

PLANO CITY COUNCIL
March 25, 2008

COUNCIL MEMBERS

Pat Evans, Mayor
Sally Magnuson, Mayor Pro Tem
Jean Callison, Deputy Mayor Pro Tem
Shep Stahel
Scott Johnson
Loretta L. Ellerbe
Harry LaRosiliere
Lee Dunlap

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Evans called the meeting to order at 5:12 p.m., Tuesday, March 25, 2008, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Council Member LaRosiliere arrived at 5:13 p.m. Mayor Evans then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice and discuss Litigation, Section 551.071, to discuss Personnel, Section 551.074, and to discuss Economic Development, Section 551.087 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting and Regular Session at 7:05 p.m. in the Council Chambers.

The invocation was led by Reverend Alice Coder with First United Methodist of Plano.

The Pledge of Allegiance was led by Cub Scout Pack 1256 of Wells Elementary.

The Council then opened discussion from the Preliminary Open Meeting.

Consent and Regular Agendas

Council Member Dunlap requested that Consent Agenda Item "C," Bid No. 2008-96-B for 2007-08 Arterial Concrete Pavement Rehabilitation Project on Legacy Drive between K Avenue and Custer Road to Jerusalem Corporation in the amount of \$572,876 be removed for individual consideration due to a possible conflict of interest.

City Manager Muehlenbeck requested that Consent Agenda Item “U,” a resolution to authorize the giving of a preference to bid evaluations for cement produced at facilities that produce cement with the emissions rates that meet 1.7 pounds of nitrogen oxide (NO_x) per ton of clinker or less on City construction bids, be pulled and held.

The Council resumed the Regular Meeting.

PROCLAMATIONS AND SPECIAL RECOGNITION

Mayor Evans recognized the City of Plano Purchasing Division’s Accreditation by the National Institute of Governmental Purchasing and presented a proclamation for Keep Plano Beautiful – Great American Cleanup.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

BOARD AND COMMISSION REPORT

Cultural Affairs Commission Chair Griffith provided an overview of their mission, goals, funding, and upcoming calendar. Mr. Griffith spoke to the Commission’s guiding principles which focus on nurturing the arts, equalizing access and encouraging excellence and diversity in the arts. Mr. Griffith stated the Commission encourages art initiatives that enrich the City’s multicultural landscape, seeks new and innovative expressions of arts, reviews and recommends funding for art organizations, and spoke to improving the current application and process. He spoke to supporting organizations that add to our City’s educational system for lifelong learning in the arts, encouraging and promoting self sufficiency and fiscal responsibility among various art groups, supporting community awareness of the arts in economically disadvantaged and underserved areas, commissioners serving as liaisons for funded groups, and providing workshops for applicant groups. Mr. Griffith spoke to monitoring the funded organizations through random grant visits and required quarterly status reports and prior year performance documentation within the grant application for returning applicants. He spoke to supporting higher quality organizations that enrich and evolved in Plano. Mr. Griffith acknowledged Commission members and Staff liaisons for their support.

CONSENT AGENDA

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member Ellerbe, 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)]

March 4, 2008

Approval of Expenditures

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

Bid No. 2008-74-B for construction of Street Lighting Legacy Park – Phase 1 and Street Lighting Willow Bend Drive to Utilitex Construction, LLP, in the amount of \$329,684. The project consists of construction and installation of street lighting foundations and conduit in preparation for street lights to be installed by Oncor Electric Delivery in median areas on the following streets: Tennyson Parkway (Spring Creek Parkway to Preston Road); Parkwood Boulevard (Spring Creek Parkway to S.H. 121); Hedgcoxe Road (Legacy Drive to Preston Road); and Willow Bend Drive (Linmore Lane to Woodspring Drive). [Consent Agenda Item (B)] (Exhibit “A”)

Bid No. 2008-95-B for 2007-08 Residential Concrete Pavement Rehabilitation Project, Zone I8 to Hencie International in the amount of \$626,237. This project involves the repair of residential street and alley pavement in the area bounded by Legacy Drive on the south, Coit Road on the west, Hedgcoxe Road on the north and Independence Parkway on the east. [Consent Agenda Item (D)] (Exhibit “B”)

Bid No. 2008-56-B for the Parkwood Boulevard Median Tree Planting and Irrigation and 2004-05 Median Landscaping project to C. Green Scaping in the amount of \$252,752. This project includes planting trees, landscaping and irrigation renovation on the Plano Parkway median (Accent Drive to N Avenue); tree planting and irrigation in the Emerald Coast Drive median (Chaparral Road to Flamingo Lane); tree planting and irrigation in the Parkwood Boulevard median (Plano Parkway to Park Boulevard). [Consent Agenda Item (E)] (Exhibit “C”)

Bid No. 2008-88-C to establish an annual contract for Traffic Signal Pre-Emption Equipment to BINKO, Inc. in the estimated annual amount of \$120,200. This will establish an annual contract with three City optional renewal periods. [Consent Agenda Item (F)] (Exhibit “D”)

Bid No. 2008-17-C for an annual fixed price contract for Athletic Field Bulk Fertilizer for Parks and Recreation to Helena Chemical Co. in the estimated annual amount of \$116,070. This will establish a one-year contract with three City optional one-year renewals. [Consent Agenda Item (G)] (Exhibit “E”)

Bid No. 2008-52-C for an annual fixed price contract for Bulk Fertilizer for Parks and Recreation to Greensmiths in the estimated annual amount of \$57,668. This will establish a one-year contract with three City optional one-year renewals. [Consent Agenda Item (H)] (Exhibit “F”)

CSP No. 2008-69-B for a contract for Tree Replacement to Fannin Tree Farm in the amount of \$160,000. [Consent Agenda Item (I)] (Exhibit “G”)

Bid No. 2008-4-C for purchase of an Automated Bill Payment Kiosk to AdComp Systems, Inc., in the amount of \$63,000. [Consent Agenda Item (J)] (Exhibit “H”)

Purchase from Existing Contract/Agreement: (Purchase of products/services through Cooperative Purchasing Interlocal Contract with another governmental/quasi-governmental agency or an additional purchase from current City of Plano annual purchase agreement).

To authorize the purchase of the replacement of 19 Split System Air-Conditioning and Heating Units at Parkway Operations in the amount of \$213,378 from Trane U.S., Inc. through the Cooperative Purchasing Network (TCPN) contract, and authorizing the City Manager to execute all necessary documents (TCPN Contract No. R4669) [Consent Agenda Item (K)]

To approve an expenditure not to exceed \$347,681 to Affiliated Telephone Inc. to replace the current Nortel Meridian 2000 Series Telephones with M3900 Series telephones, through the Department of Information Resources (DIR) Contract and authorizing the City Manager to execute all necessary documents (DIR-SDD-289) [Consent Agenda Item (L)]

To approve the purchase of one Rapid Rail 22 Yard Automated Side Loader in the amount of \$96,742 from Heil of Texas through an existing contract/agreement with Texas Association School Buyboard Purchase Program, and authorizing the City Manager to execute all necessary documents. (#280-07) [Consent Agenda Item (M)]

To approve the purchase of one Crane Carrier Chassis in the amount of \$128,576 from Bond Equipment Company through an existing contract/agreement with Texas Association School Buyboard Purchase Program, and authorizing the City Manager to execute all necessary documents. (#281-07) [Consent Agenda Item (N)]

Renewal of Requirements Contract

To renew Contract No. 2007-29-P for the Sanitary Sewer Rehabilitation Requirements Contract 2006, Project No. 5766 to Miller Pipeline Company in the amount of \$1,992,370. This project involves the lining of sewer mains and replacement of service laterals to eliminate infiltration and inflow of ground water into the City's sanitary sewer system. [Consent Agenda Item (O)]

Approval of Contract

To approve and authorize a contract with la terra studio, inc. to provide Landscape Architectural Services for Athletic Facility Improvements 2008 at Carpenter Park (south) and Russell Creek Park (south), in the amount of \$185,002 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (P)]

To award a contract for Bid No. 2007-223-B for the purchase of a Fixed Network Automated Water Meter Reading System to HD Supply Waterworks, Ltd. in the amount of \$18,722,476. This will establish an annual contract with seven optional one-year renewals with the costs spread over the eight year period. [Consent Agenda Item (Q)]

Approval of Change Order

To Tiseo Paving Company, increasing the contract by \$37,165 for Plano Parkway – Tollroad to Park Boulevard and West Plano Quiet Zone Improvements, Change Order No. 1 (2006-234-B). This change order is for adding final pay items for additional fencing, grading and pavement related items necessary to complete the work. [Consent Agenda Item (R)]

Adoption of Resolutions

Resolution No. 2008-3-4(R): To approve the terms and conditions of an Emergency Subscriber List Information License Agreement by and between Verizon and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (S)]

Resolution No. 2008-3-5(R): To approve the terms and conditions of an Agreement between the City of Plano, Texas, and The Camozzi Art Studio, a qualified professional art studio, for the fabrication, delivery, and installation of five art works for each library in the Plano Public Library System in the amount of \$147,000; and authorizing the City Manager to execute such Agreement with The Camozzi Art Studio; and providing an effective date. [Consent Agenda Item (T)]

To authorize the giving of a preference to bid evaluations for cement produced at facilities that produce cement with the emissions rates that meet 1.7 pounds of nitrogen oxide (NOx) per ton of clinker or less on City construction bids (preference may only be given if the cost for the goods or services would not exceed 105% of the cost of the goods or services provided by a vendor who does not meet the standards); authorizing the City Manager to approve any documents necessary to effectuate this resolution. This resolution shall become effective immediately upon passage. [Consent Agenda Item (U)] (This item pulled and held)

Resolution No. 2008-3-6(R): To approve the City of Plano Hazard Mitigation Action Plan and providing an effective date. [Consent Agenda Item (V)]

Resolution No. 2008-3-7(R): To approve the terms and conditions of a Real Estate Contract by and between the City of Plano, Texas, and Darla C. Brodsky Irrevocable Marital Deduction Trust, Michael Backer, Robert J. Ziff Associates, Ziff Investment Partners and Pacific West for the purchase of 16,052 square feet of land located on the east side of Communications Parkway south of Spring Creek Parkway in the Henry B. Miller Survey, Abstract No. 614, in the City of Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (W)]

Adoption of Ordinances

Ordinance No. 2008-3-8: To amend Ordinance No. 2006-6-29, currently codified under Chapter 12 (Motor Vehicles and Traffic), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, to revise the designated times of operation of the school zone located on Alma Drive beginning at a point two hundred fifty (250) feet north of 15th Street (FM 544) and continuing in a southerly direction to a point four hundred (400) feet south of Janwood Drive; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. [Consent Agenda Item (X)]

Ordinance No. 2008-3-9: To amend the City of Plano Code of Ordinances, Chapter 12 (Motor Vehicles and Traffic), Article V (Stopping, Standing, and Parking), Section 12-101 (Prohibited on Certain Streets at all Times), to prohibit stopping, standing, or parking of motor vehicles on both sides of Fulgham Road from its intersection with Plano Parkway to a point one hundred and twenty (120) feet south of Plano Parkway within the city limits of the City of Plano; declaring it unlawful and a misdemeanor to stop, stand, or park motor vehicles upon such sections of such roadway within the limits herein defined; 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, and an effective date. [Consent Agenda Item (Y)]

Ordinance No. 2008-3-10: To amend Sections 15-54, 15-56, 15-59, 15-60, 15-63, 15-65 and 15-66 of Article III. Athletic Activities of Chapter 15. Parks and Recreation of the Code of Ordinances of the City of Plano providing for new reporting requirements; revised allocation of athletic facilities; changed procedures relative to tournaments and meets; revised allocation of practice sessions; new restrictions on casual scheduling; revised insurance requirements; and use of lighting at athletic facilities; providing a repealer clause, a savings clause; a severability clause; and providing an effective date. [Consent Agenda Item (Z)]

END OF CONSENT

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

Bid No. 2008-96-B for 2007-08 Arterial Concrete Pavement Rehabilitation Project on Legacy Drive between K Avenue and Custer Road to Jerusalem Corporation in the amount of \$572,876. This project involves the repair of arterial street paving, curb and gutter, and sidewalk repair on Legacy Drive between K Avenue and Custer Road. [Consent Agenda Item (C)] (Exhibit "I")

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Callison, the Council voted 7-0 to approve Bid No. 2008-96-B for 2007-08 Arterial Concrete Pavement Rehabilitation Project on Legacy Drive between K Avenue and Custer Road to Jerusalem Corporation in the amount of \$572,876.

Council Member Dunlap resumed his place at the bench.

The Council resumed the Preliminary Open Meeting.

Consideration and Action Resulting From Executive Session – Personnel Appointment, North Texas Municipal Water District

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, the Council voted 8-0 to reappoint Alex R. Schell, III.

Comprehensive Monthly Financial Report

Director of Finance McGrane presented the monthly financial report for February 2008, advising the Council that revenues are down slightly and expenditures are tracking with the budget. He spoke to the leveling out of sales tax revenue and the slight increase in the unemployment level. Mr. McGrane spoke to the declines in housing starts and building permits. He spoke to hotel/motel taxes being slightly above last year's levels and advised that 71% of the portfolio is in the investment pool.

Mobility Report

Transportation Engineering Manager Neal spoke to progress made regarding traffic congestion along the S.H. 121 corridor and advised that the neighborhood on the eastern side of Denham Way has requested consideration under the Safe Streets Program. He reviewed a comparison with cities in the Metroplex and advised the Council that Plano is in mid-range with improvement expected as transportation network systems are tied together. Mr. Neal spoke to addressing issues related to fatalities of pedestrians and bicycle collisions.

Board and Commission Appointment Process

City Secretary Zucco requested Council direction regarding the board/commission flyer and recommended dates for the process in 2008. The Council concurred in directing staff to move forward as requested.

Three Year Financial Forecast and FY 2007-08 Status

Director of Budget Rhodes spoke to the statutory requirement that every budget adopted by the Council be balanced and to the General Fund requirement of 30-days of working capital. She stated that within the budget it is assumed that fund deficits are rectified in the year projected. Ms. Rhodes spoke to events since 2004-05 including the increase in property values equating to an additional \$19.1 million in property tax revenues, the increase in sales tax to \$62.3 million with the majority coming from business-to-business transactions, an additional \$2.3 million from interest earnings and the collection of \$6.5 million from building inspection and development revenues. She spoke to expenditures including the addition of \$6.3 million from CIP projects, the addition of 141 employees (73 for public safety and 45 for CIP projects), \$9.7 million in public safety additions and program increases and the sale of \$150 million in additional debt. Ms. Rhodes advised that the City has been able to absorb expenditures and not raise property taxes with the exception of the establishment of the Economic Development Fund.

Ms. Rhodes advised that since October 2007, sales tax has declined three out of five months, the Central Appraisal Districts have indicated that property values will remain flat, interest earnings are projected to decrease by \$1.3 million and fuel has increased 50%. She spoke to the Three-Year Forecast and General Fund Summary for 2008-11, advising that for 2007-08 Staff expects to end the year with 47 days of operating capital; in 2008-09 resources and appropriations will be even at \$229 million but that there will be a \$17 million shortfall in the 30-day operating balance; and if the 2009-10 budget begins with a 30-day operating balance there will be a shortfall of \$37 million.

Ms. Rhodes spoke regarding the areas comprising the \$17 million shortfall in 2008-09 including salary/benefit increases; declines in interest earnings, building and development revenue, municipal court fines, and sales tax revenue; and the cost of CIP projects coming online. She spoke to the shortfall in 2009-10 comprised of salary/benefit increases; declines in building and development revenue and increases including inflation; a two-cent payment to debt; and CIP projects coming online. Ms. Rhodes spoke to the majority of operating expenses coming from General Fund salaries of which 64% are public safety related and 36% non-public safety.

Ms. Rhodes spoke to projections of a 0% increase in existing property value growth in 2009 and new property value growth projections of \$550 million in 2009, \$700 million in 2010 and \$550 million in 2011. She spoke to the City of Plano having one of the lowest ad valorem tax rates in the area. Ms. Rhodes spoke to the decline in sales tax revenue from business-to-business transactions and overall revenues being down 5% for the year with a flattening in the forecast.

Ms. Rhodes spoke to the expenditure assumptions for FY 2008-11 including projected salary increases for all periods, attrition rates, and increases in health insurance costs and funding for TMRS system changes, funding for the economic development program, increases in operations and maintenance expenditures and fuel costs and to funding for library books. She spoke to Community Investment Projects being absorbed within the existing rate and advised that only CIP positions are included in the forecast and further that enhancements, mandates, growth increased services, and information service requests are not included. Ms. Rhodes advised that all discretionary items will be examined on their individual merit during the budget development process.

Ms. Rhodes spoke to increased fuel costs and notification from the North Texas Municipal Water District that both water and sewer costs will rise over the forecast period. She spoke to passing through the rate increases effective October 1 of each year and to a return to water usage levels of 2005-06 or 26.4 billion gallons. Ms. Rhodes advised if usage were up to the *take-or-pay* level, the resulting fund balance may equal 45-days of operating expenses and spoke to the need to replenish the Reserve Fund to offset future capital projects.

Ms. Rhodes spoke to proactive measures to offset the projected deficit position including instituting a hiring freeze, a review of all capital reserve expenditures, no across-the-board budget reduction at this time, a review of the 2009-10 budget beginning on October 1, an update of the core business matrix to be reviewed by the Council and advised that measures would apply to all funds. She reviewed the budget calendar and responded to the Council that maintenance of infrastructure is paid for out of the Capital Reserve Fund. City Manager Muehlenbeck advised Council Member Dunlap that while there is a savings from the use of hybrid vehicles, the cost of fuel for solid waste trucks and other equipment has increased significantly. He further spoke to the need to meet the take-or-pay figures. Mr. Muehlenbeck responded to Council Member LaRosiliere that the CIP projections include additional positions to fill fire stations and to the greatest savings in the budget coming from salaries/benefits. Mayor Evans spoke to citizens shopping in Plano to increase revenues.

Council Items for Discussion/Action on Future Agendas

No items were brought forward.

Council Reports

No reports were presented.

The Council resumed the Regular Meeting.

First Reading of an ordinance to amend Section 3 of Ordinance No. 2003-6-3 to extend the non-exclusive franchise granted to Denton County Electric Cooperative, Inc., d/b/a CoServ Electric, a Texas Corporation to use the present and future streets, avenues, alleys, roads, highway, sidewalks, easements and other public rights-of-way in the City of Plano, Collin County, Texas, for the purposes of constructing and operating an electric distribution system in the City of Plano which is set to expire on or about June 9, 2008; and providing a repealer clause, a severability clause and an effective date. [Regular Agenda Item (1)]

Director of Customer Utility and Billing Services Israelson spoke to the ordinance providing a five-year extension of the current franchise with CoServ Electric. Mr. Israelson spoke to the area that CoServ Electric provides service, City revenues generated from the franchise, and stated the extension is supported by Staff and CoServ Electric.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Ellerbe, Council voted 8-0 to approve the First Reading of an ordinance to amend Section 3 of Ordinance No. 2003-6-3 to extend the non-exclusive franchise granted to Denton County Electric Cooperative, Inc., d/b/a CoServ Electric, a Texas Corporation to use the present and future streets, avenues, alleys, roads, highway, sidewalks, easements and other public rights-of-way in the City of Plano, Collin County, Texas, for the purposes of constructing and operating an electric distribution system in the City of Plano which is set to expire on or about June 9, 2008; and providing a repealer clause, a severability clause and an effective date.

Ordinance No. 2008-3-11: To provide certain heritage resources located in the City of Plano, Texas, partial exemption from the current year ad valorem taxation in the amount of \$33,151, providing a severability clause and an effective date. [Regular Agenda Item (2)]

Heritage Preservation Officer Bear spoke to the Heritage Commission 2008 Tax Exemption Program recommendations to provide tax relief needed to encourage preservation and maintain the historic structures of the City. Ms. Bear stated the exemption is partial and only affects the value of the improvements and not the land and the percentage is based on use and designation status. She spoke to the annual survey of properties, decision process, written notifications, and appeals.

Ordinance No. 2008-3-11 (Con't)

Elizabeth Moeller, citizen of the City, spoke to the requested repairs and notification process. Ann Barnard, representative of Queen of Hearts spoke to the requested repairs and notification process. Chris Rhodes, representative of the Plano Masonic Lodge spoke to requested repairs and asked to maintain the exemption for an additional year. Ms. Bear provided clarification regarding the Plano Masonic Lodge requested repairs and deadlines.

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member Dunlap, the Council voted 8-0 to provide certain heritage resources located in the City of Plano, Texas, partial exemption from the current year ad valorem taxation in the amount of \$33,151, providing a severability clause and an effective date, and further to adopt Ordinance No. 2008-3-11.

Public Hearing and adoption of Ordinance No. 2008-3-12 to amend the "Transportation Element" of the Comprehensive Plan along with the Thoroughfare Plan Map as originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said chapter as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date. Applicant: City of Plano. [Regular Agenda Item (3)]

Senior Planner Sims spoke to questions and concerns expressed by Council and residents that live near Los Rios Boulevard at the January 14, 2008 City Council Meeting. Mr. Sims stated Los Rios Boulevard is shown as a Type C(six-lane divided) on the Thoroughfare Plan Map and residents desired the revision to a Type D (four-lane). He spoke to review and preliminary traffic study results indicating changes could be supported for Los Rios Boulevard as a Type D from Parker Road on the north to 14th street on the south. Mr. Sims spoke to similar thoroughfare changes on Avenue K/Spring Creek Parkway, along Des Moines Drive to maintain a two-lane roadway to accommodate accessibility for planned development along the roadway. Mr. Sims advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted.

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

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro Callison, Council voted 8-0 to amend the "Transportation Element" of the Comprehensive Plan along with the Thoroughfare Plan Map as originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said chapter as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date, and further to adopt Ordinance No. 2008-3-12.

Public Hearing and consideration of an ordinance as requested in Zoning Case 2007-16 - To amend Section 1.600 (Definitions) of Article 1 (General Regulations) and Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to regulate golf nets; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano. [Regular Agenda Item (4)]

Senior Planner Firgens advised the Council that the request amends the Zoning Ordinance related to golf nets, was City initiated and allows golf courses and driving ranges to correct a situation associated with errant golf balls. She spoke to the limited success in researching other cities, meetings held with those interested or impacted by the amendment, proposals to establish a definition for golf nets and amend screening laws to allow them by right in conjunction with an allowed use. Ms. Firgens spoke to the ordinance allowing nets for country clubs, golf courses and outdoor commercial amusement only, the possibility of placement on a shared property line, a maximum height of 60 feet and advised that no other appurtenances would be permitted on the structure. She advised that the Planning and Zoning Commission voted to deny the proposed ordinance and spoke to other methods, the negative impact on other properties, and allowing nets being detrimental to the City. Ms. Firgens advised that adoption would require a three-quarter vote of the Council.

Council Member Dunlap spoke to the proposal offering an opportunity for golf courses to solve a problem created at their location and to the height and location being adjusted based on conditions. He clarified that the proposal does not include any discussion of nets on residential lots which would remain illegal. Ms. Firgens advised that the proposal does not specify materials to be used and that it includes outdoor recreation facilities. Development Review Manager Elgin spoke to errant balls coming from slices/hooks as well as from tee boxes. Council Member Ellerbe spoke to driving ranges that have netting and Director of Planning Jarrell advised that golf nets are not addressed in the current ordinance and have been interpreted to be fences with a maximum height of eight feet. Ms. Firgens responded to the Council stating that under this proposal, golf courses may erect a net at locations just outside of residential boundaries.

Mayor Evans opened the Public Hearing. John Reilly, President of the Chase Oaks Homeowners Association, stated concern that golf courses would be allowed to place nets only where they feel the need. He spoke to allowing homeowners to erect nets to provide safety for people and property. Robert P. Buss, citizen of the City, spoke to errant balls from inexperienced golfers, the zoning authority of the Council, and stated concern that this proposal prohibits people from protecting themselves. Sara Garretson, citizen of the City, spoke to errant balls in her yard, nets in place for safety and the lack of opposition for current nets. Jeff Marin, citizen of the City, spoke to being aware of the risks of living on a golf course and to protecting safety of citizens. He spoke to there being no opposition in the neighborhood to existing nets. Cathy and Jorg Fercher, citizens of the City, spoke to the net in place when their home was purchased, prevention of injuries and stated that golf courses will not expend monies to help pay for the cost of broken windows. Sacheen Mehta, MD, citizen of the City, spoke to erecting a net when building his home to protect children and stated concern regarding a decrease in property values if they were banned.

Zoning Case 2007-16 (Con't)

Cindy Torgusson, citizen of the City, spoke to the proposal allowing nets without input from homeowners who may be affected and provided an example of an oversized net. She spoke to the need for notification of those affected and regarding other means to direct balls at the tee box. Rob Rickman, President of the Hills of Indian Creek Homeowners Association, spoke in opposition to any type of golf net, stated optimism that the Council would reject the proposal, encouraged the Council and Commission to amend the fence ordinance so that structures must be removed and spoke to enforcement. Bob Gehbauer, citizen of the City, urged the Council to reject the concept of allowing nets in residential areas and follow the Commission's recommendation that the code be clarified to define golf nets. He spoke to those living on golf courses having no expectation of protection when they purchase the property, nets proliferating if the ordinance is passed and to a prohibition against nets. Jason Ferguson, citizen of the City, spoke to the expectation that golf balls will fall into yards adjacent to a course, regulation of risk management accounted for in the market dynamics of real estate, and to passage opening a door to more wide-spread use. Gerhard Torgusson, citizen of the City, spoke to issues of oversized nets and not allowing these structures.

Michael Nolan, citizen of the City, stated concern regarding the impact on property values, precedent that may be set and spoke in opposition to the amendment. Shawn McMillen, citizen of the City, spoke to safety concerns and in opposition to the amendment. Cheryl Buckles, President of Glen Lyons Homeowners Association, advised that the consensus of her association is opposition to the erection of nets along residential and golf course boundaries by either party. Nancy J. Saidian, citizen of the City, spoke regarding safety factors, questioned the sudden concern regarding aesthetics, and spoke to giving homeowners' associations the opportunity to make a decision rather than the City. Weldon Montgomery, citizen of the City, spoke to golf nets providing safety. Panos Papamichalis, member of the Meadows of Willow Bend Homeowners Association, spoke to the lack of notification received, opposition by his board members, and the impact on property values. He urged the Council not to permit golf nets in his area. Christopher Lang, citizen of the City, spoke to nets protecting children.

Bob Healy, citizen of the City, spoke to the opinion given by the Commission, and the possibility that nets could be erected without a homeowner's agreement. He requested rejection of the ordinance and to providing clarity within other ordinances in removing structures. No one else spoke either for or against the request. The Public Hearing was closed.

In response to Council Member Ellerbe, audience members advised that there are approximately ten golf nets in the Chase Oaks Country Club area and City Attorney Wetherbee spoke to the property being within the City limits but not under Plano's ownership. In response to Mayor Evans, audience members advised that the majority of nets in Chase Oaks are approximately 30-35 feet in height. Director of Planning Jarrell advised that she is unaware of any nets at Glen Eagles Country Club. She spoke to the determination that golf nets should be considered fences and as such are limited in height to eight feet and the proposal addressing construction only by golf courses.

Zoning Case 2007-16 (Con't)

Council Member LaRosiliere stated concern regarding placement on a residential property border and spoke to issues of enforcement for nets already in place. Deputy Mayor Pro Tem Callison stated concern regarding the ability of a golf course to erect a net directly outside of residential property. Council Member Ellerbe stated concern with permitting a 60-foot height and nets being located at an undesirable location.

Ms. Jarrell responded to Mayor Evans regarding the differences in course design and the ordinance being created in an open fashion to give flexibility in addressing individual problems. She spoke to 60-feet as the height indicated by golf course operators that would address issues and problems that may be associated with restricting setbacks. Development Review Manager Elgin spoke to issues of topography and course complexity. Director of Planning Jarrell advised that there were nets along the Pecan Hollow course which were removed due to maintenance issues and state there may be one at Ridgeview Ranch. Mr. Elgin responded to Council Member Ellerbe, stating that operators would prefer not to erect nets and to difficulties in utilizing a specific use permit.

Mayor Pro Tem Magnuson spoke in opposition to the proposal and in favor of addressing commercial properties. Council Member LaRosiliere spoke to considering a proposal to permit residential nets where consistent and reasonable. Mayor Evans spoke to grandfathering homes already identified as being at risk with a height limit of 30 feet. Council Member LaRosiliere spoke in opposition to the proposal and favored asking the Commission to consider a separate ordinance for residential nets to include a reasonable height and grandfathering provision. City Attorney Wetherbee spoke to Staff review of issues related to grandfathering. Council Member Ellerbe spoke to receiving information on the number of nets currently in place. Mayor Evans spoke to addressing concerns related to free-standing driving ranges as well.

Council Member Stahel stated opposition to the ordinance as proposed, support for reviewing locations currently identified as dangerous and to the possibility that homeowners could come together as a group similar to the Safe Streets Program. He further spoke to the possible use of horizontal nets. Council Member Dunlap stated appreciation for audience participation, possible use of horizontal structures, and the proposal allowing neighbors to request golf courses or driving ranges erect screening devices. Mayor Evans spoke to homeowners' concerns that golf courses would erect nets along their property line. Ms. Jarrell spoke to the proposed ordinance allowing the golf course, as the source of errant balls, to address the situation. Mayor Pro Tem Magnuson spoke to courses that would not put screening in place and protecting those who currently have nets within a height restriction. Council Member Dunlap spoke to the need for nets along driving ranges. City Attorney Wetherbee responded to Council Member Ellerbe regarding problems in enforcing issues of civil responsibility.

Council Member Dunlap suggested a motion to deny and direct Staff and the Commission to review application to driving ranges and propose another ordinance to address residential golf nets. Ms. Jarrell requested direction that may address grandfathering, new nets on residential property, driving ranges, etc. She spoke to current ordinances providing golf courses the ability, but not the obligation for mediation including landscaping or relocating of tee boxes.

Zoning Case 2007-16 (Con't)

Upon a motion made by Council Member Dunlap and seconded by Council Member Johnson, the Council voted 8-0 to deny the ordinance as requested in Zoning Case 2007-16 - To amend Section 1.600 (Definitions) of Article 1 (General Regulations) and Section 3.1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24 to regulate golf nets. The Council further directed Staff to work with the Planning and Zoning Commission to consider an ordinance grandfathering existing residential and golf course nets, allowing driving ranges whether free-standing or located on a golf course to erect nets, consideration of horizontal netting, and to provide an inventory of existing nets and their heights

Public Hearing and adoption of Ordinance No. 2008-3-13 as requested in Zoning Case 2008-09 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 5.9± acres located on the north side of Tradition Trail, 470± feet east of Ohio Drive in the City of Plano, Collin County, Texas, from Planned Development-131-Light Industrial-1 and Planned Development-426-Retail/General Office to Planned Development-426-Retail/General Office; 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, and an effective date. Zoned Planned Development-131-Light Industrial-1 and Planned Development-426-Retail/General Office with Specific Use Permit #384 for New and Used Car Dealer. Applicant: H.H.P.L. Limited. [Regular Agenda Item (5)]

Director of Planning Jarrell stated the applicant is requesting to rezone the property to allow development of a skilled nursing facility. Ms. Jarrell spoke to the changes in land use in this area from commercial/industrial to medical-related uses. Ms. Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted.

Mayor Evans opened the Public Hearing. Alan Huckaby of GHLA Architecture, representing the applicant spoke to changing the property zoning to allow development of a single-story skilled nursery facility composed of 120 beds. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro Tem Callison, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 5.9± acres located on the north side of Tradition Trail, 470± feet east of Ohio Drive in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2008-09 from Planned Development-131-Light Industrial-1 and Planned Development-426-Retail/General Office to Planned Development-426-Retail/General Office; 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, and an effective date; and further to adopt Ordinance No. 2008-3-13.

Public Hearing and adoption of Ordinance No. 2008-3-14 as requested in Zoning Case 2008-17 –To amend Ordinance No. 2001-2-33; thereby rescinding the Private Club portion of Specific Use Permit #436 and retaining the additional use of an arcade on one lot on 6.1± acres located on the west side of U.S. Highway 75, 3,050± feet south of Spring Creek Parkway in the City of Plano, Collin County, Texas, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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, and an effective date. Zoned Corridor Commercial. [Regular Agenda Item (6)]

Director of Planning Jarrell advised the case was separated from the other private club cases to clarify that the arcade permit is not affected by the repeal of the private club.

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

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, Council voted 8-0 to amend Ordinance No. 2001-2-33; thereby rescinding the Private Club portion of Specific Use Permit #436 and retaining the additional use of an arcade on one lot on 6.1± acres located on the west side of U.S. Highway 75, 3,050± feet south of Spring Creek Parkway in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2008-17, and amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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, and an effective date; and further to adopt Ordinance No. 2008-3-14.

Public Hearing and consideration of Zoning Case 2008-08 – A request to rescind Specific Use Permit #408 for a Private Club on one lot on 0.2± acre located 50± feet west of Preston Road, 50± feet north of Lorimar Drive. Zoned Planned Development-447-Retail/Multifamily Residence-2. Applicant: City of Plano. [Regular Agenda Item (7)]

Director of Planning Jarrell advised the Council that no action should be taken since there was an error in the Public Hearing notice. She stated that the item will be notified again and come back before the Council at a later time.

Public Hearing and consideration of ordinances as requested in Zoning Cases 2008-01 through 2008-07; 2008-10 through 2008-12; 2008-14 through 2008-16; and Zoning Case 2007-61 all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano. All of the locations are located within the City of Plano, Collin County, Texas, and the repeal of each ordinance will amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24 as heretofore amended, to reflect such action; 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, and an effective date. [Regular Agenda Item (8)]

Ordinance No. 2008-3-15 as requested in Zoning Case 2008-01 – To rescind Specific Use Permit #367 for a Private Club on one lot on 0.9+ acre located on the north side of 18th Street, 200+ feet west of K Avenue. Zoned Downtown Business/Government. [Regular Agenda Item (8a)]

Ordinance No. 2008-3-16 as requested in Zoning Case 2008-02 – To rescind Specific Use Permit #372 for a Private Club on one lot on 2.3+ acres located on the east side of U.S. Highway 75, 1,660+ feet north of Parker Road. Zoned Corridor Commercial. [Regular Agenda Item (8b)]

Ordinance No. 2008-3-17 as requested in Zoning Case 2008-03 – To rescind Specific Use Permit #373 for a Private Club on one lot on 0.1+ acre located on the north side of Spring Creek Parkway, 625+ feet west of Coit Road. Zoned Retail. [Regular Agenda Item (8c)]

Ordinance No. 2008-3-18 as requested in Zoning Case 2008-04 – To rescind Specific Use Permit #392 for a Private Club on one lot on 0.7+ acre located at the northwest corner of Park Boulevard and Ohio Drive. Zoned Retail. [Regular Agenda Item (8d)]

Ordinance No. 2008-3-19 as requested in Zoning Case 2008-05 - To rescind Specific Use Permit #397 for a Private Club on one lot on 0.2+ acre located on the west side of Dallas North Tollway, 1,340+ feet north of Parker Road. Zoned Regional Commercial. [Regular Agenda Item (8e)]

Ordinance No. 2008-3-20 as requested in Zoning Case 2008-06 – To rescind Specific Use Permit #401 for a Private Club on one lot on 1.5+ acres located on the west side of Dallas North Tollway, 1,200+ feet north of Parker Road. Zoned Regional Commercial. [Regular Agenda Item (8f)]

Ordinance No. 2008-3-21 as requested in Zoning Case 2008-07 – To rescind Specific Use Permit #405 for a Private Club on one lot on 0.1+ acre located 380+ feet west of Coit Road, 750+ feet north of Spring Creek Parkway. Zoned Retail. [Regular Agenda Item (8g)]

Ordinance No. 2008-3-22 as requested in Zoning Case 2008-10 – To rescind Specific Use Permit #409 for a Private Club on one lot on 2.9± acres located at the northwest corner of Bishop Road and Daniel Road. Zoned Planned Development-65-Central Business-1. [Regular Agenda Item (8h)]

Ordinance No. 2008-3-23 as requested in Zoning Case 2008-11 – To rescind Specific Use Permit #413 for a Private Club on one lot on 0.1± acre located 95± feet west of Preston Road and 470± feet north of Lorimar Drive. Zoned Planned Development-447-Retail/Multifamily Residence-2. [Regular Agenda Item (8i)]

Ordinance No. 2008-3-24 as requested in Zoning Case 2008-12 – To rescind Specific Use Permit #414 for a Private Club on one lot on 1.8± acres located on the east side of Dallas North Tollway, 450± feet south of State Highway 121. Zoned Central Business-1. [Regular Agenda Item (8j)]

Ordinance No. 2008-3-25 as requested in Zoning Case 2008-14 – To rescind Specific Use Permit #418 for a Private Club on one lot on 1.8± acres located on the west side of U.S. Highway 75, 850± feet south of Chase Oaks Drive. Zoned Corridor Commercial. [Regular Agenda Item (8k)]

Ordinance No. 2008-3-26 as requested in Zoning Case 2008-15 – To rescind Specific Use Permit #419 for a Private Club on one lot on 0.2± acre located 160± feet west of Preston Road and 50± feet north of Lorimar Drive. Zoned Planned Development-447-Retail/Multifamily Residence-2. [Regular Agenda Item (8l)]

Ordinance No. 2008-3-27 as requested in Zoning Case 2008-16 – To rescind Specific Use Permit #435 for a Private Club on one lot on 1.6± acres located on the west side of U.S. Highway 75, 2,875± feet south of Spring Creek Parkway. Zoned Corridor Commercial. [Regular Agenda Item (8m)]

Ordinance No. 2008-3-28 as requested in Zoning Case 2007-61 – To rescind Specific Use Permit #207 for a Private Club on one lot on 1.0+ acre located on the east side of Preston Road, 1,370+ feet north of Park Boulevard. Zoned Retail. [Regular Agenda Item (8n)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the requests as submitted.

Upon a motion made by Council Member Mayor Pro Tem Magnuson and seconded by Deputy Mayor Pro Tem Callison, Council voted 8-0 to adopt all the ordinances listed as recommended by the Planning and Zoning Commission and as designated by their zoning case number. The repeal of each amends the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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, and an effective date, and further adopts each ordinance.

There being no further discussion, Mayor Evans adjourned the meeting at 10:47 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	3/25/08	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Engineering	Initials	Date	
Department Head	Upchurch	Executive Director	<i>[Signature]</i> 3/10/08	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i> 3/10/08	
Agenda Coordinator (include phone #):	Irene Peques (7198)	Project No. 5632 & 5878		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Award of Bid for Bid No 2008-74-B for construction of Street Lighting Legacy Park – Phase 1 and Street Lighting Willow Bend Drive to Utilitex Construction, LLP, in the amount of \$ 329,684.28.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	2007-08	Prior Year (CIP Only)	Current Year	Future Years
Budget		10,200	887,800	0
Encumbered/Expended Amount		-10,200	-1,800	0
This Item		0	-329,684	0
BALANCE		0	556,316	0
FUND(S): STREET IMPROVEMENT CIP				
COMMENTS: Funds are included in the 2007-08 Street Improvement CIP. This item, in the amount of \$329,684, will leave a current year balance of \$556,316 for the Street Lighting - Legacy Park, Phase I project.				
STRATEGIC PLAN GOAL: Street lighting projects relate to the City's Goals of Safe, Efficient Travel and Premier City in Which to Live.				
SUMMARY OF ITEM				
Staff recommends bid of Utilitex Construction, LLP, in the amount of \$ 329,684.28 be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents.				
The second vendor being recommended is Republic ITS in the amount of \$ 456,321.00.				
Engineers' estimate was \$ 620,000.00.				
The project consists of construction of installation of street lighting foundations and conduit in preparation for street lights to be installed by Oncor Electric Delivery in median areas on the following streets:				
1. Tennyson Parkway - Spring Creek Parkway to Preston Road. 2. Parkwood Boulevard - Spring Creek Parkway to SH 121. 3. Hedgcoxe Road - Legacy Drive to Preston Road. 4. Willow Bend Drive - Linmore Lane to Woodspring Drive.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Bid Summary		N/A		
Location Map				

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	3/25/08	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Public Works Administration / Michael Rapplean	Initials	Date	
Department Head	Jimmy Foster	Executive Director	<i>[Signature]</i>	3-4-08
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	3/4/08
Agenda Coordinator (include phone #): Margie Stephens (X4104)				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
<i>Award, Rejection of Bids/Proposals, Bid No. 2008-95 - B, 2007-08 Residential Concrete Pavement Rehabilitation Project, Zone 18 to Hencie International in the amount of \$626,236.64.</i>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	2007-08	Prior Year (CIP Only)	Current Year	Future Years
Budget		2,721,273	5,760,727	4,000,000
Encumbered/Expended Amount		-2,721,273	-1,626,130	0
This Item		0	-626,237	0
BALANCE		0	3,508,360	4,000,000
FUND(s): CAPITAL RESERVE				
COMMENTS: Funds are included in the 2007-08 Capital Reserve. This item, in the amount of \$626,237 will leave a current year balance of \$3,508,360 for the Residential Street & Alley Replacement project. STRATEGIC PLAN GOAL: Residential street and alley repairs relate to the City's Goal of Safe, Efficient Travel.				
SUMMARY OF ITEM				
Staff recommends the bid of Hencie International in the amount of \$626,236.64, be accepted as the lowest responsible bid for the project conditioned upon timely execution of all necessary documents.				
This project involves the repair of residential street and alley pavement in the area bounded by Legacy Dr. on the south, Coit Rd. on the west, Hedgcoxe Rd. on the north and Independence Pkwy on the east.				
The secondary vendor being recommended is Jerusalem Corporation in the amount of \$700,779.30.				
Engineer's estimate for this project is \$859,996.00.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Bid Tabulation Location Map				

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 3/25/08		Reviewed by Legal <i>js</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Parks and Recreation			Initials	Date
Department Head	Don Wendell	Executive Director	<i>[Signature]</i>	<i>3-4-08</i>	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	<i>3/5/08</i>	
Agenda Coordinator (include phone #): Susan Berger (7255)					

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT OTHER

CAPTION

Award/rejection of Bid/Proposal for Bid No. 2008-56-B and conditional acceptance of best value Bid/Proposal for the Parkwood Blvd. Median Tree Planting and Irrigation and 2004-05 Median Landscaping project to C. Green Scaping in the amount of \$252,752.00.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	11,455	223,545	124,000	359,000
Encumbered/Expended Amount	-11,455	-2,454	0	-13,909
This Item	0	-252,752	0	-252,752
BALANCE	0	-31,661	124,000	92,339

FUND(S): STREET IMPROVEMENT CIP

COMMENTS: Funds are included in the 2007-08 Street Improvement CIP. This item, in the amount of \$252,752, will exceed the current year balance by \$31,661 for the Roadway Median Landscaping project. The overage will be funded through savings and reallocation for other street improvement projects.

STRATEGIC PLAN GOAL: Roadway median landscaping relates to the City's Goal of "Premier City in Which to Live."

SUMMARY OF ITEM

Staff recommends that the bid received from C. Green Scaping, in the amount of \$252,752.00, be accepted as the best value bid.

This project includes planting trees, landscaping and irrigation renovation on the Plano Parkway median (Accent to N Avenue); tree planting and irrigation in the Emerald Coast Drive median (Chaparral to Flamingo); tree planting and irrigation in the Parkwood Boulevard median (Plano Parkway to Park). The project was not bid in 2004-05 due to drought conditions.

In the event C. Green Scaping fails to execute contract documents, staff recommends award of contract to the next best value bidder, Wall Enterprises, in the amount of \$288,495.00.

This project was originally bid in October 2007. Only one bid was received and it exceeded available funding. The bid was rejected and the project was rebid. All trees in this project will be container grown. We have had good success with container grown trees even when planted during warmer months. The project also includes



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	3/25/08	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Purchasing	Initials	Date	
Department Head	Mike Ryan	Executive Director		
Dept Signature:	<i>Deane Palma</i>	City Manager	<i>DM</i>	<i>3/26/08</i>
Agenda Coordinator (include phone #): Nancy Corwin X7137				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Award, rejection of Bid/Proposal for Bid No. 2008-88-C to establish an annual contract for Traffic Signal Pre-emption Equipment to BINKO Inc. in the estimated annual amount of \$120,200.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): MUNICIPAL WAREHOUSE FUND				
COMMENTS: This item approves price quotes. Expenditures will be made in various departments within the approved budget appropriations. The estimated annual amount is \$120,200.				
STRATEGIC PLAN GOAL: Traffic signal pre-emption equipment relates to the City's goal of "Safe, Efficient Travel."				
SUMMARY OF ITEM				
(Annual Contract with Renewals)				
Staff recommends bid of BINKO, Inc. in the estimated annual amount of \$120,200 be accepted as lowest responsive, responsible bid meeting specifications conditioned upon timely execution of any necessary contract documents. This will establish an annual contract with three (3) City optional renewal periods for Traffic Signal Pre-emption Equipment.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Bid Recap				

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 3/25/08		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Purchasing		Initials	Date	
Department Head	Mike Ryan	Executive Director	<i>[Signature]</i>	3/10/08	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	3/20/08	
Agenda Coordinator (include phone #): Sharron Mason - Ext. 7247					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT					
<input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award/Rejection of Bid/Proposal for Bid No. 2008-17-C for an annual fixed price contract for Athletic Field Bulk Fertilizer for Parks and Recreation to Helena Chemical Co. the estimated annual amount of \$116,070.00..					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2007-08; 2008-09; 2009-10; 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
FUND(S): GENERAL FUND					
COMMENTS: THIS ITEM APPROVES PRICE QUOTES. EXPENDITURES WILL BE MADE IN THE PARKS AND RECREATION DEPARTMENT WITHIN THE APPROVED BUDGET APPROPRIATIONS. THE ESTIMATED ANNUAL AMOUNT IS \$116,070.					
STRATEGIC PLAN GOAL: BEAUTIFICATION OF PLANO'S ATHLETIC FIELDS RELATE TO THE CITY'S GOALS OF PREMIER CITY IN WHICH TO LIVE, AND "SERVICE EXCELLENCE".					
SUMMARY OF ITEM					
ANNUAL CONTRACT WITH RENEWALS					
Staff recommends bid of Helena Chemical Co. in the estimated annual amount of \$116,070.00 be accepted as the lowest responsive, responsible bidder meeting specifications conditioned upon timely execution of any necessary contract documents. All orders are on an "as needed basis" for the duration of the contract. This will establish a one (1) year contract with three (3) City optional one (1) year renewals for Athletic Field Bulk Fertilizer for Parks and Recreation Department.					
List of Supporting Documents: RECAP		Other Departments, Boards, Commissions or Agencies			

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date:	3/25/08	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Purchasing		Initials	Date	
Department Head	Mike Ryan	Executive Director	<i>[Signature]</i>	3/10/08	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	3/10/08	
Agenda Coordinator (include phone #): Sharron Mason - Ext. 7247					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award/Rejection of Bid/Proposal for Bid No. 2008-52-C for an annual fixed price contract for Bulk Fertilizer for Parks and Recreation to Greensmiths in the estimated annual amount of \$57,667.50.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
FUND(S): GENERAL FUND					
COMMENTS: This item approves price quotes. Expenditures will be made in the Parks and Recreation Department within the approved budget appropriations. The estimated annual amount is \$57,668. STRATEGIC PLAN GOAL: Beautification of Plano's parks relate to the City's Goals of Premier City in Which to Live, and "Service Excellence".					
SUMMARY OF ITEM					
ANNUAL CONTRACT WITH RENEWALS					
Staff recommends bid of Greensmiths, Inc. in the estimated annual amount of \$57,667.50 be accepted as the lowest responsive, responsible bidder meeting specifications conditioned upon timely execution of any necessary contract documents. All orders are on an "as needed basis" for the duration of the contract. Fertilizer will be applied by Parks Staff. This will establish a one (1) year contract with three (3) City optional one (1) year renewals for Bulk Fertilizer for Parks and Recreation Department.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Memorandum and Bid Recap					

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date:	3/25/08	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Purchasing	Initials	Date		
Department Head	Mike Ryan	Executive Director	3/11/08		
Dept Signature:	<i>Diane Palmer</i>	City Manager	3/10/08		
Agenda Coordinator (include phone #): SHARRON MASON / EXT. 7247					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award/Rejection of Bid/Proposal for CSP No. 2008-69-B for tree replacement contract for Tree Replacement to Fannin Tree Farm in the amount of \$160,000.00.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	250,000	500,000	750,000
Encumbered/Expended Amount		0	0	0	0
This Item		0	-160,000	0	-160,000
BALANCE		0	90,000	500,000	590,000
FUND(S): CAPITAL RESERVE					
COMMENTS: Funds are included in the 2007-08 Capital Reserve Fund. This item, in the amount of \$160,000, will leave a current year balance of \$90,000 for the Drought Repair project. STRATEGIC PLAN GOAL: Drought tree replacement relates to the City's Goal of Premier City in which to live.					
SUMMARY OF ITEM					
Staff recommends proposal of Fannin Tree Farm in the amount of \$160,000.00 be accepted based on competitive sealed proposal award criteria stated in the specifications conditioned upon timely execution of any necessary contract documents.					
List of Supporting Documents: Recommendation Memo and Recap		Other Departments, Boards, Commissions or Agencies			



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date:	3/25/08	Reviewed by Legal <i>ds</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Customer & Utility Services		Initials	Date	
Department Head	Mike Ryan	Executive Director			
Dept Signature:	<i>Diane C. Palmer for</i>	City Manager	<i>ds</i>	<i>3/18/08</i>	
Agenda Coordinator (include phone #):		Nancy Corwin X7137			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award of Bid for Bid No 2008-4-C for purchase of an Automated Bill Payment Kiosk to AdComp Systems, Inc. in the amount of \$63,000.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	40,000	0	40,000
Encumbered/Expended Amount		0	0	0	0
This Item		0	-63,000	0	-63,000
BALANCE		0	-23,000	0	-23,000
FUND(S): WATER & SEWER FUND (045)					
COMMENTS:					
This item is included in the 2007-08 approved budget. Additional funds are available from savings in other Customer & Utility Services Operations and Maintenance accounts. STRATEGIC PLAN GOAL: Installation and use of a payment Kiosk for Customer & Utility Services is related to the City's Goal of "Service Excellence"					
SUMMARY OF ITEM					
Staff recommends proposal of Adcomp Systems, Inc., be accepted as the best proposal meeting specification for obtaining a through-the-wall Automated Bill Payment Kiosk, conditioned upon timely execution of any necessary contract documents. Adcomp System, Inc. will furnish all equipment and labor to install a through-the-wall Automated Bill Payment Kiosk in the Municipal Center. This will replace the manned drive-up window that is currently in place at the Municipal Center. Total cost for the first year of the contract is \$63,000. This is comprised of \$19,500 in hardware costs, \$35,250 in software and programming costs, and \$8,250 in testing and training costs. After the first year, a renewal will be subject to annual maintenance cost of \$1,700 per year.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Recommendation of Award					



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 3/25/08		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Public Works Administration / Michael Rapplean		Initials	Date	
Department Head	Jimmy Foster	Executive Director	<i>[Signature]</i>	3-4-08	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	3/4/08	
Agenda Coordinator (include phone #): Margie Stephens (X4104)					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
<i>Award, Rejection of Bids/Proposals, Bid No. 2008-96 - B, 2007-08 Arterial Concrete Pavement Rehabilitation Project on Legacy Dr between K Ave and Custer Rd to Jerusalem Corporation in the amount of \$572,876.25.</i>					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		2,983,720	3,516,280	2,300,000	8,800,000
Encumbered/Expended Amount		-2,983,720	-1,462,149	0	-4,445,869
This Item		0	-572,876	0	-572,876
BALANCE		0	1,481,255	2,300,000	3,781,255
FUND(S): CAPITAL RESERVE CIP FOR ARTERIAL CONCRETE. (35-51131)					
COMMENTS: Funds are included in the 2007-08 Capital Reserve. This item, in the amount of \$572,876, will leave a current year balance of \$1,481,255 for the Arterial Concrete Repair project.					
STRATEGIC PLAN GOAL: Arterial concrete repair relates to the City's Goals of Safe, Efficient Travel and Premier City in which to Live.					
SUMMARY OF ITEM					
Staff recommends the bid of Jerusalem Corporation, in the amount of \$572,876.25, be accepted as the lowest responsible bid for the project conditioned upon timely execution of all necessary documents.					
This project involves the repair of arterial street paving, curb and gutter, and sidewalk repair, on Legacy Drive between "K" Ave and Custer Road.					
The secondary vendor being recommended is Jim Bowman Construction Co. LP in the amount of \$642,126.00.					
Engineer's estimate for this project is \$739,230.00.					
List of Supporting Documents: Bid Tabulation Location Map			Other Departments, Boards, Commissions or Agencies		

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