

PLANO CITY COUNCIL
May 28, 2013

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Patrick Gallagher
Lee Dunlap

COUNCIL MEMBERS ABSENT

Jim Duggan

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 LaRosiliere convened the Council into the Regular Session on Tuesday, May 28, 2013, at 7:01 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Senior Pastor Paul Gould of First United Methodist Church Plano led the invocation and Representatives of the Boys and Girls Clubs of Collin County Plano led the Pledge of Allegiance.

Mayor LaRosiliere administered oaths of office to incoming board members Robert A. Miller (Board of Adjustment) and Jerry E. Yancey (North Texas Municipal Water District Board).

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Council Member Dunlap requested that Consent Agenda Item “B” be removed for individual consideration due to a possible conflict of interest.

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")

May 13, 2013

May 20, 2013

Approval of Expenditures

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

Purchase from an Existing Contract

To approve the purchase of one (1) John Deere Excavator for Fleet Services, to be utilized by Compost Operations, from RDO Equipment Co., in the amount of \$301,375 through an existing contract/agreement with TASB/BuyBoard, and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 345-10) (Consent Agenda Item "C")

To approve a one (1) year contract for the purchase of GETAC rugged laptop computers for the Police Department in an estimated annual amount of \$374,500 from Hewlett-Packard Company through an existing contract with DIR, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1364) (Consent Agenda Item "D")

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 Half Associates, Inc. in the amount of \$81,940 for Arbor Hills Park & Parker Road Erosion Control Repair project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

To approve a Professional Services Agreement by and between the City of Plano and HDR Engineering, Inc. in the amount of \$239,420 for Improvement to Intersections - Park Boulevard at Dallas North Tollway, Parker Road at Dallas North Tollway, Alma Drive and Spring Creek Parkway, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

To approve a contract made and entered into by and between the City of Plano and Sharon Rowe, the Elections Administrator of Collin County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City's June 15, 2013 Runoff Election in the estimated amount of \$49,071. (Consent Agenda Item "G")

Approval of Expenditures

To approve an expenditure for Bulk Fertilizer for Parks and Recreation Department to Greensmiths, Inc., in the amount of \$61,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "H")

To ratify prior payments for the months of December 2012 and March 2013 in the amounts of \$57,651 and \$51,533 and approve expenditures in accordance with the current contract for Credit Card Payment Processing Services in the estimated monthly amount of \$40,000 to \$60,000 on a month by month basis, to JPMorgan Chase Bank and authorizing the City Manager to execute all necessary documents. (2008-67-C) (Consent Agenda Item "I")

Adoption of Resolutions

Resolution No. 2013-5-13(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between MedSys Group, LLC, a Texas limited liability company, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "J")

Resolution No. 2013-5-14(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Traveling Coaches, Inc., a Texas corporation, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "K")

Resolution No. 2013-5-15(R): To approve the terms and conditions of an Interlocal Agreement by and between City of Plano and the University of Texas at Dallas for improvements to Mapleshade Lane; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date. (Consent Agenda Item "L")

Resolution No. 2013-5-16(R): To nominate Raytheon Company to the Office of the Governor Economic Development and Tourism ("OOGEDT") through the Economic Development Bank ("Bank") for designation as a qualified business and an enterprise project ("Project") under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code ("Act"); and providing an effective date. (Consent Agenda Item "M")

Resolution No. 2013-5-17(R): To amend a License Agreement approved by Plano City Council on June 8, 1987, and a First Amendment to Communications Facilities License approved by Plano City Council on December 14, 1992, by and between the City of Plano, Texas, and AT&T Communications, Inc. of the Southwest, a New York corporation, to establish a precise termination date; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "N")

Resolution No. 2013-5-18(R): To approve the hiring of Samuel D. Hawk as Assistant City Attorney by the City Attorney; and providing an effective date. (Consent Agenda Item "O")

Adoption of Ordinances

Ordinance No. 2013-5-19: To amend Section 12-73.1 of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to enact school zones for summer school sessions; 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 “P”)

Ordinance 2013-5-20: To transfer the sum of \$49,071 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2012-13 for the purpose of providing funds for the estimated costs associated with conducting a Runoff Election on June 15, 2013, which was ordered on May 20, 2013; amending the Budget of the City and Ordinance No. 2012-9-8, Section 1, Item "A" to reflect the action taken herein; declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item “Q”)

Ordinance No. 2013-5-21: To adopt and enact Supplement Number 103 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date. (Consent Agenda Item “R”)

ITEMS FOR INDIVIDUAL CONSIDERATION:

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

Bid No. 2013-217-B for Brookview Drive -Trailridge to Rigsbee to Jim Bowman Construction Co., LP in the amount of \$243,837 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 6-0 to approve Bid No. 2013-217-B for Brookview Drive - Trailridge to Rigsbee to Jim Bowman Construction Co., LP in the amount of \$243,837.

Council Member Dunlap resumed his seat at the bench.

Public Hearing and adoption of Ordinance No. 2013-5-22 to designate a certain area within the City of Plano, Texas as Reinvestment Zone No. 134 for tax abatement, consisting of a 5.435 acre tract of land located in the Maria C. Vela Survey, Abstract No. 935, 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 Plano Economic Development Bane spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement based on a ten-year abatement of 50% for an estimated \$16 million in business personal property commencing on January 1, 2014.

Ordinance No. 2013-5-22 (cont'd)

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

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 134 for tax abatement and further to adopt Ordinance No. 2013-5-22.

Resolution No. 2013-5-23(R): To approve the terms and conditions of an Agreement by and between the City of Plano, Texas and Thomson Reuters Application, Inc., a Delaware corporation, providing for a business personal property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "2")

Director of Plano Economic Development Bane advised that the agreement would be between the City of Plano and Thomson Reuters Application, Inc. for a term of ten years at 50% for business personal property.

Upon a motion made by Council Member Davidson and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to approve the terms and conditions of an Agreement by and between the City of Plano, Texas and Thomson Reuters Application, Inc.; and further to adopt Resolution No. 2013-5-23(R).

Approval of an Appeal of the Heritage Commission's Denial of a Certificate of Appropriateness to replace existing 6 1/2" exposure, drop style, 3/4" thick wood siding with 6 3/4" exposure, 5/16" thick, "Custom Colonial", smooth-finish HardiePlank lap siding at front (north) and both side (east and west) elevations of the structure located at 808 E. 18th Street. Zoned Retail (R), Heritage Resource #20 Designation (H-20). Applicant: Frank Pollacia (Regular Agenda Item "3")

Heritage Preservation Officer Mittal advised the Council that at their April 23rd meeting the Heritage Commission denied the request after review of its conformance with Haggard Park Heritage Resource District Preservation Guidelines which state that reconstruction of protected facades must be appropriate and employ materials similar to the original structure in texture, color, pattern, grain and module size; wood siding, trim and detail must be restored wherever practical; historic materials should be repaired if possible and replaced only when necessary; and exposure and restoration of historic materials is recommended. He advised that during discussion, the Commission raised the following points: construction work proceeded without a Certificate of Appropriateness; removal/disposal of siding was done without confirmation of the Commission that it was unsalvageable; and the replacement does not meet district guidelines. He stated that following consideration, the Commission approved the replacement material for the rear of the structure only. Mr. Mittal advised exceptions may be made for portions of a structure not visible from the public right-of-way. He stated that the applicant removed siding based on its deteriorating condition and Staff felt at least one-half of the materials could have been salvaged and reinstalled.

Approval of an Appeal of the Heritage Commission's Denial of a Certificate of Appropriateness (cont'd)

In response to Mayor LaRosiliere, Mr. Mittal advised that Staff met with the applicant in 2012 regarding improvements to a rear deck and replacement of some exterior doors which were approved by the Commission. He stated that in 2013, following the removal of siding, Staff contacted the applicant and recommended application for a Certificate of Appropriateness. He stated that by the time a hearing was scheduled, most of the siding was already gone making it impossible for the Commission to determine its condition. Mr. Mittal spoke regarding regular contacts made with designated property owners, reminding them of the process for approval.

Applicant Frank Pollacia spoke regarding the prior condition of the property, categories of heritage designation, and guidelines indicating that restoration is recommended wherever practical. He spoke to the various types of siding and their cost and the expenses associated with salvaging and installing original materials. Director of Planning Jarrell clarified that this structure is designated as part of the district and not because of its association with Mr. Schell and advised Mayor LaRosiliere that the guidelines recommend the use of original materials, if available. Mr. Pollacia responded to Council Member Davidson, advising that during discussions with Staff in October 2012, all restoration projects were described and only those requiring a vote of the Commission were submitted.

A motion was made by Mayor Pro Tem Smith and seconded by Council Member Miner to approve the appeal of the Heritage Commission's denial of a Certificate of Appropriateness to replace existing 6 1/2" exposure, drop style, 3/4" thick wood siding with 6 3/4" exposure, 5/16" thick, "Custom Colonial", smooth-finish HardiePlank lap siding at front (north) and both side (east and west) elevations of the structure located at 808 E. 18th Street. The Council voted 6-1 with Mayor LaRosiliere voting in opposition. The motion carried.

Mayor LaRosiliere spoke regarding Council's acceptance of the resignation of City Attorney Wetherbee effective January 2014. Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 7:55 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Diane Zucco, City Secretary