



CITY COUNCIL

1520 AVENUE K

DATE: January 24, 2005

CALL TO ORDER: 7:00 p.m.

INVOCATION: Pastor Gene Wilkes
Legacy Drive Baptist Church

PLEDGE OF ALLEGIANCE: Cub Scout Pack 225
Weatherford Elementary

| ITEM NO. | EXPLANATION | ACTION TAKEN |
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| | <p>THE MISSION OF THE CITY OF PLANO IS TO PROVIDE OUTSTANDING SERVICES AND FACILITIES, THROUGH COOPERATIVE EFFORTS WITH OUR CITIZENS THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p><u>GENERAL DISCUSSION</u></p> <p>In accordance with the Open Meeting Act, the City Council will hear comments of public interest, but any discussion shall be limited to placing the item on a future agenda for further consideration.</p> <p>Remarks are limited to five (5) minutes per speaker, with a maximum of 30 total minutes of testimony. Other time restraints may be directed by the Mayor.</p> <p>Specific factual information or an explanation of current policy may be made in response to an inquiry; but any discussion or decision must be limited to a proposal to place the item on a future agenda.</p> <p>Speakers will be notified when speaking time has expired. The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p>CONSENT AGENDA</p> <p><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial.</u></p> <p><u>Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. The Council will then take action on the remainder of the Consent Agenda items. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></p> | |

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| (a) | <p>Approval of Minutes</p> <p>December 21, 2004 January 10, 2005 January 12, 2005</p> <p><u>Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following:</u></p> | Approved |
| (b) | <p>Bid No. B184-04 for the purchase of W.O. Haggard Library Furniture Part 2 – Project No. 5216 in the amount of \$86,748.</p> | Approved |
| (c) | <p>Bid No. B045-05 for East Side Fire Hydrant Project #1 in the amount of \$57,400 for the purchase of fire hydrants, tapping sleeves and valves.</p> | Approved |
| (d) | <p>Bid No. B137-04 for Median and ROW Maintenance Multiple Locations II in the estimated annual amount of \$108,108 for an annual contract of two years with three City optional one-year renewals for labor, materials and equipment utilized for the median and right-of-way mowing services.</p> | Approved |
| (e) | <p>Bid No. C187-04 for Standard Lot Mowing and Accumulated Trash Removal, Shrub and Tree Trimming in the estimated annual amount of \$35,000 for an annual contract of one year with two City optional one-year renewals.</p> | Approved |
| (f) | <p>Bid No. C188-04 for an annual fixed-price contract for Oversized Lot, Acreage & Perimeter Lot Mowing and Accumulated Trash Removal, Shrub and Tree Trimming in the estimated annual amount of \$27,500 for an annual contract of one year with two City optional one-year renewals.</p> | Approved |
| | <p><u>Adoption of Resolutions</u></p> | |
| (g) | <p>Resolution No. 2005-1-11(R): To urge the Texas Legislature not to impose additional limits on property appraisals and local government revenues; and providing an effective date.</p> | Adopted |
| (h) | <p>Resolution No. 2005-1-25(R): To adopt a 2005 State Legislative Program for the City of Plano; directing the City Manager to act with regard to the City's Legislative Program; and providing an effective date.</p> | Adopted |
| (i) | <p>Resolution No. 2005-1-12(R): To oppose any school finance or tax reform measures that would negatively affect local government revenues and services; and providing an effective date.</p> | Adopted |
| (j) | <p>Resolution No. 2005-1-13(R): To adopt Parks and Recreation Development Priorities for submission to the Texas Parks and Wildlife Department to comply with the Texas Parks and Wildlife Department's requirements for approved Park Master Plans.</p> | Adopted |

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| (k) | Resolution No. 2005-1-14(R): To authorize intervention before the Railroad Commission of Texas in Gas Utilities Docket (GUD) No. 9530; authorizing participation with other cities served by Atmos Energy Corporation, formerly known as TXU Gas Company, in administrative and court proceedings involving a gas cost prudence review related to a filing made in September 2004 as required by the final order in GUD No. 8664; designating two representatives of the City to serve on a steering committee; requiring reimbursement of reasonable legal and consultant expenses. | Adopted |
| (l) | Resolution No. 2005-1-15(R): To suspend the proposal by Atmos Energy Corp. to implement interim GRIP Rate Adjustments for gas utility investment in 2003; authorizing participation with other cities served by Atmos Energy Corp., Mid-Tex Division, in a review and inquiry into the basis and reasonableness of the proposed rate adjustments; authorizing intervention in administrative and court proceedings involving the proposed GRIP Rate Adjustments; designating two representatives of the City to serve on a steering committee; requiring reimbursement of reasonable legal and consultant expenses. | Adopted |
| (m) | Resolution No. 2005-1-16(R): To approve the hiring of an Assistant City Attorney by the City Attorney; and providing an effective date. | Adopted |
| (n) | Resolution No. 2005-1-17(R): To approve and authorize refunds of property tax overpayments; and providing an effective date. | Adopted |
| (o) | Resolution No. 2005-1-18(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. | Adopted |
| (p) | Resolution No. 2005-1-19(R): To authorize the City Manager to enter into an agreement with the Plano Independent School District and Frisco Independent School District for the purpose of conducting a Joint General Election and City of Plano Special Bond Election, Special Charter Amendment Election and Special Local Option Elections on May 7, 2005; and providing an effective date. | Adopted |
| (q) | Resolution No. 2005-1-20(R): To approve the terms and conditions for the purchase of a containment vessel and trailer from Nabco, Inc., authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase of the equipment; and providing an effective date. | Adopted |
| (r) | <u>Adoption of Ordinances</u> Ordinance No. 2005-1-21: To repeal Ordinance No. 2004-9-29; establishing the number of certain classifications within the Police and Fire Departments for fiscal year 2004-2005; establishing the authorized number and effective dates of such positions for each classification effective October 4, 2004 and April 1, 2005 and July 1, 2005 respectively; establishing a salary plan for the Police and Fire Departments effective October 4, 2004; and providing a repealer clause, a severability clause and an effective date. | Adopted |

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| (s) | Ordinance No. 2005-1-22: To amend Chapter 14, Offenses – Miscellaneous, of the Code of Ordinances of the City of Plano, Texas, by adding Article II, Shopping Carts, regulating the use of shopping carts within the City of Plano, and providing a repealer clause, a severability clause, a publication clause, and an effective date. | Adopted |
| (t) | Ordinance No. 2005-1-23: To order a Special Election to be held in conjunction with the General Election in and throughout the City of Plano, Texas on Saturday, May, 7, 2005 for the purpose of approving the legal sale of mixed beverages in restaurants by food and beverage certificate holders only; 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. | Adopted |
| (u) | Ordinance No. 2005-1-24: To order a Special Election to be held in conjunction with the General Election in and throughout the City of Plano, Texas on Saturday, May 7, 2005 for the purpose of approving the legal sale of beer and wine for off-premise consumption only; 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. <u>Approval of Agreement</u> | Adopted |
| (v) | To approve Geographic Information System (GIS) Annual Maintenance with Environmental Research Systems Institute (ESRI) in the amount of \$54,351. <u>Award of Contract</u> | Approved |
| (w) | To approve and authorize the selection of EHP Consulting, L.L.C. to provide Professional Environmental Services in connection with the City of Plano Asbestos Operation and Maintenance Program and authorizing the City Manager to execute all necessary documents to effectuate the contract. | Approved |
| (x) | To approve and authorize for the selection of Birkhoff, Hendricks & Conway L.L.P. to provide Professional Engineering Services for an amount not to exceed \$27,800 in connection with the design of Parker Road Elevated Tank Repaint project and authorizing the City Manager to execute all necessary documents to effectuate this contract. <u>Approval of Expenditure</u> | Approved |
| (y) | To approve an expenditure to purchase Lightbar/Siren/Speaker units in the amount of \$81,774, through an Interlocal Agreement with Tarrant County, pursuant to Chapter 271, Section 271.102 of the Local Government Code, and authorizing the City Manager to execute all documents necessary to effectuate the purchase. <u>Reimbursement of Oversize Participation</u> | Approved |
| (z) | To approve and authorize reimbursement to Legacy/Monterey Homes, L.P. for oversize participation for paving improvements associated with construction of Deerfield North, Phase I in the amount of \$76,168. | Approved |

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| (aa) | To approve and authorize reimbursement to EDS Information Services, L.L.C. for oversize participation for paving improvements associated with construction of Headquarters Drive and Parkwood Boulevard in the amount of \$258,900. | Approved |
| (bb) | To approve and authorize reimbursement to EDS Information Services, L.L.C. for oversize participation for paving improvements associated with construction of Parkwood Boulevard from Legacy Drive to Headquarters Drive in the amount of \$153,013. | Approved |
| | <p><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></p> <p><u>The purpose of a Public Hearing is to receive input and information with the clarification that the focus of the City Council is on the singularly presented position, and not on repetition. To more effectively consider all presentations, applicants will limit their presentations to 15 minutes with a five (5) minute rebuttal time, if needed. All other speakers will be limited to a maximum of 30 total minutes of testimony, and three minutes per individual on any single issue. Other time restraints may be imposed at the discretion of the Mayor.</u></p> | |
| (1) | Public Hearing and Resolution No. 2005-1-26(R) to adopt the Park Forest Neighborhood Action Plan as proposed by the Park Forest Neighborhood Planning Team and approving its use by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development and provision of City services within the Park Forest Neighborhood; and providing an effective date. | Conducted and adopted |
| (2) | Public Hearing by the City Council of the City of Plano, Texas, pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of a City of Plano park and known as Bluebonnet Trail Linear Park for a License Agreement for installation of cellular technology incorporated with the existing TXU transmission towers. | Conducted |
| (3) | Ordinance No. 2005-1-27 to approve a project for installation of cellular technology incorporated with the existing TXU transmission towers through a ground license agreement to Sprint Spectrum, L.P. requiring the use or taking of a portion of City of Plano public park land, known as Bluebonnet Trail Linear Park east of Custer Road; 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 resulting from the use; and providing an effective date. | Adopted |
| (4) | Resolution No. 2005-1-28(R) to grant a license agreement to Sprint Spectrum, L.P. for installation of cellular technology incorporated with the existing TXU transmission towers being in the George Perrin Survey, Abstract No. 722 City of Plano, Collin County, Texas across a portion of the City of Plano park known as Bluebonnet Trail Linear Park east of Custer Road and authorizing the execution of the license agreement by the City Manager; and providing an effective date. | Adopted |
| (5) | Public Hearing by the City Council of the City of Plano, Texas, pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of City of Plano park land known as Russell Creek Park Athletic Complex for a drainage easement. | Conducted |

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| (6) | Ordinance No. 2005-1-29 of the City of Plano, Texas, approving a project for a drainage easement at Russell Creek Park Athletic Complex-YMCA, requiring the use or taking of a portion of City of Plano public park land known as Russell Creek Park Athletic Complex; 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 resulting from the use; and providing an effective date. | Adopted |
| (7) | Resolution No. 2005-1-30(R) of the City Council of the City of Plano, Texas, granting the use or taking of a portion of Russell Creek Park Athletic Complex for a drainage easement being in the Grizzell Kennedy Survey, Abstract No. 499, City of Plano, Collin County, and authorizing the approval by the City Manager; and providing an effective date. | Adopted |
| (8) | Resolution No. 2005-1-31(R) to approve the terms and conditions of a Public Right-of-Way Use Agreement by and between the City of Plano, Texas and Medical Center of Plano, a Texas Corporation, to locate, place, attach, install, operate, and maintain a communications system in certain specific portions of the public rights-of-way in the City of Plano; authorizing its execution by the City Manager; and providing an effective date. | Adopted |
| (9) | Ordinance No. 2005-1-32 to transfer the sum of \$14,251 from the Convention & Tourism Unappropriated Fund Balance to the Convention & Tourism Operating Appropriation for Fiscal Year 2004-05 for the purpose of additional funding for the Plano Balloon Festival; amending the budget of the City and Ordinance 2004-9-15, as amended to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. | Adopted |
| (10) | Resolution No. 2005-1-33(R) to approve the terms and conditions of a funding agreement between the City of Plano, Texas and the Plano Balloon Festival, Inc.; authorizing its execution by the City Manager; and providing an effective date. | Adopted |
| (11) | Ordinance No. 2005-1-34 to transfer the sum of \$176,495 from the General Fund Unappropriated Fund Balance to the General Fund Operating Appropriation for Fiscal Year 2004-05 for the purpose of funding the creation of three Fire Battalion Chief positions and increasing the Assistant Fire Chief compensation by 2% effective April 1, 2005; amending the budget of the City and Ordinance No. 2004-9-15, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. | Adopted |
| (12) | Ordinance No. 2005-1-35 to transfer the sum of \$95,651 from the General Fund Unappropriated Fund Balance to the General Fund Operating Appropriation for Fiscal Year 2004-05 for the purpose of funding the creation of the Office of Homeland Security; amending the budget of the City and Ordinance No. 2004-9-15, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. | Adopted |

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| (13) | <p>Public Hearing and an ordinance as requested in Zoning Case 2004-54 – A request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses), and Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding superstore use. Applicant: City of Plano</p> | <p>Conducted and tabled to 2/22/05</p> |
| (14) | <p>Resolution No. 2005-1-36(R) to suspend enforcement of parking regulations on Quincy Lane between Ohio Drive and Family Farm Lane in the corporate City limits of Plano, Texas, for thirty (30) days from the effective date of this resolution so that a traffic study may be conducted to determine the appropriateness of allowing curb side parking along Quincy Lane between Ohio Drive and Family Farm Lane; and providing an effective date.</p> <p><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A is located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></p> | <p>Adopted</p> |