

PLANO CITY COUNCIL
April 23, 2007

COUNCIL MEMBERS

Pat Evans, Mayor
Scott Johnson, Mayor Pro Tem
Sally Magnuson, Deputy Mayor Pro Tem
Shep Stahel
Jean Callison
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 Wetherbee, City Attorney
John Gilliam, First Assistant City Attorney
Diane Zucco, City Secretary
Kristy Land, Assistant City Secretary

Mayor Pro Tem Johnson convened the Council into the Regular Session on Monday, April 23, 2007, at 7:03 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Mayor Evans.

The invocation was led by Father R. James Balint of Prince of Peace Catholic Community.

The Pledge of Allegiance was led by Representatives of Brownie Troop 1904 of Dooley, Forman, Meadows, and Mendenhall Elementary Schools.

Mayor Pro Tem Johnson read proclamations recognizing Asian American Heritage Week- 2007, National Wildflower Week, Better Hearing and Speech Month-May 2007, and National Historic Preservation Month- May 2007.

Mayor Pro Tem Johnson presented a certificate of appreciation to Robert Pope for his service on the DART Board of Directors, Robert G. Masengill for his service on the Plano Transition and Revitalization Commission, and Joseph Celso for his service on the Keep Plano Beautiful Commission.

Mayor Pro Tem Johnson administered oaths of office to incoming DART Board of Directors member Melinda S. Paulk and Public Arts Committee member Joseph P. Connolly.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

BOARD AND COMMISSION REPORT

Community Relations Commission Chair, Robert G. Masengill reviewed the major accomplishments of 2007, which included approval of the Affirmation Action Report for 2007 and completion of the grant cycle for four grants. He discussed the grant process overview and cycle, and provided a detailed summary of participation hours of commission members, agency staff, and City Staff. Mr. Masengill advised regarding the financial challenge for 2007 where there were more requests than funds allocated leaving a gap for the Commission to address. He responded to Council Member Dunlap regarding public service representing materials, labor, and supplies for a particular job, whereas the non-public service represents renovations and remodeling. Council Member Stahel and Mayor Pro Tem Johnson thanked Mr. Masengill and the Commission for their hard work and commitment.

CONSENT AGENDA

Upon the request of Council Member Stahel, Consent Agenda Items "D," "J," "K," and "I" were removed for individual consideration due to possible conflicts of interest.

Upon the request of Council Member Dunlap, Consent Agenda Items "F" and "AA" were removed for individual consideration due to possible conflicts of interest.

Upon a motion made by Council Member Callison and seconded by Council Member LaRosiliere, 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)]

April 9, 2007

Approval of Expenditures

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

Bid No. 2007-101-B for the Enfield Park Improvements in the amount of \$2,191,609 to Dean Electric, Inc. dba Dean Construction. This bid includes renovations to the irrigation system, decorative paving, backstops, dugouts, playground, shade structures, signage, the addition of bleacher shade structures, and a tournament gathering area. [Consent Agenda Item (B)] (See Exhibit “A”)

Bid No. 2007-104-B for the 2006-2007 Residential Concrete Pavement Rehabilitation Project, Zones G6 to Jerusalem Corporation in the amount of \$1,018,111. This project involves the replacement of street and alley pavement in the residential areas bounded by Parker Road on the south, Coit Road on the east, Spring Creek Parkway on the north, and Preston Road on the west. [Consent Agenda Item (C)] (See Exhibit “B”)

Bid No. 2007-117-B for Dallas North Trunk Sewer Main Rehab- Phase III to North Texas Contracting, Inc., in the amount of \$1,247,711. This project consists of construction of approximately 4,200 feet of 30-inch diameter sewer line along President George Bush Turnpike from Pitman Creek to just west of Custer Road. [Consent Agenda Item (E)] (See Exhibit “C”)

Bid No. 2007-109-B for Parker Road – K Avenue to Raton Lane to Ed Bell Construction Company in the amount of \$3,659,000. This project consists of widening Parker Road from a four-lane to a six-lane thoroughfare from K Avenue to Raton Lane. This project also includes the installation of a twelve-inch water line between N Avenue and P Avenue, storm drainage, driveways, sidewalk, landscaping, and irrigation construction. [Consent Agenda Item (G)] (See Exhibit “D”)

Bid No. 2007-95-C for an annual fixed price contract for Athletic Field Bulk Fertilizer to Helena Chemical Co. in the estimated annual amount of \$112,560. This will be a one year contract with no City optional renewals. [Consent Agenda Item (H)] (See Exhibit “E”)

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 approve the purchase for cabling and installation of the new Digital Video Recording (DVR) Downloading Stations in the amount of \$45,307 from Henkel’s and McCoy through an existing contract with the City of Plano, and authorizing City Manager to execute all necessary documents (2004-114-C). This will allow Digital Video Recording (DVR) downloading stations for the Main Police Station, Joint Use Facility, and Fire Station 7/802. [Consent Agenda Item (L)]

To approve the purchase and installation of new carpet in the amount of \$31,044 for the Liberty Recreation Center from Gomez Floor Covering, Inc. through an existing contract/agreement with BuyBoard; and authorizing the City Manager to execute all necessary documents. (BuyBoard Cooperative Purchasing Contract No. 241-06; Vendor Contract No. 465) [Consent Agenda Item (M)]

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

To approve a contract for professional services by and between the City of Plano and Grant Thornton LLP in the estimated amount of \$29,400 for audit services of the City's Retirement Security Plan and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (N)]

To approve an engineering services contract by and between the City of Plano and Chiang, Patel & Yerby, Inc., in the amount of \$100,918 for Independence Parkway Widening from McDermott Road to SH 121, and authorizing the City Manager to execute all necessary documents. Funding is available from the 2006-2007 Street Improvement Community Investment Program. [Consent Agenda Item (O)]

Approval of Oversize Participation

To approve and authorize reimbursement to Pasquinelli Portrait Homes- Willow Crest L.P. for oversized paving improvements associated with the construction of Rasor Boulevard and McDermott Road, in the amount of \$196,574. [Consent Agenda Item (P)]

Approval of Change Order

To Dal-Tech Engineering, Inc., increasing the professional services contract by \$28,205 for the Alma Road Widening, from Spicewood Drive to Hedgcoxe Road, project. Contract Modification No. 1 is for additional design and survey work for widening Alma Road north of Hedgcoxe Road to Rowlett Creek. [Consent Agenda Item (Q)]

To Dean Electric, Inc., dba Dean Construction, increasing the contract by \$169,884 for Archgate Park, Project No. 5183, Change Order #2 (Bid #2006-151-B). This change order will provide 13 acres of solid sod, 8 acres at Preston Meadow Park, and 5 acres at Hoblitzelle Park. All of the sod will be in the sports field areas. [Consent Agenda Item (R)]

Adoption of Resolutions

Resolution No. 2007-4-11(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas providing terms and conditions concerning the collection of property taxes, authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (S)]

Resolution No. 2007-4-12(R): To approve and authorize the refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (T)]

Resolution No. 2007-4-13(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County Community College District providing terms and conditions for the provision of library automation services to Collin County Community College District; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement approved herein; and providing an effective date. [Consent Agenda Item (U)]

Resolution No. 2007-4-14(R): To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for a “Click It or Ticket” project, to be conducted during Memorial Day holiday period; authorizing the City Manager to execute any other documents necessary to effectuate the action taken; and providing an effective date. [Consent Agenda Item (V)]

Resolution No. 2007-4-15(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and the Dallas County Community College District, providing terms and conditions for educational services, authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (W)]

Resolution No. 2007-4-16(R): To approve the terms and conditions of an agreement between the City of Plano, Texas and David Newton, a qualified professional artist, for the fabrication, delivery, and installation of two artworks as the Veterans’ Memorial at Memorial Park; and authorizing the City Manager to execute such agreement with David Newton; and providing an effective date. [Consent Agenda Item (X)]

Resolution No. 2007-4-17(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, providing terms and conditions for the widening of Parker Road, From K Avenue to Raton Lane; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (Y)]

Adoption of Ordinances

Ordinance No. 2007-4-18: To transfer the sum of \$3,500,000 from the Water & Sewer Unappropriated Fund Balance to the Water & Sewer CIP Appropriation for Fiscal Year 2006-2007 for the purpose of providing additional funding for emergency sewer repair; amending the budget of the City and Ordinance 2006-9-9, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. [Consent Agenda Item (Z)]

