



# CITY COUNCIL

1520 AVENUE K

DATE: September 13, 2004

CALL TO ORDER: 7:00 p.m.

INVOCATION: Sr. Pastor Bruce Greutz  
First Christian Church of Plano

PLEDGE OF ALLEGIANCE:

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><b><u>PROCLAMATIONS AND SPECIAL RECOGNITION</u></b></p> <p>“Food Safety Month”</p> <p>“Constitution Week”</p> <p>“Library Card Sign-up Month”</p> <p>Special Recognition of City of Plano Fire Chief Bill Peterson by City of Frisco’s Mayor Mike Simpson and Fire Chief Mack Borchardt</p> <p><b><u>GENERAL DISCUSSION</u></b></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>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.</b></p>	<p>Held</p>

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><b>CONSENT AGENDA</b></p> <p><b><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial.</u></b></p> <p><b><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></b></p>	
(a)	<p><b>Approval of Minutes</b></p> <p>August 9, 2004 August 14, 2004 August 17, 2004 August 19, 2004 August 30, 2004</p>	Approved
	<p><b><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></b></p>	
(b)	<p><b>Bid No. C131-04</b> to establish a fixed-price contract with renewals for Automotive &amp; Truck Filters. Initial two (2) year term in the amount of \$56,056 with two optional annual renewals estimated at \$28,028 per year.</p>	Approved
(c)	<p><b>Bid No. B116-04</b> for Plano Centre Lighting Control Renovation Project No. 5479 in the amount of \$130,050.</p>	Approved
(d)	<p><b>Bid No. B162-04</b> for the purchase of Mobile Surveillance Tower in the amount of \$45,167 to be utilized by the Police Department.</p>	Approved
(e)	<p><b>Bid No. B128-04</b> for the purchase of Haggard Library Expansion Project Furniture in the amount of \$266,360.</p>	Approved
(f)	<p><b>Bid No. P163-04</b> for the Sanitary Sewer Rehabilitation Requirements Contract in the amount of \$1,778,350 within the City of Plano. This project will involve the trenchless rehabilitation of sanitary sewer mains and replacement of sanitary sewer laterals at various locations in the Prairie Creek, Spring Creek and Rowlett Creek drainage basins to eliminate infiltration and inflow into the City's sanitary sewer system.</p>	Approved
(g)	<p><b>Bid No. B110-04</b> for Preston Road Median Landscaping, Project No. 5365 in the amount of \$176,887. This bid is for the installation of trees and irrigation on Preston Road between Old Shepard Place Drive and Headquarters Drive.</p>	Approved
(h)	<p><b>Bid No. B168-04</b> for Jack Carter Pool Renovation in the amount of \$1,289,500 (Project #5411).</p>	Approved

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(i)	<p><b>Bid No. C161-04</b> for an annual contract for Pharmacy Benefits Management Services. Expenditures will be made in the Health Claims fund within approved budget appropriations. The estimated annual amount from actual pharmacy claims is \$1,861,000 at an overall savings of \$32,000. This will be a one-year contract commencing on 1/1/05 with two optional one-year renewals.</p>	Approved
<p><b><u>Adoption of Resolutions</u></b></p>		
(j)	<p><b>Resolution No. 2004-9-1(R):</b> To approve the terms and conditions of a real estate contract by and between the City of Plano, Texas, and Kreymer Investments, L.P., for the purchase of 0.060 acres of land at the northwest corner of Plano Parkway and Dallas North Tollway, in the City of Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date.</p>	Adopted
(k)	<p><b>Resolution No. 2004-9-2(R):</b> To repeal Resolution No. 2003-10-33(R) and designate a certain area within the City of Plano as Neighborhood Empowerment Zone No. 1; establishing the boundaries of such zone; providing for waiving of certain fees; and providing an effective date.</p>	Adopted
(l)	<p><b>Resolution No. 2004-9-3(R):</b> To approve the terms and conditions of an airspace agreement with The Shops at Legacy, L.P., a Texas Limited Partnership, for the construction and maintenance of a pedestrian crossing over Kincaid Road, a public right-of-way; authorizing its execution by the City Manager, and providing an effective date.</p>	Adopted
(m)	<p><b>Resolution No. 2004-9-4(R):</b> To approve and authorize refunds of property tax overpayments in the amount of \$5,036; and providing an effective date.</p>	Adopted
(n)	<p><b>Resolution No. 2004-9-5(R):</b> To authorize the Cities Aggregation Power Project, Inc. (CAPP) to negotiate an electric supply agreement for deliveries of electricity effective January 1, 2005; authorizing CAPP to act as an agent on behalf of the City to enter into a contract for electricity; authorizing the Chairman of CAPP to execute an electric supply agreement for deliveries of electricity effective January 1, 2005; and committing to budget for energy purchases in 2005 and to honor the City of Plano's commitments to purchase power for its electrical needs in 2005 through CAPP.</p>	Adopted
(o)	<p><b>Resolution No. 2004-9-6(R):</b> To approve the terms and conditions of an amendment to the contract by and between the City of Plano, Texas and Wireless Capital and Management Services, LLC, a Delaware Limited Liability Company to market and manage City cellular sites to cellular service providers 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.</p>	Adopted
(p)	<p><b>Resolution No. 2004-9-7(R):</b> To approve the terms and conditions of a Public Right-of-Way Use Agreement by and between the City of Plano, Texas and Sprint Spectrum L.P., a Delaware Limited Partnership, to locate, place, attach, install, and operate, telecommunications ground equipment 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.</p>	Adopted

ITEM NO.	EXPLANATION	ACTION TAKEN
(q)	<p><b>Resolution No. 2004-9-8(R):</b> To suspend the effective date of Coserv Gas Ltd.'s requested rate changes to permit the City time to study the request and to establish reasonable rates; approving cooperation with other cities within the CoServ System to hire legal and consulting services and to negotiate with the company and direct any necessary litigation; requiring reimbursement of cities' rate case expenses; authorizing intervention in the proceeding at the Railroad Commission; requiring notice of this resolution to the company.</p>	Adopted
(r)	<p><b>Resolution No. 2004-9-9(R):</b> To approve the terms and conditions of an amendment to the Tax Abatement Agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, Advanced Neuromodulation Systems, Inc., Reinvestment Zone No. 77; authorizing its execution by the City Manger; and providing an effective date.</p>	Adopted
<b><u>Adoption of Ordinances</u></b>		
(s)	<p><b>Ordinance No. 2004-9-10:</b> To adopt and enact Supplement Number 66 and Supplement Number 66 Rev. to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the code; and providing an effective date.</p>	Adopted
(t)	<p><b>Ordinance No. 2004-9-11:</b> To amend a portion of Ordinance No. 2002-7-10, currently codified under Chapter 12, Motor Vehicles and Traffic, Article V, Stopping, Standing, and Parking, Section 12-102(e) to include the prohibition of stopping, standing or parking of motor vehicles along the south side of San Gabriel Drive from a point 250 feet west of the westernmost entrance drive to Dooley Elementary School and extending to the easternmost drive to Dooley Elementary School between the hours of 7:15 a.m. to 8:15 a.m. and 2:30 p.m. to 3:15 p.m. on school days; declaring the stopping, standing or parking of motor vehicles in said section of San Gabriel Drive within the defined time limits as unlawful and a misdemeanor; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date.</p>	Adopted
(u)	<p><b>Ordinance No. 2004-9-12:</b> 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 0.1± 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. (Zoning Case 2004-17) Neighborhood #67. Applicant: BMS Partners Public Hearing Conducted 07/26/04</p>	Adopted
(v)	<p><b>Ordinance No. 2004-9-13:</b> To amend Article IV of Chapter 11, "Licenses and Business Regulations" of the Code of Ordinances of the City of Plano to add a definition for solicitation and to add intersections prohibited for solicitation; deleting Sec. 11-144(b), which allowed solicitation; providing a penalty clause, a severability clause, a repealing clause and a publication clause; and providing an effective date.</p>	Adopted

ITEM NO.	EXPLANATION	ACTION TAKEN
(w)	<p><b><u>Award of Contract</u></b></p> <p>To approve and authorize a contract with Carter &amp; Burgess, Inc. to provide Landscape Architectural Services in conjunction with improvements to Bluebonnet Trail Extension in an amount not to exceed \$135,000 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract.</p>	Approved
(x)	<p><b><u>Approval of Modification</u></b></p> <p>To approve a third modification to United HealthCare contract to delete Pharmacy Network Services and to adjust the fee to reflect the deletion.</p>	Approved
(y)	<p><b><u>Approval of Change Order</u></b></p> <p>To approve Change Order No. 3 for the Bronze Leaf Drainage Improvements project, increasing the contract by \$58,396 for additional storm sewer, water main and paving needed to complete the project. (Bid No. B019-04).</p>	Approved
(z)	<p><b><u>Ratification of a Change of Assignment</u></b></p> <p>To ratify a change of assignment on Contract No. C018-03 for Traffic Signal Items and C058-02 for Pedestrian Signal Equipment from U.S. Traffic Corporation to Peek Traffic Corporation.</p>	Approved
(aa)	<p><b><u>Approval of Amendment to Interlocal Agreement</u></b></p> <p>To extend the period of the NIBRS/TIBRS Grant from August 1, 2004 through July 31, 2005, in order for the Plano Police Department to comply with conditions of the grant so as to be eligible for receipt of grant monies in the amount of \$125,000.</p>	Approved
(bb)	<p><b><u>Approval of Contract Amendment</u></b></p> <p>To approve a contract amendment with Phillips Swager Associates, Inc., for Professional Architectural Services in the amount of \$63,351 in connection with construction of the Haggard Library Expansion; and authorizing the City Manager to execute all necessary documents.</p>	Approved
(cc)	<p><b><u>Approval of Expenditure</u></b></p> <p>To approve an expenditure with TriTech Incorporated for an annual software maintenance support agreement for the Jail Management System in an amount of \$26,612; and authorizing the City Manager to execute all documents necessary to effectuate the purchase.</p>	Approved
	<p><b><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></b></p> <p><b><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></b></p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(1)	<b>Ordinance No. 2004-9-14</b> to approve and adopt the tax rate for the fiscal year beginning October 1, 2004, and terminating September 30, 2005, and providing an effective date.	Adopted
(2)	<b>Ordinance No. 2004-9-15</b> to approve and adopt the budget and setting the appropriations for the fiscal year beginning October 1, 2004, and terminating September 30, 2005; and providing an effective date.	Adopted
(3)	<b>Ordinance No. 2004-9-16</b> to approve and adopt the Community Investment Program and setting the appropriations for 2004-2005; and providing an effective date.	Adopted
(4)	<b>Review of Community Development Block Grant Annual Report for 2003-04</b>	Received and reviewed
(5)	<b>Public Hearing and Ordinance No. 2004-9-17 as requested in Zoning Case 2004-26</b> – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 547 so as to allow the additional use of a Private Club and Specific Use Permit No. 548 for an Arcade on 0.3± acre of land located 320± feet north of Spring Creek Parkway and 350± feet west of Coit Road in the City of Plano, Collin County, Texas, presently zoned Retail; 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 #17 Applicant: Tabani Group, Inc.	Conducted and adopted with stipulations
(6)	<b>Public Hearing and Ordinance No. 2004-9-18 as requested in Zoning Case 2004-15</b> – To amend Section 1-600 (Definitions) of Article 1 (General Regulations) and Subsection 2-502 (Schedule of Permitted Uses) of Section 2-500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, regarding Household Care Facility and Household Care Institution Uses; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano	Conducted and adopted with stipulations
(7)	<b>Consideration of an appeal of Planning &amp; Zoning Commission's denial</b> of a request for variances to the Subdivision Ordinance in conjunction with the Conveyance Plat for Daltex Mapleshade Addition. The applicant requested partial compensation for the value of the land for right-of-way dedication and partial compensation for construction of required roadway improvements. Applicant: Daltex Coit Road, Inc.  <u><b>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.</b></u>	Denied