

PLANO CITY COUNCIL
March 16, 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 Thursday, March 16, 2006, at 7:00 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 LaRosiliere.

The invocation was led by Senior Pastor Jeff Jones of the Fellowship Bible Church North.

The Pledge of Allegiance was led by Brownie Troop 1904 from Mendenhall, Meadow, Forman and Dooley Elementary Schools.

Mayor Evans presented a proclamation recognizing American Red Cross Month – 2006 and special recognition of the Council’s Volunteer of the Month – Angel Villaruel.

GENERAL DISCUSSION

Sharon Overall, citizen of the City, requested the Council withdraw their resolution related to S.H.121. She spoke to tollways as being unconstitutional and discriminatory to the poor and to providing fair and equal access to roads across the state.

Jack Lagos, citizen of the City, spoke to the Arts of Collin County audit documents referring to their status as a 501(c)(3) when they are unable to produce certification of this status. He requested an agenda item to discuss the matter.

BOARD/COMMISSION REPORTS

Cultural Affairs Commission

Vice Chair Johnson reviewed the Commission's duties and calendar including consideration of guidelines for grants and applications, a grant/application workshop, the May 12, 2006 due date for applications and presentation of recommendations to the Council on August 12, 2006. Council Member Stahel applauded the Commission on their work.

CONSENT AGENDA

Council Member Stahel requested that Consent Agenda Item "E" be removed for individual consideration due to a possible conflict of interest.

Citizen Jack Lagos requested that Consent Agenda Item "K" be removed for individual consideration.

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, the Council voted 6-0 to approve and adopt the remaining items on the agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

February 20, 2006

February 27, 2006

Approval of Expenditures

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

Bid No. 2006-60-C for an annual fixed price contract for Median and Right-of-Way Maintenance - Preston Road/Spring Creek Parkway to Dyna-Mist in the estimated annual amount of \$73,817. This will establish a two (2) year contract with three (3) City optional one (1) year renewals. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. 2006-57-C for an annual fixed price contract for Median and Right-of-Way Maintenance - U.S. 75/North Dallas Tollway to Dyna-Mist in the estimated annual amount of \$82,532. This will establish a two (2) year contract with three (3) City optional one (1) year renewals. [Consent Agenda Item (C)] (See Exhibit "B")

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 four (4) Toro Workman Utility Vehicles with Grooming Attachments in the amount of \$92,709 from Professional Turf Products through the Texas Association of School Board Cooperative Purchasing Buyboard contract and authorizing the City Manager to execute all necessary documents. (225-05) [Consent Agenda Item (D)]

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 and Wiginton Hooker Jeffrey, P.C., in the amount of \$1,037,950 for City of Plano Fire Station No. 12 and Emergency Operations Center and Storage Complex, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (F)]

Change Order: (Change to current City of Plano contract allowable under State law)

To McMahon Contracting, L.P., increasing the contract by \$48,439 for Tollroad Service Road – Spring Creek Parkway to Headquarters Drive, Change Order No. 5 (Original Bid No. B035-05). [Consent Agenda Item (G)]

Reimbursement of Oversize Participation

To approve and authorize reimbursement to KB Home Lone Star L.P. for oversize participation for paving and drainage improvements and park land cost associated with the construction of Oak Point Estates in the amount of \$96,321. [Consent Agenda Item (H)]

Approval of Election Contract

To approve a contract made and entered into by and between the City of Plano and the Board of Trustees of the Plano Independent School District and Sharon Rowe, the Elections Administrator of Collin County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City's May 13, 2006, General and Special Elections in the estimated amount of \$19,440. [Consent Agenda Item (I)]

Adoption of Resolutions

Resolution No. 2006-3-1(R): To approve the terms and conditions of a real estate contract by and between the City of Plano, Texas, and Tsay Properties Parker Square, Ltd., for the purchase of 4.290 acres of land, located at the northwest quadrant of Parker Road and Coit Road, situated in the Mary and Sally Owens Survey, Abstract No. 672, and being a part of Lot 1R, Block 1, Parker Coit Addition, in the City of Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2006-3-2(R): To continue abatement of show-cause and accepting settlement with TXU Electric Delivery; and providing an effective date. [Consent Agenda Item (L)]

Adoption of Ordinances

Ordinance No. 2006-3-3: To abandon all right, title and interest of the City, in and to a portion of that certain 12 foot drainage easement on Lot 11, Block C of Crystal Creek Addition as recorded in Cabinet M at Page 566 of the Land Records of Collin County and being situated in the Collin County School Land Survey, Abstract No. 153, located east of Ohio Drive and north of Hedgoxe Road 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 abutting property owners, Steve and Belinda G. Pittard, to the extent of their interests; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (M)]

Ordinance No. 2006-3-4: To abandon all right, title and interest of the City, in and to a portion of that certain 10-foot wide water easement from Legacy Drive north approximately 40 feet, being situated in the Henry Cook Survey, Abstract No. 183, which is located in the City Limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in a portion of such easement to the abutting property owner, The Shops at Legacy (North), 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 (N)]

Ordinance No. 2006-3-5: To abandon all right, title and interest of the City, in and to that certain 2977 square foot Right-of-Way Dedication recorded in Volume 6071 at Page 1342 of the Land Records of Collin County, Texas and being situated in the Daniel Rowlett Survey, Abstract No. 738, located on the west side of Central Expressway (U.S. Highway 75) south of Chase Oaks Boulevard, which is located in the City Limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such Right-of-Way to the abutting property owner, Fairview Farm Land Company, Ltd., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (O)]

Ordinance No. 2006-3-6: To amend Section 11-144(a) of Article IV Peddlers and Solicitors of Chapter 11, Licenses and Business Regulations of the Code of Ordinances of the City of Plano to prohibit the distribution of handbills in the public right of way within 1000 feet of designated intersections in the City of Plano; providing a penalty clause, a severability clause, a repealing clause and a publication clause; and providing an effective date. [Consent Agenda Item (P)]

END OF CONSENT:

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

Purchase from Existing Contract/Agreement: To authorize the purchase of a service contract for IBM network servers in the amount of \$35,209 from IBM Direct through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-190). [Consent Agenda Item (E)]

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Mayor Pro Tem Johnson, the Council voted 5-0 to authorize the purchase of a service contract for IBM network servers in the amount of \$35,209 from IBM Direct through a Department of Information Resources (DIR) Contract.

Council Member Stahel resumed his place at the bench.

Resolution No. 2006-3-7(R): To approve the terms and conditions of modifications to the funding agreements by and between Plano Art Association, Plano Children's Theatre, Plano Civic Chorus, Plano Community Band, Plano Symphony Orchestra, The Classics and the City of Plano; authorizing their execution by the City Manager; and providing an effective date. [Consent Agenda Item (K)]

Jack Lagos, citizen of the City, spoke to the Plano Symphony Orchestra monies being moved from a City of Plano account to one for other purposes. He requested a review of the operating account and spoke to segregating the money until the issue is resolved.

Upon a motion made by Mayor Pro Tem Johnson and seconded by Council Member Ellerbe, the Council voted 6-0 to approve the terms and conditions of modifications to the funding agreements by and between Plano Art Association, Plano Children's Theatre, Plano Civic Chorus, Plano Community Band, Plano Symphony Orchestra, The Classics and the City of Plano; authorizing their execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-3-7(R).

Public Hearing and adoption of Ordinance No. 2006-3-8 to establish and designate a certain area as Reinvestment Zone No. 92 for a tax abatement consisting of a 23.828 acre tract of land located at 1000 Coit Road in the City of Plano, Texas; establishing the boundaries of such zone, ordaining other matters relating thereto and providing an effective date. [Regular Agenda Item (1)]

Director of Finance McGrane advised the Council that the proposed business personal and real property tax abatement will begin January 1, 2007 and continue through the year 2016 and will be equal to 50% for ten years. He stated that the project is anticipated to result in 1,900 jobs. Mr. McGrane advised that this item is for new improvements on an existing building and City Manager Muehlenbeck clarified that the location would be a data center.

Ordinance No. 2006-3-8 (cont'd)

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 Mayor Pro Tem Johnson and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 6-0 to establish and designate a certain area as Reinvestment Zone No. 92 for a tax abatement consisting of a 23.828 acre tract of land located at 1000 Coit Road in the City of Plano, Texas; establishing the boundaries of such zone, ordaining other matters relating thereto and providing an effective date; and further to adopt Resolution No. 2006-3-7(R).

Resolution No. 2006-3-9(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District and Countrywide Home Loans, Inc., a New York Corporation, and providing for a business personal property and real property tax abatement, located at 1000 Coit Road, Plano, Texas, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (2)]

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member Ellerbe, the Council voted 6-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District and Countrywide Home Loans, Inc., a New York Corporation, and providing for a business personal property and real property tax abatement, located at 1000 Coit Road, Plano, Texas, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-3-9(R).

There being no further discussion, Mayor Evans adjourned the meeting at 7:44 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary