

PLANO CITY COUNCIL
April 10, 2006

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

STAFF

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

Mayor Evans convened the Council into the Regular Session on Monday, April 10, 2006, at 7:06 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Stahel.

The invocation was led by Pastor Gene Wilkes of Legacy Church.

The Pledge of Allegiance was led by Jr. Girl Scout Troop 383 of Service Unit 184.

Mayor Evans recognized Plano's 250,000th Resident, the Plano Senior High School Wildcat Basketball Team – 5A State Champions, and the National League of Cities – Inclusive Communities.

GENERAL DISCUSSION

Sharon Overall, citizen of the City, requested the City of Plano pull their support for tolling S.H. 121. She spoke to drivers on the limited number of tollroads in the state bearing the burden for other roadways and to raising the gas tax or implementation of a mileage fee.

Karen Marks, citizen of the City, requested recognition of the Marine Recruiting Station in Plano who recently won a competition.

Jack Lagos, citizen of the City, spoke to there being two Articles of Incorporation for the Arts of Collin County Commission and stated that an uncertified version was included in the original 501(c)(3) application to the Internal Revenue Service. He spoke to the likelihood that the certified audit is in error, stated it is unlikely that the 501(c)(3) status would be granted and requested the Council schedule an agenda item regarding these matters.

BOARD/COMMISSION REPORTS

Keep Plano Beautiful Commission Chair Ed Nally and Environmental Education and Community Outreach Supervisor Merchant advised the Council that the intent of the Commission is to help citizens take responsibility for enhancing their community through litter awareness and prevention and community beautification. They spoke to the Commission's goals of increasing community involvement and awareness through expanded public relations, creating a more beautiful and litter-free community and obtaining business and financial support. The Council thanked the Commission for their efforts and Ms. Merchant advised that 4.47 tons of trash were collected at the recent *Great American Cleanup* event. Mr. Nally spoke to the unusual pieces of trash collected at the event and thanked the City of their support of Commission programs.

Mayor Evans requested further information regarding cigarette litter receptacles requested for the downtown area.

CONSENT AGENDA

Upon a motion made by Mayor Pro Tem Johnson and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 6-0 to approve and adopt all items on the Consent Agenda as follows:

Approval of Minutes [Consent Agenda Item (A)]
March 27, 2006

Approval of Expenditures

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

Bid No. 2006-96-B for the Purchase of Two (2) Walk-Behind Pavement Breakers from Sunbelt Rentals in the amount of \$29,880. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. 2006-103-B for Oak Grove and Miscellaneous Drainage Improvements to Jim Bowman Construction Company, L.P. in the amount of \$146,914. The project consists of construction at four locations (Oak Grove Drive near Oak Vista Drive, alley south of Winona Drive, alley west of Maverick Drive and Spanish Trail at Mantissa Drive) to eliminate major erosion and flooding problems. [Consent Agenda Item (C)] (See Exhibit "B")

Bid No. 2006-104-B for the installation of approximately 155 lineal feet of 24-inch RCCP & 1,435 lineal feet of 18-inch RCCP water line along Stewart Avenue in the amount of \$459,800 from Jim Bowman Construction Co., L.P. This project consists of installation along Stewart Avenue from Plano Parkway to the City's water tank to the north, removal and disposal of existing concrete paving, installation of reinforced concrete pavement at tank site and along Stewart Avenue and installation of hydro mulch seeding and sodding. [Consent Agenda Item (D)] (See Exhibit "C")

Bid No. 2006-98-B for the Purchase of Five (5) 12 to 14 Yard Dump Trucks from Dallas Freightliner in the amount of \$333,850 for the Utility District and Streets Department. [Consent Agenda Item (E)] (See Exhibit "D")

Bid No. 2006-101-C for Custodial Supplies to Grainger Industrial Supply, Eagle Brush & Chemical, Inc., Empire Paper Co., and Corporate Express, Inc., in the total estimated annual amount of \$31,691. Thus will establish an annual fixed price contract with two optional one-year renewals. [Consent Agenda Item (F)] (See Exhibit "E")

Bid No. 2006-41-C for Administration of Summer Arts Program to ArtCentre of Plano in the amount of \$57,000. [Consent Agenda Item (G)] (See Exhibit "F")

Bid No. 2006-107-B, for 2005-06 Concrete Rehabilitation Project, Spring Creek Parkway & Chase Oaks Boulevard to Jim Bowman Construction Company, L.P. in the amount of \$793,685. This project involves the replacement of arterial street paving on Spring Creek Parkway between Custer Road and Central Expressway and on Chase Oaks Boulevard between Spring Creek Parkway and Central Expressway. [Consent Agenda Item (H)] (See Exhibit "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 two (2) Toro Groundsmaster 4500-D Mowers in the amount of \$86,405 from Professional Turf Products through the Texas Association of School Buyboard Purchasing Program and authorizing the City Manager to execute all documents necessary. (225-05) [Consent Agenda Item (I)]

To authorize the purchase of material testing services for Shiloh Road – Royal Oaks Drive to Parker Road in the amount of \$34,998 from Mactec Engineering & Consulting through a City of Plano contract, and authorizing the City Manager to execute all necessary documents. (D021-05) [Consent Agenda Item (J)]

To authorize the purchase of material testing services for the Tom Muehlenbeck Center in the amount of \$111,727 from GME Consulting Services, Inc. through a City of Plano contract, and authorizing the City Manager to execute all necessary documents. (Contract No. 2005-265-D) [Consent Agenda Item (K)]

To authorize the purchase of network servers in an amount not to exceed \$700,000 from IBM Direct and Hewlett Packard through the Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (IBM Direct DIR-SDD-190 and HP DIR-VPC-03-006). [Consent Agenda Item (L)]

To authorize the purchase of 2,000 licenses for Altiris Service Asset Management Suite from Dell Inc., in the amount of \$35,820 through the Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-SDD-192). [Consent Agenda Item (M)]

To authorize the purchase of Cheyenne Park Landscape Irrigation Renovations and Repair and Preston Meadow Park Maintenance Services in an amount not to exceed \$208,960 from Dyna-Mist Construction Company, Inc. through a Plano Independent School District (PISD) contract, and authorizing the City Manager to execute all necessary documents. CSP 3614 [Consent Agenda Item (N)]

Adoption of Resolutions

Resolution No. 2006-4-1(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, and the North Central Texas Council of Governments for the funding of a Green Living in Plano Residential Education Campaign; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2006-4-2(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, and the North Central Texas Council of Governments for the funding of the Organic Recycling/Composting with Biodegradable Plastic Bags Program; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (P)]

Resolution No. 2006-4-3(R): To approve the dedication of a 0.807 acre tract of land owned by the City of Plano, Texas for dedication as a public right-of-way for Bright Star Way, said parcel situated in the J.O. Straughan Survey, Abstract No. 825, in the City of Plano, Collin County, Texas; and providing an effective date. [Consent Agenda Item (Q)]

Resolution No. 2006-4-4(R): To approve and authorize refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (R)]

Adoption of Ordinances

Ordinance No. 2006-4-5: To adopt and enact Supplement Number 73 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 (S)]

END OF CONSENT

Public Hearing and adoption of Ordinance No. 2006-4-6 as requested in Zoning Case 2006-03 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 574 so as to allow the additional use of Day Care Center on 0.1± acre of land located 500± feet east of Preston Road and 1,400± feet north of Park Boulevard in the City of Plano, Collin County, Texas, presently zoned Retail; 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. Applicant: Adventure Kids Playcare [Regular Agenda Item (1)]

Director of Planning Jarrell advised the Council that the request is for a “drop-in” day care center and that the Planning and Zoning Commission recommended approval subject to the day care providing for less than four hours and that the facility may operate multiple sessions of four hours or less in length. She further advised that the Planning and Zoning Commission recommended waiving the requirement for outdoor play space. Ms. Jarrell responded to Deputy Mayor Pro Tem Magnuson that there is no distance requirement between a day care center and facilities that provide alcohol and stated that should someone else wish to occupy the space and have full-time care, they would need to amend the specific use permit and provide play space.

Ms. Jarrell spoke to enforcement of time limitations on a complaint basis and stated that establishments must also comply with state regulations for licensing. She further reviewed another retail location that was converted to a day care facility.

Mayor Evans opened the Public Hearing. Ashley Munn, with Adventure Kids Playcare, spoke to the facility offering drop-in services for stay-at-home mothers along with evening care. She stated that the number of children would be dictated by state regulations and that she anticipates it would be under 100. Ms. Munn advised that the four-hour restriction would be monitored by computer software and parents would be contacted and assessed additional charges if they exceeded the time limit. She spoke to staff ratio and advised that they would be first aid and CPR certified. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 6-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 574 so as to allow the additional use of Day Care Center on 0.1± acre of land located 500± feet east of Preston Road and 1,400± feet north of Park Boulevard in the City of Plano, Collin County, Texas, presently zoned Retail as requested in Zoning Case 2006-03 and as recommended by the Planning and Zoning Commission; 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. 2006-4-6.

There being no further discussion, Mayor Evans adjourned the meeting at 8:15 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary