

PLANO CITY COUNCIL

June 9, 2008

COUNCIL MEMBERS

Pat Evans, Mayor
Jean Callison, Mayor Pro Tem
Harry LaRosiliere, Deputy Mayor Pro Tem
Pat Miner
Scott Johnson
Mabrie Jackson
Sally Magnuson
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 convened the Council into the Regular Session on Monday, June 9, 2008, at 7:00 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Jack Schneider with St. Paul Lutheran Church.

The Pledge of Allegiance was led by Representatives of the Boys & Girls Clubs of Collin County Plano.

Mayor Evans presented a proclamation for National Scoliosis Awareness Month. Mayor Evans received a presentation to the City of Plano for the Texas Municipal Library Directors Association 2008 Achievement of Excellence in Libraries Award.

BOARD AND COMMISSION REPORT

Joyce Beach, Transition and Revitalization Chair, spoke to creation of the Commission in 2000 to address revitalization and enhancement issues on a City-wide basis. Ms. Beach spoke to the Workforce Housing Study adopted in 2006, issues with the housing being older and less energy efficient, and the Reinvestment Program on hold. She spoke to the PlanoHomeSmart.org website providing resources for making homes more energy efficient and sustainable and ideas and resources for home reinvestment. Ms. Beach provided a Plano at Maturity update and spoke to the economic and demographic changes. She spoke to diverse composition of the Commission's members and stated they have a good mix of members, some with a long history in Plano, others with a good history somewhere else, but a new perspective. Council Member Miner thanked the Commission for their continued good work and ideas.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Staff requested to pull Consent Agenda Item "B."

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 8-0 to approve all remaining items on the Consent Agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

May 27, 2008

Approval of Expenditures

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

Bid No. 2008-107-B for Traffic Signal Mesh Network to Roadway Solutions in the amount of \$83,850. [Consent Agenda Item (B)] (Exhibit "A") (Item pulled)

Bid No. 2008-151-C for Environmental Waste Truck Parts (2) to Heil of Texas in the estimated annual amount of \$37,051 and RLS Services Inc. in the estimated annual amount of \$79,757. This will establish an annual fixed price contract with three optional one-year renewals. [Consent Agenda Item (C)] (Exhibit "B")

Bid No. 2008-153-C for an Annual Fixed Price Contract for the rental of automobiles to Enterprise Leasing Company of DFW in the estimated annual amount of \$159,000. This will establish a one-year contract with two City optional one-year renewals. [Consent Agenda Item (D)] (Exhibit "C")

CSP No. 2008-67-C for Credit Card Payment Processing System in the estimated annual amount of \$382,000 and authorizing the City Manager to execute all necessary documents. This will establish an annual fixed price contract, with three optional one-year renewals. [Consent Agenda Item (E)] (Exhibit "D")

Approval of Contract

To approve an Engineering Services Contract by and between the City of Plano and GSWW, Inc., in the amount of \$172,580 for design of Ridgewood Water Infrastructure Rehabilitation and authorizing the City Manager to execute all necessary documents. This project includes rehabilitation of approximately 10,251 feet of 6-inch and 8-inch water lines at fifteen locations. [Consent Agenda Item (F)]

To approve the terms and conditions of an Engineering Services Contract by and between the City of Plano and Freeman-Millican, Inc. in the amount of \$127,000 for the 14th Street and George Bush Turnpike Water Lines and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (G)]

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 Landscape and Irrigation Renovations on various parks, athletic fields, and median/right-of-way locations in the amount of \$302,000 from Dyna-Mist Corporation Company through an existing contract/agreement with Plano Independent School District (PISD), and authorizing the City Manager to execute all necessary documents. PISD CSP #3614 (City of Plano assigned Interlocal Contract No. 2005-212-I.) [Consent Agenda Item (H)]

To approve an expenditure authorizing the purchase of an IBM i520 in the amount not to exceed \$263,350 from Sirius Computer Solutions through the Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-286) [Consent Agenda Item (I)]

To approve an expenditure authorizing the purchase of a Power p520 and Mimix in the amount not to exceed \$54,850 from Sirius Computer Solutions through the Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-286) [Consent Agenda Item (J)]

Adoption of Resolutions

Resolution No. 2008-6-1(R): To approve the terms and conditions of an Amendment to an Agreement by and between the City of Plano and the Plano Independent School District for the placement of Wireless Electronics Equipment on Plano Independent School District Facilities; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2008-6-2(R): To approve the terms and conditions of a Second Amendment to Agreement by and between Integrian, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2008-6-3(R): To authorize Outside Employment with Southern Methodist University for the City Attorney, Diane Wetherbee; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2008-6-4(R): To find Brenda Mammel is entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Bobby Cole, Lance Haynes, and Allen West v. Brenda Mammel; and providing an effective date. [Consent Agenda Item (N)]

Resolution No. 2008-6-5(R): To approve the terms and conditions of a Discretionary Service Agreement by and between the City of Plano and Oncor Electric Delivery Company providing for the conversion of overhead electric facilities to underground along 15th Street from G Avenue to the DART Railway; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (O)]

Adoption of Ordinances

Ordinance No. 2008-6-6: To adopt and enact Supplement Number 82 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the code; and providing an effective date. [Consent Agenda Item (P)]

Ordinance No. 2008-6-7: To vacate Ordinance No. 2008-5-22, thereby rescinding the zoning designation of Planned Development-Regional Employment granted therein, and adopting this ordinance to correct a clerical error, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 40.2± acres located at the northeast corner of Dallas North Tollway and Plano Parkway, in the City of Plano, Collin County, Texas, From Regional Employment to Planned Development-200-Regional Employment; 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. (Zoning Case 2008-27) [Consent Agenda Item (Q)]

END OF CONSENT

Second Reading and adoption of Ordinance 2008-6-8 - To amend Ordinance No. 2006-8-10 between the City of Plano and Atmos Energy Corporation, a Texas and Virginia Corporation, to provide for a different consideration; providing for acceptance by Atmos Energy Corporation; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; providing a repealer clause, a severability clause, and an effective date. (First Reading held and approved 4-28-08) [Regular Agenda Item (1)]

Director of Customer and Utility Services Israelson spoke to amending the Atmos Energy Franchise Agreement to increase franchise fees from four to five percent resulting from a rate case settlement and negotiations. Mr. Israelson stated the franchise fees are paid by utility companies as rental payment for the use of public rights-of-way to deliver service and the fee is applied to gross revenue. He further stated the franchise fee has been in place since 1992 and since then property values have increased. Mr. Israelson spoke to the proposal generating an additional \$600,000 in City revenue. He also clarified from the previous reading that prior to deregulation, electric franchise fees were at five percent.

Upon a motion made by Council Member Magnuson and seconded by Council Member Dunlap, the Council voted 8-0 to amend Ordinance No. 2006-8-10 between the City of Plano and Atmos Energy Corporation, a Texas and Virginia Corporation, to provide for a different consideration; providing for acceptance by Atmos Energy Corporation; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law; providing a repealer clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2008-6-8.

Public Hearing adoption of Ordinance No. 2008-6-9 – To designate a certain area within the City of Plano as Reinvestment Zone No. 114 for a Tax Abatement consisting of a 16.0258 acre tract of land located at the southwest corner of Legacy Drive and Communications Parkway, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (2)]

Finance Director McGrane spoke to State law requiring a Public Hearing and establishment of a reinvestment zone prior to entering a tax abatement agreement with Diodes Inc. Mr. McGrane stated the tax abatement is for ten years at fifty percent for both real and business property which will result in additional employees, \$5.5 million business property and \$2 million of business personal property improvements.

Upon a motion made by Council Member Jackson and seconded by Council Member Magnuson, the Council voted 8-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 114 for a Tax Abatement consisting of a 16.0258 acre tract of land located at the southwest corner of Legacy Drive and Communications Parkway, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2008-6-9.

Resolution No. 2008-6-10(R): To approve the terms and conditions of an Agreement by and between the City of Plano, Texas, the County of Collin, Texas, and Diodes Incorporated, a Delaware corporation, and providing for a Real and Business Personal Property Tax Abatement, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (3)]

Finance Director McGrane restated the term will be for ten years at fifty percent for both real and personal property.

Upon a motion made by Council Member Dunlap and seconded by Council Member Johnson, the Council voted 8-0 to approve the terms and conditions of an Agreement by and between the City of Plano, Texas, the County of Collin, Texas, and Diodes Incorporated, a Delaware corporation, and providing for a Real and Business Personal Property Tax Abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2008-6-10 (R).

Resolution No. 2008-6-11(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Diodes Incorporated, a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (4)]

Finance Director McGrane summarized the agreement requirements and grant fund allocation in relation to the employment requirements from Diodes.

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Johnson, the Council voted 8-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Diodes Incorporated, a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2008-6-11(R).

Public Hearing and Consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2008-18 - Request for Specific Use Permit for Truck/Bus Leasing and Trailer Rental on one lot on 0.7± acre located on the west side of K Avenue, 500± feet south of Legacy Drive. Zoned Corridor Commercial. Applicant: Plano Auto Hospital [Regular Agenda Item (5)]

Planning Director Jarrell spoke to the appeal requiring three-fourths vote from Council for reversal and concerns regarding lack of additional parking spaces to accommodate the additional requested uses and the SUP applying in the future. She responded to Mayor Evans regarding parking needed for an auto repair facility and the lack of spaces.

Mayor Evans opened the Public Hearing. Kay Pinksterhaus, Plano Auto House representative, spoke to having the U-Haul dealership for almost three years and stated they do not feel they interfere with anyone's rights or how the property is handled in the area. Ms. Pinksterhaus spoke to meeting customer demands and their strong tax revenue's importance with sales tax revenues decreasing. She stated they are not opposed to an SUP with limitations that expire with the ownership of the property and will devote a required number of parking spaces to U-Haul. She responded to Council Member Jackson regarding parking arrangements and stated the larger trucks are parked in the fire lane. Council Member Jackson spoke to alternative parking north of the location and utilizing extra parking from the car wash. Mayor Evans closed the Public Hearing.

Ms. Jarrell responded to Council Member Dunlap regarding the issues of parking offsite and stated it is allowance under the Zoning Ordinance, but the adjacent property owners must have additional spaces to meet the needed parking requirements on a permanent basis and could be conceived as burdening adjacent property. She stated the case came to the Commission's attention through the Property Standards Department. Council Member Dunlap stated concern regarding parking in the fire lane.

Council Member Dunlap made a motion, seconded by Deputy Mayor Pro Tem LaRosiliere to deny the appeal. No vote was taken at this time. Mayor Evans and Council Member Magnuson spoke to considering additional time in efforts to address the issue and seeking alternatives. Council Member Jackson spoke to sales tax issues in relation to accommodating, and helping businesses. Deputy Mayor Pro Tem LaRosiliere spoke to the issue pertaining to land use and the land being used in an appropriate manner and to safety issues of parking in a fire lane. Ms. Jarrell spoke to the time frame of the case and responded to Council Member Jackson that staff looked for spaces on site but there was no room.

Council Member Dunlap restated the motion, seconded by Deputy Mayor Pro Tem LaRosiliere to deny the appeal of a request for Specific Use Permit for Truck/Bus Leasing and Trailer Rental on one lot on 0.7± acre located on the west side of K Avenue, 500± feet south of Legacy Drive. The Council voted 6-2 with Mayor Evans and Council Member Jackson in opposition. The Motion carried.

There being no further discussion, Mayor Evans adjourned the meeting at 7:46 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary