

PLANO CITY COUNCIL
January 23, 2012

COUNCIL MEMBERS PRESENT

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 PRESENT

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, January 23, 2012, at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Reverend Michael Boone of Christ Church Plano led the invocation and Cub Scout Pack 25, Den 1 of Custer Road United Methodist Church led the Pledge of Allegiance.

COMMENTS OF PUBLIC INTEREST

Citizen Chuck Newsom stated concern regarding the requirements to have backflow prevention when utilizing creek water for landscape irrigation. City Manager Glasscock spoke to State regulations and advised that Staff will respond to Mr. Newsom and provide further information to the Council.

CONSENT AGENDA

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

Upon a motion made by Council Member Harris and seconded by Deputy Mayor Pro Tem Smith, the Council voted 8-0 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, 2012

Approval of Expenditures

Purchase from an Existing Contract

To approve the purchase of fitness replacement equipment for the City of Plano Recreation Centers in the amount of \$217,760 from Fitco Fitness Center Outfitters through an existing contract with BuyBoard; authorizing the City Manager to execute all necessary documents. (BuyBoard Contract No. 336-10) (Consent Agenda Item “B”)

To approve the purchase of Bulk Fuel to be utilized by Fleet Services in an estimated amount of \$240,000 from Douglass Distributing Company through an existing contract/agreement and any subsequent renewals with Tarrant County, and authorizing the City Manager to execute all necessary documents. (Tarrant County Contract #2010-046) (Consent Agenda Item “C”)

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

To approve a Professional Services Agreement by and between the City of Plano and Utility Service Partners Private Label, Inc., d/b/a Service Line Warranties of America, for a non-exclusive license to use the City’s name and logo to advertise a utility service line warranty program, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Approval of Contract Modification

To approve a modification of Contract 2005-15-C with Redflex Traffic Systems, Inc. for the Red Light Camera Enforcement Program for the Police Department, to extend the length of the contract through April 30th, 2012 pursuant to the same terms and conditions, in an amount not to exceed the revenue. (Consent Agenda Item “E”)

Approval of Expenditure

To approve the purchase of Air Conditioning Units Replacement at Schimelpfenig Library in the amount of \$137,200 from Trane through an existing contract and authorizing the City Manager to execute all necessary documents. (TXMAS Contract Number 8-03FAC020) (Consent Agenda Item “F”)

Adoption of Resolutions

Resolution No. 2012-1-4(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas, the City of McKinney, Texas and City of Frisco, Texas for participation in the Homebuyer Education Classes to provide an educational program for individuals attempting to purchase homes in each municipal jurisdiction; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “G”)

Resolution No. 2012-1-5(R): To approve the terms and conditions of a service agreement for Maintenance Support Services by and between the City of Plano and Affiliated Telephone, Inc., the sole source provider for all hardware, software, and services pertaining to the Vesta-Meridian 9-1-1 system, in an amount not to exceed \$144,262; authorizing its execution by the City Manager and providing an effective date. (Consent Agenda Item “H”)

Resolution No. 2012-1-6(R): To adopt the First Amended Policy Statement for Tax Abatement of the City of Plano thereby establishing criteria for evaluating incentive applications; establishing procedural guidelines and criteria governing tax abatement agreements; and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2012-1-7(R): To approve the settlement of the lawsuit styled Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similarly situated individuals v. City of Plano, Civil Action No. 4:10-cv-372, United States District Court, Eastern District of Texas, Sherman Division in the amount of \$554,333.00; authorizing the City Manager to execute any and all documents necessary to settle such lawsuit; and providing an effective date. (Consent Agenda Item “K”)

Adoption of Ordinances

Ordinance No. 2012-1-8: To transfer the sum of \$554,333 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2011-12 for the purpose of providing funds for a settlement of a lawsuit between Billy Horton, Robert Morris, Robert Prunty, Alan Spurgin, David Ratcliff, and Sam Bigham, individually and on behalf of similarly situated individuals v. City of Plano, Civil Action No. 4:10- cv-372, United States District Court, Eastern District of Texas, Sherman Division; amending the Budget of the City and Ordinance No. 2011-9-8, declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item “L”)

END OF CONSENT

Resolution No. 2012-1-9(R): To accept the findings and opinions of the Annual Audit; authorizing the City Manager, or in his absence the Director of Finance, to publish the results thereof; and providing an effective date. (Consent Agenda Item “I”)

Citizen Jack Lagos requested clarification regarding advisory fees paid and losses in the area of *Pension and Other Postemployment Benefits Trust Funds Net Assets*. Director of Finance Tacke advised that this fund is comprised of the Retirement Security Plan Pension Trust and the Postemployment Benefits 115 Trust and include monies which are withheld from employee checks or contributed on behalf of employees and held in trust. She advised that the figures represent the fair value of the investment as of year’s end and spoke to committee oversight of the funds, objectives and portfolio diversity with monies in both equities and bonds. Ms. Tacke responded to Mr. Lagos, clarifying that these funds are not subject to the Public Funds Investment Act, but are fiduciary in nature and held in trust.

Upon a motion made by Council Member Harris and seconded by Mayor Pro Tem Miner, the Council voted 8-0 to accept the findings and opinions of the Annual Audit and to adopt Resolution No. 2012-1-9(R).

Public Hearing and adoption of Ordinance No. 2012-1-10 as requested in Zoning Case 2011-37 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 29.4± acres located at the northeast corner of Parker Road and Jupiter Road in the City of Plano, Collin County, Texas, from Agricultural to Patio Home; directing a change accordingly in the official zoning map of the City; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Meaders-Hale, Ltd. (Regular Agenda Item “1”)

Planning Manager Firgens reviewed the surrounding land uses, advised that the request is in conformance with future land uses and the infill housing policy statement and that the Planning and Zoning Commission recommended approval as submitted.

Mayor Dyer opened the Public Hearing. Jim Douglas of Douglas Properties, representing the applicant, spoke to plans for the site and requested approval. No one spoke for or against the request, the Public Hearing was closed.

Upon a motion made by Mayor Pro Tem Miner and seconded by Council Member Gallagher, the Council voted 8-0 to rezone 29.4± acres located at the northeast corner of Parker Road and Jupiter Road in the City of Plano from Agricultural to Patio Home; as requested in Zoning Case 2011-37 and as recommended by the Planning and Zoning Commission and further to adopt Ordinance No. 2012-1-10.

Nothing further was discussed and Mayor Dyer adjourned the meeting at 7:29 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary