

**PLANO CITY COUNCIL**  
**July 23, 2012**

**COUNCIL MEMBERS PRESENT**

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

**STAFF PRESENT**

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

Mayor Dyer convened the Council into the Regular Session on Monday, July 23, 2012, at 7:03 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Executive Pastor Jessie Prince of Grace Outreach Center led the invocation and Boy Scout Troop 1776 led the Pledge of Allegiance.

**PROCLAMATIONS & SPECIAL RECOGNITION**

The Plano Rotary Club presented a trophy to the Plano Police Department as winners of the “Battle of the Badges” and Mayor Dyer recognized receipt of the 2012 Gold Leadership Circle Award from the Texas Comptroller.

**COMMENTS OF PUBLIC INTEREST**

Citizens Scott Johnson and Fred Frawley spoke regarding the upcoming Friends of the Plano Public Library book sale.

**CONSENT AGENDA**

Upon the request of Council Member Dunlap, Consent Agenda Item “D” was removed for individual consideration.

Upon a motion made by Council Member Miner and seconded by 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”)  
June 25, 2012

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

**CSP No. 2012-194-C** for one (1) year annual contract with three (3) City optional renewals for street sweeping services estimated in the amount of \$108,047 to Sweeping Services of Texas – Operating, LP, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

**Bid No. 2012-230-C** for a one (1) year contract with three (3) city optional renewals to purchase Traffic Signal Controller Cabinets for Inventory Control & Asset Disposal (ICAD) from Paradigm Traffic Systems, Inc., in an estimated amount of \$110,278 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

**Bid No. 2012-235-B** for Erosion Control Improvements on London Drive, Creekside Lane, and 2 Sanitary Sewer Crossings to ARK Contracting Services, L.L.C., in the amount of \$652,200 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

**Bid No. 2012-237-P** for the Residential and Arterial Concrete Pavement Under Sealing and Raising Contract, Project No. 6243 to Nortex Concrete Lift and Stabilization, Inc., in the amount of \$1,640,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

**Purchase from an Existing Contract**

To approve the purchase of replacement light pole structures to support the City’s Motomesh Devices, in the amount of \$220,077 from CoServ Electric through an existing franchise agreement, and authorizing the City Manager to execute all necessary documents (Ordinance No. 2008-4-42). (Consent Agenda Item “G”)

**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 Walter P. Moore and Associates in the amount of \$62,360 for BNSF Railroad Right-of-Way Drainage Improvements and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

To approve a Professional Services Agreement by and between the City of Plano and R-Delta Engineers, Inc., in the amount of \$231,375 for Royal Oaks Drive Paving and Water Line Replacement; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

## **Approval of Expenditure**

To approve the purchase and installation of eight (8) "Car Detector" ALPR Systems (Automated License Plate Recognition System), including the necessary software licensing and conversion of one existing Platescan system, at a total of \$108,290 from Vigilant Video Inc., through an approved Houston Galveston Area Council (HGAC) cooperative purchasing agreement and authorizing the City Manager to execute all necessary documents. (HGAC Contract Number EF04-11) (Consent Agenda Item "J")

**RFQ No. 2012-24-B** for Next Generation 9-1-1 Project Management Consultant Services for Public Safety Communications to Mission Critical Partners, Inc., in an amount not to exceed \$200,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "K")

## **Adoption of Resolutions**

**Resolution No. 2012-7-1(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between Tollway 121 Hotel, LP and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "L")

**Resolution No. 2012-7-2(R):** To approve and grant an electric easement to Oncor Electric Delivery Company, L.L.C. on City property, Tennyson elevated water tank site, located at 6825 Communications Parkway; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "M")

**Resolution No. 2012-7-3(R):** To approve the assignment agreement with the North Texas Municipal Water District for 12 easements located along Cottonwood Creek from the Rowlett Creek Regional Wastewater Treatment Plant to the Upper Cottonwood Creek Lift Station; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "N")

**Resolution No. 2012-7-4(R):** To approve the terms and conditions of a Hotel Occupancy Tax Grant Agreement for Hotel Marketing and Transportation Costs Pursuant to Texas Tax Code Chapter 351 by and between Tollway 121 Hotel, LP and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "O")

**Resolution No. 2012-7-5(R):** To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Sachse, Texas to allow the employees of the City of Sachse to take classes offered by City of Plano Professional Development Center, authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "P")

**Resolution No. 2012-7-6(R):** To nominate Denbury Onshore, LLC, to the Office of the Governor, Economic Development and Tourism through the Texas Economic Development Bank for designation as an Enterprise Project under the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Texas Government Code, Chapter 2303; and providing an effective date. (Consent Agenda Item "Q")

**Resolution No. 2012-7-7(R):** To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and the City of Allen, Texas and the City of The Colony, Texas permitting specified use of the Plano and Allen Public Safety Radio System by the City of The Colony, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “R”)

**Resolution No. 2012-7-8(R):** To approve the terms and conditions of an Agreement by and between the City of Plano, Texas and GIS Information Systems, Inc., d/b/a Polaris Library Systems, a sole source provider, for one year maintenance and subscription for a total of \$57,113 and five additional one year renewals not to exceed a five percent (5%) increase per year; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “S”)

**Resolution No. 2012-7-9(R):** To approve the terms and conditions of a development agreement by and between the City of Plano, Texas and Green Extreme Homes for providing funding for project costs associated with development of workforce housing on 1.5 acres of land located at the southwest corner of G Avenue and 14th Street; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “T”)

### **Adoption of Ordinances**

**Ordinance No. 2012-7-10:** To abandon all right, title and interest of the City, in and to a portion of that certain Water Line Easement recorded in Volume 4746, Page 481, of the Deed Records of Collin County, Texas and being situated in the G. H. Pegues Survey, Abstract No. 700 and the M. R. Foster Survey, Abstract No. 332, 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, GSW Land Investors, Hallmark Land Holdings, Inc., and Parkway Heights Homeowners’ Association, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “U”)

**Ordinance No. 2012-7-11:** To amend Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to amend the prima facie maximum speed limits for motor vehicles operating on certain sections of Bishop Road within the corporate limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “V”)

**Ordinance No. 2012-7-12:** To amend Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to amend the prima facie maximum speed limit for motor vehicles operating on Brand Road within the corporate limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “W”)

**Ordinance No. 2012-7-13:** To amend Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas to include a new section allowing the City Council to remove board, commission, and committee members with or without cause, and providing a repealer clause, a savings clause, a severability clause, and an effective date. (Consent Agenda Item “X”)

## END OF CONSENT

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

**Bid No. 2012-201-B** for Alley Reconstruction – Ports O’Call Area to Estrada Concrete Co., LLC, in the amount of \$407,633 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 7-0 to approve Bid No. 2012-201-B for Alley Reconstruction – Ports O’Call Area to Estrada Concrete Co., LLC, in the amount of \$407,633.

Council Member Dunlap resumed his seat the bench.

**Public Hearing and adoption of Ordinance No. 2012-7-14** to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 129 for tax abatement consisting of a 4.624 acres tract of land located in the Samuel H. Brown Survey, Abstract No. 108 and the Jabez Degman Survey, Collin County and described in Exhibit "A", attached hereto, 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 “1”)

Director of Finance Tacke advised that prior to entering into a tax abatement agreement, State Law requires the City to set up a reinvestment zone and conduct a Public Hearing. She further advised that the abatement will be based upon an estimated \$45 million of real property and \$8 million of business personal property as of December 31, 2014; run for a period of ten years from January 1, 2015 to December 31, 2024; and shall be based on an amount equal to 50% for real property and 50% for business personal property.

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

Upon a motion made by Council Member Miner and seconded by Council Member Davidson the Council voted 8-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 129 for tax abatement located in the Samuel H. Brown Survey and the Jabez Degman Survey and further to adopt Ordinance No. 2012-7-14.

**Resolution No. 2012-7-15(R):** To approve the terms and conditions of an agreement by and between the City of Plano, Texas and Tollway 121 Hotel, LP providing for real and business personal property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “2”)

Director of Finance Tacke advised that the tax abatement will be between the City and Tollway 121 Hotel, LP and includes real property improvements consisting of 250,000 gross square feet of full-service business class hotel space with a minimum of 285 hotel guest rooms and 30,000 gross square feet of meeting conference space.

**Resolution No. 2012-7-15(R) (cont'd)**

Upon a motion made by Council Member Miner and seconded by Council Member Duggan, the Council voted 8-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas and Tollway 121 Hotel, LP providing for real and business personal property tax abatement; and further to adopt Resolution No. 2012-7-15(R).

**Public Hearing and consideration of an Ordinance as requested in Zoning Case 2012-18** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 629 so as to allow the additional use of Day Care Center (In-home) on 0.1± acre of land located on the north side of Oakland Hills Drive, 640± feet west of Norman Drive, in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7; 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, a publication clause, and an effective date. Applicant: Connie Cosgrove (Regular Agenda Item “3”)

Director of Planning Jarrell advised that the Zoning Ordinance requires a Specific Use Permit if in-home centers care for more than eight children. She spoke to the business in operation since 1998 and advised that Staff became aware of the number of children due to a Certificate of Occupancy inspection. Ms. Jarrell advised that the Planning and Zoning Commission recommended approval as submitted and spoke previous to Council consideration of another in-home day care in the area.

Mayor Dyer opened the Public Hearing. Applicant Connie Cosgrove spoke to services provided and requested approval of the item. No one else spoke for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Gallagher and seconded by Mayor Pro Tem Smith the Council voted 8-0 to deny the request for a Specific Use Permit to allow the additional use of Day Care Center (In-home) on 0.1± acre of land located on the north side of Oakland Hills Drive, 640± feet west of Norman Drive.

The Council recessed into Executive Session at 7:31 p.m. and reconvened back into the Preliminary Open Meeting thereafter.

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**Phil Dyer, MAYOR**

ATTEST:

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Diane Zucco, City Secretary