

**PLANO CITY COUNCIL**  
**January 26, 2009**

**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, January 26, 2009, 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 Associate Pastor Kelvin Foley of Prestonwood Baptist Church and The Pledge of Allegiance was led by Boy Scout Troop 2819 of Prestonwood Baptist Church

Mayor Evans presented a proclamation recognizing Heart Awareness Month – February, 2009

Mayor Evans recognized the service of members of the boards and commissions.

**COMMENTS OF PUBLIC INTEREST**

Citizen Norman Medlen stated concern regarding waterline and pavement reconstruction in his neighborhood. City Manager Muehlenbeck advised that he would respond to concerns.

**CONSENT AGENDA**

Council Member Jackson advised that due to possible conflicts of interest, she would be stepping down on Regular Agenda Item “1.”

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

**Approval of Minutes** [Consent Agenda Item (A)]  
January 12, 2009

**Approval of Expenditures**

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

**Bid No. 2009-22-C** for Oil and Lubrication Products awarded to Douglass Distributing in the estimated annual amount of \$9,017; Jack Ray & Sons Oil Company in the estimated annual amount of \$68,869; Sun Coast Resources in the estimated annual amount of \$7,284; Southwest Distributing Company in the estimated annual amount of \$11,356 and H & B Industries Inc. in the estimated annual amount of \$5,725. Total estimated annual amount is \$102,251. This will establish an annual fixed price contract. [Consent Agenda Item (B)] (See Exhibit "A")

**Bid No. 2009-36-B** for the Alley Reconstruction – 15<sup>th</sup> Place and Belcamp project to Estrada Concrete Co., LLC, in the amount of \$279,392. The project includes the removal and replacement of two existing curbed alleys. The first alley is located between 17<sup>th</sup> Street and 15<sup>th</sup> Place and the length of this curbed alley from P Avenue to Jupiter Road is approximately 2500 linear feet, and the proposed curbed alley will be 10 linear feet in width. The second alley is located between Belcamp Drive and Alma Drive and the length of this alley replacement is approximately 865 linear feet, and the proposed alley will be 12 linear feet in width. [Consent Agenda Item (C)] (See Exhibit "B")

**Purchase from an Existing Contract**

To authorize the purchase of Rooftop Split System AC Replacement for the Fire Administration Building in the amount of \$122,849 from Johnson Controls, Inc. through Texas Multiple Award System (TXMAS) contract, and authorizing the City Manager to execute all necessary documents. (TXMAS-5-03FAC020) [Consent Agenda Item (D)]

To authorize the purchase of the installation of the Security System and Intrusion Alarm System for Fire Station 12, EOC and Logistics Warehouse Complex in a "not to exceed" amount of \$151,263 from Certicom Security through Texas Multiple Award System (TXMAS) contract, and authorizing the City Manager to execute all necessary documents. (TXMAS-5-840120) [Consent Agenda Item (E)]

To approve of a contract/agreement to obtain Security Consulting Services from Internetwork Experts (INX), in the amount of \$65,916 through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-239) [Consent Agenda Item (F)]

To approve the purchase and installation of Communications Cabling for Fire Station No. 12/EOC/Fire Logistics Warehouse for \$198,532 from existing contract with Able Communications. (Contract No. 2007-147-C) [Consent Agenda Item (G)]

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

To approve an Engineering Contract by and between the City of Plano and Garver Engineers, LLC, in the amount of \$153,500 for the Westwood Drive – Janwood Drive to 15<sup>th</sup> Street project, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (H)]

**Approval of Change Order**

To Core Construction Services of Texas, Inc. increasing the contract by \$126,175 for Russell Creek Park and Carpenter Park Improvements, Project No. 5891, Change Order #1 (Bid No. 2008-234-B) [Consent Agenda Item (I)]

**Adoption of Ordinances**

**Ordinance No. 2009-1-9:** To delete in its entirety Subsection (d) of Section 21-215 Refunds of Chapter 21 Utilities of the Code of Ordinances of the City of Plano, Texas; and providing an effective date. [Consent Agenda Item (J)]

**Ordinance No. 2009-1-10:** To amend Article III, Hotel Occupancy Tax of Chapter 20, Taxation, of the Code of Ordinances of the City of Plano, Texas, redefining the term consideration; providing for audit cost recovery; providing penalties for late payment of taxes due; and providing a repealer clause, a severability clause, a penalty clause and an effective date. [Consent Agenda Item (K)]

**Ordinance No. 2009-1-11:** To amend Chapter 20, Article II, of the Code of Ordinances of the City of Plano, Texas, by adding a new Section 20-19, entitled “Charitable Organization Exemption”; providing a property tax exemption for qualified charitable organizations engaged primarily in performing religious, charitable, scientific, literary or educational functions; requiring a determination letter from the State Comptroller’s Office finding the organization is engaged primarily in performing religious, charitable, scientific, literary or educational functions; providing terms for the property tax exemption; providing a severability clause; and providing for an effective date. [Consent Agenda Item (L)]

**Adoption of Resolutions**

**Resolution No. 2009-1-12(R):** To grant Masonic Lodge No. 768 a Charitable Organization Exemption for a five (5) year period, and providing an effective date. [Consent Agenda Item (M)]

**Resolution No. 2009-1-13(R):** To amend Resolution No. 2008-11-23(R) to include Dallas Area Rapid Transit Authority (DART) to its 2009 Legislative Program; and providing an effective date. [Consent Agenda Item (N)]

**Resolution No. 2009-1-14(R):** To support legislation during the 81<sup>st</sup> Texas Legislative Session that encourages Underground Utility Line Relocation through financial incentives, grant funding

opportunities, and public-private partnerships, while also supporting the integrity of the City's right-of-way; and providing an effective date. [Consent Agenda Item (O)]

**Resolution No. 2009-1-15(R):** To approve the terms and conditions of a Second Modification of Contract by and between Able Communications, Inc. and the City of Plano, Texas for voice and data wiring; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (P)]

**Resolution No. 2009-1-16(R):** To approve the City of Plano's participation in "TEXPOOL," a public funds investment pool; designating authorized representatives and investment officers; and providing an effective date. [Consent Agenda Item (Q)]

**Resolution No. 2009-1-17(R):** To review and approve the City's written Public Funds Investment Policy; and providing an effective date. [Consent Agenda Item (R)]

**Resolution No. 2009-1-18(R):** To approve a legislative position on Rail North Texas, a primary rail program with supplemental roadway improvements and the creation of a Transportation Funding Area for the purpose of levying taxes or fees in order to generate revenue to fund rail and supplemental roadway improvements; authorizing the City Manager to effectuate such position. [Consent Agenda Item (S)]

#### **END OF CONSENT**

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

**Resolution No. 2009-1-19(R):** To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Bear Transportation Services, LP, a Delaware limited partnership; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (1)]

Director of Finance Tacke advised that the company is relocating to the Legacy Campus from Dallas; agrees to occupy 54,000 square feet of space by May 1, 2009 with expansion to 80,000 square feet by May 1, 2011; and to retain, transfer or create 290 jobs by May 1, 2009 with an increase to 350 by May 1, 2010, 420 by May 1, 2011 and 480 by May 1, 2012. She advised that the grant is in the amount of \$480,000 for the transfer and creation of up to 480 jobs to be administered pro-rata with a one time payment of \$144,000 for relocation expenses and creation of the initial jobs. Ms. Tacke responded to Council Member Dunlap that the generated tax revenue would be approximately \$26,000 per year.

Upon a motion made by Council Member Dunlap and seconded by Council Member Miner, the Council voted 7-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Bear Transportation Services, LP, a Delaware limited partnership; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2009-1-19(R).

Council Member Jackson resumed her place at the bench.

**Public Hearing and Consideration of an Appeal of the Planning and Zoning Commission's Denial of Zoning Case 2008-68** – Request to rezone 58.4± acres located at the southwest corner of Preston Road and Spring Creek Parkway from Planned Development-447-Retail/Multifamily Residence-2 to Planned Development-Retail. Zoned Planned Development-447-Retail/Multifamily Residence-2. Applicant: City of Plano [Regular Agenda Item (2)]

Director of Planning Jarrell advised the Council that Staff recommends acceptance of the property owner's request to withdraw the item from consideration and spoke to commission initiation of the request.

Mayor Evans opened the Public Hearing. Stephen DiNapoli, representing the property owner, spoke to concerns of the financing market and thanked Staff for their efforts. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Magnuson, the Council voted 8-0 to accept the property owner's withdrawal of the appeal of the Planning and Zoning Commission's Denial of Zoning Case 2008-68 – Request to rezone 58.4± acres located at the southwest corner of Preston Road and Spring Creek Parkway from Planned Development-447-Retail/Multifamily Residence-2 to Planned Development-Retail.

**Ordinance No. 2009-1-20:** To provide for the issuance and sale of City of Plano, Texas, Municipal Drainage Utility System Revenue Refunding and Improvement Bonds, Series 2009; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto. [Regular Agenda Item (3)]

Vice Chairman of First Southwest Company David Medanich spoke to receipt of the bonds on the market, an upgrade to AAA, the low average interest cost, refunding which saves the City \$260,000 and recommendation to award the bonds to low bidder Morgan Keegan & Co., Inc.

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 8-0 to provide for the issuance and sale of City of Plano, Texas, Municipal Drainage Utility System Revenue Refunding and Improvement Bonds, Series 2009; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto; and further to adopt Ordinance No. 2009-1-20.

**Ordinance No. 2009-1-21:** To provide for the issuance and sale of City of Plano, Texas, General Obligation Refunding and Improvement Bonds, Series 2009; levying a tax in payment thereof; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto. [Regular Agenda Item (4)]

Vice Chairman of First Southwest Company David Medanich spoke to this item including \$12 mil in refunding bonds for a savings of \$1,351,032 and a recommendation to award the bonds to low bidder Robert W. Baird & Co., Inc.

Upon a motion made by Council Member Magnuson and seconded by Council Member Dunlap, the Council voted 8-0 to provide for the issuance and sale of City of Plano, Texas, General Obligation Refunding and Improvement Bonds, Series 2009; levying a tax in payment thereof; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto; and further to adopt Ordinance No. 2009-1-21.

**Ordinance No. 2009-1-22:** To provide for the issuance and sale of City of Plano, Texas, Tax Notes, Series 2009; levying a tax in payment thereof; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto. [Regular Agenda Item (5)]

Vice Chairman of First Southwest Company David Medanich advised the Council that the bids received were favorable and recommended awarding to low bidder Robert W. Baird & Co., Inc.

Upon a motion made by Council Member Miner and seconded by Mayor Pro Tem Callison, the Council voted 8-0 to provide for the issuance and sale of City of Plano, Texas, Tax Notes, Series 2009; levying a tax in payment thereof; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto; and further to adopt Ordinance No. 2009-1-22.

Mr. Medanich responded to the Council regarding the factors related to achieving and maintaining an AAA rating including the development of the City, its fiscal strength, diversification of its tax base, average wealth, and management. He responded to Council Member Johnson, advising that Plano is the only Texas city with three AAA ratings and that there may be only 30-40 nationally.

There being no further discussion, Mayor Evans adjourned the meeting at 7:31 p.m.

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**Pat Evans, MAYOR**

ATTEST:

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Diane Zucco, City Secretary