

**PLANO CITY COUNCIL
REGULAR SESSION
May 26, 2015**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Angela Miner
Rick Grady
Ron Kelley
Tom Harrison
David Downs

STAFF PRESENT

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

Mayor LaRosiliere convened the Council into the Regular Session on Tuesday, May 26, 2015, at 7:01 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Dr. Joseph Parker of First Presbyterian Church of Plano led the invocation and Council Member Grady led the Pledge of Allegiance and Texas Pledge.

Mayor LaRosiliere presented proclamations for Motorcycle Safety Awareness Month, 2015 - Year of the Library, recognized the Plano West High School Basketball Team and the Plano Library Bookmark winners.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon a motion made by Council Member Downs and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0 to approve and adopt all items on the Consent Agenda as recommended, except Items "D" and "G", and as follows:

Approval of Minutes

May 11, 2015

May 20, 2015

(Consent Agenda Item "A")

Approval of Expenditures

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

Bid No. 2015-152-B for Ridgeview Pump Station Roof and Wall Sealant Replacement to Castro Roofing of Texas, LLC in the amount of \$182,515; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Bid No. 2015-197-C for a one (1) year contract with three (3) City optional renewals for Professional Food Service Personnel for the Plano Centre to SMB Services, LLC in the estimated annual amount of \$141,833; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Purchase from an Existing Contract

To approve the purchase of carpet replacement for the Harrington Library in the amount of \$113,000 from Gomez Floor Covering, Inc., dba GFC Contracting through an existing contract; and authorizing the City Manager to execute all necessary documents. (BuyBoard 476-15) (Consent Agenda Item "E")

To approve the purchase of two (2) Crane Carrier Refuse Truck Chassis in the amount of \$364,402 from Bond Equipment Company, Inc. and two (2) Rear Loader Bodies in the amount of \$178,024 from Heil of Texas for a total amount of \$542,426 for Fleet Services to be utilized by the Environmental Waste Services Division through existing TASB/BuyBoard contracts; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 425-13 and 430-13) (Consent Agenda Item "F")

To approve the purchase of a Landscape Maintenance Provider for the Parks and Recreation Department from ValleyCrest Landscape Maintenance, Inc., in the total estimated amount of \$450,000 for the initial three (3) year term and an estimated annual amount of \$150,000 for two (2) one-year optional renewals through an existing contract with Plano Independent School District; and authorizing the City Manager to execute all necessary documents. (PISD Contract #2015-002) (Consent Agenda Item "H")

Approval of Contract Modification

To approve and authorize the First Modification to Interlocal Agreement by and between the City of Plano, Texas and the City of Desoto, Texas; authorizing its execution by the City Manager or his authorized designee; and providing an effective date. (Consent Agenda Item "I")

Approval of Expenditure

To approve an expenditure for the purchase of a three (3) year annual technical service support agreement for eleven (11) Lifepak 12 devices, eleven (11) Lifepak 15 devices, seven (7) Lifepak 1000 devices, and sixteen (16) Lucas Cardiac Compression devices from Physio Control in the amount of \$168,777 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “J”)

Adoption of Resolutions

Resolution No. 2015-5-5(R): To approve the terms and conditions of an Amended and Restated Economic Development Incentive Agreement by and between the City of Plano, Texas and Pizza Hut of America, LLC, a Delaware limited liability company, f/k/a Pizza Hut of America, Inc., a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2015-5-6(R): To approve the terms and conditions of an interlocal agreement by and between the City of Plano, Texas, and the State of Texas Parks and Wildlife Department for the construction of a bioretention basin at Chisholm Trail Park; authorizing the City Manager to execute all necessary documents; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2015-5-7(R): To approve the dedication of a 0.121 acre tract of land owned by the City of Plano, Texas, presently designated as park property, as permanent easement and right-of-way within the Moore Park site, said tract being situated in the Robert C. Whisenant Survey, Abstract No, 1012; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2015-5-8(R): To authorize continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation; and providing an effective date. (Consent Agenda Item “N”)

Resolution No. 2015-5-9(R): To approve the Investment Portfolio Summary for the quarter ending March 31, 2015 and providing an effective date. (Consent Agenda Item “O”)

Adoption of Ordinances

Ordinance No. 2015-5-10: To amend Section 12-73.1(d) of Article IV, Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to enact school zones for summer school sessions; providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “P”)

Ordinance No. 2015-5-11: To amend Chapter 12, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 12-102(f), prohibiting parking along certain sections of Decator Drive and Longfellow Drive in the City of Plano; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “Q”)

Ordinance No. 2015-5-12: To approve a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2014 and 2015 rate review mechanism filings; approving a settlement agreement with attached rate tariffs and proof of revenues; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC’s reasonable ratemaking expenses; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Ordinance to the Company and the ACSC’s legal counsel. (Consent Agenda Item “R”)

Ordinance No. 2015-5-13: To amend Section 12-114 of Chapter 12, Motor Vehicles and Traffic of the Code of Ordinances of the City of Plano, Texas thereby providing that City service or emergency trailers, semi-trailers, pole trailers and special mobile equipment may park or stand in single-family, two-family and multifamily dwelling districts; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date. (Consent Agenda Item “S”)

END OF CONSENT

RFQ No. 2015-51-C for a five (5) year contract with five (5) one-year City optional renewals for Medical Advisory Services for the Fire Department to Columbia Medical Center of Plano Subsidiary, L.P. dba Medical Center of Plano in the total estimated amount of \$991,800 for the initial five (5) year term and an estimated annual amount of \$207,000 for each optional renewal year; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Due to a conflict of interest, Deputy Mayor Pro Tem Harris stepped down from the dais.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 7-0, with Deputy Mayor Pro Tem Harris abstaining, to approve RFQ No. 2015-51-C for a five (5) year contract with five (5) one-year City optional renewals for Medical Advisory Services for the Fire Department to Columbia Medical Center of Plano Subsidiary, L.P. dba Medical Center of Plano in the total estimated amount of \$991,800 for the initial five (5) year term and an estimated annual amount of \$207,000 for each optional renewal year. Deputy Mayor Pro Tem Harris returned to the dais.

To approve the purchase of fitness equipment for the Liberty, Oak Point, Tom Muehlenbeck, and Senior Recreation Centers from Comm Fit in the amount of \$63,799 and Marathon Fitness in the amount of \$155,780 through an existing contract/agreement with BuyBoard; and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract 413-12) (Consent Agenda Item “G”)

Director of Parks and Recreation Fortenberry responded to Council questions regarding the replacement policy of exercise equipment stating the equipment is evaluated annually, a portion of the membership fees are set aside to fund the replacements, and replacement are on a piece for piece basis not adding equipment to any facility. She added bond funds are not typically used for items with a shorter life cycle.

To approve the purchase of fitness equipment (Cont'd.)

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 8-0, to approve the purchase of fitness equipment for the Liberty, Oak Point, Tom Muehlenbeck, and Senior Recreation Centers from Comm Fit in the amount of \$63,799 and Marathon Fitness in the amount of \$155,780 through an existing contract/agreement with BuyBoard.

Public Hearing and adoption of Ordinance No. 2015-5-14 to renew the designation of a certain area within the City of Plano, Texas, known as Reinvestment Zone No. 120 for tax abatement consisting of a 20.54 acre tract of land located 500 feet north of Tennyson Parkway and east of Corporate Drive in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date. (Regular Item "1")

Director of Economic Development Bane spoke to the legal requirements of a reinvestment zone and that this item renews the reinvestment zone initially approved in 2009. She stated if approved, the \$5 million in real property improvements and \$2 million in business personal property improvements will in place by December 31, 2016. Ms. Bane advised the abatement would be for a term of ten years beginning January 1, 2017 and at a rate of fifty percent.

Mayor LaRosiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 8-0, to renew the designation of a certain area within the City of Plano, Texas, known as Reinvestment Zone No. 120 for tax abatement consisting of a 20.54 acre tract of land located 500 feet north of Tennyson Parkway and east of Corporate Drive in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and further to adopt Ordinance No. 2015-5-14.

Resolution No. 2015-5-15(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas and Pizza Hut of America, LLC, a Delaware limited liability company, providing for real and business personal property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Item "2")

Director of Economic Development Bane stated the abatement will be between the City and Pizza Hut of America, LLC and that the company would construct at least 60,000 square feet of office and training space on their campus in Plano. She added the abatement is for a term of 10 years at a rate of fifty percent.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Downs, the Council voted 8-0, to approve the terms and conditions of an agreement by and between the City of Plano, Texas and Pizza Hut of America, LLC, a Delaware limited liability company, providing for real and business personal property tax abatement; and further to adopt Resolution No. 2015-5-15(R).

Public Hearing and adoption of Resolution No. 2015-5-16(R) to approve the use or taking of a portion of City of Plano public Park Land, known as Oak Point Park and Nature Preserve pursuant to Chapter 26 of the Texas Parks and Wildlife Code to approve using a portion of dedicated Park Land as a permanent easement and right of way to Oncor Electric Delivery LLC for the purpose of upgrading electrical service to the North Texas Municipal Water District sewer pumping station located in the park; authorizing the City Manager to execute all necessary documents; and providing an effective date. (Regular Item “3”)

Director of Parks and Recreation Fortenberry spoke to the request by Oncor Electric Delivery LLC for a permanent right-of-way and easement and the legal requirements under Chapter 26 of the Texas Parks and Wildlife Code. She stated the Council must find there is no feasible alternative and proper planning has been completed. Ms. Fortenberry provided information regarding the site, stating the location is within an existing easement and the impact will be minimal.

Mayor LaRosiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to approve the use or taking of a portion of City of Plano public Park Land, known as Oak Point Park and Nature Preserve pursuant to Chapter 26 of the Texas Parks and Wildlife Code to approve using a portion of dedicated Park Land as a permanent easement and right of way to Oncor Electric Delivery LLC for the purpose of upgrading electrical service to the North Texas Municipal Water District sewer pumping station located in the park; and further to adopt Resolution No. 2015-5-16(R).

With no further business, Mayor LaRosiliere adjourned the meeting at 7:44 p.m.

Harry LaRosiliere, Mayor

ATTEST

Lisa C. Henderson, City Secretary