

PLANO CITY COUNCIL

June 9, 2014

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Jim Duggan
Patrick Gallagher
David Downs

STAFF PRESENT

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Jim Parrish, Deputy City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Monday, June 9, 2014, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Rabbi Michael Kushnick from Congregation Anshai Torah led the invocation and the Plano Chapter of The Sons of the American Revolution presented the Colors and led the Pledge of Allegiance.

The Plano Chapter of The Sons of the American Revolution presented Public Service awards and honored City of Plano First Responders from the Police Department, Public Safety Communications, and Fire Department.

Mayor LaRosiliere recognized Alexa Borota and Ron Smith for their response to an injured rider. Mayor LaRosiliere administered the oath of office to Paul Wageman and Faye Wilkins (DART Board of Directors) and Karen Bowen (Heritage Commission).

Comments of Public Interest

No one requested to speak.

CONSENT AGENDA

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

Approval of Minutes (Consent Agenda Item “A”)

May 27, 2014

Approval of Expenditures

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

Bid No. 2014-106-B for the Courtyard Theater A/V Renovation from Audio Fidelity Communications Corporation in the amount of \$315,258 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2014-237-B for Arbor Hills Park & Parker Road Erosion Control – Project No. 6328, to ARK Contracting Services, Inc., in the amount of \$592,330 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Bid No. 2014-219-B for High Point Park South Site Improvements to Phillips/May Corporation in the amount of \$4,005,220 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Purchase from an Existing Contract

To approve the purchase of modular workstations from XYBIX Systems, Inc. in the amount of \$202,062 to be utilized by Public Safety Communications, through an existing contract/agreement with HGAC, and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. EC07-11) (Consent Agenda Item “E”)

Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)

To approve an Engineering Services Agreement by and between the City of Plano and VRX, Inc., in the amount of \$60,044 for the US 75 to K Avenue Connector Project No. 6450; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

To approve an Engineering Services Agreement by and between the City of Plano and Verdunity, Inc., in the amount of \$76,885 for the Russell Creek Drive – Independence Parkway to Sutherland Lane Project No. 6451; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

To approve a Landscape Architecture Services Agreement by and between the City of Plano and Quimby McCoy Preservation Architecture, LLP in the amount of \$86,885 for preservation and architectural consulting services for Saigling House Architectural Renovation and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

To approve a Landscape Architecture Services Agreement by and between the City of Plano and JBI Partners, Inc. in the amount of \$109,500 for design and construction document services for Russell Creek Park Site Improvements and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

Approval of Expenditure

To approve the purchase of two (2) EOD-9 Bomb Suits, two (2) EOD-9 Bomb Helmets, and two (2) Visor Kits from the sole source manufacturer, Med-Eng, LLC, in the amount of \$54,441 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “J”)

Adoption of Resolutions

Resolution No. 2014-6-1(R): To approve the terms and conditions of a First Amendment to the Economic Development Incentive Agreement by and between the City of Plano, Texas and Futurewei Technologies, Inc., a Texas corporation; authorizing its execution by the City Manager; and providing an effective date (Consent Agenda Item “K”)

Adoption of Ordinances

Ordinance No. 2014-6-2: To adopt and enact Supplement Number 107 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 “L”)

END OF CONSENT

Public Hearing and adoption of Resolution No. 2014-6-3(R): To approve the terms and conditions of an Interlocal Agreement and Memorandum of Understanding by and between the City of Plano, the City of McKinney and the Collin County Sheriff's Office for the disbursement of the 2014 Edward Byrne Justice Assistance Grant funds; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “1”)

Police Chief Rushin spoke to the required public hearing and process for distribution of grant funds. He stated Plano is the fiscal agent for the grant due to its population and spoke to Plano receiving \$23,603 of the \$54,457 in available funds for purchase of rifle lasers and suppressors for the tactical team marksmen and patrol rifles with necessary accessories if approved by Council. Chief Rushin further stated the funds could only be used in the areas of prevention, prosecution, corrections, drug treatment, law enforcement programs, and planning the valuation of technology programs.

Mayor LaRosiliere opened the Public Hearing. No one spoke for or against. Mayor LaRosiliere closed the Public Hearing.

Public Hearing and adoption of Resolution No. 2014-6-3(R) Con't.

Upon a motion made by Council Member Downs and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to approve the terms and conditions of an Interlocal Agreement and Memorandum of Understanding by and between the City of Plano, the City of McKinney and the Collin County Sheriff's Office for the disbursement of the 2014 Edward Byrne Justice Assistance Grant funds; and to further adopt Resolution No. 2014-6-3(R).

Public Hearing and adoption of Ordinance No. 2014-6-4 as requested in Zoning Case 2014-11 to amend Section 1.600 (Definitions) of Article 1 (General Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to modify the definition of Commissary; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item "2")

Director of Planning Day spoke to the amendment allowing additional flexibility for restaurants with food trucks to use their restaurant as a commissary, if all mandated health and safety requirements are met, instead of having to take the food truck out of Plano for commissary services. She stated the change in definition would allow one mobile food establishment owned and operated by the restaurant and Staff and the Planning and Zoning Commission recommend approval as follows: (Additions are indicated by underlined text; deletions are shown as strike through text):

Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to amend the following definition for Commissary:

An establishment ~~other than a restaurant~~ in which food, containers, or supplies are kept, handled, prepared, packaged, or stored for transportation by mobile food establishments, and that serves as an operating base where a mobile food establishment may be stored, parked, serviced, cleaned, supplied, and maintained. A restaurant may serve as a commissary for one mobile food establishment which is owned and operated by the restaurant. Commissaries must comply with other provisions of the Code of Ordinances.

Mayor LaRosiliere opened the Public Hearing. Jason Key, owner of Cajun Tailgators, spoke in favor of the proposed change. Mayor LaRosiliere closed the Public Hearing.

Upon a motion made by Council Member Miner and seconded by Council Member Davidson, the Council voted 8-0 to amend to amend Section 1.600 (Definitions) of Article 1 (General Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to modify the definition of Commissary; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2014-11; and to further adopt Ordinance No. 2014-6-4.

Consideration of RFQ No. 2014-202-B for Construction Manager at Risk (CMAR) services to Pogue Construction Co., L.P. for the construction of Oak Point Park Nature and Retreat Center in the estimated amount not to exceed \$5,500,000 and authorizing the City Manager to execute all necessary documents. (Regular Agenda Item "3")

Consideration of RFQ No. 2014-202-B Con't.

Director of Engineering Carr spoke to the project delivery methods the for the Oak Point Park Nature and Retreat Center improvements and due to the time constraints he recommends the Construction Manager at Risk (CMAR) method. Mr. Carr stated the CMAR would provide design assistance and suggestions, cost estimates, and establish the guaranteed maximum price (GMP). He spoke to the process creating trade packages that would be bid separately and providing timely project completion with any cost overruns being the responsibility of the CMAR and any savings benefitting the City. Mr. Carr stated this is a common practice in area cities.

Council Member Downs stated his concerns about having a maximum price and inquired about a smaller scale project. Director of Parks and Recreation Fortenberry spoke to the initial scope of the 2005 bond package and 2008 staff allocation of \$5 million for the project. City Manager Glasscock stated typically if a project is approved for a specific amount, Staff will present the project at that value. Council Member Davidson inquired as to why the city had not used the CMAR process previously. Mr. Glasscock stated with the new staffing in Engineering, different options were being explored. Council Members Duggan and Gallagher spoke to concerns with the scope of the project and completion of the project at a lower funding level. Mayor LaRosiliere spoke to the importance of community investment and following through with voter approved items.

A motion was made by Mayor LaRosiliere and seconded by Mayor Pro Tem Smith, and further discussion by Council, to approve RFQ No. 2014-202-B for Construction Manager at Risk (CMAR) services to Pogue Construction Co., L.P. for the construction of Oak Point Park Nature and Retreat Center in the estimated amount not to exceed \$5,500,000. The Council voted 5-3 with Deputy Mayor Pro Tem Harris and Council Members Duggan and Gallagher voting in opposition. The motion carried.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 7:58 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Lisa C. Henderson, City Secretary