



CITY COUNCIL

1520 AVENUE K

DATE: July 26, 2004

CALL TO ORDER: 7:00 p.m.

INVOCATION: Father Tony Densmore
St. Elizabeth Ann Seton Catholic Church

PLEDGE OF ALLEGIANCE: Representatives of Boys & Girls Clubs of
Collin County Plano

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>MISSION STATEMENT: THE PURPOSE OF PLANO CITY GOVERNMENT IS TO FACILITATE AN OUTSTANDING QUALITY OF LIFE FOR RESIDENTS AT A REASONABLE COST IN TAXES AND FEES.</p> <p><u>OATHS OF OFFICE</u></p> <p><u>DART Board of Directors</u> Faye Moses Wilkins</p> <p><u>GENERAL DISCUSSION</u></p> <p>In accordance with the Open Meeting Act, the City Council will hear comments of public interest, but any discussion shall be limited to placing the item on a future agenda for further consideration.</p> <p>Remarks are limited to five (5) minutes per speaker, with a maximum of 30 total minutes of testimony. Other time restraints may be directed by the Mayor.</p> <p>Specific factual information or an explanation of current policy may be made in response to an inquiry; but any discussion or decision must be limited to a proposal to place the item on a future agenda.</p> <p>Speakers will be notified when speaking time has expired. The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p>CONSENT AGENDA</p> <p><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial.</u></p> <p><u>Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. The Council will then take action on the remainder of the Consent Agenda items. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></p>	<p>Held</p>

ITEM NO.	EXPLANATION	ACTION TAKEN
(a)	<p>Approval of Minutes</p> <p>June 28, 2004</p> <p><u>Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following:</u></p>	Approved
(b)	<p>Bid No. B123-04 for screening wall repairs, landscaping and irrigation on the River Bend Screening Wall Landscape Improvements Project (along Coit Road from Irvine Drive to Parker Road), Project No. 5441 within the City of Plano in the amount of \$334,824.</p>	Approved
(c)	<p>Bid No. B126-04 for construction of Dallas North 15 Water Rehab & Fire Hydrants and State Highway 121 Utility Relocations in the amount of \$1,672,496.</p>	Approved
(d)	<p>Bid No. B115-04 for the Pecan Hollow Golf Course – Golf Cart Wash Facility in the amount of \$61,530.</p> <p><u>Adoption of Resolutions</u></p>	Approved
(e)	<p>Resolution No. 2004-7-1(R): To authorize participation with other cities in studying possibilities for municipalization of gas distribution services; authorizing said coalition to retain counsel and consultants; authorizing legal Counsel to the Allied Coalition of Cities to enter into discussions with TXU and the ultimate purchasers of TXU's Gas Utilities Assets; authorizing payment from funds retained by the Steering Committee of Cities served by TXU Gas.</p>	Adopted
(f)	<p>Resolution No. 2004-7-2(R): To approve the settlement of the lawsuit styled Denise Evans v. City of Plano, Cause No. C2002 00631 pending in the District Court of Johnson County, Texas, 413th Judicial District in the amount of \$95,000; authorizing the City Manager to execute any and all documents necessary to settle such lawsuit; and providing an effective date.</p>	Adopted
(g)	<p>Resolution No. 2004-7-3(R): To authorize the City Manager to enter into interlocal agreements with qualified entities pursuant to Chapter 791 of the Texas Government Code to provide Pesticide Application for Mosquito Control, setting restrictions on such agreements; and providing an effective date.</p>	Adopted
(h)	<p>Resolution No. 2004-7-4(R): To approve and authorize refunds of property tax overpayments; and providing an effective date.</p>	Adopted
(i)	<p>Resolution No. 2004-7-5(R): To approve the terms and conditions of an interlocal agreement by and between the City of Plano and the City of Allen concerning measurement and payment of sanitary sewer flow from each City into the other; authorizing its execution by the City Manager; and providing an effective date.</p>	Adopted

ITEM NO.	EXPLANATION	ACTION TAKEN
(j)	Resolution No. 2004-7-6(R): To ratify the terms and conditions of a discretionary service agreement for the removal and relocation of electrical service lines along Mortonvale Road north of Parker Road by TXU Electric Delivery Company to underground facilities not conflicting with the City's Los Rios Boulevard Roadway project, and authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement in an amount not to exceed \$53,388; and providing an effective date.	Adopted
(k)	Resolution No. 2004-7-7(R): To approve the terms and conditions of an agreement for the removal and relocation of electrical service lines along 15 th Street from G Avenue to I Avenue by TXU Electric Delivery Company, and authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement in an amount not to exceed \$36,423; and providing an effective date.	Adopted
(l)	Resolution No. 2004-7-8(R): To approve the terms and conditions of a Public Right-of-Way Use Agreement by and between the City of Plano, Texas and AMEC Earth and Environmental, Inc., a Texas Limited Partnership, to locate, place, attach, install, operate, and maintain monitoring wells in certain specific portions of the public rights-of-way in the City of Plano; authorizing its execution by the City Manager; and providing an effective date.	Adopted
<u>Adoption of Ordinances</u>		
(m)	Ordinance No. 2004-7-9: To amend Subsection (c)(1) of Section 12-114 "Parking of Truck, Tractors, etc., in Residential District" of the Code of Ordinances of the City of Plano by deleting the rated capacity restriction on trucks and substituting a width restriction on all vehicles parked on residential streets or alleys; providing a repealer clause, a savings clause, a severability clause and an effective date.	Adopted
(n)	Ordinance No. 2004-7-10: To abandon all right, title and interest of the City in and to a portion of Lots 1A and 2A, Block 5 of the Aldridge Place Addition, as acquired in Volume 891 at Page 283 of the Land Records of Collin County, Texas, being situated in the Joseph Klepper Survey, Abstract No. 213 and located at the southeast corner of 13 th Street and F Avenue, which is located in the City Limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in a portion of such right-of-way to the abutting property owner, Christ United Methodist Church, to the extent of its interest; authorizing the City Manager, or in his absence, an Executive Director, to execute any documents deemed necessary; and providing an effective date.	Adopted
(o)	Ordinance No. 2004-7-12: To establish funding sources for the Public Art Fund, permissible uses of funds, administration of fund, definitions; and providing a severability clause and an effective date.	Adopted as amended
(p)	Ordinance No. 2004-7-11: To amend Section III of Ordinance No. 99-9-29 and Section I of Ordinance No. 2000-7-9, currently codified as Chapter 12, Motor Vehicles and Traffic, Article IV, Speed, Section 12-73(c) of the City of Plano Code of Ordinances, to establish a school zone on Legacy Drive at Quarry Chase Trail during the time periods of 8:00 a.m. through 8:45 a.m. and 3:15 p.m. through 4:00 p.m. on school days; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date.	Adopted

ITEM NO.	EXPLANATION	ACTION TAKEN
(q)	<p><u>Approval of Agreement</u></p> <p>To approve the terms and conditions of a professional services contract between the City of Plano and Family Services of Plano in the amount of \$115,000 wherein Family Services of Plano will provide services to the Police Department to combat juvenile delinquency and authorizing execution of such agreement by the City Manager, and providing an effective date.</p>	Approved
(r)	<p>To approve and authorize for the selection of BBC Research and Consulting to provide consulting services in conjunction with the HUD required Housing and Community Development Plan and the Analysis of Impediments to Fair Housing in an amount of \$49,450 and authorizing the City Manager to execute all necessary documents to effectuate this contract. (B118-04)</p>	Approved
(s)	<p>To approve the terms and conditions of an agreement between the City of Plano and April Zoccali, Data Entry Clerk, for professional services related to data entry duties for the Integrated Ballistics Information System. This request, not to exceed \$52,500 overlaps three fiscal budget years and grant funds received will be used to pay for the services.</p>	Approved
	<p><u>Award of Contract</u></p>	
(t)	<p>To approve and authorize for the selection of Brinkley Sargent Architects, Inc. to provide Professional Architectural Services for an amount not to exceed \$1,616,150 in connection with the design of the West Plano Recreation & Aquatics Center and authorizing the City Manager to execute all necessary documents to effectuate this contract.</p>	Approved
	<p><u>Approval of Change Order</u></p>	
(u)	<p>To Jim Bowman Construction Company, L.P., increasing the contract by \$29,134 for intersection improvements – Westside project, Change Order No. 2 (Bid No. B116-03). Change Order No. 2 is for revising the scope of work to extend the Alma Road right transition lane north of Legacy Drive to improve the merge transition.</p>	Approved
(v)	<p>To Site Concrete, Inc. increasing the contract by \$76,583 for additional bridge work and street pavement repairs necessary to complete the Jupiter Road – Spring Creek Parkway to Chaparral Road project, Change Order No. 4 (Bid No. B062-03).</p>	Approved
	<p><u>Approval of Other Items</u></p>	
(w)	<p>Consideration of rescheduling the October 25, 2004 City Council meeting to October 28, 2004.</p>	Passed Over

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></p> <p><u>The purpose of a Public Hearing is to receive input and information with the clarification that the focus of the City Council is on the singularly presented position, and not on repetition. To more effectively consider all presentations, applicants will limit their presentations to 15 minutes with a five (5) minute rebuttal time, if needed. All other speakers will be limited to a maximum of 30 total minutes of testimony, and three minutes per individual on any single issue. Other time restraints may be imposed at the discretion of the Mayor.</u></p>	
(1)	<p>Public Hearing and adoption of Ordinance No. 2004-7-13 to adopt the maximum permitted rates for basic cable services and certain equipment and installation to be charged by Comcast Cable Communications, Inc. (“Comcast”) (Formerly AT&T Broadband and TCI of Plano, Inc.) (Comcast and all its predecessors collectively are referred to herein as “Comcast”) for the period June 1, 2004 to May 31, 2005, providing for enforcement action generally; providing a repealer clause, a severability clause and an effective date.</p>	<p>Conducted and adopted</p>
(2)	<p>Public Hearing and an ordinance to amend the “Land Use,” and “Transportation” Elements of the Comprehensive Plan as originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said chapters as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date. Updates include the Introduction, Land Use and Transportation Elements including the Land Use and Thoroughfare Maps. Additionally, the Comprehensive Plan has been revised to include Policy Statements. Tabled 06-28-04</p>	<p>Conducted and tabled until 08/09/04 to come back with revisions</p>
(3)	<p>Public Hearing and an ordinance as requested in Zoning Case 2004-17 – to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 542 so as to allow the additional use of Contract Construction on 1.0± acre of land located on the northeast corner of K Avenue and Capital Avenue in the City of Plano, Collin County, Texas, presently zoned Light Commercial; 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. Neighborhood #67 Applicant: BMS Partners</p>	<p>Conducted and restricted SUP to lease space only. Item to come back for Council approval</p>
(4)	<p>Public Hearing and adoption of Ordinance No. 2004-7-14 as requested in Zoning Case 2004-23 – to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 53.0± acres located on the west side of Jupiter Road and the east side of Des Moines Drive, 625± feet north of Spring Creek Parkway, in the City of Plano, Collin County, Texas, from Planned Development-103-Light Commercial to Single-Family-Attached and Patio Home; 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. Neighborhood #22. Applicant: Royce Eugene Carter & Jimmie Littrell, et al</p>	<p>Conducted and adopted</p>

ITEM NO.	EXPLANATION	ACTION TAKEN
(5)	<p>Public Hearing and adoption of Ordinance No. 2004-7-15 as requested in Zoning Case 2004-25 – to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, amending Specific Use Permit No. 462 to allow a modification to the boundary of the existing Specific Use Permit for a Private Club on 0.1± acre located on the west side of Bishop Road, 220± feet south of Legacy Drive in the City of Plano, Collin County, Texas, presently zoned Planned Development-65-Central Business-1 with Specific Use Permit No. 462; 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. Neighborhood #16 Applicant: The Shops at Legacy, L.P.</p> <p><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A is located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></p>	<p>Conducted and adopted</p>