

PLANO CITY COUNCIL
January 23, 2006

COUNCIL MEMBERS

Pat Evans, Mayor
Scott Johnson, Deputy Mayor Pro Tem
Shep Stahel
Sally Magnuson
Jean Callison
Loretta L. Ellerbe
Harry LaRosiliere

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Elaine Bealke, City Secretary

Mayor Evans convened the Preliminary Open Meeting directly into the Regular Session on Monday, January 23, 2006, at 7:13 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Stahel.

The invocation was led by Pastor Larry Murray of the Plano Bible Chapel.

The Pledge of Allegiance was led by Brownie Troop 1688 of St. Mark's Catholic School.

Mayor Evans presented special recognitions to the Public Safety Communications Department for accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA), the 2005 MP3 Class, Alan Birkelbach – Texas Poet Laureate and Park Place Lexus – 2005 Malcolm Baldrige Award Winner. She further recognized William E. Peterson Day, Heart Awareness Month – February, 2006 Wear Red for Women Day – February 3, 2006 and Henry Gentry - Forrest Mock Award.

Mayor Evans administered oaths of office to John Jeffrey Weeks as a member of the Building Standards Commission and Brian Chaput as a member of the Heritage Commission.

The Council resumed discussion of the Preliminary Open Meeting.

Collin and Denton County Election Update

City Secretary Bealke stated that the Collin County Elections Administrator advised the City in November 2005 that effective immediately they would no longer be conducting the Denton County portion of the City's elections. She spoke to their advising that it was problematic, and to discussions with Denton County who stated they would not provide a full-service contract. Ms. Bealke advised that Denton County later advised they would provide a contract but that a third-party administrator would be needed at an estimated cost of \$14,000 over and above the normal expenditure and that the total fees would be \$3,000 more than those of Collin County. She stated concern that this expense would place the City over budget and that depending on the number of ballot issues and entities conducting the election the cost could reach \$100,000. Ms. Bealke spoke to Denton County not utilizing the same equipment and possible voter confusion, different election reports from the two counties, possible delays in receiving results and the possibility that the City may be required to use polling locations throughout Denton County. She spoke regarding Dallas County continuing to provide services for those cities with residents in more than one county and stated that the Secretary of State has contacted Denton County, but has no jurisdiction over variable costs. Ms. Bealke advised that the 2,200 registered voters from Denton County currently vote at Brinker Elementary School.

City Manager Muehlenbeck spoke to Collin County discontinuing their provision of services and the cost estimates given Denton County. He spoke regarding the county providing election services in order to consolidate costs and save money for all entities. Mr. Muehlenbeck advised that he has not yet received additional information from Collin County and stated that this item is to provide information to the Council. He advised that affected voters would be changing both their location and equipment and spoke to efforts to make the County Judge aware of the situation. Mr. Muehlenbeck and Ms. Bealke spoke to the complications of leasing machines, securing poll workers and being out of the office should the City conduct the election.

Ms. Bealke stated that currently anyone in the City can vote at any early voting location and advised that should the Denton County portion be conducted separately, voters will need to go to those locations and advised that for this year, the Parr Library has been secured as a temporary election day site for Denton County voters. She spoke to the benefits of one county conducting the elections and to provide quality service to the citizens.

Council Member LaRosiliere spoke to contacting members of the Collin County Elections Commission and Mayor Evans spoke to other entities facing the same problems. Council Member Magnuson requested information regarding the number of Denton County voters who participate in elections. City Manager Muehlenbeck responded to Council Member Ellerbe stating that if there were no alternatives, the cost provided by Denton County would still apply.

City Manager Muehlenbeck advised that Staff would follow up and bring back a response to the Council.

Personnel Appointment – Keep Plano Beautiful Commission

The Council deferred appointment at this time.

