

PLANO CITY COUNCIL

June 23, 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

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

Mayor LaRosiliere convened the Council into the Regular Session on Monday, June 23, 2014, at 7:02 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Father Tom Cloherty from Prince of Peace Catholic Community led the invocation and Brownie Troop 3460 and Junior Girl Scout Troop 2580 from Harrington Elementary led the Pledge of Allegiance.

Mayor LaRosiliere administered the oath of office to Jim McGee (Board of Adjustment) and Tom Venner (Cultural Affairs Commission).

Comments of Public Interest

Barbara Walters spoke to cemetery maintenance and the historic value of the cemeteries. Trevor Dahlen spoke to adopting safe driving polices.

CONSENT AGENDA

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Miner, 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")

June 9, 2014

Approval of Expenditures

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

Bid No. 2014-251-B for Independence Parkway Corridor - 15th Street to Parker Road – Project No. 5987.1, to Jim Bowman Construction Company, L.P., in the amount of \$1,861,554 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2014-224-B for the Guardrail Repair Project No. 6318 to Vann/Elli, Inc., in the amount of \$179,550 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

CSP No. 2014-34-B for the purchase of 200 handheld breath alcohol testing devices to be utilized by the Police Department from Lifeloc Technologies in the amount of \$51,500 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Purchase from an Existing Contract

To approve the purchase of forty eight (48) Permanent-Mount Stalker DSR-2X Radar System Units from Applied Concepts, Inc., in the amount of \$117,525 through an existing agreement/contract with HGACBuy and authorizing the City Manager to execute all necessary documents. (HGACBuy Contract No. EF04-13) (Consent Agenda Item “E”)

To approve the purchase of hardware, software and support services for Palo Alto Networks in the amount of \$99,942 from Solid Border, Inc. through an existing State of Texas Department of Information Resources (DIR) contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1855) (Consent Agenda Item “F”)

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 Birkhoff, Hendricks and Carter, L.L.P., in the amount of \$84,770 for the Video Surveillance Improvements for Wastewater Facilities and Electric System Upgrades at Elevated Storage Tanks, Project No. 6453 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 Half Associates, Inc. in the amount of \$148,000 for design services for the Cottonwood Creek Trail: Oak Point to Chaparral project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

Approval of Contract Modification

To approve and authorize Contract Modification No. 3 for the expansion of the Red Light Camera Program at various intersections within the City from Redflex Traffic Systems, Inc. and authorize the City Manager to execute all related documents. (Consent Agenda Item “T”)

Approval of Change Order

To Red River Construction Company, reducing the expenditure amount by \$1,111,850 with Change Order No. 1 for Stadium Pump Station Rehabilitation Project No. 6210. Original Bid No. 2014-166-B. (Consent Agenda Item “J”)

Approval of Expenditure

To approve the purchase of re-hosting services and system upgrade to the Computer Aided Dispatch software from TriTech Software Systems, the sole source provider, in the amount of \$57,788 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “K”)

To approve an expenditure for the provision of various professional media services from Herbst Technical Services, in the estimated annual amount of \$54,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “L”)

Adoption of Resolutions

Resolution No. 2014-6-5(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and Collin County for funding and support for the 2014 Local Initiative Program (LIP) with Collin County and the Texas Commission on Environmental Quality; designating the Director of Engineering as being responsible for acting for and on behalf of the City of Plano in dealing with Collin County, and the Texas Commission on Environmental Quality for the purpose of participating in the 2014 Local Initiative Program; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2014-6-6(R): To certify that the City is eligible to receive financial assistance under the Collin County Parks and Open Space Matching Grant Program; certifying that the City’s matching share is readily available; designating the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano; certifying that the Cottonwood Creek Trail Connection has been dedicated for public park and recreational purposes; and providing an effective date. (Consent Agenda Item “N”)

Resolution No. 2014-6-7(R): To designate the name of the new Oak Point Park building as the Oak Point Park Nature and Retreat Center and providing an effective date. (Consent Agenda Item “O”)

Resolution No. 2014-6-8(R): To designate the name of the Plano-Richardson-Murphy Trail Connection as Breckinridge Trail and providing an effective date. (Consent Agenda Item “P”)

Adoption of Ordinances

Ordinance No. 2014-6-9: To abandon all right, title and interest of the City, in and to a portion of that certain 15-foot Water Line Easement within Parkway Heights, Phase 2, recorded in Volume 4746, Page 481, of the Deed Records of Collin County, Texas and being situated in the M. R. Foster Survey, Abstract No. 332, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the owner of the property underlying the easement, GSW Land Investors, 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. 2014-6-10: To abandon all right, title and interest of the City, in: (1) a certain 60’ and 15’ Drainage & Utility Easement, filed in Vol. 1654, Page 514; (2) a R.O.W Reservation, filed in Cab. H, Page 588; (3) a 10’ Water Line Easement, filed in Vol. 927, Page 336; (4) a 50’ Drainage Easement, filed in Vol. 5923, Page 47; (5) and a 0.271 acre Drainage Easement, filed in Vol. 5923, Page 37, of the Deed Records of Collin County, Texas and being situated in the Jeremiah Muncy Survey, Abstract No. 621, which are located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the owner of the property underlying the easements, JABEZ DEVELOPMENT, L.P., 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

Consideration of Bid No. 2014-244-B for the Purchase of Painting of Concrete Screening Walls – Phase I Project No. 6449 from Myelyn Contractors in the amount of \$175,180 and authorizing the City Manager to execute all necessary documents. (Regular Agenda Item “1”)

Director of Public Works Cosgrove spoke to the bid process for the project and stated there was an error in the bid from Reconstruction Experts. Ross Hurlbut representing Reconstruction Experts spoke to the error on their bid and requested Council consider waiving the requirements and award the bid to Reconstruction Experts or split the award with Mylelyn Contractors.

Mr. Cosgrove detailed the error made on the Reconstruction Experts bid and spoke to the City policies and state laws governing the process. He advised once the bids were opened the bid could not be changed and the bid needed to be awarded in whole.

City Attorney Mims stated State law prohibits that after a bid is opened it cannot be changed purpose of correcting an error in a bid price, which applies to any of the prices submitted and not just the total price. She advised not recognizing the correction.

Upon a motion made by Council Member Miner and seconded by Council Member Downs, the Council voted 8-0 to approve Bid No. 2014-244-B for the Purchase of Painting of Concrete Screening Walls – Phase I Project No. 6449 from Myelyn Contractors in the amount of \$175,180 and authorizing the City Manager to execute all necessary documents as recommend by staff.

Ordinance No. 2014-6-11: To grant to CoServ Gas, Ltd., d/b/a CoServ Gas, a franchise to furnish and supply gas to the general public in the City of Plano, Collin and Denton Counties, Texas, for the transporting, delivery, sale, and distribution of gas in and out of, and through said municipality for all purposes; providing for the payment of a fee or charge for the use of the streets, alleys, and public ways; providing a severability clause, and an effective date. (Second and final reading. First reading held May 12, 2014.) (Regular Agenda Item “2”)

Director of Policy and Government Relations Israelson spoke to the ordinance requirements and changes from the last CoServ Gas franchise ordinance noting this is a ten year franchise with five one year renewals with a franchise collection percentage of 5% and quarterly payment submission.

Upon a motion made by Council Member Miner and seconded by Council Member Davidson, the Council voted 8-0 to grant to CoServ Gas, Ltd., d/b/a CoServ Gas, a franchise to furnish and supply gas to the general public in the City of Plano, Collin and Denton Counties, Texas, for the transporting, delivery, sale, and distribution of gas in and out of, and through said municipality for all purposes; providing for the payment of a fee or charge for the use of the streets, alleys, and public ways; and to further adopt Ordinance No. 2014-6-11.

Public Hearing and adoption of Resolution No. 2014-6-12(R): To adopt the 2014-2015 Action Plan, including the summary of Community Development Block Grant and HOME Investment Partnership objectives and proposed use of funds for program year 2014-2015; and declaring an effective date. (Regular Agenda Item “3”)

Community Services Manager Brown spoke to the organizations and projects recommended for funding by the Community Relations Commission under the Five Year Consolidated Plan strategies of decent housing, suitable living environment and economic opportunities. Council Member Downs asked about the administrative cost. Ms. Brown spoke to the allowable amount, uses for the funds, and the actual cost. Council Member Gallagher spoke to a specific organization not being awarded funding. Ms. Brown stated a contractual conflict prevented the group from being awarded funds.

The City Council took a five minute recess at 7:58 p.m. for City Attorney Mims to confer with Ms. Brown. The City Council reconvened into open session and immediately convened into executive session under Texas Government Code, Section 551.071 to consult with the Attorney at 8:03 p.m. The City Council reconvened into open session at 8:07 p.m.

Due to a potential conflict, Council Member Duggan stepped down from the dais for the remainder of the discussion.

City Attorney Mims spoke to the Federal guidelines regarding disbursement of grant funds and stated the group does not meet the criteria set forth in the guidelines. Deputy City Manager Turner stated the group may qualify for a different grant opportunity.

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. 2014-6-12(R) Con't.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 7-0, to adopt the 2014-2015 Action Plan, including the summary of Community Development Block Grant and HOME Investment Partnership objectives and proposed use of funds for program year 2014-2015; and to further adopt Resolution No. 2014-6-12(R).

Council Member Duggan returned to his seat at the dais.

Resolution No. 2014-6-13(R): To authorize the filing of applications for Federal Funds in an amount not to exceed \$1,561,961 under the Housing and Community Development Act and the HOME Investment Partnership Act; designating Bruce D. Glasscock as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. (Regular Agenda Item "4")

Community Services Manager Brown stated the resolution authorizes the application for the funds through the Department of Housing and Urban Development.

Upon a motion made by Council Member Davidson and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to authorize the filing of applications for Federal Funds in an amount not to exceed \$1,561,961 under the Housing and Community Development Act and the HOME Investment Partnership Act; designating Bruce D. Glasscock as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and to further adopt Resolution No. 2014-6-13(R).

Public Hearing and adoption of Ordinance No. 2014-6-14 as requested in Zoning Case 2014-15, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 204.7± acres of land located at the southwest corner of State Highway 121 and the Dallas North Tollway, in the City of Plano, Collin County, Texas, from Commercial Employment to Central Business-1; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: J.C. Penney Co., Inc., SWC Tollway & 121, LLC, and the City of Plano. (Regular Agenda Item "5")

Director of Planning Day spoke to the request to rezone from Commercial Employment to Central Business-1. She stated Commercial Employment allows for campus style development and Central Business allows for a more dense downtown style of development and the change is consistent with adjacent property. Ms. Day advised that the Planning and Zoning Commission recommends for approval as submitted. Responding to Council, Ms. Day stated the zoning change provides reduced setbacks, allows more flexibility for development, and creates zoning that is more conducive to an urban style development.

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

Public Hearing and adoption of Ordinance No. 2014-6-14 Con't.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to rezone 204.7± acres of land located at the southwest corner of State Highway 121 and the Dallas North Tollway, in the City of Plano, Collin County, Texas, from Commercial Employment to Central Business-1; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2014-15; and to further adopt Ordinance No. 2014-6-14.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 8:17 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Lisa C. Henderson, City Secretary