

PLANO CITY COUNCIL
September 28, 2009

COUNCIL MEMBERS

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

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 Dyer convened the Council into the Regular Session on Monday, September 28, 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 Reverend Susan Freeman of Christ Church Plano and the Pledge of Allegiance was led by Mayor Pro Tem LaRosiliere.

Mayor Dyer presented a proclamation for National Disability Employment Awareness Month and recognized a Certificate of Achievement for Planning Excellence presented to the City of Plano.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon the request of Deputy Mayor Pro Tem Dunlap, Consent Agenda Item "B" was removed for individual consideration due to a possible conflict of interest.

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

Upon the request of Staff, Consent Agenda Item “C” was pulled and held for further review.

Upon a motion made by Council Member Miner 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”)

September 9, 2009

September 10, 2009

September 14, 2009

Approval of Expenditures

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

Bid No. 2009-193-P for the 2009-2010 Residential and Arterial Pavement Under-sealing and Raising Contract to Nortex Concrete Lift & Stabilization, Inc. in the amount of \$1,470,000. This contract will involve the injection of high density polyurethane foam to under-seal and raise street and alley pavement on residential and arterial thoroughfare locations identified by the City. This will allow repairs to be made without having to replace concrete paving, reducing traffic lane closures and the disruptions associated with concrete replacement. This will establish a fixed price requirements contract with two optional renewals. (Consent Agenda Item “C”) (Pulled and held)

CSP No. 2009-154-B for Coit and Dallas North Tank Repaint Project to Classic Protective Coating, Inc., in the amount of \$870,100 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Approval of Change Order

To Wiginton Hooker Jeffry, P.C., increasing the Professional Services Contract by \$32,525 for the Fire Station No. 13 design. Contract Modification No. 3 is for additional engineering and design services necessary to complete the construction documents and repackage the project for rebid.

To Crescent Constructors, Inc., increasing the contract by \$32,643 for Mapleshade Lift Station, Change Order No. 1. (Original Bid No. 2009-26-B) (Consent Agenda Item “E”)

To Crescent Constructors, Inc., increasing the contract by \$32,643 for Mapleshade Lift Station, Change Order No. 1. (Original Bid No. 2009-26-B) (Consent Agenda Item “F”)

Agreement

To approve a contract by and between the City of Plano and Plano Economic Development Board, Inc. in the amount of \$870,101 to initiate, promote, monitor and perform activities related to economic development; and authorizing the City Manager to execute any and all documents in connection therewith. (Consent Agenda Item “G”)

Adoption of Resolutions

Resolution No. 2009-9-17(R): To approve the terms and conditions of Agreements between the City of Plano and various community organizations for the expenditure of Homelessness Prevention and Rapid Re-Housing funds in the amount of \$468,597 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “H”)

Resolution No. 2009-9-18(R): To approve the terms and conditions of Agreements between the City of Plano, Texas, and various heritage preservation organizations which render services that are beneficial to the public and serve a valid public purpose in the total amount of \$661,173; authorizing the City Manager to execute such agreements with these organizations for the provision of support of heritage preservation; and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2009-9-19(R): To approve the purchase of a 6.65 Side Transposing Conveyor from N40, Inc., a distributor of Backhus North America, as a sole source vendor; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2009-9-20(R): To approve the Award of Bid for the sale of approximately 3.0 acres of land located south of Summit Avenue approximately 500 feet east of the intersection of Summit Avenue and Matrix Drive, Plano, Texas pursuant to the terms and conditions of the invitation to receive sealed bids; authorizing the City Manager to execute all documents necessary to effectuate the sale; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2009-9-21(R): To adopt the Tax Abatement Policy of the City of Plano thereby establishing criteria for evaluating incentive applications; establishing procedural guidelines and criteria governing tax abatement agreements; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2009-9-22(R): To approve the terms and conditions of a Local Project Advance Funding Agreement by and between the City of Plano and Texas Department of Transportation for Intersection Improvements along Preston Road at Headquarters Drive, Hedgcoxe Road, Spring Creek Parkway and Parker Road; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “N”)

Resolution No. 2009-9-23(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and the North Central Texas Council of Governments (NCTCOG), concerning the implementation of the Park Boulevard Bicycle/Pedestrian Regional Connection Project as part of the Local Air Quality Program approved by the Regional Transportation Council (RTC) on April 14, 2005 to encourage the implementation of projects to reduce vehicle emissions that create ozone; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “O”)

Resolution No. 2009-9-24(R): To nominate Roy L. Wilshire for election to the Collin County Central Appraisal District Board of Directors; and providing an effective date. (Consent Agenda Item “P”)

Adoption of Ordinances

Ordinance No. 2009-9-25: To amend Article V, Board of Adjustment, Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano, Texas, to delete the special provisions for employment for appointment to the Board of Adjustment; providing a repealer clause, a severability clause, a savings clause, a publication clause and an effective date. (Consent Agenda Item “Q”)

Ordinance No. 2009-9-26: To repeal Ordinance No. 2009-3-11; establishing the number of certain classifications within the Police and Fire Departments for Fiscal Year 2009-10; establishing the authorized number and effective dates of such positions for each classification effective October 1, 2009 and December 1, 2009 respectively; establishing a salary plan for the Police and Fire Departments effective September 28, 2009; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “R”)

Ordinance No. 2009-9-27: To adopt and enact Supplement Number 87 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date. (Consent Agenda Item “S”)

END OF CONSENT

Due to a possible conflict of interest Deputy Mayor Pro Tem Dunlap stepped down on the following item due to a possible conflict of interest.

Bid No. 2009-177-B for Intersection Improvements – Spring Creek Parkway at Jupiter Road, Park Boulevard at Custer Road, Parkhaven Drive at Independence Parkway, Ohio Drive at SH 121 and drainage improvements on Rambling Way from Parker Road to 300 feet north to Jim Bowman Construction Co., LP in the amount of \$490,016. (Consent Agenda Item “B”)

Upon a motion made by Council Member Miner and seconded by Council Member Callison, the Council voted 7-0 to approve Bid No. 2009-177-B for Intersection Improvements in the amount of \$490,016 to Jim Bowman Construction Co., LP.

Deputy Mayor Pro Tem Dunlap resumed his place on the bench.

Due to a possible conflict of interest Council Member Smith stepped down on the following item due to a possible conflict of interest.

Resolution No. 2009-9-28(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 \$527,604 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “T”)

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Callison, the Council voted 7-0 to approve agreements between the City and various community organizations for expenditure of Buffington Community Services funds in the amount of \$527,604 and further to adopt Resolution No. 2009-9-28(R).

Council Member Smith resumed her place on the bench.

Approval of a Purchase from an Existing Contract two (2) Spartan/Rosenbauer Pumpers and one (1) Spartan/Rosenbauer Aerial Ladder in the amount of \$1,742,896 from Emergency Vehicles of Texas through an existing contract/agreement with H-GAC Cooperative Purchase Program and authorizing the City Manager to execute any and all necessary documents. (H-GAC Contract No. FS12-07) (Regular Agenda Item “1”)

City Manager Muehlenbeck spoke to bringing items forward to the Council that contain budget impact and looking for ways to address deficits. Chief Esparza spoke to the equipment for use at Fire Station #13, timing related to the construction of the station, retaining the City’s ISO rating, and savings that might be realized by purchasing at this time.

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Mayor Pro Tem LaRosiliere, the Council voted 8-0 to approve the purchase of two Spartan/Rosenbauer Pumpers and one Spartan/Rosenbauer Aerial Ladder in the amount of \$1,742,896.

Discussion and Direction regarding the purchase of Printing Services from price agreements in an estimated annual amount of \$539,000 from various vendors; and authorizing the City Manager to execute all necessary documents. (Regular Agenda Item “2”)

Assistant City Manager Israelson spoke to the budget of the Print Shop and Publishing and advised that a consultant’s report provided two alternatives: retaining the print shop, hiring a manager to oversee its operations, and charging for publishing services or; outsourcing the management of the print shop and charging for publishing. Mr. Israelson advised that the only interest from outside vendors was to provide services at their facilities and Staff’s consideration of outsourcing with absorption of some graphics design by Public Information Administration. He spoke to possible savings, transition of operations, and risks. Purchasing Manager Palmer spoke to the vendors being included on cooperative purchasing agreements.

Mr. Israelson responded to the Council, advising that if the Print Shop were retained, a management position would need to be filled and spoke to departments selecting from providers to find the best service for their needs with evaluation after one year. He spoke to current use of outside printing vendors for some products, the ability to use Plano-based storefronts and advised of the personnel impact. Mr. Israelson spoke to the responsibility of departments to ensure processing and accuracy and to the importance of contract administration.

Upon a motion made by Council Member Miner and seconded by Deputy Mayor Pro Tem Dunlap, the Council voted 8-0 directing Staff to move forward in purchasing Printing Services from price agreements.

Public Hearing and Comment: Review of the Consolidated Annual Performance Evaluation Report for the use of Federal Funds in 2008-2009. (Consent Agenda Item “3”)

Community Services Manager Day advised that the report to Housing and Urban Development includes information on federal and local monies utilized to meet goals and to the commitment of more than \$2 million in federal funds resulting in assistance for more than 1,500 low-to-moderate income families and \$524,000 in City funds assisting 20,000 others.

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

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2009-14 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development-189-Retail/General Office on 114.0± acres located at the southeast corner of Preston Road and Park Boulevard, in the City of Plano, Collin County, Texas, to allow for an increase to the maximum lot coverage; 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, a publication clause, and an effective date. Applicant: Regency Centers, L.P. and other PD Property Owners (Consent Agenda Item “4”)

Director of Planning Jarrell advised that the applicant has requested the item be tabled in order to be considered with an appealed zoning case on October 12, 2009.

Mayor Dyer 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 Callison and seconded by Council Member Jackson, the Council voted 8-0 to table Zoning Case 2009-14 until the October 12, 2009 Council meeting.

Resolution No. 2009-9-29(R): to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Pepsico, Inc., a North Carolina corporation; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “5”)

Director of Finance Tacke advised that Pepsico, Inc. would occupy no less than 98,000 square feet of office space and retain, transfer or create 428 full-time jobs by September 31, 2009 and an additional 172 full-time jobs by December 31, 2010. She advised that the terms of the agreement run from October 1, 2009 – August 15, 2014 for a grant in the amount of \$428,000.

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 8-0 to approve an Economic Development Incentive Agreement between the City and Pepsico, Inc. and further to adopt Resolution No. 2009-9-29(R).

Resolution No. 2009-9-30(R): to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Retalix USA, Inc., a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “6”)

Director of Finance Tacke advised that Retalix USA, Inc. would occupy no less than 45,000 square feet of office space and retain, transfer or create 185 full-time jobs by October 1, 2009. She advised that the terms of the agreement run from October 1, 2009 – September 30, 2015 for a grant in the amount of \$166,500.

Upon a motion made by Council Member Jackson and seconded by Council Member Harris, the Council voted 8-0 to approve an Economic Development Incentive Agreement between the City and Retalix, USA, Inc. and further to adopt Resolution No. 2009-9-30(R).

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

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary