



# CITY COUNCIL

1520 AVENUE K

DATE: December 14, 2009

CALL TO ORDER: 7:00 p.m.

INVOCATION:

PLEDGE OF ALLEGIANCE: Douglass Community Center Seniors

| ITEM NO. | EXPLANATION   | ACTION TAKEN                                    |
|----------|---|---|
| (a)      | <p>THE MISSION OF THE CITY OF PLANO IS TO PROVIDE OUTSTANDING SERVICES AND FACILITIES, THROUGH COOPERATIVE EFFORTS WITH OUR CITIZENS THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p><u>COMMENTS OF PUBLIC INTEREST</u></p> <p><u>This portion of the meeting is to allow up to five (5) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.</u></p> <p><u>CONSENT AGENDA</u></p> <p><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></p> <p><u>Approval of Minutes</u></p> <p>November 18, 2009<br/>November 23, 2009</p> | <p>No one appeared to speak</p> <p>Approved</p> |

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|----------|---|-----------------|
|          | <p><b><u>Approval of Expenditures</u></b></p> <p><b>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</b></p>  |                 |
| (b)      | <p><b>Bid No. 2009-192-C</b> for Annual Supply Contract for Herbicides, Insecticides, and Miscellaneous Chemicals in the estimated annual amount of \$78,149 to Red River Specialties, Mann Farm and Ranch, Estes Inc., CWC Chemical Inc., BWI Companies, Univar USA, and Helena Chemical Co., and authorizing the City Manager to execute all necessary documents. This will establish an annual fixed price contract with three optional one-year renewals.</p>   | <b>Approved</b> |
| (c)      | <p><b>Bid No. 2009-143-B</b> for construction of the McDermott Road from Ohio Drive to Coit Road project to Tiseo Paving Company in the amount of \$2,132,270. The project consists of the construction of the widening of McDermott Road to a six lane road from Coit Road to Rasor Boulevard and a four lane road from Rasor Boulevard to Ohio Drive. The project also includes a bridge over White Rock Creek between Robinson Road and Rasor Boulevard.</p>   | <b>Approved</b> |
| (d)      | <p><b>Purchase from an Existing Contract</b></p> <p>To approve the purchase of GIS Maintenance Expenses as designated in the amount of \$58,700 from ESRI, Inc. through a State of Texas Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute any and all necessary documents. (DIR-SDD-492)</p>   | <b>Approved</b> |
| (e)      | <p><b>Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)</b></p> <p>To approve a Professional Services Agreement contract between the City of Plano and Mandy Vassigh Engineering, Inc., in the amount of \$64,850 for the engineering design of Screening Wall – Parker Road and Independence Parkway and authorizing the City Manager to execute all necessary documents. This is for the engineering design and specifications for the reconstruction of screening walls at the following two locations: (1) On the south side of Parker Road from 560 feet west of Alma Drive to Spring Creek Parkway – Length 1,400 LF and (2) On the west side of Independence Parkway from approximately 140 feet north of Lanarc Drive to approximately 150 feet south of Sebring Drive – Length 380 LF.</p> | <b>Approved</b> |
| (f)      | <p>To approve a Professional Services Agreement by and between the City of Plano and BW2 Engineering, Inc., in the amount of \$97,450 for Dallas North Estates 3, and authorizing the City Manager to execute all necessary documents. This includes the complete reconstruction of existing street pavement, sidewalks and waterlines at the following locations: Edgefield Drive-Janwood Drive to Springbrook Road, Linden Drive-Edgefield Drive to Ridgefield Drive and Meadowcrest Drive-Springbrook Drive to Ridgefield Drive.</p>   | <b>Approved</b> |
| (g)      | <p>To approve a contract made and entered into by and between the City of Plano and Sharon Rowe, the Elections Administrator of Collin County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City’s January 30, 2010, Special Election in the estimated amount of \$68,149.</p>  | <b>Approved</b> |

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| (h)      | <p><b>Approval of Change Order</b></p> <p>To Smith Contracting, Inc., increasing the contract by \$43,351 for the 2008-2009 Arterial Concrete Pavement Rehabilitation Project, Enterprise Drive and Premier Drive, Project No. 5892, Change Order No. 1, Bid No. 2009-133-B.</p>  | <b>Approved</b> |
|          | <p><b><u>Adoption of Resolutions</u></b></p>  |                 |
| (i)      | <p><b>Resolution No. 2009-12-1(R):</b> To approve receipt of funds in the amount of \$158,403 from the Texas State Library and Archives Commission – Loan Star Libraries to fund the following for the Plano Public Library System; tagging Library materials for Radio Frequency Identification (RFID) implementation, English and Spanish Microsoft computer class instructors; books; large print books, World Language materials, and CDs and DVDs; and authorizing the City Manager to execute all necessary documents for receipt of the funding.</p> | <b>Adopted</b>  |
| (j)      | <p><b>Resolution No. 2009-12-9(R):</b> To approve the terms and conditions of a Real Estate Contract and Lease by and between the Jason Byron Sowell Jr. Trust and the City of Plano for the purchase and lease of approximately 80 acres of land located at the intersection of Spring Creek Parkway and Windhaven Parkway, Plano, Collin County, Texas; authorizing the City Manager to execute such contract; and providing an effective date.</p>   | <b>Adopted</b>  |
| (k)      | <p><b>Resolution No. 2009-12-2(R):</b> To authorize an Interlocal Cooperation Agreement between the City of Plano, and the City of Murphy for backup assistance in Building Plans Examination and Building Inspection; and providing for an immediate effective date.</p>   | <b>Adopted</b>  |
| (l)      | <p><b>Resolution No. 2009-12-3(R):</b> To approve and adopt an amendment to the City of Plano Supplemental Savings Plan (Governmental Money Purchase Plan); authorizing its execution by the City Manager; approving the termination of the Plan; delegating to the City Manager the authority to submit the Plan to the Internal Revenue Service for a determination as to its qualified status upon termination; and providing an effective date.</p>   | <b>Adopted</b>  |
| (m)      | <p><b>Resolution No. 2009-12-4(R):</b> To approve the terms and conditions of a Texas Traffic Safety Program Grant Agreement by and between the State of Texas and the City of Plano, Texas; authorizing the City Manager to execute the Grant Agreement and any other documents necessary to effectuate the action taken; and providing an effective date.</p>   | <b>Adopted</b>  |
| (n)      | <p><b>Resolution No. 2009-12-5(R):</b> To approve the terms and conditions of a First Amendment to a Development Agreement between the City of Plano and RH 15<sup>th</sup> Condos One, Ltd. for the development of 15<sup>th</sup> Street Village; authorizing its execution by the City Manager; and providing an effective date.</p>   | <b>Adopted</b>  |

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| (o)      | <p><b><u>Adoption of Ordinances</u></b></p> <p><b>Ordinance No. 2009-12-6:</b> To transfer the sum of \$79,954 from the General Fund Unappropriated Fund Balance for Fiscal Year 2009-10 to the General Fund Operating Appropriation for the purpose of providing additional funding for the estimated costs associated with conducting a Special Election on January 30, 2010 to fill the vacant Place 3 City Council position; amending the budget of the City and Ordinance 2009-9-13, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date.</p>   | <b>Adopted</b>               |
| (p)      | <p><b>Ordinance No. 2009-12-7:</b> To amend Ordinance No. 2007-5-20 relating to City of Plano Retirement Security Plan as restated January 1, 2007 as follows: the last paragraph of Section 2.1(b) "Mortality Assumption" to comply with certain provisions of the Worker, Retiree, and Employee Recovery Act of 2008 ("WRERA") effective January 1, 2009 and the second paragraph of Section 12.3 "Non-Alienation of Benefits" to adopt the provisions of Subchapters A and C of Chapter 804 of the Texas Government Code effective January 1, 2010; authorizing its execution by the City Manager; providing a repealer clause, a severability clause, a savings clause, and an effective date.</p>  | <b>Adopted</b>               |
| (q)      | <p><b>Ordinance No. 2009-12-8:</b> To adopt and enact Supplement Number 88 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>   | <b>Adopted</b>               |
|          | <p><b><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></b></p> <p><b><u>Public Hearing Items: Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The presiding officer may extend these times as deemed necessary.</u></b></p> <p><b><u>Non-Public Hearing Items: The Presiding Officer may permit limited public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order cards are received until the cumulative time is exhausted.</u></b></p> |                              |
| (1)      | <p><b>Public Hearing and adoption of Ordinance No. 2009-12-10 as requested in Zoning Case 2009-19</b> to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 602 so as to allow the additional use of Day Care Center on 3.0± acres of land located on the south side of McDermott Road, 800± feet east of Independence Parkway, in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7; 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. Applicant: Northpointe Assembly of God.</p>  | <b>Conducted and adopted</b> |

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| (2)      | <b>Resolution No. 2009-12-11(R):</b> to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Allied Solutions, LLC; authorizing its execution by the City Manager and providing an effective date.   | <b>Adopted</b>   |
| (3)      | <b>Resolution No. 2009-12-12(R):</b> to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Tektronix Texas, LLC; authorizing its execution by the City Manager and providing an effective date.  | <b>Adopted</b>   |
| (4)      | <b>Public Hearing</b> 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 Trail site for a Communications Facilities License Agreement for cellular equipment attached to and at the base of the existing Oncor Electric transmission tower.   | <b>Conducted</b> |
| (5)      | <b>Ordinance No 2009-12-13:</b> To approve the use and taking by Clear Wireless, LLC, a Nevada limited liability company, of a portion of City of Plano public park land known as Bluebonnet Trail Park (near Stillwell Road between Brunchberry Lane and Ashington Lane); 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.     | <b>Adopted</b>   |
| (6)      | <b>Resolution No. 2009-12-14(R):</b> to approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas, and Clear Wireless, LLC, a Nevada limited liability company, to locate, place, attach, install, and operate, telecommunications ground equipment in certain specific portions of City of Plano public park land, known as the Bluebonnet Trail site, authorizing its execution by the City Manager and providing an effective date.  | <b>Adopted</b>   |
| (7)      | <b>Public Hearing</b> 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.  | <b>Conducted</b> |
| (8)      | <b>Ordinance No 2009-12-15:</b> To approve the use and taking by Clear Wireless, LLC, a Nevada limited liability company, of a portion of City of Plano public park land known as Preston Ridge Trail Park (near Legacy Drive between Rock Springs Drive and Los Altos 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. | <b>Adopted</b>   |
| (9)      | <b>Resolution No. 2009-12-16(R):</b> to approve the terms and conditions of a Communications Facilities License Agreement by and between the City of Plano, Texas, and Clear Wireless, LLC, a Nevada limited liability company, to locate, place, attach, install, and operate, telecommunications ground equipment in certain specific portions of City of Plano public park land, known as the Preston Ridge site, authorizing its execution by the City Manager and providing an effective date.   | <b>Adopted</b>   |

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| (10)     | <p><b>Resolution No. 2009-12-17(R):</b> relating to the giving of notice of intention to issue City of Plano, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2010; and providing an effective date.</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/Building Inspections Training Room are 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><b>Adopted</b></p> |