

PLANO CITY COUNCIL
May 24, 2010

COUNCIL MEMBERS

Phil Dyer, Mayor
Lee Dunlap, Mayor Pro Tem
Pat Miner, Deputy Mayor Pro Tem
Ben Harris
André Davidson
Lissa Smith
Harry LaRosiliere
Jean Callison

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Deputy City Manager
Bruce Glasscock, Deputy City Manager
Mark Israelson, Assistant City Manager
LaShon Ross, Assistant City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary
Alice Snyder, Assistant City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, May 24, 2010, at 7:03 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Reverend Edlen Cowley of St. Andrew United Methodist Church and the presentation of colors and Pledge of Allegiance was led by American Legion Post 321 Honor Guard.

Mayor Dyer provided Special Recognitions to Plano Student Ambassadors and Julianna Gonzales, Presidential Management Fellow.

Comments of Public Interest

Citizen of the City James R. Davis spoke to the lack of accountability for the Plano African American Museum and requested the City develop higher performance standards and only provide funding if museum leadership can provide a strategic plan and performance benchmarks that helps ensure that genuine progress is being made. Citizen of the City T.J. Johnson urged the City to suspend negotiations and not approve the contract with the Boys & Girls Club for operation and management of the Douglass Community Center. She spoke to the Boys & Girls Club focus on programs and services for youth and teens with the center representing a gathering place for all. Ms. Johnson requested an agenda item to find a workable solution to balance the concerns of the community. Clarence Ford, Pastor of Hill Chapel, stated the whole of the citizenship of the Douglass Community cannot be served by the City divesting its interest from the center and turning over operations.

Citizen of the City Eleanor Evans spoke to taking away the hub of the Douglass Community and requested the Council not approve any proposed contract with the Boys & Girls Club. Citizen of the City Pamela Payne spoke to the need for the center to act as a City-funded place for all people and tax-paying citizens. Pastor Sam Fenceroy, Sr. Pastor with Mt. Olive Church spoke of how everything runs through the Douglass Community Center as the heart of the community. Citizen of the City Ralph Williams requested the Council refrain from entering into any type of contract with the Boys & Girls Club or any other organization to take over any management and operation of the Douglass Community Center without further investigation. He spoke to focusing on making the center more available to the rest of the community through advertising and requested an agenda item so that the Council can work with the community. Mayor Dyer advised that there will be a future agenda item.

Consent Agenda

Upon the request of Mayor Pro Tem Dunlap, Consent Agenda Items “B,” “G,” and “H” were removed for individual consideration due to possible conflicts of interest.

Upon the request of Council Member Davidson, Consent Agenda Item “F” was removed for individual consideration due to a possible conflict of interest.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member 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”)
May 10, 2010

Approval of Expenditures

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

Bid No. 2010-109-B for the purchase of one (1) One Ton Extended Cab/Chassis w/Utility Body and Valve Operator for the Fleet Department to be utilized by Utility Operations from Planet Ford in the amount of \$51,198 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Bid No. 2010-62-C for a one (1) year contract with three (3) optional one year renewals for the purchase of Ammunition for the Police Department; to Precision Delta Corp in the estimated annual amount of \$5,482, GT Distributors Inc. in the estimated annual amount of \$19,820, and Barney's Police Supplies in the estimated annual amount of \$76,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Bid No. 2010-98-B for the purchase of three (3) 3/4 Ton Utility Trucks, one (1) 1/2 Ton PU, one (1) 3/4 Ton PU, and one (1) One Ton Crew Cab Utility Body PU for the Fleet Department to be utilized by Pumping Facilities, Meter Services, and Streets from Caldwell Country Chevrolet in the amount of \$160,909 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Bid No. 2010-117-B for Erosion Control Pittman Creek Rehabilitation and DART R.O.W. Retaining Wall project to Austin Filter Systems, Inc., in the amount of \$939,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

Purchase from an Existing Contract

To approve the purchase and installation of playground equipment for Douglass Community Center and Daycare and Hackberry Park in the amount of \$172,527 from Miracle Recreation Equipment Company through an existing contract with PISD and authorizing the City Manager to execute all necessary documents (2008-51-I/PISD #2007-071). (Consent Agenda Item “J”)

To approve the purchase of mobile computer workstations for the Police Department in the amount of \$279,118 from Motorola Inc. through an existing contract/agreement with Texas Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1304) (Consent Agenda Item “K”)

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 Huitt-Zollars, Inc. in the amount of \$448,635 for the Preston Road Corridor project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “L”)

Approval of Contract Modification

To approve and authorize Contract Modification No. 1 for the purchase of Professional Engineering Services for the Drainage Improvements – Briarwood, Liverpool & Stoney Point project in the amount of \$36,400 from Lam Consulting Engineering. This modification will provide for the design of drainage improvements in the 3200 & 3300 blocks of Greenbriar Lane. (Consent Agenda Item “M”)

To approve and authorize Contract Modification No. 1 for additional design services for Ridgewood Water Infrastructure Rehabilitation project in the amount of \$68,000 from GSWW, a Division of Burgess & Niple, Inc. This modification will provide for the design of paving improvements at several locations of the project. (Consent Agenda Item “N”)

Adoption of Resolutions

Resolution No. 2010-5-10(R): To ratify the terms and conditions of an interim contract by and between Republic Waste Services, Inc. D/B/A Allied Waste Services and the City of Plano for residential recycling processing services, approving its execution by the City Manager, and providing an effective date. (Consent Agenda Item “O”)

Resolution No. 2010-5-11(R): To authorize the purchase of the AgileMesh networked video surveillance system and maintenance support from AgileMesh, a sole-source provider, in the amount of \$112,950 for use by the Plano Police Department; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase; and providing an effective date. (Consent Agenda Item “P”)

Resolution No. 2010-5-12(R): To nominate Rent-A-Center Texas, L.P. to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank for designation as an Enterprise Project under the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Texas Government Code, Chapter 2303; and providing an effective date. (Consent Agenda Item “Q”)

Resolution No. 2010-5-13(R): To affirm the appointment of a board member to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors as provided in Chapter 452 of the Texas Transportation Code and providing an effective date. (Consent Agenda Item “R”)

Resolution No. 2010-5-14(R): To affirm the appointment of a shared board member with the Cities of Cockrell Hill, Dallas, and Glenn Heights to serve on the Dallas Area Rapid Transit Authority (DART) Board of Directors as provided in Chapter 452 of the Texas Transportation Code and providing an effective date. (Consent Agenda Item “S”)

Adoption of Ordinances

Ordinance No. 2010-5-15: To amend Section 12-73.1 of Chapter 12 Motor Vehicles and Traffic of the City of Plano Code of Ordinances; to enact school zones for summer school sessions; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “T”)

END OF CONSENT

Due to possible conflicts of interest, Mayor Pro Tem Dunlap stepped down from the bench on the following items which were considered concurrently.

Bid No. 2010-110-B for Bluebonnet Hike & Bike Trail Extension to Ratliff Hardscape, Ltd. in the amount of \$597,015 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2010-120-B for Avenue R Reconstruction project to Jim Bowman Construction Company, LP, in the amount of \$330,429 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

Bid No. 2010-119-B for the 2009-2010 Pavement Maintenance Project, Phase II - 18th Street, Cross Bend Road, Enterprise Drive, Mission Ridge Road, Silverstone Drive, and Westwood Drive to Jerusalem Corporation, Inc. in the amount of \$597,593. (Consent Agenda Item “H”)

Upon a motion made by Council Member Callison and seconded by Council Member Harris, the Council voted 7-0 to approve Bid No. 2010-110-B for Bluebonnet Hike & Bike Trail Extension to Ratliff Hardscape, Ltd. in the amount of \$597,015; Bid No. 2010-120-B for Avenue R Reconstruction project to Jim Bowman Construction Company, LP, in the amount of \$330,429; and Bid No. 2010-119-B for the 2009-2010 Pavement Maintenance Project, Phase II - 18th Street, Cross Bend Road, Enterprise Drive, Mission Ridge Road, Silverstone Drive, and Westwood Drive to Jerusalem Corporation, Inc. in the amount of \$597,593.

Deputy Mayor Pro Tem Dunlap resumed his seat at the bench.

Due to possible conflicts of interest, Council Member Davidson stepped down from the bench on the following item.

RFQ No. 2010-3-C for a 5 year contract for EMS Medical Advisory Services for the Fire Department to Columbia Medical Center of Plano Subsidiary, L.P. d/b/a/ Medical Center of Plano in the amount of \$420,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member Smith, the Council voted 7-0 to approve RFQ No. 2010-3-C for a 5 year contract for EMS Medical Advisory Services for the Fire Department to Columbia Medical Center of Plano Subsidiary, L.P. d/b/a/ Medical Center of Plano in the amount of \$420,000.

Council Member Davidson resumed her seat at the bench.

Public Hearing and adoption of Ordinance No. 2010-5-16 as requested in Zoning Case 2010-04 to amend Subsection 2.822 (CB-1 - Central Business-1) and Subsection 2.823 (CE - Commercial Employment) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, regarding overhead utilities; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item “1”)

Ordinance No. 2010-5-16 (cont'd)

Planning Manager Firgens advised that this request was initiated by the Planning and Zoning Commission addressing the placement of overhead utilities underground and repealing the requirement for Commercial Employment (CE) and Central Business-1 (CB-1) as it is in overlay districts. She spoke to the substantial increase in the cost of placing lines underground as related to development costs, the Public Utility Commission preventing cities from requiring new lines underground, the importance of applying regulations consistently across the City, and the recommendation of approval from the Planning and Zoning Commission as follows:

Section 2.800 District Charts

Subsection 2.822 CB-1 - Central Business-1

6. Special Rules for CE and CB-1 Zoning

- e. ~~Electrical and/or communication utility lines shall be installed underground in compliance with utility service regulations as development or redevelopment occurs along all roadways (Type C or above). Exceptions to the above requirements are:~~
 - i. ~~Overhead placement is permitted along the southern right-of-way boundary of S.H. 121 and along the outside lanes of the Dallas North Tollway frontage roads for electrical distribution and communications lines sharing the same support structures. Single post concrete and/or steel support structures are required.~~
 - ii. ~~Existing overhead facilities, over 60,000 volts in capacity, which follow existing routes, rights of way, and/or easements may remain and may be repaired, replaced or upgraded.~~

Subsection 2.823 CE - Commercial Employment

7. Special Rules for CE and CB-1 Zoning

- e. ~~Electrical and/or communication utility lines shall be installed underground in compliance with utility service regulations as development or redevelopment occurs along all roadways (Type C or above). Exceptions to the above requirements are:~~
 - i. ~~Overhead placement is permitted along the southern right-of-way boundary of S.H. 121 and along the outside lanes of the Dallas North Tollway frontage roads for electrical distribution and communication lines sharing the same support structures. Single post concrete and/or steel support structures are required.~~
 - ii. ~~Existing overhead facilities, over 60,000 volts in capacity, which follow existing routes, rights of way, and/or easements may remain and may be repaired, replaced, or upgraded.~~

Mayor Dyer opened the Public Hearing. No one appeared to speak for or against the item. The Public Hearing was closed.

Ordinance No. 2010-5-16 (cont'd)

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Miner, the Council voted 8-0 to amend Subsection 2.822 and Subsection 2.823 of Section 2.800 of Article 2 and related sections of the Comprehensive Zoning Ordinance of the City, regarding overhead utilities; as requested in Zoning Case 2010-04 and as recommended by the Planning and Zoning Commission and further to adopt Ordinance No. 2010-5-16.

Mayor Pro Tem Dunlap invited the public to attend the Memorial Day planned at the Plano Municipal Center.

There being no further discussion, Mayor Dyer adjourned the meeting at 7:49 p.m.

Phil Dyer, MAYOR

ATTEST:

Alice Snyder, Assistant City Secretary