

- Solid metal gates;
- Masonry screening walls (in accordance with Section 3.1000 Screening, Fence and Wall Regulations of the Zoning Ordinance);
- Overhead doors; or
- Any combination of the above.

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 Mayor Pro Tem Magnuson and seconded by Council Member Ellerbe, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development-65-Central Business-1, 168.1 ± acres located generally at the northeast and southeast corners of Dallas North Tollway and Legacy Drive in the City of Plano, Collin County, Texas, as it pertains to loading docks adjacent to residential development as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-10; 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; and further to adopt Ordinance No. 2007-6-11.

Council Member Dunlap resumed his place at the bench.

Resolution No. 2007-6-12(R): To approve the terms and conditions of an Option Contract by and between the City of Plano and RH 15th Condos One, Ltd.; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (2)]

Executive Director Turner presented Regular Agenda Items “2” and “3” concurrently and advised that they relate to the conveyance of land for the purpose of developing a pool and amenity center in conjunction with the development of 15th Street Village. He advised that one makes an alteration to the terms and conditions of agreement and provides for conveyance in three transactions due to a minor relocation of the pool and amenity center and the other is the contract conveying the acreage at the agreed-to price.

Steve Merani, representing RH 15th Condos One, Ltd. spoke to the design of the pool, recreation center and the second building.

Upon a motion made by Council Member Ellerbe and seconded by Council Member Stahel, the Council voted 8-0 to approve the terms and conditions of an Option Contract by and between the City of Plano and RH 15th Condos One, Ltd.; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2007-6-12(R).

Resolution No. 2007-6-13(R): To approve the terms and conditions of a Real Estate Contract by and between RH 15th Condos One, Ltd. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (3)]

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Stahel, the Council voted 8-0 to approve the terms and conditions of a Real Estate Contract by and between RH 15th Condos One, Ltd. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2007-6-13(R).

There being no further discussion, Mayor Evans adjourned the meeting at 8:06 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary