

**PLANO CITY COUNCIL**  
**May 14, 2007**

**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  
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 directly into the Regular Session from the Preliminary Open Meeting on Monday, May 14, 2007, at 7:02 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 Rabbi Stefan Weinberg of Congregation Anshai Torah.

The Pledge of Allegiance was led by Cub Scout Pack 200, Den 10 of Christ United Methodist Church.

The Council resumed discussion of items from the Preliminary Open Meeting.

**Update on Water Issues**

Director of Public Works Foster spoke to the level of Lake Lavon being higher than it was one year ago and approaching conservation pool level and Lake Chapman being slightly lower than one year ago. He spoke to four entities that draw water out of Lake Chapman and it being four years since it was full. Mr. Foster spoke to level of rainfall received at Lake Lavon through April being more than normal and at Lake Chapman just under the normal level.

Mr. Foster spoke to the City using 926 million gallons less through April 2007 than the same period in 2006. He advised regarding a reduction of 35.5% in daily usage for the month of May, citizens doing a good job at conservation, and the definition of drought utilized by the North Texas Municipal Water District.

Mr. Foster spoke to the City being in Stage 3 restrictions until further decisions are made and to Plano exceeding the goal of a 5% reduction in consumption. Mayor Evans thanked citizens and Staff for their efforts. Mr. Foster responded to Council Member LaRosiliere regarding transfers of water from Lake Chapman.

### **Council Items for Discussion/Action on Future Agendas**

No items were discussed.

### **Consent and Regular Agendas**

No items were discussed.

### **Council Reports**

Mayor Pro Tem Johnson spoke regarding Council Members who attended the *Live Green in Plano Expo*, the excellent speakers and information provided and complimented Staff for putting the event together.

Mayor Evans spoke regarding AsiaFest, noting the great attendance and thanking those who developed the event. She spoke regarding the opening of the Lions Club Primary Care Clinic offered for those without health insurance.

Mayor Evans spoke to the Council's practice of rotating the positions of Mayor Pro Tem and Deputy Mayor Pro Tem based on seniority. She thanked Mayor Pro Tem Johnson and Deputy Mayor Pro Tem Magnuson for their service and spoke to Ms. Magnuson moving to Mayor Pro Tem and Ms. Callison to Deputy Mayor Pro Tem.

Mayor Evans presented Special Recognition: 2007 Employee of the Year- Heather Merchant and the 2007 Paul L. Standberry Scholarship Award. She read a proclamation for Public Service Recognition Week – 2007 and received a presentation from to the City of Plano from the Ben Thomas Family. Mayor Evans presented Special Recognition to Patrick Brunelle and Renee Kilpatrick along with Paul David Morgan – Recipient of National American Red Cross Health and Safety Services Award. She presented the 2007 Outdoor Air Quality Poster Contest Winners and read proclamations recognizing American Legion Auxiliary Poppy Month – 2007, National Salvation Army Week, and Lone Star Pet Adoptathon Weekend.

Mayor Evans administered oaths of office to Chris White for the Keep Plano Beautiful Commission and Sharon Marsh-Wyly for the Plano Transition and Revitalization Commission.

### **COMMENTS OF PUBLIC INTEREST**

Del Cannon, citizen of the City, spoke to continuing structural problems associated with his home and to there being no provision in the current ordinance to allow for temporary repairs. He spoke to the ordinance being abusively applied, inflexible and not addressing his situation.

### **BOARD AND COMMISSION REPORT**

Heritage Commission Chair Justin Nichols spoke to their primary responsibility to safeguard history and culture in the City of Plano and primary functions being designation review and recommendations, Certificate of Appropriateness review, tax exemption survey recommendations, and grant review/recommendations. He spoke to the continuing goal of the Board to make the processes more user-friendly and efficient.

Mr. Nichols spoke to designation review of both individual heritage resources and districts based on criteria contained in the Preservation Ordinance and Plan with there being two requests to amend existing designations and one for a new district in 2006. He advised that 26 Certificates of Appropriateness were approved in 2006 and to addressing the Tax Exemption Program to reduce subjectivity in the appraisal of properties, clearly communicate expectations and apply regulations uniformly. Mr. Nichols spoke to the 75 properties reviewed in 2006 with tax revenues remaining relatively stable.

Mr. Nichols spoke regarding a review of the grant program to make it more simple, effective, and to increase fiscal accountability. He spoke to increased line-item reporting to encourage accurate forecasts of costs from applicants and clearly defined subcategories to ensure consistency. He spoke to the almost \$600,000 granted by the City to the Plano Conservancy and Plano Heritage Association. Mr. Nichols spoke to pending amendments to the Heritage Preservation Ordinance including those to allow citizens to navigate the system more effectively. He recognized Staff for their support and spoke to the need for an update to the Preservation Plan. The Council spoke to consideration of the age of homes being designated.

Council Member Callison left the meeting at 8:32 p.m. and did not return.

### **CONSENT AGENDA**

Upon the request of Deputy Mayor Pro Tem Magnuson, Consent Agenda Item "A," Approval of Minutes, was removed for individual consideration.

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

**Approval of Expenditures**

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

**Bid No. 2007-83-C** for RSP-Retirement Security Plan Actuarial Services to Gabriel, Smith & Company in an estimated annual amount of \$26,500. This is a one-year contract with three city optional renewals. [Consent Agenda Item (B)] (See Exhibit "A")

**Bid No. 2007-107-C** for (DVR) Digital Video Recording System to Alliance Wireless Technologies, Inc. for an annual fixed price contract in the estimated amount of \$70,210 for Environmental Waste Services. Each renewal period, items will be ordered on an "as needed" basis within approved budget appropriation(s). [Consent Agenda Item (C)] (See Exhibit "B")

**CSP No. 2007-36-C** for Imaging Software, Hardware, and Services to VP Imaging, Inc. dba DocuNav Solutions, in the estimated annual amount of \$103,512. This will establish an annual fixed price contract, with three optional one-year renewals. [Consent Agenda Item (D)] (See Exhibit "C")

**Bid No. 2007-120-B** for the 2006-2007 Residential Concrete Pavement Rehabilitation Project, Zones J6S to Jerusalem Corporation in the amount of \$1,000,074. This project involves the replacement of street and alley pavement in the residential areas bounded by Spring Creek Parkway on the south, Custer Road on the east, Legacy Drive on the north, and Independence Parkway on the west. [Consent Agenda Item (E)] (See Exhibit "D")

**Bid No. 2007-121-B** for the 2006-07 Arterial Concrete Pavement Rehabilitation Project, 15<sup>th</sup> Street, to Hencie International in the amount of \$628,125. This project involves the replacement of arterial street paving, curb and gutter, sidewalk repair and barrier free ramp construction, on 15<sup>th</sup> Street between Coit Road and Central [Consent Agenda Item (F)] (See Exhibit "E")

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

To approve the terms and conditions of an architectural services contract by and between the City of Plano and Wiginton Hooker Jeffry, P.C. in the amount of \$434,505 for Plano Fire Station No. 13; and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (G)]

To approve a Landscape Architectural Services Agreement by and between the City of Plano and La Terra Studio, Inc. in the amount of \$35,150 for improvements at Russell Creek Park and authorizing the City Manager to execute all necessary documents. Project elements include renovation of the irrigation system in the northwest quadrant of the park, screened storage pads (two), speed hump replacement, concrete bleacher pads in the northwest quadrant, cricket pitch renovations, main entry drive repairs, and playing surface repairs in the northwest quadrant. [Consent Agenda Item (H)]

To approve a Landscape Architectural Services Agreement by and between the City of Plano and La Terra Studio, Inc. in the amount of \$125,500 for Cheyenne Park improvements and authorizing the City Manager to execute all necessary documents. Project elements include renovation of the irrigation system, storage pad, plaza renovations, backstop/dugout renovations, bleacher shade structures, parking lot renovations, loop trail, site furnishings, and signage. [Consent Agenda Item (I)]

**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 approve the purchase of Upgrade for Sun StorageTek Storage Area Network in the amount of \$43,268 from Sun Microsystems through an existing contract with the Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-SDD-503). [Consent Agenda Item (J)]

To approve the purchase of Servers and Storage for Police Departments Digital Video Recording (DVR) project in the amount not to exceed \$175,000 from Hewlett Packard through an existing contract with the Department of Information Resources, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-223). [Consent Agenda Item (K)]

To approve the purchase of FitLinxx Intelligent Exercise Solutions for the Tom Muehlenbeck Recreation Center in the amount of \$40,033 from FitLinxx through an existing contract/agreement with TXMAS, and authorizing the City Manager to execute all necessary documents. (TXMAS-7-78020). [Consent Agenda Item (L)]

To approve the purchase of fitness equipment and office furnishings for the Tom Muehlenbeck Recreation Center from Cybex (TXMAS-6-78010) for strength and cardio equipment in the amount of \$66,139; Plano Office Supply (TXMAS-3-7110250-13) for office furnishings in the amount of \$67,078; Plano Office Supply (Interlocal #2004-45-I) for chairs in the amount of \$19,508; Fitco (BuyBoard #261-07) for cardio and weight equipment in the amount of \$156,396; McKinney Office Supply (TXMAS-7-711040) for lounge seating in the amount of \$37,693 and StarTrac (TXMAS-7-78070) for cardio and equipment in the amount of \$40,228 through an existing contract /agreement with TXMAS, BuyBoard and Collin County Interlocal Contract, and authorizing the City Manager or his designee to execute all necessary documents. [Consent Agenda Item (M)]

**Adoption of Resolutions**

**Resolution No. 2007-5-4(R):** To approve and authorize the refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (N)]

**Resolution No. 2007-5-5(R):** To approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas and GE Healthcare IITS USA Corp., a New York Corporation, to promote state and local economic development and to stimulate business and commercial activity in the City and County, and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (O)]

**Resolution No. 2007-5-6(R):** To approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas, and Layered Technologies, Inc., a Texas Corporation, to promote state and local economic development and to stimulate business and commercial activity in the City and County, and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (P)]

**Resolution No. 2007-5-7(R):** To approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas and Sotherby Homes, and/or one of its affiliates, to promote state and local economic development and to stimulate business and commercial activity in the City and County; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (Q)]

**Resolution No. 2007-5-8(R):** To approve the terms and conditions of an Interlocal Agreement by and between City of Plano and University of Texas at Dallas for educational services at a fee not to exceed \$8,995; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (R)]

**Resolution No. 2007-5-9(R):** To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and the Collin County Community College District, providing terms and conditions for educational services, authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (S)]

**Resolution No. 2007-5-10(R):** To approve the terms and conditions of an “Application and Letter of Agreement for Construction Services” for relocating and protecting Southwestern Bell Telephone (SWBT) Fiber Trunk Cables along Plano Parkway due to sewer repairs; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (T)]

**END OF CONSENT:**

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

April 23, 2007

May 1, 2007- Meeting Regarding Plano Asian Community

May 1, 2007- Special Called Meeting

Deputy Mayor Pro Tem Magnuson spoke regarding revisions to the April 23, 2007 regular meeting minutes and to the May 1, 2007 Plano Asian Community minutes.

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member LaRosiliere, the Council voted 6-0 approve the minutes with revisions.

**Public Hearing and adoption of Ordinance No. 2007-5-11:** To designate a certain area within the City of Plano as Reinvestment Zone No. 108 for a Tax Abatement consisting of a 4.644 acre tract of land located approximately at the northeast corner of Tennyson Parkway and Bishop Road, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (1)]

Director of Finance McGrane introduced the item. 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 Ellerbe and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 6-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 108 for a Tax Abatement consisting of a 4.644 acre tract of land located approximately at the northeast corner of Tennyson Parkway and Bishop Road, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2007-5-11.

**Resolution No. 2007-5-12(R):** To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, Lincoln Brookdale Associates, LP, a Texas Limited Partnership and GE Healthcare IITS USA Corp., a New York Corporation, and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (2)]

Director of Finance McGrane clarified the terms of the abatement and advised that employment of 220 is anticipated and with a term for seven years.

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 an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, Lincoln Brookdale Associates, LP, a Texas Limited Partnership and GE Healthcare IITS USA Corp., a New York Corporation, and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2007-5-12(R).

**Public Hearing and adoption of Ordinance No. 2007-5-13 as requested in Zoning Case 2007-06** – To, amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 582 so as to allow the additional use of Private Recreation Facility on 1.1± acres of land located at the northeast corner of Los Rios Boulevard and Fitzgerald Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7; 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: Newmark Homes. [Regular Agenda Item (3)]

**Ordinance No. 2007-5-13 (cont'd)**

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommends approval of the request as submitted.

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 Ellerbe and seconded by Council Member LaRosiliere, the Council voted 6-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 582 so as to allow the additional use of Private Recreation Facility on 1.1± acres of land located at the northeast corner of Los Rios Boulevard and Fitzgerald Drive in the City of Plano, Collin County, Texas, presently zoned Single-Family Residence-7 as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-06; 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. 2007-5-13.

There being no further discussion, Mayor Evans adjourned the meeting at 8:38 p.m.

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**Pat Evans, MAYOR**

ATTEST:

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**Diane Zucco, City Secretary**