

PLANO CITY COUNCIL
September 24, 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 into the Regular Session on Monday, September 24, 2007, at 7:07 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Mayor Pro Tem Magnuson.

The invocation was led by Pastor Barry Gin of the Plano Chinese Alliance Church.

The Pledge of Allegiance was led by Council Member Ellerbe.

SPECIAL RECONGITIONS AND PROCLAMATIONS

Mayor Evans spoke regarding presentation of the 2007 Food Service Safety & Sanitation Excellence Awards.

BOARD AND COMMISSION REPORT

Helen Macey, Executive Director of the Plano Housing Authority, spoke regarding the mission statement: "To provide affordable housing to low income families while offering opportunities that enable families to achieve Self-Sufficiency." She spoke to programs including disaster vouchers, disaster housing assistance (FEMA), public housing, housing choice vouchers, home ownership, self sufficiency and the annual Fall-Fest. Ms. Macey spoke to efforts in the last two years to assist hurricane victims and work with FEMA. She spoke regarding public housing offered by the Authority, the use of vouchers to provide assistance, and the homeownership program which is used as a model for others.

Ms. Macey spoke regarding the Family Self Sufficiency Program providing a means to achieve economic independence and the Housing Authority assuming the costs associated with the program. She spoke regarding the Fall Fest scheduled for October 6, services provided in the new facility and to "Investing in the Present Reaping Dividends in Generations to Come." Ms. Macey responded to Council Member Stahel regarding the Fall Fest and Council Member Johnson commended the Authority on its efforts over the years.

COMMENTS OF PUBLIC INTEREST

Jack Lagos, citizen of the City, spoke to accountability in government as it pertains to the Plano Economic Development Board and a newspaper article related to tax incentives in the City of Richardson. He then spoke regarding an incentive in the City of Plano provided based on the number of new employees and stated that the firm may be losing employees. Mr. Lagos spoke to establishing accountability on contracts and to determining the number of new employees.

CONSENT AGENDA

Citizen Jack Lagos requested Consent Agenda Item "F," to approve an agreement by and between the City of Plano and Plano Economic Development Board in the amount of \$849,652 to initiate, promote, monitor and perform activities related to economic development be removed for individual consideration.

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

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, the Council voted 7-0 to approve and adopt the remaining items as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

September 10, 2007
September 11, 2007
September 14, 2007

Approval of Expenditures

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

Bid No. 2007-193-B for Police and Courts Building Roof Replacement project to K Post Company, in the amount of \$263,715. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. 2007-164-C for RFP for Group Medicare Supplement Plan to United Retiree Solutions. The term of this contract will be for one year with three City optional one-year renewals. [Consent Agenda Item (C)] (See Exhibit "B")

Bid No. 2007-206-B for the Memorial Park Improvements – Veterans’ Memorial to Cole Construction, Inc. in the amount of \$1,612,787. [Consent Agenda Item (D)] (See Exhibit “C”)

Bid No. 2007-204-B for repainting of Parker Road Elevated Storage Tank to M.K. Painting, Inc., in the amount of \$390,000. [Consent Agenda Item (E)] (See Exhibit “D”)

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 five 24 Yard Automated Side Loaders in the amount of \$491,123 and two 20 Yard High Compaction Rear Loaders in the amount of \$116,195 from Heil of Texas through the H-GAC Cooperative Purchasing Program, and authorizing the City Manager to execute all necessary documents. (#RC08-06). [Consent Agenda Item (G)]

Approval of Change Order: (Change to current City of Plano contract allowable under State law)

To Mario Sinacola & Sons Excavating increasing the contract by \$33,859, Inc., for Dominion Parkway Phase II – Headquarters to Hedgcoxe, Change Order No. 1, Bid No. 2006-208-B. This change order is for revising the scope of work to include the construction of a left-turn lane for Capital One on Dominion Parkway and for adjustment of quantities to reflect the actual work done in the field. [Consent Agenda Item (H)]

Adoption of Resolutions

Resolution No. 2007-9-14(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Lucas, Texas, under which the City of Plano will dispatch calls for emergency fire and emergency medical assistance for the City of Lucas; authorizing execution of the agreement by the City Manager; and providing an effective date. [Consent Agenda Item (I)]

Resolution No. 2007-9-15(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Parker, Texas, under which the City of Plano will dispatch calls for emergency fire and emergency medical assistance for the City of Parker; authorizing execution of the agreement by the City Manager; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2007-9-16(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Lucas, Texas for the City of Lucas’ use of the Trunked Radio System owned by the cities of Allen, Frisco, and Plano; authorizing execution of the agreement by the City Manager; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2007-9-17(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Parker, Texas for the City of Parker's use of the Trunked Radio System owned by the cities of Allen, Frisco, and Plano; authorizing execution of the agreement by the City Manager; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2007-9-18(R): To approve the settlement of the lawsuit styled Michael Avera v. City of Plano, Texas, Civil Action No.: 4:05-CV-481, United States District Court for the Eastern District of Texas, Sherman Division in the amount of \$30,000; authorizing the City Manager to execute any and all documents necessary to settle such lawsuit; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2007-9-19(R): To approve the terms and conditions of Plano/Richardson Police Training Center second amended and restated agreement; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (N)]

Resolution No. 2007-9-20(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the Plano Independent School District for the operation of the Police/School Liaison Program: authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2007-9-21(R): To approve the terms and conditions of an Airspace Agreement with Nodenble Associates, LLC, a Delaware Limited Liability Company, for the construction and maintenance of a pedestrian crossing with elevated canopy over Infinity Avenue, a public right-of-way; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (P)]

Resolution No. 2007-9-22(R): To approve the terms and conditions of agreements between the City of Plano and various community organizations for the expenditure of Buffington Community Services Funds in the amount of \$514,900 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (Q)]

Resolution No. 2007-9-23(R): To authorize the Cities Aggregation Power Project, Inc. to negotiate on behalf of the City for the purchase of Renewable Energy Credits effective for the 2008 calendar year; authorizing the City Manager to sign the standard form Rec Account Agreement with the Electric Reliability Council of Texas, Inc. ("ERCOT") for the 2008 calendar year; authorizing the City Manager to register the City's ownership of Renewable Energy Credits with the Electric Reliability Council of Texas; committing to budget for the purchase of Renewable Energy Credits to be effective for the 2008 calendar year; and providing an effective date. [Consent Agenda Item (R)]

Adoption of Ordinances

Ordinance No. 2007-9-24: To amend Ordinance No. 2007-7-6, codified in subsection entitled "Central Expressway (U.S. Highway 75 Service Roads)" under Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, of the City of Plano Code of Ordinances, Motor Vehicles and Traffic, to raise the prima facie maximum speed limit from 45 miles per hour to 50 miles per hour on the section of Central Expressway from Spring Creek Parkway to the northern City limit line; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause and an effective date. [Consent Agenda Item (S)]

Ordinance No. 2007-9-25: 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 extend a school zone on McDermott Road beginning at a point two hundred (200) feet east of Enchanted Ridge Drive and continuing in a westerly direction to a point two hundred twenty (220) feet west of Coit Road; to establish a school zone on Coit Road from a point two hundred ninety (290) feet south of McDermott Road to a point two hundred forty (240) feet north of McDermott Road during the time periods of 7:50 a.m. through 8:50 a.m. and 3:45 p.m. through 4:30 p.m. on school days; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. [Consent Agenda Item (T)]

Ordinance No. 2007-9-26: To repeal Ordinance No. 2007-7-3; establishing the number of certain classifications within the Police and Fire Departments for Fiscal Year 2007-08; establishing the authorized number and effective dates of such positions for each classification effective October 1, 2007; establishing a new salary plan for the Police and Fire Departments effective October 1, 2007; and providing a repealer clause, a severability clause and an effective date. [Consent Agenda Item (U)]

Ordinance No. 2007-9-27: To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 7.7± acres, located on the southeast side of Country Club Drive, across El Santo Road, 1,600± feet east of Los Rios Boulevard in the City of Plano, Collin County, Texas, from General Office with Specific Use Permit No. 13 for Country Club and Private Club to Single Family Residence-7 with Specific Use Permit No. 13 for Country Club and Private Club; 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. Public Hearing continued on 6/25/07. On 9/10/07 Council voted to establish Single Family-7 Zoning. [Consent Agenda Item (V)]

END OF CONSENT

To approve an agreement by and between the City of Plano and Plano Economic Development Board in the amount of \$849,652 to initiate, promote, monitor and perform activities related to economic development. [Consent Agenda Item (F)]

Jack Lagos, citizen of the City, requested clarification regarding signing of the agreement. City Manager Muehlenbeck spoke to signing following the item's approval by the City Council and City Attorney Wetherbee advised that this does not represent a conflict of interest. Mr. Lagos spoke to there being no written audit trail by the PEDB and regarding open records requests for terms and conditions of agreements. Council Member Johnson spoke to funding being discussed and voted on during public meetings and being under the sole discretion of the Council. Mr. Muehlenbeck spoke to this item approving the operating budget for the board and not monies for the incentive program.

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Callison, the Council voted 7-0 to approve an agreement by and between the City of Plano and Plano Economic Development Board in the amount of \$849,652 to initiate, promote, monitor and perform activities related to economic development.

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

To approve the purchase of support services for servers and printers in the amount of \$42,876 from Hewlett Packard Company through an existing contract/agreement with Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-BUSOP-178) [Consent Agenda Item (G)]

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Dunlap, the Council voted 6-0 to approve the purchase of support services for servers and printers in the amount of \$42,876 from Hewlett Packard Company through an existing contract/agreement with Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-BUSOP-178)

Council Member Stahel resumed his seat at the bench.

Resolution No. 2007-9-28(R): To approve revisions to the Policy Statement for Tax Abatement and the Tax Abatement Application of the City of Plano; and providing an effective date. (Tabled from 8/27/07 and 9/10/07) [Regular Agenda Item (1)]

Upon a motion made by Council Member Dunlap and seconded by Mayor Pro Tem Magnuson, the Council voted 7-0 to remove the item from the table.

City Attorney Wetherbee advised the Council that this item represents the adoption of changes enacted by the legislature requiring entities/persons receiving economic development grants to indicate that they do not hire any undocumented illegal aliens. She spoke to providing a process for considering tax abatement process guidelines and inclusion of a current provision stating that when a tax abatement application is being considered, it is not a public document until an offer is made available and the contract executed. Council Member Stahel clarified that the employer will not knowingly hire an undocumented worker and Ms. Wetherbee spoke regarding penalties.

Resolution No. 2007-9-28(R) (cont'd)

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Dunlap, the Council voted 7-0 to approve revisions to the Policy Statement for Tax Abatement and the Tax Abatement Application of the City of Plano; and providing an effective date and further to adopt Resolution No. 2007-9-28(R).

A Review of Annual Performance Report for the use of Federal Funds in 2006-2007. [Regular Agenda Item (2)]

Neighborhood Services Manager Day spoke to the reporting requirement for cities receiving federal funds. She advised that the report includes information from the Plano Housing Authority, Community Development Block Grants, HOME investment partnership funds as well as American Dream Downpayment initiative funds. Ms. Day spoke to receiving \$9.9 million in 2006 with 92.8% used for housing to support 2,221 low to moderate-income Plano residents and spoke to the construction of four new affordable housing units, rehabilitation/repair of fifty single-family homes and assistance provided first-time home buyers. She spoke to support provided to the homeless, elderly and at-risk youth and responded to the Council that emergency repairs cost approximately \$5,000 each and rehabilitations \$50,000.

Upon a motion made by Council Member Dunlap and seconded by Deputy Mayor Pro Tem Callison, the Council voted 7-0 to approve the Annual Performance Report for the use of Federal Funds in 2006-2007.

Public Hearing and adoption of Ordinance No. 2007-9-29 as requested in Zoning Case 2007-17 to amend Section 3.100 (Supplementary Regulations for Principal Uses and Specific Uses), Section 3.800 (Height Regulations), and Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to remove flag and flagpole regulations; 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 (3)]

Development Review Manager Elgin spoke to regulations for flags and flagpoles being covered in both the Zoning Ordinance and the Code of Ordinances and direction received from the Council to bring revisions back. He spoke to this item and its companion moving all regulations into the Code of Ordinances and the Planning and Zoning Commission's recommendation of approval as submitted.

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

Ordinance No. 2007-9-29 (cont'd)

Upon a motion made by Council Member Ellerbe and seconded by Council Member Johnson, the Council voted 7-0 to amend Section 3.100 (Supplementary Regulations for Principal Uses and Specific Uses), Section 3.800 (Height Regulations), and Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to remove flag and flagpole regulations as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-17; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2007-9-29.

Ordinance No. 2007-9-30 to add Division 6, Flags and Flagpoles to Article XII, Temporary Signs, of Chapter 6, Buildings and Building Regulations, of the City of Plano Code of Ordinances, to provide regulations for flags and flagpoles; providing for penalty, severability; repealing; and publication clauses; and establishing an effective date. Applicant: City of Plano. [Regular Agenda Item (4)]

Development Review Manager Elgin spoke to this item providing for the transfer of regulations related to temporary signs from the Zoning Ordinance to the Code of Ordinance.

Upon a motion made by Council Member Dunlap and seconded by Council Member LaRosiliere, the Council voted 7-0 to add Division 6, Flags and Flagpoles to Article XII, Temporary Signs, of Chapter 6, Buildings and Building Regulations, of the City of Plano Code of Ordinances, to provide regulations for flags and flagpoles; providing for penalty, severability; repealing; and publication clauses; and establishing an effective date; and further to adopt Ordinance No. 2007-9-30.

A Resolution to nominate a candidate for election to the Denton Central Appraisal District Board of Directors; and providing an effective date.

City Manager Muehlenbeck advised regarding the passage of House Bill 1010 which does not allow Collin County to appraise property in that portion of Plano that lies in Denton County and the resultant opportunity to consider a nomination for the Denton Central Appraisal District. He spoke to the number of votes allocated to the City and his recommendation to advise the county that the City of Plano will not have a nomination at this time to which the Council concurred.

Mayor Evans requested Staff provide an update on corporations that accept economic incentives.

There being no further discussion, Mayor Evans adjourned the meeting at 7:47 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary