

PLANO CITY COUNCIL
June 27, 2011

COUNCIL MEMBERS

Phil Dyer, Mayor
Pat Miner, Mayor Pro Tem
Lissa Smith, Deputy Mayor Pro Tem
Ben Harris
André Davidson
James Duggan
Patrick Gallagher
Lee Dunlap

STAFF

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, June 27, 2011, at 7:03 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Pastor Amy McClane of Northpointe Church, and the Pledge of Allegiance was led by Jr. Girl Scout Troop 1714 of Shepard Elementary.

Deputy City Manager Turner recognized Sharon Kotwitz on her 20-year anniversary with the City of Plano.

COMMENTS OF PUBLIC INTEREST

Citizen Fred Frawley spoke regarding the upcoming Friends of the Plano Public Library Book Sale.

CONSENT AGENDA

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Dunlap, the Council voted 8-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")
June 8, 2011
June 13, 2011

Approval of Expenditures

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

Bid No. 2011-164-G for Parking Lot Lighting Upgrades at Various Locations - Project No. 6051, line item 1, 2, and 4 to Essential Energy Services, Inc. in the amount of \$72,965 and line item 3 to Lumetech Group in the amount of \$70,920 for a total of \$143,885 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

RFQ No. 2010-228-B for Waste to Fuel Study for the Sustainability Department for American Recovery & Reinvestment Act, Federal Grant Funding from the Department of Energy (DOE) to Gershman, Brickner & Bratton, Inc. in the amount of \$210,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Bid No. 2011-165-B for Liberty Recreation Center Roof Replacement Project No. 6108, to Roof Tex Inc., in the amount of \$287,250 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

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

To approve an Engineering Services Agreement by and between the City of Plano and Transystems Corporation in the amount of \$79,100 for the SH 289 at PGBT Intersection Improvements project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

To approve an Engineering Services Agreement by and between the City of Plano and Burgess & Niple, Inc. in the amount of \$137,720 for Pittman Creek Basin I/I Evaluation Basins 01,7N,7S,10 & 12 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Approval of Contract Modification

To approve and authorize Contract Modification No. 1 for the purchase of Engineering Services for Windhaven Parkway (Spring Creek Parkway to West City Limit) in the amount of \$62,000 from Teague, Nall and Perkins, Inc. This modification will provide for expenses related to changing the project scope from a six (6) lane road to a four (4) lane road from Spring Creek Parkway to Parkwood Boulevard. (Consent Agenda Item “G”)

Approval of Change Order

To McMahon Contracting, L.P., increasing the contract by \$30,064 for the 14th Street – Avenue K to Ridgewood Drive project, Change Order No. 3. Original Bid No. 2010-14-B. (Consent Agenda Item “H”)

Adoption of Resolutions

Resolution No. 2011-6-16(R): To authorize continued participation with the Steering Committee of Cities Served by Oncor; authorizing the payment of 10 cents per capita to the Steering Committee to fund regulatory and related activities related to Oncor Electric Delivery Company LLC; and providing an effective date. (Consent Agenda Item “I”)

Resolution No. 2011-6-17(R): To authorize the purchase of the Mobile Command Post Vehicle Technology Upgrade from LDV, Inc., a sole-source provider, in the amount of \$154,847 for use by the Plano Police Department; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase; and providing an effective date. (Consent Agenda Item “J”)

Adoption of Ordinances

Ordinance No. 2011-6-18: To abandon all right, title and interest of the City, in and to that certain 20-foot wide Temporary Drainage Easement recorded in Volume 4531, Page 245, of the Land Records of Collin County, Texas and being situated in the Samuel H. Brown Survey, Abstract No. 108, 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 owner, Legacy North PT MFA IV, 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 “K”)

Ordinance No. 2011-6-19: To amend Section 3-3 of Chapter 3 Alcoholic Beverages, of the Code of Ordinances of the City of Plano providing an exception for a winery where authorized by the City of Plano Zoning Ordinance to the prohibition against manufacturing, distilling, brewing, transporting, storing for purposes of sale, distributing or selling alcoholic beverages in any residentially zoned district; providing a repealer clause, a savings clause, a severability clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item “L”)

END OF CONSENT

Public Hearing and adoption of Resolution No. 2011-6-20(R) to adopt the 2011-2012 Action Plan, including the final statement of Community Development Block Grant and HOME programs objectives and proposed use of funds for program year 2011-2012; and declaring an effective date. (Regular Agenda Item “1”)

Community Services Manager Day advised that the plan includes proposed use of more than \$1.7 million in funds for 2011-12 and spoke to the application process, public hearings and decision-making of the Community Relations Commission. She advised that recommendations are tied to the goals established by the Council in the Consolidated Plan and advised that Staff and the Commission request approval as submitted.

Mayor Dyer opened the Public Hearing. No one spoke for or against the item. The Public Hearing was closed.

Resolution No. 2011-6-20(R) (cont'd)

Upon a motion made by Council Member Dunlap and seconded by Council Member Davidson, the Council voted 8-0 to adopt the 2011-2012 Action Plan, including the final statement of Community Development Block Grant and HOME programs objectives and proposed use of funds for program year 2011-2012; and further to adopt Resolution No. 2011-6-20(R).

Resolution No. 2011-6-21(R): To authorize the filing of applications for Federal Funds in an amount not to exceed \$1,593,213 under the Housing and Community Development Act and the HOME Investment Partnership Act; designating Bruce D. Glasscock as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. (Regular Agenda Item "2")

Upon a motion made by Deputy Mayor Pro Tem Smith and seconded by Council Member Dunlap, the Council voted 8-0 to authorize the filing of applications for Federal Funds in an amount not to exceed \$1,593,213 under the Housing and Community Development Act and the HOME Investment Partnership Act; and further to adopt Resolution No. 2011-6-21(R).

Public Hearing and adoption of Ordinance No. 2011-6-22 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 123 for tax abatement consisting of a 7.255 acre tract of land located in the Martha McBride Survey, Abstract No. 553, Collin County in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date. (Regular Agenda Item "3")

Plano Economic Development Board Executive Director Bane spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and this agreement based on an estimated \$10 million in real and \$5 million in business personal property for a period of ten years from November 1, 2011 with an abatement at the rate of 50% for real and business personal property and an impact of \$24,430 for real property and \$12,215 for business personal property based on the current tax rate.

Mayor Dyer opened the Public Hearing. No one spoke for or against the item. The Public Hearing was closed.

Upon a motion made by Council Member Dunlap and seconded by Council Member Harris the Council voted 8-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 123 for tax abatement; and further to adopt Ordinance No. 2011-6-22.

Resolution No. 2011-6-23(R): To approve the terms and conditions of an Agreement by and between the City of Plano, Texas, Internap Network Services Corporation and Behringer Harvard 1221 Coit, LP, a Texas Limited Partnership; providing for a business personal property and real property improvement tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "4")

Plano Economic Development Board Executive Director Bane advised that the agreement includes 128,000 square feet of existing commercial space, has a term of ten years and is based on 50% of both business personal and real property.

Upon a motion made by Council Member Dunlap and seconded by Council Member Gallagher the Council voted 8-0 to approve the terms and conditions of an Agreement by and between the City of Plano, Internap Network Services Corporation and Behringer Harvard 1221 Coit, LP; providing for a business personal property and real property improvement tax abatement; and further to adopt Resolution No. 2011-6-23(R).

Resolution No. 2011-6-24(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Internap Network Services Corporation and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “5”)

Plano Economic Development Board Executive Director Bane advised that the agreement in the amount of \$50,000 provides for occupancy of not less than 128,000 square feet of commercial space by November 1, 2011 and has a term of ten years.

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Harris, the Council voted 8-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between Internap Network Services Corporation and the City of Plano; and further to adopt Resolution No. 2011-6-24(R).

Resolution No. 2011-6-25(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Aimbridge Hospitality, L.P., a Texas limited liability company; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “6”)

Plano Economic Development Board Executive Director Bane advised that the agreement in the amount of \$75,000 provides for occupancy of not less than 25,000 square feet of existing space; transfer or creation of up to 60 full-time jobs by October 1, 2011; business personal property in the amount of \$155,000; real property in the amount of \$500,000; and has a term of seven years.

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Davidson, the Council voted 8-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Aimbridge Hospitality, L.P.; and further to adopt Resolution No. 2011-6-25(R).

Resolution No. 2011-6-26(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Ambit Holdings LLC, a Texas limited liability corporation; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “7”)

Resolution No. 2011-6-26(R) (cont'd)

Plano Economic Development Board Executive Director Bane advised that the agreement in the amount of \$60,435 provides for occupancy of not less than 69,000 square feet of office space; transfer or creation of up to 237 full-time jobs by October 1, 2011; business personal property in the amount of \$3.5 million; real property in the amount of \$1.4 million; and has a term of seven years.

Upon a motion made by Deputy Mayor Pro Tem Smith and seconded by Mayor Pro Tem Miner, the Council voted 8-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Ambit Holdings LLC,; and further to adopt Resolution No. 2011-6-26(R).

Resolution No. 2011-6-27(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Masergy Communications, Inc., a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "8")

Plano Economic Development Board Executive Director Bane advised that the agreement in the amount of \$50,000 provides for occupancy of not less than 35,000 square feet of office space; retention or creation of up to 120 full-time jobs by March 31, 2012; and has a term of seven years.

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Dunlap, the Council voted 8-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Masergy Communications, Inc.; and further to adopt Resolution 2011-6-27(R).

Nothing further was discussed and Mayor Dyer adjourned the meeting at 7:28 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary