

**PLANO CITY COUNCIL**  
**May 8, 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 LaRosilieri

**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, May 8, 2006, at 7:00 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 Sr. Pastor Gary Mueller of First United Methodist Church Plano.

The Pledge of Allegiance was led by Tiger Cub Scout Pack 1225 – Den 2 of Jackson Elementary School.

**ITEMS FOR INDIVIDUAL CONSIDERATION:**

**Public Hearing and adoption of Resolution No. 2006-5-1(R) to adopt the 2006-07 Action Plan**, including the Final Statement of Community Development Block Grant (CDBG) and HOME Program Objectives and Proposed Use of Funds for Program Year 2006-2007; and declaring an effective date. Tabled 04/24/06 [Regular Agenda Item (1)]

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member LaRosilieri, the Council voted 6-0 to remove the item from the table.

Community Relations Commission Chair Moss spoke regarding condensing the grant process which provides for a comprehensive review of all requests, one cycle for agencies and the commission and a reduction in the number of contracts for the City. She spoke to the criteria used for determining whether an agency is in the CDBG or Community Service Grant (CSG) group.

Ms. Moss advised regarding the total amount of funding available for public service funds and the requests received. She stated that the ratio of requested funding to the monies available was 65% for both CDBG and CSG. Ms. Moss spoke regarding additional funding provided by the Council following the hurricanes in 2005 and stated that this year's grants are comparative to pre-Katrina statistics.

Ms. Moss responded to Council Member LaRosiliere advising that three agencies were added to the CDBG category based on the amounts they requested. Neighborhood Services Manager Buffington spoke to the Plano Housing Authority not making a request last year and to Homeless Prevention being a City program, not an agency so that it would not comply with CSG requirements. Ms. Moss spoke to the Commission's focus on emergency services and to additional monies provided for shelter/food items following Hurricane Katrina with a resultant drop back to normal funding levels for this year. She spoke to the Commission providing specific direction with regard to those programs being funded by agencies.

Mr. Buffington responded to Council Member LaRosiliere advising that following Council's direction, CDBG funding is used primarily for housing and stated that the three agencies were added because their requests provided a ratio of 65% between requests and funding available. He spoke regarding the balance of emergency service requests between the two funding sources. Ms. Moss spoke to consideration of the merits of each request and the total dollars the Commission has to work with.

City Attorney Wetherbee clarified that following the Public Hearing, the Council would consider a resolution to adopt the Commission's Action Plan including a list of services funded. She stated that Mayor Evans would be stepping down for consideration of Christ United Methodist Church's portion of the recommendation and that she will do the same for Regular Agenda Item No. 3 (approval of agreements). Ms. Wetherbee stated that Regular Agenda Item No. 2 approves the filing of applications. She noted that Mayor Evans does not have a prohibited financial interest, but would step down based on her membership in the church.

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member LaRosiliere and seconded by Mayor Pro Tem Johnson, the Council voted 6-0 to adopt the 2006-07 Action Plan, including the Final Statement of Community Development Block Grant (CDBG) and HOME Program Objectives and Proposed Use of Funds for Program Year 2006-2007; and declaring an effective date and further to adopt Resolution No. 2006-5-1(R) with the exception of Christ United Methodist Church.

Mayor Evans stepped down from the bench on consideration of Christ United Methodist Church due to a possible conflict of interest.

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member Ellerbe, the Council voted 5-0 to approve the proposed use of funds for Program Year 2006-2007 for Christ United Methodist Church.

Mayor Evans resumed her place at the bench.

**Resolution No. 2006-5-2(R):** To authorize the filing of applications for federal funds in an amount not to exceed \$1,756,176 under the Housing and Community Development Act, the Home Investment Partnership Act, and the American Dream Downpayment Act; designating Thomas H. Muehlenbeck as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. Tabled 04/24/06 [Regular Agenda Item (2)]

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 6-0 to remove the request from the table.

Neighborhood Services Manager Buffington advised the Council that approval of this resolution authorizes the City to make application for the federal funds being discussed.

Upon a motion made by Mayor Pro Tem Johnson and seconded by Council Member Callison, the Council voted 6-0 to authorize the filing of applications for federal funds in an amount not to exceed \$1,756,176 under the Housing and Community Development Act, the Home Investment Partnership Act, and the American Dream Downpayment Act; designating Thomas H. Muehlenbeck as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date; and further to adopt Resolution No. 2006-5-2(R).

**Resolution No. 2006-5-3(R):** To approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Development Block Grant funds in the amount of \$713,454 and HOME funds in the amount of \$130,531 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date. Tabled 04/24/06 [Regular Agenda Item (3)]

Upon a motion made by Council Member Callison and seconded by Council Member LaRosiliere, the Council voted 6-0 to remove the item from the table.

Neighborhood Services Manager Buffington advised the Council that this item authorizes contracts with non-profit agencies. He stated that it would have no bearing on Community Service Grants as these will be brought for consideration after the budget hearings. City Attorney Wetherbee spoke to removing consideration of the request for Christ United Methodist Church to allow Mayor Evans to step down on that portion of the request.

**Resolution No. 2006-5-3(R) (cont'd)**

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Mayor Pro Tem Johnson, the Council voted 6-0 to approve the terms and conditions of agreements between the City of Plano and various community organizations, providing for the expenditure of Community Development Block Grant funds in the amount of \$713,454 and HOME funds in the amount of \$130,531 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-5-3(R) with the exception of Christ United Methodist Church.

Mayor Evans stepped down from the bench on consideration of Christ United Methodist Church due to a possible conflict of interest.

Upon a motion made by Mayor Pro Tem Johnson and seconded by Council Member LaRosiliere, the Council voted 5-0 to approve the terms and conditions of an agreement between the City of Plano and United Methodist Church.

Mayor Evans resumed her place at the bench.

Mayor Evans presented special recognition to the Council's Volunteer of the Month – Mabrie Jackson, the Plano Senior High School Wildcats Decathlon Team –State 5-A Champions, Marine Recruiters Station Plano Poolees, and Employee of the Year – Tony Han. She made presentations regarding the 2006 Outdoor Air Quality Poster Contest Winners and the 2006 Paul L. Standberry Scholarship Award. Mayor Evans read proclamations recognizing National Historic Preservation Month – 2006, American Legion Auxiliary Poppy Month – 2006, Neurofibromatosis Awareness Month – 2006 and Public Service Recognition Week – 2006. She recognized Don Wendell, Director of Parks and Recreation for his 25 Years of Service to the City of Plano.

**GENERAL DISCUSSION**

Sonja Hammar, citizen of the City, stated concern that the City's web site contains links to sites containing political endorsements and spoke regarding information provided on other cities' web sites. She requested the formation of a task force or an agenda item for discussion of the information requested by citizens. City Manager Muehlenbeck advised that while the City may have links to newspapers or other organizations that have made endorsements, the City site carries no political advertising or endorsements. He spoke to e-mail listserves created by the City to provide information to citizens automatically and the opportunity for citizens to pose questions via the internet. Mr. Muehlenbeck spoke to citizens directly contacting not only the Council but administrative staff and department heads. He advised that the City will continue to work to improve the web site and City Secretary Bealke spoke to providing adopted ordinances and resolutions on the site. Ms. Hammar spoke to including *Conflict of Interest* forms and looking into who is permitted to link into the City's web site.

Jack Lagos, citizen of the City, spoke regarding the Arts of Collin County property being listed as tax exempt in appraisal district records. He stated concern regarding the Articles of Incorporation being presented to the appraisal district, the Internal Revenue Service (IRS) in an application for 501(c)(3) charitable status and the County Commissioners as part of an application for grant funding. Mr. Lagos spoke the possible effect of rollback taxes and requested discussion. City Attorney Wetherbee advised that the Articles of Incorporation have been adopted by the three participating cities and spoke to the process for determination by the IRS which could take as long as nine to twelve months. She stated that the Arts of Collin County had filed within the time period required for them to be considered a not-for-profit organization and that they have complied in all respects of the law and can be treated as such.

### **BOARD/COMMISSION REPORTS**

Planning and Zoning Commission Chair Kalchthaler spoke regarding recent activities including work on the Comprehensive Plan, implementation of the Retail Study and review of the Traffic Impact Analysis Ordinance as well as parking and lot coverage regulations. She advised that since January 2006 the Commission has completed work on the Stormwater Management Plan and Infill Housing Study. She spoke to new issues and trends including redevelopment and revitalization, new housing types and revision to worksession rules allowing for more input from homeowners. Ms. Kalchthaler reviewed areas of redevelopment and spoke to the increase in requests for townhomes and condominiums. She spoke regarding zoning cases becoming more site specific and regarding the Commission's consideration of land use and not the applicant. Ms. Kalchthaler responded to the Council, stating that the residential component of redevelopment is increasing and spoke to adapting housing styles to the City's aging population and the challenges of addressing infill housing.

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

### **CONSENT AGENDA**

#### **Approval of Minutes** [Consent Agenda Item (A)]

April 24, 2006

#### **Approval of Expenditures**

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

**Bid No. 2006-95-C** for an annual fixed price contract for Professional Kitchen Personnel for Food Services at Plano Centre to Dixie Staffing in the estimated annual amount of \$35,000. This will establish a one year contract with two City optional one-year renewals. [Consent Agenda Item (A)]

**Bid No. 2006-113-B** for Emergency Outdoor Warning System FPU 4008 Front Panel Upgrade to SAFER Services Corporation in the amount of \$82,057. [Consent Agenda Item (A)]

**Bid No. 2006-128-C** for an annual fixed price contract for Public Works Mowing and Landscaping Services (Rebid) to Priority Landscape Management in the estimated annual amount of \$70,396. This will establish a one year contract with two City optional one year renewals for Public Works Mowing and Landscaping Services. [Consent Agenda Item (A)]

**Bid No. 2006-93-C** for an annual fixed price contract for Concrete Mix to Redi-Mix in the estimated annual amount of \$323,054. This will establish a one year contract with two City optional one year renewals for Concrete Mix. [Consent Agenda Item (A)]

**Bid No. 2006-114-B** for the Purchase of ten Heavy Duty Equipment Trailers from Red River Truck Repair and Big Tex Trailers in the amount of \$45,581. [Consent Agenda Item (A)]

**Bid No. 2006-124-C** for Auto & Truck Non-OEM Parts to Plano Auto Supply & Machine, Inc. in the estimated annual amount of \$100,000. This will establish an annual contract with a fixed percentage discount off list price, with two optional one-year renewals. [Consent Agenda Item (A)]

**Bid No. 2006-110-C** for an annual fixed price contract for Collection Services and Verification of Financial Responsibility Services to Municipal Services Bureau in the estimated annual amount of \$92,594. This will establish a one year contract with four City optional one year renewals for collection of outstanding fines and verification of Failure to Maintain Financial Responsibility cases for Municipal Courts. [Consent Agenda Item (A)]

**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 one Bobcat Skid Loader in the amount of \$28,741 from Bobcat Company through the Texas Association of School Board Cooperative Purchasing Program contract and authorizing the City Manager to execute all necessary documents. (225-05). [Consent Agenda Item (A)]

To authorize the purchase of three Kustom Signal Smart I Radar Trailers in the amount of \$30,124 from Kustom Signals, Inc. through the H-GAC Cooperative Purchasing Program contract and authorizing the City Manager to execute all necessary documents. (EF 04-05) [Consent Agenda Item (A)]

To authorize the purchase of IP based hardware and software upgrades to the telephone switching infrastructure for \$234,565 from Affiliated Communications through an existing Contract/Agreement with the Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-VPC-03-029) [Consent Agenda Item (A)]

To authorize the purchase and installation of personal computers and laptops with related software, in the amount not to exceed \$728,253 from Gateway Companies, Inc. through the Department of Information Resources (DIR) and authorizing the City Manager to execute all necessary documents. (DIR-VPC-03-016) [Consent Agenda Item (A)]

**Change Order: (Change to current City of Plano contract allowable under State law)**

To Northstar Construction, Inc., increasing the contract by \$100,749 for the 2004-2005 Arterial Concrete Replacement Project, Independence Parkway – S.H. 190 to Parker Road and Willow Bend Drive from Plano Parkway to Park Boulevard, Project No. 5592, Change Order No. 1, Bid No. B132-05.

**Reimbursement of Oversize Participation**

To approve and authorize reimbursement to Windhaven Development, Ltd. for oversize participation for paving improvements in Windhaven Parkway associated with the construction of Avignon on Windhaven in the amount of \$38,861.

**Adoption of Resolutions**

**Resolution No. 2006-5-4(R):** To approve the purchase of Paratech Pneumatic Shoring Rescue Equipment and High Pressure Air Bags in the amount of \$78,585 from Metro Fire Apparatus Specialists Inc., the sole source vendor of such equipment and services; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase; and providing an effective date.

**Resolution No. 2006-5-5(R):** To approve and authorize refunds of property tax overpayments; and providing an effective date.

**Resolution No. 2006-5-6(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 the Memorial Day Holiday period; authorizing the City Manager to execute any other documents necessary to effectuate the action taken; and providing an effective date.

**Resolution No. 2006-5-7(R):** To provide for a determination by the Plano City Council regarding the real estate transaction requested by the Board of Directors of the Central Appraisal District of Collin County; and providing an effective date.

**Resolution No. 2006-5-8(R):** To approve the dedication of a 0.0224 acre tract of land owned by the City of Plano, Texas for dedication as public right-of-way for 15<sup>th</sup> Street, said parcel situated in the Joseph Klepper Survey, Abstract No. 213, City of Plano, Collin County, Texas, and providing an effective date. The reconstruction of 15<sup>th</sup> Street from Avenue G to Avenue I requires additional right-of-way width (a total of 65 feet) for the planned roadway, sidewalk and landscape improvements.

### **Adoption of Ordinances**

**Ordinance No. 2006-5-9:** To amend, in its entirety, Article VIII. Special Events of Chapter 11 Licenses and Business Regulations of the Code of Ordinances of the City of Plano; related to definitions, fees, filing periods, applications, appeals, parking, police protection, insurance, and other related matters; providing a repealer clause, a savings clause, a severability clause; and providing an effective date.

**Ordinance No. 2006-5-10:** To amend Ordinance No. 2005-7-5 to clarify the frequency of fee revenues for linear and street crossing fees for licensed use of the City's Rights of Way; and providing a repealer clause, a severability clause, and an effective date.

**Ordinance No. 2006-5-11:** To amend Section 12-101, Prohibited on certain streets at all times, and adding Section 12-102.7, No stopping, standing, or parking during specified periods to Article V, Stopping, Standing, and Parking, Chapter 12, Motor Vehicles and Traffic, of the Plano Code of Ordinances to include additional parking restrictions along and upon specified portions of 16th Street and I Avenue within the City limits of the City of Plano; providing a penalty clause, a repealer clause, a severability clause, a savings clause, and an effective date.

**Ordinance No. 2006-5-12:** To abandon all right, title and interest of the City, in and to that certain 0.546 acre drainage easement recorded in County Clerk's File No. 94-0096715 of the Deed Records of Collin County, Texas and being situated in the John M. Salmons Survey, Abstract No. 815, located north of Parker Road and approximately 1700 feet east of Jupiter Road which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Standard Pacific of Texas, L.P., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date.

**Ordinance No. 2006-5-13:** To approve a Communications Facilities License Agreement by and between the City of Plano, Texas and Dallas MTA, L.P., a Texas Limited Partnership, d/b/a/ Verizon Wireless, requiring the use or taking of a portion of City of Plano public park land, known as the Wellington site; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date.

**Ordinance No. 2006-5-14:** To approve a Communications Facilities License Agreement by and between the City of Plano, Texas and Dallas MTA, L.P., a Texas Limited Partnership, d/b/a/ Verizon Wireless, requiring the use or taking of a portion of City of Plano public park land, known as Jack Carter Park; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date.

There being no further discussion, Mayor Evans adjourned the meeting at 8:48 p.m.

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**Pat Evans, MAYOR**

ATTEST:

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**Elaine Bealke, City Secretary**