

**PLANO CITY COUNCIL**  
**February 13, 2006**

**COUNCIL MEMBERS**

Pat Evans, Mayor  
Scott Johnson, Mayor Pro Tem  
Sally Magnuson, Deputy Mayor Pro Tem  
Shep Stahel  
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 Council into the Regular Session on Monday, February 13, 2006, at 7:04 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Father Garrin Dickinson of The Episcopal Church of the Holy Nativity.

The Pledge of Allegiance was led by Girl Scout Troop 419.

Mayor Evans presented special recognition to the Public Works and Engineering Departments for their American Public Works Association accreditation. Mayor Evans presented a proclamation recognizing Engineers Week – 2006.

**GENERAL DISCUSSION**

Mayor Pro Tem Johnson spoke to prior discussion regarding speakers providing their full address when appearing before the Council. He spoke to consideration of privacy and public safety and advised that citizens will no longer be requested to provide their addresses.

Jack Lagos, citizen of the City, spoke to requests for a certified audit and program of service from the Arts of Collin County Commission. He spoke to documentation required of governmental agencies and as outlined in the bylaws. Mr. Lagos spoke to the public receiving this information and to the Council providing leadership. Mayor Evans advised that the Arts of Collin County Commission received the audit at their February 8, 2006, meeting.

Cecilia Lagos, citizen of the City, thanked the Council for removing the requirement for speakers to provide their addresses.

## **BOARD/COMMISSION REPORTS**

### **Heritage Commission**

Chair Pat Warren advised regarding an article in *Southern Living* regarding new construction in the City's historic district. She spoke to the diversity of the Commission and their duties to designate historic properties in Plano with recent locations including the McCall-Skaggs House and Thornton House; review of certificates of appropriateness for repairs on historic properties and new construction with recent projects including the Interurban Museum in Haggard Park, new offices for the Plano Housing Authority, Rice Field Townhomes, and the Campise residence; survey's of historic houses and businesses for preservation tax exemption; and processing of grant applications including the Interurban Museum, the mosaic wall in the Douglass Community, Thornton House, Heritage Farmstead and Blackland Prairie Festival. Ms. Warren spoke to the festival planned for April 30, 2006, and thanked the Council for their ongoing support. Council Member Stahel complemented the Commission on their attention to detail.

## **CONSENT AGENDA**

Council Member Stahel advised that he would be stepping down on Consent Agenda Item "D" due to a possible conflict of interest.

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, the Council voted 7-0 to approve and adopt all remaining items on the Consent Agendas as recommended and as follows:

### **Approval of Minutes** [Consent Agenda Item (A)]

January 23, 2006  
January 26, 2006  
February 3, 2006

### **Approval of Expenditures**

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

**Bid No. 2006-61-B** for the Purchase of Six (6) Pick-Up Trucks for various departments from Sam Packs Five Star Ford of Carrollton (Items 1-2 and 4-5) and Tyler Motor Company (Item 3) in the total amount of \$96,012. [Consent Agenda Item (B)] (See Exhibit "A")

**Bid No. 2006-66-B** for the Purchase of One (1)  $\frac{3}{4}$  Ton Extended Cab/Chassis with Animal Control Body from Metro Ford Truck Sales, Inc. in the amount of \$31,089. [Consent Agenda Item (C)] (See Exhibit "B")

**Bid No. 2006-68-B** for the Purchase of Four (4) Heavy Duty Commercial Diesel-Powered Riding Turf Mowers from Luber Bros., Inc. in the amount of \$64,916. [Consent Agenda Item (E)] (See Exhibit "D")

**Bid No. 2006-39-B** for Construction of the Tom Muehlenbeck Center to Core Construction in the amount of \$19,352,000. [Consent Agenda Item (F)] (See Exhibit "E")

**Bid No. 2006-58-B** for Waste Receptacles to Preeminence in the amount of \$27,375. The waste receptacles will be placed at the Amphitheater and various athletic field locations throughout the City. [Consent Agenda Item (G)] (See Exhibit "F")

**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 approve an annual purchase from an existing City of Plano contract (2004-37-C) for Structural Fire Fighting Protective Clothing in the estimated amount of \$125,000 from Quaker Safety Products Corporation for each of the remaining years, and authorizing the City Manager to execute any necessary documents. The existing contract was awarded March 2, 2004, and is for two years with three one-year renewals. [Consent Agenda Item (H)]

To authorize the purchase of furniture and fixtures for the Cox Building in the amount of \$36,611 from The Spencer Company through Interlocal Agreement I 045-04; and authorizing additional purchases of furniture and fixtures for the Cox Building through TXMAS contracts as follows: \$714 from the Mayline Group (TXMAS-4-7110330); \$1,912 from Fixtures Furniture (TXMAS-3-711080); \$989 from ABCO Office Furniture (TXMAS-4-7110180-1); \$6,312 from David Edward Company (TXMAS-3-7110270-9); and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (I)]

To authorize the purchase of two (2) Certified Law Enforcement Motorcycles in the amount of \$31,876 from Renegade Harley Davidson through a City of Plano contract, and authorizing the City Manager to execute all necessary documents. (B043-05) [Consent Agenda Item (J)]

To authorize the purchase of ambulance cots in the amount of \$122,368 from 1<sup>st</sup> Mutual Aid Fire and EMS, LLC through a City of Garland, Texas RFP Depot Bid #46-06 and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (K)]

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

To approve and authorize a contract with Newman, Jackson, Bieberstein, Inc., to provide Landscape Architectural Services in conjunction with construction of parking lots at Parkwood Green Park and Coyote Creek Park in an amount not to exceed \$44,270 and authorizing the City Manager to execute any and all documents necessary to effectuate a contract. [Consent Agenda Item (L)]

To approve the terms and conditions of an engineering services contract by and between the City of Plano and Walter P. Moore & Associates, Inc. in the amount of \$136,270 for Erosion Control-Waasland Drive and Pittman Creek Rehabilitation and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (M)]

**Miscellaneous Purchase Authorization:**

To approve and authorize reimbursement to RH of Texas Limited Partnership for oversize participation for water and paving improvements on Gillespie Drive associated with the construction of Ridgeview Villas in the amount of \$82,341. [Consent Agenda Item (N)]

To approve the termination of a contract for Bid No. 2006-52-B for the Purchase of five (5) 12 to 14 Yard Dump Trucks awarded to Southwest International Trucks, Inc. in the amount of \$300,475. [Consent Agenda Item (O)]

To approve a second amendment of a Professional Consultant Services Agreement with Tony Picchioni to provide professional consulting services during the third year of a three (3) year agreement with the option to extend the term for two (2) additional two (2) year periods. [Consent Agenda Item (P)]

**Adoption of Resolutions**

**Resolution No. 2006-2-2(R):** To approve the terms and conditions of an Interlocal Cooperation Agreement for Library Services by and between the City of Plano and Collin County, Texas, providing the terms and conditions for receipt of funding in the amount of \$75,613 from Collin County; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date. [Consent Agenda Item (Q)]

**Resolution No. 2006-2-3(R):** To approve receipt of funds in the amount of \$65,245 from the Texas State Library and Archives Commission – Loan Star Libraries to fund the following for Plano Public Library System; purchase an LED sign for Haggard Library; computer classes in English and Spanish; and supplies for World Language, ESL and literacy materials; and authorizing the City Manager to execute all necessary documents for receipt of the funding. [Consent Agenda Item (R)]

**Resolution No. 2006-2-4(R):** To approve the submission of a grant application to the Texas Department of Transportation for funding assistance through the Statewide Transportation Enhancement Program; certifying that the City is eligible to receive financial assistance under the 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 in dealing with the Texas Department of Transportation for the purpose of participating in the Statewide Transportation Enhancement Program and providing an effective date. [Consent Agenda Item (S)]

**Resolution No. 2006-2-5(R):** To approve the terms and conditions of the funding agreement between the City of Plano, Texas, and Dallas Chinese Choral Society, Inc., which renders services that are beneficial to the public and serve a valid public purpose; authorizing the City Manager to execute such agreements with this organization for provision of support of the arts; and providing an effective date. [Consent Agenda Item (T)]

**Resolution No. 2006-2-6(R):** To authorize the City Manager to enter into an agreement with the Plano Independent School District, Frisco Independent School District and Collin County Community College District for the purpose of conducting a Joint General Election and City of Plano Special Election on May 13, 2006; and providing an effective date. [Consent Agenda Item (U)]

### **Adoption of Ordinances**

**Ordinance No. 2006-2-7:** To amend Ordinance No. 2004-8-16, codified as Article 11, Fire Code, of Chapter 8 of the Code of Ordinances of the City of Plano; providing a repealer clause, a severability clause, a savings clause, a penalty clause and an effective date. [Consent Agenda Item (V)]

**Ordinance No. 2006-2-8:** To order an election to be held on May 13, 2006 for the purpose of electing four (4) members of Council, Place No. 2 (District 2), Place No. 4 (District 4), Place No. 6 (Mayor), and Place No. 8, to the City Council to hold office for a period of three years; designating locations of polling places; ordering notices of election to be given as prescribed by law in connection with such election; and providing an effective date. [Consent Agenda Item (W)]

**Ordinance No. 2006-2-9:** To adopt and enact Supplement Number 72 Rev. 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 (X)]

### **END OF CONSENT**

Due to a possible conflict of interest, Council Member Stahel stepped down from the bench on the following item.

**RFP No. 2005-237-B** for Asset Management Tracking System for the Plano Police Department Supply Unit to Advanced Public Safety Inc. in the amount of \$37,045. [Consent Agenda Item (D)] (See Exhibit “C”)

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member Callison, the Council voted 6-0 to approve RFP No. 2005-237-B for Asset Management Tracking System for the Plano Police Department Supply Unit to Advanced Public Safety Inc. in the amount of \$37,045.

Council Member Stahel resumed his seat at the bench.

**Ordinance No. 2006-2-10** to provide for the issuance and sale of City of Plano, Texas, General Obligation Bonds, Series 2006; levying a tax in payment thereof; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto. [Regular Agenda Item (1)]

Director of Finance McGrane advised that the bonds were rated AAA from all three agencies and that the true interest cost will be 4.305266. He responded to Mayor Pro Tem Johnson that the length of the bonds is 20 years and that they could be redeemed early.

Upon a motion made by Council Member LaRosiliere and seconded by Mayor Pro Tem Johnson, the Council voted 7-0 to provide for the issuance and sale of City of Plano, Texas, General Obligation Bonds, Series 2006; levying a tax in payment thereof; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto; and further to adopt Ordinance No. 2006-2-10.

**Ordinance No. 2006-2-11** to provide for the issuance and sale of City of Plano, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2006; levying a tax in payment thereof and pledging surplus municipal drainage system revenues in payment thereof; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto. [Regular Agenda Item (2)]

Director of Finance McGrane advised that the true interest cost is 4.323529.

Upon a motion made by Council Member Ellerbe and seconded by Mayor Pro Tem Johnson, the Council voted 7-0 to provide for the issuance and sale of City of Plano, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2006; levying a tax in payment thereof and pledging surplus municipal drainage system revenues in payment thereof; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto; and further to adopt Ordinance No. 2006-2-11.

**Ordinance No. 2006-2-12** to provide for the issuance and sale of City of Plano, Texas, Municipal Drainage Utility System Revenue Bonds, Series 2006 in the aggregate principal amount of \$1,455,000; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto. [Regular Agenda Item (3)]

Director of Finance McGrane spoke to rating difference for municipal drainage bonds and advised that the true cost would be 4.426003.

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Mayor Pro Tem Johnson, the Council voted 7-0 to provide for the issuance and sale of City of Plano, Texas, Municipal Drainage Utility System Revenue Bonds, Series 2006 in the aggregate principal amount of \$1,455,000; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto; and further to adopt Ordinance No. 2006-2-12.

**Public Hearing** for the City Council of the City of Plano, Texas, pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to use or taking of a portion of City of Plano Park known as Jack Carter Park, for fiber optic easement facilities for the Plano Independent School District. [Regular Agenda Item (4)]

Director of Parks and Recreation Wendell responded to Council Member Ellerbe stating that the route designated is the most direct and that installation would not impact trees since it would be accomplished by boring. City Manager Muehlenbeck advised that the request is a result of a new service center purchased by the Plano Independent School District (PISD) and that it will be independent of the existing fiber optic system. Bruce Larson, representing PISD, spoke to this installation method being utilized throughout the City without damage to trees but stated that adjustments could be made. He spoke to requesting an easement with some width in order to avoid obstructions. Ms. Ellerbe stated concern that "boxes" may also be installed and spoke to there being open space in the area which could be utilized rather than impacting trees. City Attorney Wetherbee advised regarding the area being considered for conveyance stating it would need to be amended if variations were made and Mr. Larson responded that the applicant could wait until the next Council meeting for consideration if changes were desired. The Council discussed tabling the resolution for conveyance to allow for possible amendments in the location of the easement.

Mr. Wendell advised that there are no plans for a structure in the easement and that it would be granted permanently. Mayor Pro Tem Johnson spoke to possibly recapturing the property should the PISD not utilize it. City Attorney Wetherbee spoke to easements being granted in perpetuity, but advised that a reverting clause could be included in the conveyance.

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

**Ordinance No. 2006-2-13** to approve a fiber optic easement to Plano Independent School District, requiring the use or taking of a portion of City of Plano Public Park Land, known as Jack Carter Park; providing for a determination 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 and the park and recreation area resulting from the use; and providing an effective date. [Regular Agenda Item (5)]

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 7-0 to approve a fiber optic easement to Plano Independent School District, requiring the use or taking of a portion of City of Plano Public Park Land, known as Jack Carter Park; providing for a determination 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 and the park and recreation area resulting from the use; and providing an effective date; and further to adopt Ordinance No. 2006-2-13.

**A resolution** to approve a fiber optic easement to Plano Independent School District being in the Alfred Harrington Survey, Abstract No. 420, Collin County, Texas and being part of Lot 2, Block 7 of Hunters Glen 5-A, an addition to the City of Plano, Texas according to the plat recorded in Cabinet B, Slide 96, Map Records, Collin County, Texas, across a portion of City of Plano park known as Jack Carter Park and authorizing the execution of the easement by the City Manager; and providing an effective date. [Regular Agenda Item (6)]

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member Stahel, the Council voted 7-0 to table the resolution to approve a fiber optic easement to Plano Independent School District being in the Alfred Harrington Survey, Abstract No. 420, Collin County, Texas and being part of Lot 2, Block 7 of Hunters Glen 5-A, an addition to the City of Plano, Texas according to the plat recorded in Cabinet B, Slide 96, Map Records, Collin County, Texas, across a portion of City of Plano park known as Jack Carter Park and authorizing the execution of the easement by the City Manager; and providing an effective date until the February 27, 2006 Council meeting.

**Public Hearing and adoption of Ordinance No. 2006-2-14 as requested in Zoning Case 2005-51** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 573 so as to allow the additional use of a Day Care Center on 1.3± acres of land located on the north side of Plano Parkway, 700± feet west of Chapel Hill Boulevard in the City of Plano, Collin County, Texas, presently zoned Planned Development-112-Retail; 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: Midway/Parkway Investment, Ltd. [Regular Agenda Item (7)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted.

**Ordinance No. 2006-2-14 (cont'd)**

Mayor Evans opened the Public Hearing. Lee Young, representing the applicant, thanked the Staff for their assistance and spoke to this being a request for a Montessori school. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Mayor Pro Tem Johnson and seconded by Council Member Ellerbe, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 573 so as to allow the additional use of a Day Care Center on 1.3± acres of land located on the north side of Plano Parkway, 700± feet west of Chapel Hill Boulevard in the City of Plano, Collin County, Texas, presently zoned Planned Development-112-Retail as requested in Zoning Case 2005-51 and as recommended by the Planning and Zoning Commission; 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; and further to adopt Ordinance No. 2006-2-14.

**Public Hearing and adoption of Ordinance No. 2006-2-15 as requested in Zoning Case 2005-52** – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 2.1± acres located on the south side of State Highway 121, 1,950± feet west of Legacy Drive in the City of Plano, Denton County, Texas, from Agricultural to Commercial Employment; 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: Epic 121 Commercial, Ltd. [Regular Agenda Item (8)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted.

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Callison and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 2.1± acres located on the south side of State Highway 121, 1,950± feet west of Legacy Drive in the City of Plano, Denton County, Texas, from Agricultural to Commercial Employment as requested in Zoning Case 2005-52 and as recommended by the Planning and Zoning Commission; 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, and further to adopt Ordinance No. 2006-2-15.

There being no further discussion, Mayor Evans adjourned the meeting at 8:00 p.m.

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**Pat Evans, MAYOR**

ATTEST:

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**Elaine Bealke, City Secretary**