Council Items for Discussion/Action on Future Agendas

Deputy Mayor Pro Tem Johnson requested that a special called worksession be held on Monday, February 6, 2006, in order to consider a resolution supporting the North Texas Tollway Authority's proposal related to S.H. 121. He spoke to the proposal going to the Regional Transportation Council on February 9, 2006.

Mayor Evans requested an item be placed on the next agenda to consider the election of a Mayor Pro Tem and Deputy Mayor Pro Tem along with committee assignments.

Consent and Regular Agenda

Citizen Sonja Hammar requested Consent Agenda Items "R," a resolution to approve the establishment of a Chapter 380 grant for Legacy Drive and "AA," an ordinance to amend sections of Chapter 15, Parks and Recreation of the City of Plano Code of Ordinances, by revising language related to alcoholic beverages and fires be removed for individual consideration.

Council Reports

Council Member Callison spoke to participation with the Keep Plano Beautiful Commission in the Litter Patrol Index Count and spoke to how clean the City is.

Council Member Magnuson advised that she and Council Member Ellerbe have meet with the Downtown Task Force and encouraged more merchants to participate. Ms. Magnuson advised that the next meeting will be held on February 1, 2006.

Council Member Magnuson spoke regarding attendance by several Council Members at the Collin County Taiwanese Chamber of Commerce Lunar New Year's Dinner. Mayor Evans advised that ninety percent of that organization's members are residents of the City of Plano.

GENERAL DISCUSSION

Jack Lagos, citizen of the City, spoke to the lack of a certified audit of the financial records from the Arts of Collin County Commission and to the Council not receiving it as directed in the bylaws.

BOARD/COMMISSION REPORTS

Transportation Advisory Committee

Chair Michael Coleman advised that the board has updated and refined procedures for the Safe Streets Program and spoke regarding support for the Share the Road Campaign which addresses the importance of driver awareness of bicycles, motorcycles and pedestrians. He spoke regarding the local and regional updates provided by members of the board, discussions held regarding red light running, and the update of the School Zone Ordinance. Mr. Coleman thanked the Council for the opportunity to provide citizens a voice and encouraged them to attend. He advised in response to Mayor Evans that the board discussed the "Michigan" left turn lanes and felt they were a good solution and stated that attendance increased based on the issues coming forward.

CONSENT AGENDA

Upon the request of Sonja Hammar, citizen of the City, Consent Agenda Items "R" and "AA" were removed for individual consideration.

Upon a motion made by Council Member Magnuson and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 6-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

January 9, 2006

Approval of Expenditures

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

Bid No. 2006-54-C for Fire Hydrant and Water Line Repair Parts – Groups 4-6 to Ferguson Waterworks and Hydraflo, Inc. in the total estimated annual amount of \$86,369. This item will establish an annual fixed price contract with two optional one-year renewals. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. 2006-52-B for the Purchase of Five (5) 12 to 14 Yard Dump Trucks from Southwest International Trucks, Inc. in the amount of \$300,475 for Utility District No. 2 and Streets Department. [Consent Agenda Item (C)] (See Exhibit "B")

Bid No. 2006-53-B for the Purchase of Two (2) ½ Ton Pick-Up Trucks with Slide-In Animal Transport Units from Sam Packs Five Star Ford of Carrollton in the amount of \$43,676. [Consent Agenda Item (D)] (See Exhibit "C")

Bid No. 2006-3-B for Carpenter Park Recreation Center HVAC Replacement to Johnson Controls, Inc. in the amount of \$272,988. [Consent Agenda Item (E)] (See Exhibit “D”)

Bid No. 2005-245-C for Indoor Plant Maintenance – Various Locations to Lafoy Service, Incorporated in the amount of \$49,176. This item will establish an initial term of two years with two optional one-year renewals. [Consent Agenda Item (F)] (See Exhibit “E”)

Bid No. 2006-59-B for the 2005-2006 Residential Street & Alley Pavement Rehabilitation Project, Zones N5 & Q4 to Jim Bowman Construction Company, L.P. in the amount of \$1,413,762. This project involves the replacement of street and alley pavement in two residential areas on the east side of the City, one bounded by Parker Road and Avenue K (Village North Addition) and the residential areas on the north and south side of Park Boulevard from Rowlett Creek to Cotton Wood Creek (Los Rios, Creekside and Ranch Estates Subdivisions). [Consent Agenda Item (G)] (See Exhibit “F”)

Bid No. 2006-35-B for an Integrated Software Solution to Landlogic, Inc. in the amount of \$38,078. This item is for the purchase of an integrated work order and scheduling software package for the Parks Department and includes applicable license fees for the first year, set-up, and training. [Consent Agenda Item (H)] (See Exhibit “G”)

Purchase from Existing Contract/Agreement: (Purchase of products/services through Cooperative Purchasing Interlocal Contract with another governmental/quasi-governmental agency or an additional purchase from current City of Plano annual purchase agreement).

To authorize the purchase of two (2) Horton Medium Duty Ambulances in the amount of \$380,454 from Professional Ambulance through the Texas Association of School Board Cooperative Purchasing Buyboard Program and authorizing the City Manager to execute all documents necessary. (203-04). [Consent Agenda Item (I)]

To authorize the purchase of one (1) John Deere #744J Front End Loader in the amount of \$279,932 from RDO Equipment Company through the H-GAC Cooperative Purchasing Program contract and authorizing the City Manager to execute all necessary documents. (EM06-05) [Consent Agenda Item (J)]

To authorize the purchase of one (1) Crane Carrier Cab and Chassis in the amount of \$117,771 from Bond Equipment Company, Inc. through the Texas Association of School Buyboard Purchasing Program and one (1) Heil 32 YD Rapid Rail Automated Body in the amount of \$79,789 from Heil of Texas through H-GAC Cooperative Purchasing Program Contract and authorizing the City Manager to execute all documents necessary. (208-04; RC08-04) [Consent Agenda Item (K)]

To authorize two additional renewal periods for the purchase of Video Detection System in the estimated annual amount of \$840,000 from Paradigm Traffic Systems, Inc. through a State of Texas Catalog Information System Vendor (CISV) Contract, and authorizing the City Manager to execute all necessary documents (C104-04) (CISV Vendor No. 175220341400). [Consent Agenda Item (L)]

To authorize the purchase of rental and installation of a Xerox Docu Color Copier in the estimated total amount of \$73,631 from Xerox Corporation through a State of Texas contract, and authorizing the City Manager to execute all necessary documents. (Contract No. 985-A6). This item will provide an annual contract with two renewals. [Consent Agenda Item (M)]

To authorize the purchase of rental and installation of a Xerox 4110 Black Copier in the estimated total amount of \$78,135 from Xerox Corporation through a State of Texas contract, and authorizing the City Manager to execute all necessary documents. (Contract No. 985-A6). This item will provide an annual contract with two renewals. [Consent Agenda Item (N)]

To authorize the purchase of a Business Continuity Service in an estimated amount of \$91,000 from IBM through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR#: DIR-SC-03-226). These services will provide the City with a Data Center Recovery Plan and a Departmental Continuity Plan. [Consent Agenda Item (O)]

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

To approve the terms and conditions of an Architectural Services Contract by and between the City of Plano and GGO Architects Corp, in the amount of \$138,500 for Environmental Education Complex, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (P)]

Miscellaneous Purchase Authorization:

To approve and authorize an additional services contract modification with Carter & Burgess, Inc. to provide Landscape Architectural Services in conjunction with improvements to Bluebonnet Trail Extension in an amount not to exceed \$62,230 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract modification. [Consent Agenda Item (Q)]

Adoption of Resolutions

Resolution No. 2006-1-12(R): To approve the terms and conditions of a Real Estate Contract by and between the City of Plano, Texas, and Howard D. Hamilton, Jr., for the purchase of 442 square feet of land for right of way for 15th Street and a temporary construction easement of 325 square feet, located at 802 East 15th Street, situated in the Joseph Klepper Survey, Abstract No. 213, and being a part of Lot 1, Block 20 of the J.F. Kendrick First Addition, an addition in the City of Plano, Collin County, Texas; authorizing its execution by the City Manager and providing an effective date. [Consent Agenda Item (S)]

Resolution No. 2006-1-13(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Denton County, Texas, providing terms and conditions for emergency ambulance services; authorizing its execution by the City Manager and providing an effective date. [Consent Agenda Item (T)]

Resolution No. 2006-1-14(R): To ratify and approve the City's expenditure of \$182,062 to Texas Air Systems for a new cooling tower to replace the existing cooling tower at the Plano Centre, the replacement due to unforeseen damage to the old cooling tower that could not be economically repaired; and approving all such actions taken by the City Manager to effectuate the purchase of the new cooling tower from Texas Air Systems, and providing an effective date. [Consent Agenda Item (U)]

Resolution No. 2006-1-15(R): To ratify and approve the City of Plano's expenditure of \$24,650 to Entech Corporation for installation and rental of a temporary cooling tower for the Plano Centre due to unforeseen damage to the existing cooling tower, and authorizing an expenditure of \$5,270 to Entech Corporation for an additional two week rental period; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the rental of the cooling tower from Entech Corporation; and providing an effective date. [Consent Agenda Item (V)]

Resolution No. 2006-1-16(R): To approve the terms and conditions of a modification to a Funding Agreement by and between ArtCentre of Plano and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (W)]

Resolution No. 2006-1-17(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, and the North Central Texas Council of Governments providing terms and conditions for the funding for a Green Living in Plano Residential Education Campaign; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (X)]

Resolution No. 2006-1-18(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, and the North Central Texas Council of Governments providing terms and conditions for the funding for Organic Recycling/Composting with Biodegradable Plastic Bags; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (Y)]

Adoption of Ordinances

Ordinance No. 2006-1-19: To authorize the Fire Chief to appoint or remove personnel to a position and rank immediately below the Department Head in accordance with Section 143.014 of the Texas Local Government Code; and providing a repealer clause, a severability clause and an effective date. [Consent Agenda Item (Z)]

Ordinance No. 2006-1-20: To determine the public use, need and necessity for the acquisition of fee simple title to a 4.290 acre tract of land out of Lot 1R, Block 1, Parker Coit addition located at the northwest quadrant of Coit Road and Parker Road, in the City of Plano, Collin County, Texas, for a Fire Station, Logistics Facility and Emergency Operations Center, and related public improvements in the City of Plano, Collin County, Texas, authorizing the City Attorney to file proceedings in eminent domain to acquire the needed real property; and providing an effective date. [Consent Agenda Item (BB)]

END OF CONSENT

Resolution No. 2006-1-21(R): To approve the establishment of a Chapter 380 grant pursuant to the terms and conditions of a Landscaping and Maintenance Agreement for Legacy Drive by and between the Shops at Legacy (North), L.P. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (R)]

Sonja Hammar, citizen of the City, stated concern with speakers being requested to provide their addresses. She spoke to the proposed resolution benefiting the Shops at Legacy and being precedent setting as it specifically benefits this development. Ms. Hammer spoke to providing assistance to other areas of the City and requested a task force be appointed to study allocations.

City Manager Muehlenbeck spoke to this item being in the City's Capital Investment Program which went through the Public Hearing process and was adopted by the Council. He spoke to the rapid growth in the area and other entrance improvements throughout the City. Mr. Muehlenbeck spoke to discussions regarding improvements at a shopping center, improvements throughout the City and advised regarding the terms of the Chapter 380 grant.

Council Member LaRosiliere spoke to Chapter 380 grants being designed to stimulate economic development, benefits to the City and tax revenues from the Shops at Legacy going into the General Fund. City Manager Muehlenbeck spoke to this area being one of the major front doors into the City.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison, the Council voted 6-0 approve the establishment of a Chapter 380 grant pursuant to the terms and conditions of a Landscaping and Maintenance Agreement for Legacy Drive by and between the Shops at Legacy (North), L.P. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-1-21(R).

Ordinance No. 2006-1-22: To amend Section 15-1, 15-3, and 15-4 of Chapter 15, Parks and Recreation of the City of Plano Code of Ordinances, by revising language related to alcoholic beverages in Sections 15-1, 15-3 and 15-4 and fires in Section 15-3; and providing a severability clause, a repealer clause, a savings clause, a penalty clause and an effective date. [Consent Agenda Item (AA)]

Sonja Hammar, citizen of the City stated opposition to the item citing its association with scheduled events and performances at the new amphitheater in Oak Point Park. City Manager Muehlenbeck advised that the request is related to providing authority to consider a ban on fires in City parks for cookers as well.

Jim Fox, Parks Services Manager spoke to other park locations where alcoholic beverages are permitted such as golf courses. He stated that service would not necessarily occur at every event and spoke to the events being controlled by a gated ticket. City Manager Muehlenbeck spoke to the balloon festival expressing interest for their VIP tent. Mr. Fox responded to the Council, stating that he is unaware of any problems occurring since alcoholic beverages have been permitted at other locations.

Upon a motion made by Council Member Ellerbe and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 6-0 to amend Section 15-1, 15-3, and 15-4 of Chapter 15, Parks and Recreation of the City of Plano Code of Ordinances, by revising language related to alcoholic beverages in Sections 15-1, 15-3 and 15-4 and fires in Section 15-3; and providing a severability clause, a repealer clause, a savings clause, a penalty clause and an effective date; and further to adopt Ordinance No. 2006-1-22.

Resolution No. 2006-1-23(R): To accept the findings and opinions of the Annual Audit; authorizing the City Manager to publish the results thereof; and providing an effective date. [Regular Agenda Item (1)]

Director of Finance McGrane advised the Council regarding the requirement that the report be audited by an external firm. Terry Kile of Deloitte & Touche advised that results were presented fairly in accordance with generally accepted accounting principles and spoke regarding the required compliance and control testing. He spoke to there being no material weaknesses in internal controls and to recommendations being forward looking and related to upcoming accounting standards. Mr. McGrane advised regarding availability of documents to the public.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison, the Council voted 6-0 to accept the findings and opinions of the Annual Audit; authorizing the City Manager to publish the results thereof; and providing an effective date; and further to adopt Resolution No. 2006-1-23(R).

Ordinance No. 2006-1-24: To authorizing a three-year renewal of the Private Franchise Agreement by and between the City of Plano, Texas and Allied Waste Systems, Inc. d/b/a Trinity Waste Services, for collection and disposal of solid waste for commercial customers located within the City of Plano and a non-exclusive private franchise for collection of recyclable materials from commercial customers located in the City of Plano; and authorizing the City Manager to execute any and all documents necessary to effectuate this renewal; providing a repealer clause, a severability clause, a savings clause, a penalty clause and providing for publication and an effective date. (Second Reading - First Reading was held and approved on 12/20/05) [Regular Agenda Item (2)]

Upon a motion made by Council Member Magnuson and seconded by Council Member Ellerbe, the Council voted 6-0 to authorizing a three-year renewal of the Private Franchise Agreement by and between the City of Plano, Texas and Allied Waste Systems, Inc. d/b/a Trinity Waste Services, for collection and disposal of solid waste for commercial customers located within the City of Plano and a non-exclusive private franchise for collection of recyclable materials from commercial customers located in the City of Plano; and authorizing the City Manager to execute any and all documents necessary to effectuate this renewal; providing a repealer clause, a severability clause, a savings clause, a penalty clause and providing for publication and an effective date; and further to adopt Ordinance No. 2006-1-24.

There being no further discussion, Mayor Evans adjourned the meeting at 9:05 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary