

PLANO CITY COUNCIL
August 13, 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, August 13, 2007, 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 Andy Bracken with Christ Church of Plano.

The Pledge of Allegiance was led by Girl Scout Troop 2232 – Plano East Senior High School and Williams High School.

SPECIAL RECOGNITIONS

A presentation of accreditation was made to the Building Inspections Department by the International Accreditation Service and Special Recognition was bestowed on the Plano Police Department Crime Scene Investigations – Accreditation by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board. Mayor Evans recognized Nancy Nevil, Director of Sustainability & Environmental Services for her 25 Years of Service to the City of Plano and Andrew Chen and Anurag Matharasi as 2007 USA Table Tennis Open Champions.

COMMENTS OF PUBLIC INTEREST

Sonja Hammar, citizen of the City, spoke to outdated board/commission applications being sent to citizens and still on display when there is a new version available on the web site which includes the new Global Advisory Commission. She stated concern that economic development was discussed in Executive Session and spoke regarding a recent newspaper article regarding the Texas Economic Development Corporation.

Ms. Hammar spoke to the unavailability of the Board's minutes and agendas and to these being posted by other cities who also receive public comments. Jack Lagos, citizen of the City, spoke regarding the Arts of Collin County contract between the City and Briar Ridge Investments and to a portion of the land being tax exempt. He spoke to not spending public funds on private land and requested an agenda item for discussion.

Pat Patterson, citizen of the City, requested the Council reconsider the smoking ordinance. He spoke to unintended consequences and to putting efforts behind a state-wide ban. Keith Watson commended the Council for legislating non-smoking in public areas. He spoke to facts concerning the effects of second-hand smoke and other locations where smoking is restricted. Brian Capps of Austin Avenue Grill and Sports Bar, spoke to the loss in revenue, patrons and employees going to other cities, and requested a two-year grace period. Viki Sims spoke in opposition to the smoking ban, to tax dollars going elsewhere and to those who may be driving drunk. She spoke to a county or state-wide ban. Kevin Bray spoke to the smoking ordinance being a property rights issue and to reconsideration of the issue. Richard Whitehill, citizen of the City, thanked the Council for their service and spoke to data often being driven by political agenda and to adults making their own decisions. Mark Albright, citizen of the City, spoke to the effect the ban has had on poker/dart tournaments. Tim Kelly of Kelly's Eastside spoke to businesses that had spent money to cater to smokers, departure of staff, and customers going elsewhere. He requested the ordinance be repealed or put to a vote. O.B. Barsh spoke to the effect on small businesses and to allowing a choice. He spoke to putting the matter up for a vote by the citizens and requested a two-year moratorium to allow for phasing-in. Daniel Cancelmi, spoke regarding the economic impact of the smoking ban and requested the Council reconsider and provide for transitioning in of the ordinance. Mike Brignole of The End Zone spoke to decreases in revenue, the movement of customers from one city to another and requested reconsideration.

Mayor Evans advised that Council cannot discuss the items raised during this portion of the meeting as they have not been posted and thanked those in attendance for bringing their points to the meeting.

BOARD AND COMMISSION REPORT

Retirement Security Plan Committee member Mark Israelson spoke to establishment and purpose of the plan, current asset allocation and activities including selection of Comerica as the Trustee Bank and Gabriel, Roeder Smith as the actuaries of the plan.

CONSENT AGENDA

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

Upon the request of City Manager Muehlenbeck, Regular Agenda Item "6" was pulled and held for the August 27, 2007 Council meeting.

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

July 23, 2007

July 25, 2007

Approval of Expenditures

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

Bid No. 2007-159-C for Tandberg Video Conference Equipment and Maintenance to I-2-I Technologies in the amount of \$34,994. This item also approves a maintenance contract for three additional years subject to annual budget appropriations in the estimated amount of \$4,005/year. [Consent Agenda Item (B)] (See Exhibit "A")

CSP No. 2007-147-C for Voice and Data Wiring Services to Able Communications, Inc., with an annual amount not to exceed \$150,000. This will establish an annual fixed price contract, with three optional one-year renewals. [Consent Agenda Item (C)] (See Exhibit "B")

CSP No. 2007-155-C for Nortel Telecommunications Equipment and Services to Affiliated Telephone, Inc., with an estimated annual amount of \$500,000. This item approves expenditures from various funds for the Nortel Infrastructures and Telecommunications Equipment, including maintenance, moves, adds, changes, hardware, upgrades, and software. This will establish an annual fixed price contract with four optional one-year renewals. [Consent Agenda Item (D)] (See Exhibit "C")

Approval of Change Order

To Roadway Solutions, Inc., increasing the contract by \$90,000 for Traffic Signal Construction. (Bid No. 2006-203-P). This change will allow for the installation of cable and breakers for the MOTOMESH network. Change Order #1. Project No. 5750. [Consent Agenda Item (F)]

To Walter P. Moore & Associates, Inc., increasing the professional services contract by \$18,000 for design in connection with Erosion Control – Waasland Drive and Pittman Creek Rehabilitation, Contract Modification #4. [Consent Agenda Item (G)]

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 UPS's for network infrastructure switches in the amount of \$43,398 from AT&T through an existing contract/agreement with Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-SDD-232) [Consent Agenda Item (H)]

To approve the purchase of five Crane Carrier Cab and Chassis' with Automated Side Loaders and two Crane Carrier Crew Cabs with Rear Loaders in the amount of \$843,030 from Bond Equipment Company, Inc. through the Texas Association of School Buyboard Purchase Program, and authorizing the City Manager to execute all necessary documents. (#208-04) [Consent Agenda Item (I)]

To approve the Lease of a Full Color Digital Press Copier for the Print Shop in the estimated annual amount of \$76,764 from Oce North America through an existing contract/agreement with Texas Building and Procurement Commission, and authorizing the City Manager to execute all necessary documents. (State Contract #985-A6). This item approves an annual contract with three renewals. [Consent Agenda Item (J)]

To approve the purchase of Convenience Copier Contract Rentals in the amount of \$176,782 from Oce North America through an existing contract/agreement with Texas Building and Procurement Commission, and authorizing the City Manager to execute all necessary documents. (State Contract #985-A6). This item approves an annual contract with three renewals. [Consent Agenda Item (K)]

Approval of Agreement

To approve an Interlocal Agreement by and between the City of Plano and Plano Independent School District providing the terms and conditions for the placement of wireless electronic equipment on Plano Independent School District Facilities and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (L)]

Adoption of Resolutions

Resolution No. 2007-8-1(R): To approve the terms and conditions of a Plano ISD Partnership Agreement by and between the City of Plano, Texas, Plano Independent School District and Plano Balloon Festival, Inc.; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2007-8-2(R): To approve the terms and conditions of a License Agreement for the construction, use and installation of recreational equipment on a portion of Timber Brook Park by and between the City of Plano, Texas and Plano Independent School District; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (N)]

Resolution No. 2007-8-3(R): To accept the Certified Appraisal Roll for Fiscal Year 2007-2008; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2007-8-4(R): To approve the terms and conditions of an Interlocal Agreement by and between City of Plano and University of Texas at Dallas for educational services; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (P)]

Adoption of Ordinances

Ordinance No. 2007-8-5: To amend Ordinance No. 2006-6-29, currently codified under Chapter 12 (Motor Vehicles and Traffic), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, to delete a school zone for Barron Early Childhood School located on Parker Road from five hundred feet east of P Avenue to one hundred fifty feet west of P Avenue; to revise the designated times of school zone operation for Fowler Middle School; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. [Consent Agenda Item (Q)]

Ordinance No. 2007-8-6: To amend Section 11-144(a) of Division 2 of Article IV (Peddlers and Solicitors) of Chapter 11 (Licenses and Business Regulations), amending Section 12-12(b) of Article I (In General) of Chapter 12 (Motor Vehicles and Traffic), amending Section 12-74(b) of Article IV (Speed) of Chapter 12 and amending Section 12-101 of Article V (Stopping, Standing and Parking) of Chapter 12 of the City of Plano Code of Ordinances, to change the names of the service roads on U.S. Highway 75 and the President George Bush Turnpike within the incorporated limits of the City of Plano; providing for a change in the official records to reflect such action; and providing a repealer clause, a severability clause, a savings clause, a publication clause and an effective date [Consent Agenda Item (R)]

Ordinance No. 2007-8-7: To amend Section 11-144 of Article IV Peddlers and Solicitors Chapter 11 Licenses and Business Regulations of the Code of Ordinances of the City of Plano; by repealing Section 11-144(b) and adding Sections 11-144(b)(c)(d)(e) to provide application requirements for employees to solicit charitable contributions in the roadway and penalties for violations; to provide for a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (S)]

Ordinance No. 2007-8-8: To repeal Article XXI. Technology Commission of Chapter 2 Administration of the Plano Code of Ordinances which established the Technology Commission; and providing an effective date. [Consent Agenda Item (T)]

Ordinance No. 2007-8-9: To amend Subsections (C)(1), (C)(3), and (D) of Section 2-12, Chapter 2, Plano Code of Ordinances, granting the City Manager the authority to approve contracts equal to or less than \$50,000; and delegating to the Chief Purchasing Officer the authority to determine the procurement method that provides the best value for the City; providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (U)]

END OF CONSENT

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

Bid No. 2007-177-B 2006-2007 Sidewalk and Barrier Free Ramp Construction Project to Jim Bowman Construction Company, L.P. in the amount of \$253,048. This project involves construction of new sidewalk at eight locations along major thoroughfares in the City where pedestrian traffic is increasing and construction of barrier free ramps at various locations. [Consent Agenda Item (E)] (See Exhibit "D")

Upon a motion made by Council Member Ellerbe and seconded by Deputy Mayor Pro Tem Callison, the Council voted 7-0 to approve Bid No. 2007-177-B 2006-2007 Sidewalk and Barrier Free Ramp Construction Project to Jim Bowman Construction Company, L.P. in the amount of \$253,048.

Council Member Dunlap resumed his place at the bench.

Discussion of the FY 2007-08 Recommended Community Investment Program [Regular Agenda Item (1)]

City Manager Muehlenbeck spoke to the CIP program reflecting the City's continued commitment to investing in its growing infrastructure by planning, building, operating and maintaining all capital projects. He spoke to the program representing a five-year plan and the combined value of \$134,790,425 including the general obligation budget, water and sewer budget, capital reserve projects and other areas.

Director of Parks and Recreation Wendell spoke to the Park Improvements Bond Program, Park Fee Program, and Park Capital Reserve Fund. He reviewed major bond program projects including Athletic Field Improvements (\$490,000), Bikeway System (\$350,000), Carpenter Expansion (\$1 million), Chisholm Trail (\$1.2 million), Maintenance Facility (\$1.7 million), Memorial Park (\$1 million), Oak Point Park (\$8 million), PISD Tennis Court Lights (\$80,000), and Trail Connections (\$2 million). He responded to the Council regarding the schedule for Oak Point Park. Mr. Wendell advised regarding Park Fee Projects including Greenbelt Acquisition and Trail Development (\$1.9 million) and reviewed several projects from the Park Capital Reserve fund including Athletic Field Renovations (\$2.8 million), Drought Repair (\$250,000), Median Renovations (\$200,000), and Silt Removal (\$350,000).

Chief Engineer-CIP Cosgrove advised that the Street Program includes rehabilitation projects (\$8.6 million), Design Projects (\$663,000) and Capacity Improvements (\$20 million). He responded to the Council regarding completion of access roads on U.S. 75., the timeframe for the Parker Road project, and widening of Parkwood Boulevard. Mr. Cosgrove spoke regarding miscellaneous items (\$4.7 million) including signal upgrade, landscaping, alleys, park streets, traffic calming devices, right-of-way acquisition, redevelopment street improvement and street lighting. He provided information on other funding sources including Collin County (\$10.6 million), TxDOT (\$3.6 million) and DART (\$630,553).

Mr. Cosgrove spoke regarding municipal drainage projects and responded to Council Member Johnson regarding the program at Riverbend Lakes. City Manager Muehlenbeck spoke to the situation that occurs in this area and the program being put into place ten years ago. Mr. Cosgrove spoke to water improvements (\$6.56 million) and Mr. Muehlenbeck spoke to the problems in the area of the water fund and to proceeding deliberately with these projects. Mr. Cosgrove spoke to sewer improvements (\$6.1 million), facility projects (\$24.6 million) and capital reserve-facilities (\$3.67 million).

Director of Public Works Foster spoke to the high quality of infrastructure in the City due to the CIP program and funding for residential street and alley repair (\$4 million) and arterial concrete repair (\$2.5 million). He spoke to sanitary sewer rehabilitation and traffic signal improvements.

A Public Hearing on the Recommended 2007-08 Budget and 2007-08 Community Investment Program (CIP). "This budget will raise more total property taxes than last year's budget by \$7,965,972 or 7.37%, and of that amount \$2,689,719 is tax revenue to be raised from new property added to the tax roll this year. [Regular Agenda Item (2)]

Mayor Evans opened the Public Hearing. Sonja Hammar, citizen of the City, spoke to open government/accountability and to the budget items related to the Plano Economic Development Board. She spoke to a portion of the revenue provided from an increase in the tax rate and state opposition to additional funding until the Board has open meetings with posted agendas and minutes as do surrounding communities. Jack Lagos, citizen of the City, spoke to not funding the Plano Economic Development Board until they act as an open government. He spoke to revising the name on documents from the Collin County Cultural Arts District to the Arts of Collin County and material referencing September 2003 being outdated. Mr. Lagos spoke to the reference of a completion date with no ground broken for the arts center. City Manager Muehlenbeck advised that staff will review the document dates. No one else spoke either for or against the request. The Public Hearing was closed.

Vote on a proposal to consider an increase in total tax revenue. [Regular Agenda Item (3)]

Budget Director Rhodes advised the Council regarding legislative adopted in 2005 requiring Public Hearings and publication should the effective tax rate rise even one cent. She stated that once a level is set, the amount may only be moved downward and spoke to Public Hearings scheduled for August 23 and August 27 with newspaper notification.

Council Member Johnson made a motion to maintain the same rate of 47.35 cents per \$100 of assessed property value and Mayor Pro Tem Magnuson seconded. There was no vote taken at this time. Council Member Stahel spoke in opposition to maintaining the rate and stated concern that the dedication of two cents for economic development creates temptation to find a way to spend the monies. He stated support for funding economic development, including any substantial sums needed, with a temporary short-term loan out of one of the capital reserve funds and backfilling it with an appropriate tax rate the following year.

A motion was made by Council Member Johnson and seconded by Mayor Pro Tem Magnuson to maintain the same tax rate of 47.35 cents per \$100 of assessed property value which will result in an increase in total tax revenue. The Council voted 7-1 with Council Member Stahel voting in opposition. The motion carried.

Public Hearing and approval of disbursement of grant funds in the total amount of \$96,981 awarded through the Byrne Justice Assistance Grant Project for the purpose of purchasing equipment resources, pursuant to the amendments made by Section 201 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004. Under this Grant, the City of Plano will be the Fiscal agent and will disburse funds to the City of McKinney and the Collin County Sheriff's Office as agreed upon in the Memorandum of Understanding signed by the three entities. [Regular Agenda Item (4)]

Police Chief Rushin spoke to Public Hearing requirements and disbursement of grant funds to cities and counties based on formulas in order to decrease crime and increase public safety. He spoke to the areas in which monies could be spent including law enforcement programs, prosecution and court programs, prevention and education, corrections and community corruption programs, drug treatment programs and planning evaluation and technology improvement programs. Chief Rushin spoke to plans this year to spend funds on technology.

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 Stahel and seconded by Mayor Pro Tem Magnuson, the Council voted 8-0 to approve disbursement of grant funds in the total amount of \$96,981 awarded through the Byrne Justice Assistance Grant Project for the purpose of purchasing equipment resources, pursuant to the amendments made by Section 201 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004.

Resolution No. 2007-8-10(R): To approve the terms and conditions of an Interlocal Cooperation Agreement between the City of Plano, Texas, the City of McKinney, Texas, and the County of Collin, Texas for the disbursement of the 2007 Byrne Justice Assistance Grant Funds; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (5)]

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member Stahel, 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 McKinney, Texas, and the County of Collin, Texas for the disbursement of the 2007 Byrne Justice Assistance Grant Funds; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2007-8-10(R).

An Ordinance to repeal City of Plano Ordinance Nos. 98-2-26, and 98-8-35, codified as Article VI, Historic Landmark Preservation, of Chapter 16 of the Code of Ordinances of the City of Plano; and adopting new and amended provisions for Heritage Resource Preservation for the City. [Regular Agenda Item (6)] (Item pulled and held until August 27, 2007.)

There being no further discussion, Mayor Evans adjourned the meeting at 9:03 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary