

PLANO CITY COUNCIL
June 14, 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

Mayor Dyer convened the Council into the Regular Session on Monday, June 14, 2010, at 7:03 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 Smith.

Mayor Dyer led the invocation and Pledge of Allegiance was led by Eagle Scouts of Troop 999 - Grace Presbyterian Church.

Mayor Dyer received presentation from the Plano Rotary Club of the "Battle of the Badges" Trophy and the American Public Works Re-Accreditation Certification.

Comments of Public Interest

No one appeared to speak.

Consent Agenda

Upon the request of Staff, Consent Agenda Item "L" was pulled from the agenda.

Upon the request of Deputy Mayor Pro Tem Dunlap, Consent Agenda Items "N" was removed for individual consideration due to possible conflicts of interest.

Upon the request of Council Member LaRosiliere, Consent Agenda Items "P" was removed for individual consideration.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison, the Council voted 7-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item “A”)

May 20, 2010
May 21, 2010
May 22, 2010
May 24, 2010

Approval of Expenditures

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

Bid No. 2010-129-B for the purchase of Steel Signal Poles and Anchor Bolts to be utilized by Traffic Operations to SANPEC, Inc. in the amount of \$106,612 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Purchase from an Existing Contract

To approve the purchase of four ultraviolet sanitation systems for aquatic facilities in the amount of \$128,440 from (Sunbelt Pools, Inc.) through an existing BuyBoard Contract and authorizing the City Manager to execute all necessary documents. (BuyBoard Contract Number: 288-08) (Consent Agenda Item “C”)

To approve the purchase of computer equipment in the amount of \$66,021 for the Department of Emergency Management from Dell Computer through an existing contract with Texas Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-SDD-890-TX) (Consent Agenda Item “D”)

To approve the purchase of office furniture in the amount of \$105,452 for the Department of Emergency Management from Plano Office Supply Company through existing agreements with Collin County Community College District and TXMAS, and authorizing the City Manager to execute all necessary documents. (CCCCD # B-3059, TXMAS # 3-711030-20) (Consent Agenda Item “E”)

To approve a one (1) year contract with five (5) optional renewals for the purchase of Fleet Fuel Cards for the Fleet Department in an estimated amount of \$1,500,000 from Mansfield Oil Company through an existing contract/agreement with Tarrant County, and authorizing the City Manager to execute all necessary documents (Tarrant County Bid No. 2010-056). (Consent Agenda Item “F”)

To approve a one (1) year contract with five (5) optional renewals for the purchase of Bulk Fuel for the Fleet Department in an estimated amount of \$1,750,000 from Martin Eagle Oil Company through an existing contract/agreement with Tarrant County, and authorizing the City Manager to execute all necessary documents (Tarrant County Bid No. 2010-046). (Consent Agenda Item “G”)

To approve a contract for the purchase of consulting services for Business Process Mapping for the Customer and Utility Services Department, in the amount of \$98,000 from Loblolly Consulting, LLC., through an existing contract/agreement with the State of Texas Department of Information Resources (DIR) and authorizing the City Manager to execute all necessary documents. (DIR-SDD-893) (Consent Agenda Item "H")

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

To approve an Architectural Services Agreement by and between the City of Plano and Brinkley Sargent Architects in the amount of \$397,540 for Aquatic Center Renovation and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "I")

Approval of Contract Modification

To approve and authorize Contract Modification No. 2 for the purchase of professional Engineering Services for Marsh Lane - Parker Road South 1200 Feet in the amount of \$5,400 from Wier & Associates, Inc. (Consent Agenda Item "J")

To approve and authorize Contract Modification No. 3 for the purchase of Professional Engineering Services for the Intersection Improvements on Preston Road, Spring Creek Parkway & Jupiter Road project in the amount of \$12,000 from Binkley & Barfield, Inc. (Consent Agenda Item "K")

To approve and authorize Contract Modification No. 2 for the purchase of Professional Engineering Services for Screening Wall-Parker & Independence in the amount of \$17,650 from Mandy Vassigh Engineering, Inc. (Consent Agenda Item "L") (This item was pulled)

Approval of Change Order

To Tiseo Paving Company, increasing the contract by \$36,554 for McDermott Road from Ohio Drive to Coit Road, Change Order No. 1. Original Bid No. 2009-143-B. (Consent Agenda Item "M")

Adoption of Resolutions

Resolution No. 2010-6-1(R): To approve the terms and conditions of a Funding Agreement between the City of Plano, Texas, and the Historic Downtown Plano Association whereby the City will provide funding in part for the 2010 Downtown @ Sundown event; authorizing the City Manager to execute such Agreement; and providing an effective date. (Consent Agenda Item "O")

Resolution No. 2010-6-2(R): To authorize continued participation with the Steering Committee of Cities served by Oncor; authorizing the payment of 10 cents per capita to the Steering Committee to fund regulatory and related activities related to Oncor Electric Delivery Company, LLC, and providing an effective date. (Consent Agenda Item "Q")

Resolution No. 2010-6-3(R): To repeal Resolution No. 2010-5-12(R) and nominate Rent-A-Center, Inc. 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 “R”)

Resolution No. 2010-6-4(R): To approve the terms and conditions of an Amended Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, concerning the widening and extension of Parkwood Boulevard from Park Boulevard to Spring Creek Parkway; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “S”)

Resolution No. 2010-6-5(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, concerning major thoroughfare rehabilitation improvements on Independence Parkway, from SH 190 to SH 121, Custer Road, from SH 190 to SH 121, Spring Creek Parkway, from Custer Road to Preston Road; F Avenue, from Plano Parkway to 14th Street; Park Boulevard, from Ohio Drive to Ventura Drive; and Spring Creek Parkway, from K Avenue to Jupiter Road; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “T”)

Adoption of Ordinances

Ordinance No. 2010-6-6: To transfer the sum of \$128,440 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2009-10 for the purpose of providing additional funds for State-mandated compliance costs to purchase secondary sanitation systems on all City-owned aquatic facilities that include a public interactive water feature; amending the budget of the City and Ordinance 2009-9-13, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item “U”)

Ordinance No. 2010-6-7: To abandon all right, title and interest of the City, in and to a portion of that certain variable width Right-of-Way at the southeast corner of Coit Road and Plano Parkway, which is located within the City limits of Plano, Collin County, Texas; also being a 2.47 acre tract of land dedicated for Right-of-Way as recorded in Cabinet C, Page 697 in the Land Records of Collin County, Texas, quitclaiming all right, title and interest of the City in such Right-of-Way to the abutting property owner, The Dallas Morning News, Inc., to the extent of its interest; authorizing its execution by the City Manager, and providing an effective date. (Consent Agenda Item “V”)

Ordinance No. 2010-6-8: To adopt and enact Supplement Number 90 and Supplement Number 90 Addition 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 “W”)

END OF CONSENT

Resolution No. 2010-6-9(R): To approve the terms and conditions of a Management Services Agreement by and between the City of Plano and Steve Heidelberg to operate and manage Pecan Hollow Golf Course; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “P”)

Director of Parks and Recreation Fortenberry advised that the Pecan Hollow Golf Course is slated to close for major renovation beginning in November, 2010 and that the proposed agreement includes taking management of food/beverage service from Plano Centre and providing outreach to the community in preparation for reopening. She spoke to the current agreement in place until 2012, a renegotiation to reduce compensation during the period of closure and cost savings to be realized by Plano Centre.

Upon a motion made by Council Member LaRosiliere and seconded by Mayor Pro Tem Dunlap, the Council voted 7-0 to approve the terms and conditions of a Management Services Agreement between the City and Steve Heidelberg to operate and manage Pecan Hollow Golf Course; and further to adopt Resolution No. 2010-6-9(R).

Due to a possible conflict of interest, Mayor Pro Tem Dunlap stepped down from the bench on the following item.

Change Order: To Jim Bowman Construction Company, L.P., increasing the contract by \$112,730 for the 2008-2009 Residential Concrete Pavement Rehabilitation, Zone G7 & G8, Project No. 6008, Change Order No. 1. Original Bid No. 2009-171-B. (Consent Agenda Item “N”)

Upon a motion made by Council Member Callison and seconded by Deputy Mayor Pro Tem Miner, the Council voted 6-0 to approve a change order to Jim Bowman Construction Company, L.P., increasing the contract by \$112,730 for the 2008-2009 Residential Concrete Pavement Rehabilitation, Zone G7 & G8, Project No. 6008.

Mayor Pro Tem Dunlap resumed his place at the bench.

Presentation: Transmittal of Fiscal Year 2008/2009 Affirmative Action Report (Regular Agenda Item “1”)

Assistant City Manager/Human Resources Director Ross spoke to having a fair playing field and not focusing on creating opportunities at the expense of others. She reviewed the City’s labor force as it compares to Collin County, spoke to analysis of underutilization and concentration reflecting employment traditions, expansion of the applicant pool for the Police/Fire Departments, and the increase in applications through the online system.

Public Hearing and adoption of Resolution No. 2010-6-10(R) to approve the terms and conditions of an Interlocal Cooperation Agreement between the City of Plano, Texas, the City of Frisco, Texas, the City of McKinney, Texas and the County of Collin, Texas for the disbursement of the 2010 Byrne Justice Assistance Grant funds; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “2”)

Resolution No. 2010-6-10(R) (cont')

Chief Rushin spoke to monies shared among entities with the City of Plano receiving \$50,139 that can be spent in several law enforcement areas. He advised that the recommended purpose is the funding of security cameras around the main police station.

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

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Deputy Mayor Pro Tem Miner, the Council voted 7-0 to approve the terms and conditions of an Interlocal Cooperation Agreement between the cities of Plano, Frisco, McKinney and Collin County, Texas for the disbursement of the 2010 Byrne Justice Assistance Grant funds; and further to adopt Resolution No. 2010-6-10(R).

Resolution No. 2010-6-11(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and Cirro Group, Inc., a Texas corporation; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "3")

Director of Finance Tacke advised that Cirro Group, Inc. would occupy no less than 24,555 square feet of commercial/office space and transfer or create up to 91 full-time jobs by September 1, 2010. She advised that the value of taxable real property improvements is not less than \$625,000 and business personal property of \$600,000 and terms of the agreement are for ten years in an amount of up to \$54,600.

Upon a motion made by Council Member Callison and seconded by Council Member Harris, the Council voted 7-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City and Cirro Group, Inc.; and further to adopt Resolution No. 2010-6-11(R).

Resolution No. 2010-6-12(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and LifeCare Management Services LLC, a Louisiana limited liability company; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "4")

Director of Finance Tacke advised that LifeCare Management Services LLC, would occupy no less than 35,900 square feet of existing commercial/office space and, transfer or create up to 98 full-time jobs by November 1, 2010. She advised that the company plans to construct over \$1 million on real property improvements and maintain \$1.5 million of business personal property investments and that the grant is for ten years in an amount of up to \$58,000.

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member Davidson, the Council voted 7-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City and LifeCare Management Services LLC; and further to adopt Resolution No. 2010-6-12(R).

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2010-02 to amend an Ordinance of the City of Plano amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 62.3± acres out of the G.H. Pegues Survey, Abstract No. 700 and the M.R. Foster Survey, Abstract No. 332, bounded by Bradshaw Drive on the west, Plano's city limit line on the south, extending approximately 2,870± feet east of Bradshaw Drive, and bounded on the north by the Dallas Area Rapid Transit rail line in the City of Plano, Collin County, Texas, from Planned Development-202- Research/Technology Center to Single-Family Residence-6 and Single- Family Residence Attached; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, savings clause, a severability clause, a publication clause, and an effective date. Applicant: Industrial Developments International (Regular Agenda Item "5")

Director of Planning Jarrell advised that the applicant has requested the item be tabled until June 28.

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

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member Callison, the Council voted 7-0 to table consideration of an Ordinance as requested in Zoning Case 2010-02 to amend Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, so as to rezone 62.3± acres bounded by Bradshaw Drive on the west, Plano's city limit line on the south, extending approximately 2,870± feet east of Bradshaw Drive, and bounded on the north by the Dallas Area Rapid Transit rail line in the City of Plano, from Planned Development-202- Research/Technology Center to Single-Family Residence-6 and Single- Family Residence Attached until June 28, 2010 and continue the Public Hearing at that time.

There being no further discussion, Mayor Dyer adjourned the meeting at 7:48 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary