

## **PLANO CITY COUNCIL**

**June 22, 2009**

### **COUNCIL MEMBERS**

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

### **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 Dyer convened the Council into the Regular Session on Monday, June 22, 2009, at 7:13 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 Harris.

The invocation was led by Pastor Jack Schneider of St. Paul Lutheran Church. The Pledge of Allegiance was led by Plano Chapters of the Sons of the American Revolution and the Daughters of the American Revolution.

Mayor Dyer presented special recognition to the Plano Wetcats Master Swimmers.

### **COMMENTS OF PUBLIC INTEREST**

Citizen of the City Jay Cooper spoke regarding disconnection of his water service, struggles of those without financial resources and establishment of policies.

Citizen of the City Jack Lagos spoke to a letter of easement related to the Arts of Collin County allowing a water line through the property and monies due the City.

Citizen of the City Bill Lislett spoke to multiple citations and differences in repercussion taken against a police officer not appearing in court versus a citizen. He spoke to possible code issues in the municipal courts facility and Mayor Dyer advised that Staff would gather information on concerns.

## **CONSENT AGENDA**

Citizen of the City Jack Lagos request Consent Agenda Item “A,” Approval of Minutes, be removed for individual consideration.

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by, the Council Member Miner, the Council voted 7-0 to approve and adopt all remaining items on the 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. 2009-110-C** for an annual contract for New Tires to Southern Tire Mart and Blagg Tire Service in the total amount of \$261,000. This will establish an annual fixed price contract in the total estimated annual amount of \$261,000. (Consent Agenda Item “B”)

**Bid No. 2009-81-B** for Razor Road from Ohio Drive to State Highway 121 to Weir Bros., Inc., in the amount of \$4,199,512. Roadway widening and extension consists of approximately 45,000 square yards of concrete paving, miscellaneous storm sewer, 5500 linear feet of 8” & 12” water mains and appurtenances, landscape and irrigation, and other miscellaneous items. (Consent Agenda Item “C”)

#### **Purchase from an Existing Contract**

To approve the purchase of fleet Collision Repair Services in the estimated annual amount of \$125,000 from Metro Fleet Collision Repair through an existing Interlocal contract/agreement with the City of Richardson, and authorizing the City Manager to execute any and all necessary documents (Bid No. 30-095). (Consent Agenda Item “D”)

#### **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 GWC Engineering, LP, in the amount of \$78,690 for the Erosion Control – Padre, Dunmoor, Buckboard & Rockbrook project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

#### **Approval of Change Order**

To Natgun Corporation, increasing the contract by \$45,770 for Custer Ground Storage Tank Repairs, Change Order No. 1 (Original Bid No. 2008-224-B). This change order is for removal of contaminated soils under the existing storage tanks and for a change in the ground cover requirement for a portion of the project. (Consent Agenda Item “F”)

### **Adoption of Resolutions**

**Resolution No. 2009-6-11(R):** To terminate the contract by and between DiverseStaff, a Lane Staffing Company and the City of Plano for Professional Food Service Personnel; approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item “G”)

**Resolution No. 2009-6-12(R):** To approve the terms and conditions of an Agreement by and between the City of Plano and the City of Allen for a Joint Radio Communications System for Municipal Services; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “H”)

### **Adoption of Ordinances**

**Ordinance No. 2009-6-13:** To amend Section 12-73 of Chapter 12 Motor Vehicles and Traffic of the City of Plano City Code of Ordinances; to enact a school zone on Parker Road at P Avenue, and to revise the effective times of the school zones on Independence Parkway at Russell Creek Drive, and Shiloh Road between Cotillion Drive and 18th Street; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, severability clause, a publication clause, and an effective date. (Consent Agenda Item “I”)

**Ordinance No. 2009-6-14:** To adopt and enact Supplement Number 86 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 “J”)

**Ordinance No. 2009-6-15:** To repeal Ordinance No. 2009-5-15 and adopting this ordinance to correct a clerical error; amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended regarding signage and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. (Consent Agenda Item “K”)

### **END OF CONSENT**

#### **Approval of Minutes** (Consent Agenda Item “A”)

June 4, 2009

June 8, 2009

June 10, 2009

Citizen of the City Jack Lagos referenced a presentation made at the June 8, 2009, meeting and requested clarification regarding an easement letter for a water line on the Arts of Collin County property. City Attorney Wetherbee advised that the scope of this agenda item is consideration of the accuracy of minutes from previous meetings. Mr. Lagos responded to Mayor Dyer that he would provide information regarding the easement letter and come back to a future meeting.

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Jackson, the Council voted 7-0 to approve the minutes as presented.

**Resolution No. 2009-6-16(R):** To approve the terms and conditions of an Agreement by and between RH 15th Condos One, Ltd. and the City of Plano, Texas for the development of 15th Street Village; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “1”)

Deputy City Manager Turner provided a history to the Council advising that the project is comprised of residential development (condos and town homes) and that to date 44 units have been constructed with four remaining for sale. He spoke to terms of the extension providing the developer with 120 days to purchase remaining City-owned land, commencement of construction of an additional 20 condo units by January 1, 2011, and City responsibility for public infrastructure and waiving fees for units built for sale. Mr. Turner spoke to the developer being entitled to \$1,000 for each of up to 15 on-street parking spaces, and pavement of additional land next to the police/courts parking lot and advised that Staff recommended approval.

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Callison, the Council voted 7-0 to approve the terms and conditions of an Agreement by and between RH 15th Condos One, Ltd. and the City of Plano as recommended and further to adopt Resolution No. 2009-6-16(R).

**Public Hearing and adoption of Resolution No. 2009-6-17(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 2009 Byrne Justice Assistance Grant Funds; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “2”)

Chief Rushin spoke to monies that can be spent in several law enforcement areas and the recommended purpose of an audio/visual system which would allow for trainings and briefings between stations. He responded to Council Member Jackson that grant funding has decreased over the years and that Regular Agenda Item No. 3 is related to application for a recovery grant.

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 Council Member Jackson and seconded by Council Member Miner, the Council voted 7-0 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 as recommended and further to adopt Resolution No. 2009-6-17(R).

**Resolution No. 2009-6-18(R):** To authorize the Filing of Application for Federal Funds in an amount not to exceed \$80,404 under the American Recovery and Reinvestment Act of 2009; Edward Byrne Memorial Justice Assistance (JAG) State Formula Program through the Criminal Justice Division of the Office of the Governor of Texas; designating Gregory W. Rushin as 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. (Regular Agenda Item “3”)

**Resolution No. 2009-6-18(R) (cont'd)**

Upon a motion made by Council Member Miner and seconded by Council Member Jackson, the Council voted 7-0 to authorize the Filing of Application for Federal Funds as recommended and further to adopt Resolution No. 2009-6-18(R).

**Approval of an Engineering Contract** by and between the City of Plano and Halff Associates, Inc., in the amount of \$188,000 for Russell Creek Sewer Main Rehab – Phase I & II, and authorizing the City Manager to execute all necessary documents. (Regular Agenda Item “4”)

Director of Public Works and Engineering Upchurch spoke to the sewer main failure at SH 190 and Custer Road due to deterioration of the concrete pipes and evaluation of other areas around the City advising that this item covers the relining of two major sections

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Callison, the Council voted 7-0 to approve an Engineering Contract by and between the City of Plano and Halff Associates, Inc., as recommended.

**Resolution No. 2009-6-19(R):** To ratify the Takeover Agreement by and between Liberty Mutual Insurance Company and the City of Plano for completion of Plano Fire Station No. 12/Emergency Operations Center Complex; approving its execution by the City Manager; and providing an effective date. (Regular Agenda Item “5”)

Facilities Manager Rahzina spoke to default on the contract to construct Fire Station 12 and work with the bonding company to complete a takeover agreement. He advised that following drafting of the item, several areas were modified to offer better protection to the City and responded to Mayor Dyer that completion is anticipated in October/November.

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Jackson, the Council voted 7-0 to ratify the Takeover Agreement by and between Liberty Mutual Insurance Company and the City of Plano and further to adopt Resolution No. 2009-6-19(R) with revisions.

**Ordinance No. 2009-6-20** to determine the public use, need and necessity for the acquisition of fee simple title to a 1.053 acre (45,880 square feet) tract of land and a temporary construction easement on a .034 acre (1,475 square feet) tract of land, generally located at the southeast corner of Chaparral Road and Jupiter Road in the City of Plano, Collin County, Texas, for the widening of the south side of Chaparral Road (east bound) and related public improvements in the City of Plano, Collin County, Texas, authorizing the City Attorney to file proceedings in eminent domain to acquire the needed real property; and providing an effective date. (Regular Agenda Item “1”) (Regular Agenda Item “6”)

Director of Public Works and Engineering Upchurch spoke to the need for additional right-of-way to widen Chaparral Road and the need for condemnation should negotiations prove unsuccessful. He advised that when right-of-way is acquired construction will be turned over to the City of Allen and the North Texas Municipal Water District with maintenance provided by the City of Allen.

**Ordinance No. 2009-6-20 (cont'd)**

Upon a motion made by Council Member Miner and seconded by Deputy Mayor Pro Tem Dunlap, the Council voted 7-0 to determine the public use, need and necessity for the acquisition of fee simple title to a tract of land and a temporary construction easement on a tract of land as recommended and further to adopt Ordinance No. 2009-6-20.

**Public Hearing and Consideration of Zoning Case 2009-01** – Request for a Specific Use Permit for Arcade on 2.3± acres located on the south side of Chase Oaks Boulevard, 300± feet west of U.S. Highway 75. Tabled 3/23/09 and 5/26/09. Applicant: GBRE, LLC (Regular Agenda Item “1”) (Regular Agenda Item “7”)

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Callison, the Council voted 7-0 to remove the item from the table.

Director of Planning Jarrell advised that the applicant has requested to withdraw the item.

Upon a motion made by Mayor Pro Tem LaRosilieri and seconded by Council Member Callison, the Council voted 7-0 to accept the applicant’s withdrawal of Zoning Case 2009-01.

Mayor Dyer spoke to the next Council meeting to be held on July 27 and there being no further discussion, he adjourned the meeting at 8:05 p.m.

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**Phil Dyer, MAYOR**

ATTEST:

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Diane Zucco, City Secretary