

PLANO CITY COUNCIL
October 26, 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 directly from the Preliminary Open Meeting on Monday, October 26, 2009, at 7:10 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Imam Yaseen Shaikh of the Islamic Association of Collin County and the Pledge of Allegiance was led by Jr. Girl Scout Troop 1904 from Davis, Dooley & Mendenhall Elementary and Armstrong & Bowman Middle Schools

Mayor Dyer presented Special Recognition to Bradley Robertson – Winner of the SWANA National Truck Road-E-O (First Place in Automated) and a proclamation recognizing Animal Shelter Appreciation Week

Mayor Dyer administered oaths of office to incoming board and commission members and certificates of appreciation to those leaving office.

COMMENTS OF PUBLIC INTEREST

Jim Watson, representing *Keep Our Kids At Jasper*, stated concerns related to student and pedestrian safety and traffic issues should the school district move forward and realign boundaries sending some Jasper High School students to either Clark or Vines High School. He spoke to the distance students would be traveling and possible installation of additional crossing zones, tunnels or traffic control measures. City Manager Muehlenbeck advised that should realignment take place, the City and school district will work through a joint committee to bring forward recommendations.

Jeffrey Ayers spoke to plans to undertake a study identifying and measuring the effects of foreclosures on the City of Plano including the impact on evaluations and community/municipal infrastructure. Mayor Dyer spoke to viewing the information upon its completion.

Citizen Janice Cline spoke creating a book chronicling Plano from its early years to the present and requested citizens submit photos for inclusion and advised that materials collected would be contributed to the genealogical library.

CONSENT AGENDA

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Jackson, the Council voted 8-0 to approve and adopt all items on the agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")
October 12, 2009

Approval of Expenditures

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

CSP No. 2009-84-C for IP Video Security for Communication Towers, in the amount of \$61,652 to 911 Security Cameras Inc., and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

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 Freese and Nichols, Incorporated, in the amount of \$153,570 for Erosion Control-London Creekside, Shady Creek & 2 Sanitary Sewer Creek Crossings, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Agreement

To approve a Landscape Architecture Professional Services Agreement by and between the City of Plano and La Terra Studio, Inc. in the amount of \$54,750 for Athletic Facility Improvements – 2009 Hoblitzelle Park and Enfield Park and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

Approval of Change Order

To Weir Bros., Inc., increasing the contract by \$54,795 for Razor Road from Ohio Drive to SH 121, Change Order No. 1. Original Bid No. 2009-81-B. (Consent Agenda Item “E”)

Adoption of Resolutions

Resolution No. 2009-10-11(R): To approve the terms and conditions of an Interlocal Agreement for Library Services by and between the City of Plano and Collin County, Texas providing the terms and conditions for receipt of funding in the amount of \$79,675 from Collin County; authorizing the City Manager to execute all necessary documents; and providing an effective date. (Consent Agenda Item “F”)

Resolution No. 2009-10-12(R): To approve the terms and conditions of a Funding Agreement between the City of Plano, Texas, and The Shops at Legacy (North), L.L.C. whereby the City will provide funding in part for the 2009 Lights of Legacy Tree Lighting Festival event; authorizing the City Manager to execute such agreement; and providing an effective date. (Consent Agenda Item “G”)

Resolution No. 2009-10-13(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the North Central Texas Council of Governments providing terms and conditions for the funding of a Second Chance Swap and Reuse Event; authorizing its execution by the City Manager and providing an effective date. (Consent Agenda Item “H”)

Resolution No. 2009-10-14(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the North Central Texas Council of Governments providing terms and conditions for the funding of a Disaster Debris Management Plan; authorizing its execution by the City Manager and providing an effective date. (Consent Agenda Item “I”)

Resolution No. 2009-10-15(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the North Central Texas Council of Governments providing terms and conditions for the funding of Biomass Pelletizer Feasibility Study; authorizing its execution by the City Manager and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2009-10-16(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the North Central Texas Council of Governments providing terms and conditions for the funding of a Plastic Bag Reduction Campaign; authorizing its execution by the City Manager and providing an effective date. (Consent Agenda Item “K”)

Adoption of Ordinances

Ordinance No. 2009-10-17: To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 601 so as to allow the additional use of Public Storage/Mini-Warehouse on 3.1± acres of land located on the west side of Preston Park Boulevard, 550± feet south of Park Boulevard, in the City of Plano, Collin County, Texas, presently zoned Planned Development-189-Retail/General Office; 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. (Zoning Case 2009-15) Public Hearing held and approved by City Council on 10/12/09. Applicant: Regency Centers L.P. (Consent Agenda Item “L”)

Ordinance No. 2009-10-18: To repeal Ordinance No. 2006-11-18 in its entirety, which was codified as Chapter 21, Article II, Division 4, Drought Contingency Plan, of the Code of Ordinances of the City of Plano; adopting a new Drought Contingency Plan to be codified as Chapter 21, Article II, Division 4 of the Code of Ordinances of the City of Plano; establishing procedures and criteria for declaring a water emergency and implementing and terminating drought response stages; establishing restrictions on certain water uses during drought response stages; establishing administrative remedies and criminal penalties for violating the restrictions and provisions for enforcement of these restrictions; and providing a repealer clause, a severability clause, a savings clause; an effective date; and providing for publication of the caption hereof. (Consent Agenda Item “M”)

Ordinance No. 2009-10-19: To repeal Division 5, Graffiti, Sections 11-95 through 11-100, of Article II, Signs, of Chapter 11, Licenses and Business Regulations, of the City of Plano, Code of Ordinances and replacing with Sections 11-95 through 11-100.3 to update definitions, clarify procedures, and notice for graffiti removal that conform to State law; and providing a penalty clause, a severability clause, a repealer clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “N”)

Ordinance No. 2009-10-20: To approve the carrying forward of Fiscal Year 2008-2009 funds to Fiscal Year 2009-10; and providing an effective date. (Consent Agenda Item “O”)

Ordinance No. 2009-10-21: To amend Section 12-74(b) of Chapter 12 (Traffic Code) of the Code of Ordinances to establish prima facie maximum speed limits for motor vehicles operating upon Windhaven Parkway between Spring Creek Parkway and Dallas Parkway, and amend the prima facie maximum speed limits for motor vehicles operating upon Premier Drive between Parker Road and Spring Creek Parkway within the corporate limits of the City of Plano; 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 “P”)

Ordinance No. 2009-10-22: To abandon all right, title and interest of the City, in and to a portion of that certain 15' Sanitary Sewer Easement recorded in Volume 578, Page 437 of the Deed Records of Collin County, Texas, being situated in the James G. Vance Survey, Abstract No. 938, which is located within the city limits of Richardson, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, W. W. Caruth Jr. Foundation, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item "Q")

Ordinance No. 2009-10-23: To abandon all right, title and interest of the City, in and to that certain 20' Sanitary Sewer Easement recorded in Judgement No. 71-134-199 in the 199th Judicial District Court of Collin County, Texas, being situated in the James G. Vance Survey, Abstract No. 938, which is located within the city limits of Richardson, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, W. W. Caruth Jr. Foundation, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item "R")

END OF CONSENT

Resolution No. 2009-10-24(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Crumb Corps, LLC., a Delaware limited liability company; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "1")

Director of Finance Tacke advised that Crumb Corps, LLC. would occupy no less than 20,270 square feet of office space and retain, transfer or create 49 full-time jobs by December 31, 2009. She advised that the terms of the agreement run from November 1, 2009 – March 31, 2019 for a grant in the amount of \$50,675.

Upon a motion made by Council Member Miner and seconded by Council Member Harris, the Council voted 8-0 to approve the agreement between the City and Crumb Corps, LLC. and further to adopt Resolution No. 2009-10-24(R).

A Public Hearing by the City Council of the City of Plano, Texas, pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of a City of Plano park and known as the Bluebonnet site for a Communications Facilities License Agreement for cellular equipment attached to and at the base of the existing Oncor Electric transmission tower. (Regular Agenda Item "2")

Assistant City Manager Israelson advised the Council that there was an error in the publication of this item, that it will be brought back for consideration and that no action is needed at this time.

A Public Hearing by the City Council of the City of Plano, Texas, pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of a City of Plano park and known as the Jack Carter site for a Communications Facilities License Agreement for cellular equipment attached to and at the base of the existing Oncor Electric transmission tower. (Regular Agenda Item "3")

Assistant City Manager Israelson advised the Council that Regular Agenda Items “3,” “4,” and “5” are related to expansion of an existing pad facility, have been approved by the Parks and Recreation Planning Board and that there is no feasible and prudent alternative to the use and taking of the park land as proposed by the project and it includes all reasonable planning to minimize harm to the park land resulting from the use or the taking. He responded to Council Member Harris, advising that requirements for screening have been removed due to issues of operations and maintenance, but that earth-tone color schemes have been implemented. Mr. Israelson further responded to Council Member Miner, advising that the original study has resulted in \$100,000 in revenues from these agreements, negotiations, and acceptable sites identified by Staff.

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

Ordinance No. 2009-10-25: To approve the use and taking by Dallas MTA, L.P., d/b/a Verizon Wireless, a Delaware limited partnership, of a portion of City of Plano park land known as Jack Carter Park (Pleasant Valley Drive and Roundrock Trail); finding and determining that there is no feasible and prudent alternative to the proposed use or taking of the park land and that the proposed project includes all reasonable planning to minimize harm to the land, the park and the recreation area; and providing an effective date. (Regular Agenda Item “4”)

Upon a motion made by Council Member Jackson and seconded by Council Member Smith, the Council voted 8-0 to approve the use and taking by Dallas MTA of a portion of Jack Carter Park and further to adopt Ordinance No. 2009-10-25.

Resolution No. 2009-10-26(R): To amend a Communication Facilities License Agreement by and between the City of Plano, Texas, and Dallas MTA, L.P., d/b/a Verizon Wireless, a Delaware limited partnership, to install, and operate telecommunications ground equipment in certain specific portions of City of Plano public parkland, known as the Jack Carter site; authorizing its execution by the City Manager, and providing an effective date. (Regular Agenda Item “5”)

Upon a motion made by Council Member Jackson and seconded by Council Member Callison, the Council voted 8-0 to amend an agreement by and between the City and Dallas MTA to install and operate ground equipment in portions of Jack Carter Park and further to adopt Resolution No. 2009-10-26(R).

A Public Hearing by the City Council of the City of Plano, Texas, pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of a City of Plano park and known as the Preston Ridge site for a Communications Facilities License Agreement for cellular equipment attached to and at the base of the existing Oncor Electric transmission tower. (Regular Agenda Item “6”)

Assistant City Manager Israelson advised that Regular Agenda Items “6,” “7,” and “8” represent an agreement with T-Mobile for future and back rental, have been approved by the Parks and Recreation Planning Board and that there is no feasible and prudent alternative to the use and taking of the park land as proposed by the project and it includes all reasonable planning to minimize harm to the park land resulting from the use or the taking.

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

Ordinance No. 2009-10-27: To approve the use and taking by T-Mobile West Corporation, a Delaware corporation, of a portion of City of Plano public park land known as Preston Ridge Trail Park (Tulane and Downington Drive); finding and determining that there is no feasible and prudent alternative to the proposed use or taking of the park land and that the proposed project includes all reasonable planning to minimize harm to the land, the park and the recreation area; and providing an effective date. (Regular Agenda Item “7”)

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Callison, the Council voted 8-0 to approve the use and taking by T-Mobile West Corporation of a portion of Preston Ridge Trail Park and further to adopt Ordinance No. 2009-10-27.

Resolution No. 2009-10-28(R): To approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas, and T-Mobile West Corporation, a Delaware corporation, to locate, place, attach, install, and operate telecommunications ground equipment in certain specific portions of City of Plan public park land known as the Preston Ridge site; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “8”)

Upon a motion made by Council Member Jackson and seconded by Council Member Callison, the Council voted 8-0 to amend an agreement by and between the City and T-Mobile West Corporation to install and operate ground equipment in portions of Preston Ridge Trail Park and further to adopt Resolution No. 2009-10-28(R).

There being no further discussion, Mayor Dyer adjourned the meeting at 7:53 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary