

PLANO CITY COUNCIL
December 18, 2012

COUNCIL MEMBERS PRESENT

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

STAFF PRESENT

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 Tuesday, December 18, 2012, at 7:10 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Scott Robinson, Young Men's Leader for The Church of Jesus Christ of Latter-Day Saints, Plano 6th Ward led the invocation and Cub Scout Packs 1066, 1088 and 1133 of The Church of Jesus Christ of Latter-Day Saints led the Pledge of Allegiance.

Mayor Dyer recognized recent graduates of the Management Preparation Program. Mayor Dyer administered an oath of office to incoming member of the Tax Increment Financing Reinvestment Zone No. 2 Board Shirley Ann Ogden.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

The following two items were carried over from the Preliminary Open Meeting.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

Deputy Mayor Pro Tem Harris and Council Member Davidson advised that they would step down on Regular Agenda Items "2," consideration of an ordinance to designate a certain area within the City of Plano as Reinvestment Zone No. 133 for tax abatement consisting of a 27.0852 acre tract of land located in the Martha McBride Survey; and "3," consideration of a resolution to approve the terms and conditions of an agreement by and between the City of Plano and Columbia Medical Center of Plano Subsidiary, L.P. d/b/a Medical Center of Plano, providing for real property tax abatement due to possible conflicts of interest.

CONSENT AGENDA

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Duggan, 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")

December 10, 2012 - Special Called Session

December 10, 2012 - Regular Session

Approval of Expenditures

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

Bid No. 2013-29-B for Fleet Maintenance Building Lighting Upgrades - Project No. 6238 for the Facilities Department to Groves Electrical Service, Inc. in the amount of \$67,122 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "B")

Bid No. 2013-27-B for the Bridge Repairs project to L.C. Jordan & Son, in the amount of \$951,398 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "C")

Bid No. 2013-26-B for Oak Point Park & Nature Preserve, North Trail Extension to Parkscape Construction, Inc., in the amount of \$1,146,448 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

RFP No. 2012-264-C for a one (1) year contract with three (3) City optional renewals for Utility Bill Printing, Mailing & Offset Printing Services to CSG Systems, Incorporated in the estimated amount of \$158,761 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

Rejection of Bid No. 2013-16-B for Arbor Hills Nature Preserve – Parking Addition, No. 6144 from all Bidders. (Consent Agenda Item "F")

Purchase from an Existing Contract

To approve the purchase of one (1) Caterpillar 906H2 Compact Wheel Loader for Fleet Services, to be utilized by Compost Operations in the amount of \$73,732 from Holt Cat, through an existing contract/agreement with National Intergovernmental Purchasing Alliance (National IPA), and authorizing the City Manager to execute all necessary documents.(National IPA Contract #120377) (Consent Agenda Item "G")

To approve the purchase of additional storage hardware and support services for the Storage Area Network (SAN), in the amount of \$54,127 from Lumenate Technologies, LP, an authorized reseller of NetApp, Inc. hardware, through an existing contract with the Department of Information Resources and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1458) (Consent Agenda Item "H")

To approve the purchase of a new licensing model and annual maintenance and support for one (1) year with three (3) City optional one year renewals, for Laserfiche software, in the amount of \$76,396 from VP Imaging, Inc., dba DocuNav Solutions, through an existing contract with the Department of Information Resources and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1453) (Consent Agenda Item "I")

Approval of Change Order

To Jerusalem Corporation, increasing the contract by \$77,567 for the 2011- 12 Arterial Pavement Rehab K Avenue – SH 190 to Chaparral Road, Project No. 6183, Change Order No. 3, Bid No. 2012-93-B, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "J")

Adoption of Resolutions

Resolution No. 2012-12-8(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Intelmedia Communication, Inc. and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "K")

Resolution No. 2012-12-9(R): To approve the terms and conditions of a Development Agreement between the City of Plano and Plano Spring Creek Partners, LP for the purchase of excess right-of-way at the southeast corner of Custer Road and Spring Creek Parkway; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "L")

Resolution No. 2012-12-10(R): To approve the terms and conditions of a Second Amendment to Development Agreement by and between the City of Plano, Texas, and Tenth Street Plano, L.P.; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "M")

Resolution No. 2012-12-11(R): To approve the hiring of Mario R. Gutierrez as Assistant City Attorney II by the City Attorney; and providing an effective date. (Consent Agenda Item "N")

Adoption of Ordinances

Ordinance No. 2012-12-12: To amend Section 6-45 Penalty and Section 6-50 Deletions, additions, and amendments to Chapter 1 of the International Property Maintenance Code of Article III. Property Maintenance Code, of Chapter 6. Buildings and Building Regulations of the Code of Ordinances of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item "O")

Ordinance No. 2012-12-13: To amend Sections 2-136 through 2-155 of Article VI. Emergency Management of Chapter 2 Administration of the City of Plano Code of Ordinances to revise the Comprehensive Emergency Management Plan; and providing a repealer clause, a severability clause, a penalty clause, a publication clause and an effective date. (Consent Agenda Item "P")

END OF CONSENT

Public Hearing to provide the citizens and residents with the opportunity to review and provide comment on the projects for the proposed 2013 Bond Referendum. (Regular Agenda Item “1”)

Mayor Dyer opened the Public Hearing. Citizen Robert Miller spoke in support of renovations for Liberty Recreation Center. No one else provided comment. The Public Hearing was closed.

Due to possible conflicts of interest, Deputy Mayor Pro Tem Harris and Council Member Davidson stepped down on the following two items.

Public Hearing and adoption of Ordinance No. 2012-12-14 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 133 for tax abatement consisting of a 27.0852 acre tract of land located in the Martha McBride Survey, Abstract No. 553, 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 “2”)

Economic Development Director Bane spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement being based on an estimated \$3.3 million in real property improvements for a period of ten years from January 1, 2015, with abatement at the rate of 50%.

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 Duggan, the Council voted 6-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 133 for tax abatement consisting of a 27.0852 acre tract of land located in the Martha McBride Survey, Abstract No. 553, Collin County and further to adopt Ordinance No. 2012-12-14.

Resolution No. 2012-12-15(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas and Columbia Medical Center of Plano Subsidiary, L.P. d/b/a Medical Center of Plano, a Texas limited partnership, providing for real property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “3”)

Upon a motion made by Council Member Duggan and seconded by Council Member Miner, the Council voted 6-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas and Columbia Medical Center of Plano Subsidiary, L.P. d/b/a Medical Center of Plano, and further to adopt Resolution No. 2012-12-15(R).

Deputy Mayor Pro Tem Harris and Council Member Davidson resumed their seats at the bench.

Public Hearing and consideration of an appeal of the Planning & Zoning Commission's denial of Zoning Case 2012-31 - Request to rezone 23.7± acres from Research/Technology Center to Single-Family Residence-6 located on the north side of Plano Parkway, 800± feet east of Los Rios Boulevard and 32.9± acres from Research/Technology Center to Single-Family Residence-6 located at the southeast corner of Plano Parkway and North Star Road. Zoned Research/Technology Center. Applicants: Plano Distribution Center, Ltd., Prologis Logistics Services Inc., & Union Pacific Railroad Company (Regular Agenda Item "4")

Director of Planning Jarrell spoke to the Planning and Zoning Commission's consideration of the request and concerns that the proposed use does not conform to the Future Land Use Plan and response times for emergency vehicles may exceed those recommended. She spoke to the school district's view that there may not be capacity available at a nearby elementary school, and consideration of the lack of a neighborhood park, preservation of Research/Technology (R/T) properties for development, and Council's affirmation of Bradshaw Drive as the western-most boundary of the R/T District. She further advised that based on the Commission's denial, a three-quarter vote of approval would be needed.

Mayor Dyer opened the Public Hearing. Matthew Alexander of Dowdey, Anderson and Associates, representing the applicants, provided information regarding the planned layout, preservation of existing trees, siding of homes along major thoroughfares, amenity centers, nearby hike and bike trail, and screening walls. He advised that screening wall maintenance would be the responsibility of the homeowners' association. Mr. Alexander spoke to the site's location being closer to emergency responders than an existing residential development. Developer Doug Hewey spoke to the progression of residential development in the area following construction of Otto Middle School and the school district's management of capacity. He responded to the Council regarding the average price of homes to be developed. No one else spoke for or against the request. The Public Hearing was closed.

Ms. Jarrell responded to Deputy Mayor Pro Tem Harris regarding factors to consider when determining emergency response rates. Council Member Dunlap spoke to the level terrain of this area as compared to others recently rezoned and Council Member Miner spoke to developing residential uses adjacent to the school site rather than commercial. Council Member Duggan spoke to Los Rios Boulevard as a natural boundary for the R/T District. Council Member Davidson spoke to the impact on area schools and previous affirmation of Bradshaw Drive as the boundary and Mayor Pro Tem Smith spoke to providing quality housing in east Plano. Deputy Mayor Pro Tem Harris spoke regarding the westward movement of the residential boundary adjacent to the R/T District.

A motion was made by Council Member Miner and seconded by Council Member Duggan to approve an appeal of the Planning and Zoning Commission's denial of Zoning Case 2012-31 to rezone 23.7± acres from Research/Technology Center to Single-Family Residence-6 located on the north side of Plano Parkway, 800± feet east of Los Rios Boulevard and 32.9± acres from Research/Technology Center to Single-Family Residence-6 located at the southeast corner of Plano Parkway and North Star Road. The Council voted 7-1 with Council Member Dunlap voting in opposition. The motion carried.

Consideration of an appeal of the Planning & Zoning Commission's denial of the Concept Plan for Hudson Heights Phases I & II - 90 Single-Family Residence-6 lots and two open space lots on 21.9± acres located on the north side of Plano Parkway, 800± feet east of Los Rios Boulevard and 104 Single-Family Residence-6 lots and five open space lots on 27.9± acres located at the southeast corner of Plano Parkway and North Star Road. Zoned Research/Technology Center. Applicants: Plano Distribution Center, Ltd., Prologis Logistics Services Inc., & Union Pacific Railroad Company (Regular Agenda Item “5”)

Director of Planning Jarrell advised that approval should be conditioned subject to the applicant obtaining right-of-way from the adjacent property owner for the extension of Bradshaw Drive and that a mandatory homeowners association would be responsible for screening wall maintenance.

Upon a motion made by Council Member Duggan and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to approve an appeal of the Planning & Zoning Commission's denial of the Concept Plan for Hudson Heights Phases I & II - 90 Single-Family Residence-6 lots and two open space lots on 21.9± acres located on the north side of Plano Parkway, 800± feet east of Los Rios Boulevard and 104 Single-Family Residence-6 lots and five open space lots on 27.9± acres located at the southeast corner of Plano Parkway and North Star Road.

Receipt of Public Comments and adoption of Ordinance No. 2012-12-16 to repeal Ordinance No. 2012-11-23 codified as Chapter 9, Food Code of the Code of Ordinances of the City of Plano and replacing it with a new Chapter 9, Food Code; providing a penalty clause, a repealer clause, a severability clause, a publication clause and an effective date. (Regular Agenda Item “6”)

Director of Health Collins spoke to meetings held with stakeholders and accommodations addressing farmers’ markets. City Attorney Wetherbee spoke to an additional revision of the penalty provision addressing vendor responsibility. No one appeared to speak for or against the item.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Duggan, the Council voted 8-0 to repeal Ordinance No. 2012-11-23 codified as Chapter 9, Food Code of the Code of Ordinances of the City of Plano and replacing it with a new Chapter 9, Food Code; and further to adopt Ordinance No. 2012-12-16 with revisions.

Ordinance No. 2012-12-17 to amend Ordinance No. 2012-11-24, entitled “Health Categories and Fees,” to amend Section I “Definitions”; providing a repealer clause, a severability clause, and an effective date. (Regular Agenda Item “7”)

Director of Health Collins spoke to providing additional language to the fees ordinance addressing farmers’ markets.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Duggan, the Council voted 8-0 to amend Ordinance No. 2012-11-24, entitled “Health Categories and Fees,” to amend Section I “Definitions”; and further to adopt Ordinance No. 2012-12-17.

Nothing further was discussed. Mayor Dyer adjourned the meeting at 8:13 p.m.

Phil Dyer, MAYOR

ATTEST

Diane Zucco, City Secretary