Ordinance No. 2007-4-19: To supersede Ordinance No. 2006-12-22 for the purpose of correcting a clerical error in Section I of the ordinance which disannexed 5.2± acres of land out of the John Smith Survey, Abstract No. 1226 from the City of Plano, Denton County, Texas, and contracting the boundary limits of the city limits of the City of Plano, Texas, so as to exclude said property from the City limits; and relinquished any and all extraterritorial jurisdiction the City of Plano may have had in and to said tract of land; and providing a severability clause and an effective date. [Consent Agenda Item (BB)]

Ordinance No. 2007-4-20: To amend Chapter 12, Motor Vehicles and Traffic, Article IV, Speed, Section 12-74(b) of the City of Plano Code of Ordinances to add a new Subsection “Dominion Parkway” that establishes the interim prima facie speed limit for motor vehicles operating along Dominion Parkway within the corporate limits of the City of Plano; authorizing and directing the Traffic Engineer to cause placement of traffic control devices indicating the speed limit; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (CC)]

Ordinance No. 2007-4-21: To amend specific sections of Ordinance No. 2006-9-27 codified as Sections 21-135, 21-136 and 21-147, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, to increase the fee schedules for water and sewer services effective May 1, 2007, and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (DD)]

Purchase from Existing Contract/Agreement: Approval of the purchase and installation of digital video recorders and accessories in the amount of \$799,100 from Integrian Inc. through an existing contract/agreement with the City of Dallas, and authorizing the City Manager to execute all necessary documents. Contract #2006-1264. [Consent Agenda Item (EE)]

END OF CONSENT

Due to possible conflicts of interest, Council Member Stahel stepped down on from the bench on the following four items which were considered concurrently:

CSP 2007-93-C for Desktop Computers to Dell Marketing L.P. in the estimated annual amount of \$775,695. This will establish an annual contract with three optional one-year renewals. [Consent Agenda Item (D)] (See Exhibit “F”)

Purchase from Existing Contract/Agreement: To approve the purchase of replacement Laptop Computers in the amount of \$76,250 from various vendors; Gateway (DIR-SDD-220), Dell (DIR-SDD-192), Portable Computer Systems (DIR-VPC-03-039), Austin Ribbon & Computer (DIR-SDD-516), Hewlett Packard (DIR-SDD-223), IBM (DIR-SDD-190), Lakehills Consulting (DIR-VPC-03-027), and Lenovo (DIR-SDD-200), through existing contracts with Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (I)]

Purchase from Existing Contract/Agreement: To approve the purchase of Upgrade for Sun StorageTek XL700 Tape Library in the amount of \$42,161 from Sun Microsystems through an existing contract with the Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-SDD-503) [Consent Agenda Item (J)]

Purchase from Existing Contract/Agreement: To approve the purchase of network infrastructure server replacement from Sun Microsystems as an additional vendor through the Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (Sun Microsystems DIR-SDD-503). This document has no financial impact, but adds an additional state contract vendor. [Consent Agenda Item (K)]

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 6-0 to approve Bid No. CSP 2007-93-C for Desktop Computers to Dell Marketing L.P. in the estimated annual amount of \$775,695; to approve the purchase of replacement Laptop Computers in the amount of \$76,250 from various vendors; to approve the purchase of Upgrade for Sun StorageTek XL700 Tape Library in the amount of \$42,161 from Sun Microsystems through an existing contract with the Department of Information Resources (DIR); and to approve the purchase of network infrastructure server replacement from Sun Microsystems as an additional vendor through the Department of Information Resources Contract (Sun Microsystems DIR-SDD-503).

Council Member Stahel resumed his seat at the bench.

Due to possible conflicts of interest, Council Member Dunlap stepped down from the bench on the following two items which were considered concurrently:

Bid No. 2007-119-B for Intersection Improvements 2005 to Jim Bowman Construction Company, L.P., in the amount of \$683,475. This project consists of construction of left-turn lanes and right-turn lanes on Coit Road at Plano Parkway, additional left-turn and through lanes for northbound Alma Road at Plano Parkway, right-turn lane improvements for westbound Spring Creek Parkway at Coit Road, and right-turn lane improvement for eastbound Spring Creek Parkway at Alma Road. [Consent Agenda Item (F)] (See Exhibit "G")

Ordinance No. 2007-4-22: To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend 7.1± acres located at the southeast corner of Park Boulevard and Alma Drive in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-195-Corridor Commercial; 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. A Public Hearing held and zoning request approved 4/09/07. [Consent Agenda Item (AA)]

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member Ellerbe, the Council voted 6-0 to approve Bid No. 2007-119-B for Intersection Improvements 2005 to Jim Bowman Construction Company, L.P., in the amount of \$683,475; and to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend 7.1± acres located at the southeast corner of Park Boulevard and Alma Drive in the City of Plano, Collin County, Texas, from Corridor Commercial to Planned Development-195-Corridor Commercial; 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. 2007-4-22.

Council Member Dunlap resumed his seat at the bench.

Public Hearing and Resolution No. 2007-4-23(R): To adopt the 2007-2008 Action Plan, including the Final Statement of Community Development Block Grant and HOME Program Objectives and proposed use of \$1,905,895 in grant funds for Program Year 2007-2008 and declaring an effective date. [Regular Agenda Item (1)]

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

Neighborhood Services Manager Day spoke regarding the grant process and recommendation from the Community Relations Commission for funding over \$1.9 million in federal funds. She explained Staff takes recommendations and incorporates them into an Action Plan, which is submitted to the Federal Department of Housing and Urban Development. Ms. Day stated the plan recommends funding for five programs administered by the Neighborhood Services and Planning Department and an additional nine programs administered through local non-profit organizations.

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, The Council voted 7-0 to approve the 2007-2008 Action Plan, including the Final Statement of Community Development Block Grant and HOME Program Objectives and proposed use of \$1,905,895 in grant funds for Program Year 2007-2008 and declaring an effective date; and further to adopt Resolution 2007-4-23(R).

Resolution No. 2007-4-24(R): To authorize the filing of applications for Federal Funds in an amount not to exceed \$1,750,513 under the Housing and Community Development Act, the HOME Investment Partnership Act, and the American Dream Downpayment Act; designating Thomas H. Muehlenbeck as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. [Regular Agenda Item (2)]

Neighborhood Services Manager Day reviewed the process for receipt of funds.

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro Tem Magnuson, The Council voted 7-0 to authorize the filing of applications for Federal Funds in an amount not to exceed \$1,750,513 under the Housing and Community Development Act, the HOME Investment Partnership Act, and the American Dream Downpayment Act; designating Thomas H. Muehlenbeck as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date; and further to adopt Resolution 2007-4-24(R).

Resolution No. 2007-4-25(R): To approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Development Block Grant (CDBG) funds in the amount of \$396,185 and HOME funds in the amount of \$227,657 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (3)]

Neighborhood Services Manager Day requested approval of agreements as presented.

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro Tem Magnuson, The Council voted 7-0 to approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Development Block Grant (CDBG) funds in the amount of \$396,185 and HOME funds in the amount of \$227,657 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution 2007-4-25(R).

Ordinance No. 2007-4-26: To amend Section I of Ordinance No. 98-9-32 to extend the franchise granted to CoServ Gas for the transporting, delivery, sales, and distribution of gas in and out of, and through the City of Plano which is set to expire on or about November 23, 2007; and providing a repealer clause, a severability clause and an effective date. (First Reading) [Regular Agenda Item (4)]

Director of Customer/Utility Services Israelson spoke regarding the five-year extension to the natural gas franchise for CoServ. He advised that CoServ is one of two companies that provide natural gas services to the citizens of Plano and the five-year extension mirrors the five-year extension granted last year to Atmos. Mr. Israelson stated there are no current legislative or legal issues outstanding that would prohibit the City from extending the contract and there would be an additional hearing in accordance with the Charter to amend the franchise. Mr. Israelson spoke regarding the four-percent of Plano citizens served by CoServ. First Assistant City Attorney, Gilliam clarified there has to be a thirty-day minimum between the first and second reading.

Upon a motion made by Council Member Ellerbe and seconded by Mayor Pro Tem Magnuson, The Council voted 7-0 to amend Section I of Ordinance No. 98-9-32 to extend the franchise granted to CoServ Gas for the transporting, delivery, sales, and distribution of gas in and out of, and through the City of Plano which is set to expire on or about November 23, 2007; and providing a repealer clause, a severability clause and an effective date to adopt Ordinance No. 2007-4-26.

There being no further discussion, Mayor Pro Tem Johnson adjourned the meeting at 7:54 p.m.

Scott Johnson, Mayor Pro Tem

ATTEST:

Kristy Land, Assistant City Secretary