

PLANO CITY COUNCIL
April 14, 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, Deputy City Manager
Bruce Glasscock, Deputy City Manager
Rod Hogan, Deputy City Manager
Mark Israelson, Assistant City Manager
LaShon Ross, Assistant City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Evans convened the Council into the Regular Session on Tuesday, April 14, 2009, at 7:04 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Deputy Mayor Pro Tem LaRosiliere. The Pledge of Allegiance was led by Jr. Girl Scout Troop 1688 of St. Mark's Catholic School.

Mayor Evans presented Special Recognitions for World Autism Awareness; COP Swimmers – Plano Champions; USA Table Tennis National Tournament – Plano Champions; and Plano Football Champions.

Mayor Evans presented a Certificate of Appreciation to Bryan K. Gallerson for his service on the Civil Service Commission.

COMMENTS OF PUBLIC INTEREST

Greg Sowell, citizen of the City, stated concern regarding delivery of unsolicited information and requested Council guidance to curtail the practice. City Attorney Wetherbee advised that there is an ordinance in place providing for no solicitation on premises where notice is posted and enforcement when individuals are identified. She spoke to state law's requirement to show responsibility for conduct and recommended Mr. Sowell contact the distributors and request to be removed from their lists.

CONSENT AGENDA

Council Member Dunlap requested that Consent Agenda Item “C” be removed for individual consideration due to a possible conflict of interest.

Staff advised that Consent Agenda Items “F” and “P” will be pulled and held.

Upon a motion made by Council Member Magnuson and seconded by Council Member Dunlap, 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 23, 2009

Approval of Expenditures

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

Bid No. 2009-61-C for replacement of Water Mains and Services and addition of Fire Hydrants to Morrison Supply Company, Ferguson Waterworks, Texas Water Products, ACT Pipe and Supply, and Mainline Water Supply in the amount of \$127,333. This is for an annual contract with three city optional renewals. [Consent Agenda Item (B)]

Bid No. 2009-79-B for 2008-2009 Residential Concrete Pavement Rehabilitation Project – Zone I4 to Hencie International, Inc. in the amount of \$1,649,872. This project involves the replacement of residential street and alley pavement, curb and gutter, sidewalk repair and barrier free ramp construction, in Zone I4 which is bounded by Park Boulevard, Coit Road, Parker Road and Independence Parkway. [Consent Agenda Item (C)]

Purchase from an Existing Contract

To approve the purchase of Site and Building Improvements to the Day Labor Center in the amount of \$214,558 from Kellogg Brown and Root Services, Inc. through an existing contract/agreement with The Cooperative Purchasing Network (TCPN), and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R4895) [Consent Agenda Item (D)]

To approve the purchase of Improvements to Restrooms at the W. O. Haggard Jr. Library in the amount of \$141,049 from Kellogg Brown and Root Services, Inc. through an existing contract/agreement with The Cooperative Purchasing Network (TCPN), and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R4895) [Consent Agenda Item (E)]

To authorize the purchase and installation of System Asset Management System Software, in the amount of \$119,606 from Cima Solutions Group, LTD, through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-841) [Consent Agenda Item (F)] (Pulled and held)

Adoption of Resolutions

Resolution No. 2009-4-1(R): To ratify an expenditure for emergency repairs to the pump shafts and leaking check valves at the Ridgeview Pump Station Expansion; authorizing the execution of any and all documents in connection therewith by the City Manager; and providing an effective date. [Consent Agenda Item (G)]

Resolution No. 2009-4-2(R): To deny CoServ Gas Ltd.'s requested rate changes; authorizing intervention in any necessary proceedings affecting City's interests before administrative or judicial bodies; requiring reimbursement of reasonable legal and consultant expenses; finding that the meeting at which this resolution is adopted is open to the public as required by law; requiring delivery of this resolution to the company and legal counsel, and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2009-4-3(R): To support joint application(s) for funds not to exceed \$2.3 million through the Texas Neighborhood Stabilization Program by the Plano Housing Corporation, Habitat for Humanity of South Collin County, and the City of Plano and declaring an effective date. [Consent Agenda Item (I)]

Resolution No. 2009-4-4(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 its execution by the City Manager; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2009-4-5(R): To approve the terms and conditions of a contract by and between Digital Safety Technologies, Inc., and the City of Plano, Texas for completion of the Police Department digital video recording distributed network system and maintenance for one year; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2009-4-6(R): To approve the sale or disposal of an asset whose value exceeds \$50,000 by the dedication and conveyance of property to North Texas Municipal Water District, as adopted in the Agreement by and between the City of Allen, Texas, the City of Frisco, Texas and the City of Plano, Texas, pertaining to the creation of a Performance Arts Center in Collin County, Texas; providing a severability clause; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2009-4-7(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, providing for the design and construction of the US 75 Ramp Improvement Project; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Adoption of Ordinances

Ordinance No. 2009-4-8: To amend Ordinance No. 2009-2-13, codified as Chapter 4, Animal Regulations, Code of Ordinances of the City of Plano by amending the definition of Dangerous Animal in Section 4-100; by adding Section 4-809, Private Animal Sales; by amending Section 4-901, Impoundment Pending Hearing; by amending Section 4-902, Hearing; by amending Section 4-906, Appeal; and a repealer clause; a severability clause; a penalty clause; a savings clause; providing an effective date; and providing for publication. [Consent Agenda Item (N)]

Ordinance No. 2009-4-9: To repeal Ordinance No. 96-9-7 codified at Article VI. Parades of Chapter 19 of the Plano Code of Ordinances; and providing an effective date. [Consent Agenda Item (O)]

To amend Section 3-6 of Chapter 3. Alcoholic Beverages of the Code of Ordinances of the City of Plano regarding consumption or possession of an open container of alcoholic beverage in certain public places, providing a repealer clause; a savings clause; a severability clause; a penalty clause; and providing an effective date. [Consent Agenda Item (P)] (Pulled and held)

Ordinance No. 2009-4-10: To amend Section 11-146 of Article IV. Peddlers and Solicitors of Chapter 11. Licenses and Business Regulations of the Code of Ordinances of the City of Plano to require commercial solicitors to carry valid photo identification; providing a repealer clause, a savings clause; a severability clause; a penalty clause; and providing an effective date. [Consent Agenda Item (Q)]

Ordinance No. 2009-4-11: To add Section 12-104.6 to Chapter 12, Motor Vehicles and Traffic, of the City of Plano Code of Ordinances to prohibit parking in public lots in the downtown area at any time adjacent to a curb that is painted yellow and designated “No Parking”; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (R)]

Ordinance No. 2009-4-12: To adopt and enact Supplement Number 85 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

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

Bid No. 2009-79-B for 2008-2009 Residential Concrete Pavement Rehabilitation Project – Zone I4 to Hencie International, Inc. in the amount of \$1,649,872. This project involves the replacement of residential street and alley pavement, curb and gutter, sidewalk repair and barrier free ramp construction, in Zone I4 which is bounded by Park Boulevard, Coit Road, Parker Road and Independence Parkway. [Consent Agenda Item (C)]

Bid No. 2009-79-B (cont'd)

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Jackson, the Council voted 7-0 to approve Bid No. 2009-79-B for 2008-2009 Residential Concrete Pavement Rehabilitation Project – Zone I4 to Hencie International, Inc. in the amount of \$1,649,872.

Council Member Dunlap resumed his place at the bench.

Ordinance No. 2009-4-13: 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 \$31,936; providing a severability clause and an effective date. [Regular Agenda Item (1)]

Heritage Preservation Officer Casso spoke regarding the tax exemption incentive program helping to cover costs for preserving and maintaining heritage resources and advised that the exemption is based only on the value of improvements. She spoke to the annual maintenance survey and follow-up which requires basic issues to be addressed by January 15 of each year to allow time for review by the Heritage Commission and notification to taxing entities. Ms. Casso spoke to notification provided to property owners including photographs and advised that of the 73 properties surveyed, 66 are recommended for exemptions and two have appealed the Commissions denial including 900 – 17th Street which is in need of paint touch ups and 1022 East 15th Street which is in need of paint touch ups and a repair of the downspout.

Council Member Magnuson motioned to approve the recommendation and Council Member Miner seconded. No vote was taken at this time.

Kevin Whelan, representing the owner of the appealed properties, spoke to work being completed and requested consideration of the tax exemption. Long Range Planning Manager Zimmerman spoke to the need to provide timely information to the Collin County Appraisal District and concern regarding consideration of others who were denied an exemption. City Attorney Wetherbee advised that the exemption is based on the Council's decision rather than the appraisal district. Mr. Zimmerman spoke to possible exceptions when there are extenuating circumstances, a one-year timeframe for minor repairs, notices provided, and the Commission's decision to adhere to the deadline. He further advised that the final decision is made by the Council and stated that a delay would impact notification to the appraisal district. Mr. Whelan spoke to improvements on the interior of the restaurant located in Downtown Plano. Ms. Magnuson spoke to there being sufficient time to address concerns.

Upon a motion made by Council Member Magnuson and seconded by Council Member Miner, 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 \$31,936; providing a severability clause and an effective date; and further to adopt Ordinance No. 2009-4-13.

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

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary