

PLANO CITY COUNCIL

June 23, 2008

COUNCIL MEMBERS

Pat Evans, Mayor
Jean Callison, Mayor Pro Tem
Harry LaRosiliere, Deputy Mayor Pro Tem
Pat Miner
Scott Johnson
Mabrie Jackson
Sally Magnuson
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 into the Regular Session on Monday, June 23, 2008, at 7:02 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with exception of Deputy Mayor Pro Tem LaRosiliere.

The invocation was led by Associate Pastor Reverend Kathy McLean-Davis with Saint Andrew United Methodist 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 Evans presented special recognition to Plano West Senior High School – Class 5A State Baseball Champions. Mayor Evans made a presentation to Aerobats Gymnastics Team and Wetcats Masters Swim Team. Mayor Evans presented a proclamation for Parks and Recreation Month.

BOARD AND COMMISSION REPORT

Board of Adjustment Chair Chris Polito provided Council with a year-end summary of commercial and residential cases reviewed. Mr. Polilto stated the Board reviewed twenty-five cases composed of nine sign appeals, six commercial zoning, and ten residential zoning cases. He stated most of the residential cases involved security fences in the front yard, arbors, and fireplaces in the back yard.

COMMENTS OF PUBLIC INTEREST

Richard Simmons, citizen of the City, spoke regarding July 4th activities at First United Methodist Church. He spoke to a recent fatality accident in the City and stated concern that not enough is being done for public safety on the roadways. Mr. Simmons spoke to a shortage of patrols, lack of safety measures for bicyclists, speed of motorists and red light runners.

Sonja Hammar, citizen of the City, requested information on the facilitator for the Council's retreat and was advised by City Manager Muehlenbeck that Lyle Sumek will provide direction for a portion of the meeting. Ms. Hammar stated concern that his name was not included on the agenda. She spoke to formation of a task force to review details of the boards/commissions including the posting of notice for general comments, the preparation of minutes and the structure of agendas for executive sessions in order to provide uniformity.

CONSENT AGENDA

Council Member Dunlap requested that Consent Agenda Item "F" be removed for individual consideration due to a possible conflict of interest.

Staff requested that Consent Agenda Item "R" be removed for individual consideration.

Upon a motion made by Council Member Magnuson and seconded by Council Member Dunlap, 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)]

June 5, 2008

June 9, 2008

Approval of Expenditures

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

Bid No. 2008-75-C for EMS Medical Supplies to Boundtree Medical LLC, Moore Medical, Tri-Anim Health Services Inc., Henry Schein Matrix Medical, and Medical Products Supply in the estimated annual amount of \$110,686. This will establish an annual fixed price contract, with four optional one-year renewals for the purchase of Custodial Services – various locations. [Consent Agenda Item (B)] (Exhibit "A")

Bid No. 2008-147-B for Municipal Center Cooling Tower Replacement to Powers MEP Engineering, Inc., in the amount of \$86,100. [Consent Agenda Item (C)] (Exhibit "B")

Bid No. 2008-76-B for Intersection Improvements - Jupiter Road & Plano Parkway to McMahon Contracting L.P. in the amount of \$654,981. The project consists of constructing right turn lanes in all four directions of the intersection and another left turn lane on the westbound leg of Plano Parkway at Jupiter Road. [Consent Agenda Item (D)] (Exhibit "C")

Bid No. 2008-164-B for construction of Street Lighting Legacy Park – Phase II and Brand Road to Planetary Subsurface Utilities, Inc., in the amount of \$359,164. The project consists of construction of installation of street lighting foundations and conduit in preparation for street lights to be installed by Oncor Electric Delivery in median areas at five locations. [Consent Agenda Item (E)] (Exhibit "D")

Bid No. 2008-156-B for the 2007 – 2008 Arterial Concrete Pavement Rehabilitation Project, Parker Road, Pleasant Valley Drive, and Country Place Drive to McMahon Contracting L.P. in the amount of \$817,565. This project involves the repair of street pavement on the following streets: Parker Road between Independence Parkway and Coit Road; Pleasant Valley Drive between Custer Road and Spring Creek Parkway; and Country Place Drive between Park Boulevard and Parker Road. [Consent Agenda Item (G)] (Exhibit “E”)

Bid No. 2008-168-B for Riverbend Lakes - Dredging Phase II to Rimrock Enterprises, Inc., in the amount of \$247,830. The project consists of dewatering, dredging and disposing of approximately 2,000 cubic yards of silt and soil from Lakes No. 12, 14, and 15. [Consent Agenda Item (H)] (Exhibit “F”)

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

To approve and authorize a contract with Newman, Jackson, Bieberstein, Inc. to provide Landscape Architectural Services for Chisholm Trail improvements in an amount not to exceed \$181,791 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (I)]

To approve an Engineering Contract by and between the City of Plano and GSWW, Inc., in the amount of \$203,080 for Concrete Sewer Pipe Evaluation, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (J)]

To approve a Professional Services Contract, Project No. 5912, to GHD Consulting, Inc. in the amount of \$297,515 for the Asset Management Program. [Consent Agenda Item (K)]

Approval of Change Order

To Wiginton Hooker Jeffrey, P.C., increasing the Professional Services Contract by \$76,525 for Fire Station 12 and Emergency Operations Center and Storage Complex, Contract Modification No. 5. [Consent Agenda Item (L)]

To Wiginton Hooker Jeffrey, P.C., decreasing the Professional Services Contract for Fire Station 13 by \$43,895, Contract Modification No. 1. [Consent Agenda Item (M)]

Approval of Contract Modification

To approve and authorize an additional services Contract Modification No. 1 with Jones & Boyd, Inc. to provide Landscape Architectural Services in conjunction with improvements to the Plano Transit Village Veloweb in an amount not to exceed \$54,000 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract modifications. [Consent Agenda Item (N)]

Adoption of Resolutions

Resolution No. 2008-6-12(R): To find Joseph Cabezuela is entitled to defense representation pursuant to City Code of Ordinances in connection with the matter of Linda Sanders-Burns, individually and as heir of the Estate of Anthony Demille Sanders v. City of Plano and Police Officer Joseph Cabezuela, individually, Cause No. 366-01297-2008, in the 366th District Court of Collin County, Texas; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2008-6-13(R): To approve the terms and conditions of a First Amendment of the Interlocal Cooperative Agreement between Denton County, Texas, and the City of Plano, Texas, providing for the reimbursement of expenses relating to the design and construction of SH 121 water line from east of Spring Creek Parkway to Dallas North Tollroad; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (P)]

Resolution No. 2008-6-14(R): To approve the terms and conditions of a Reimbursement Agreement by and between the City of Plano and EPIC 121 Commercial, G.P., L.L.C., providing for the reimbursement of expenses relating to engineering services for the design of SH 121 Water Line from east of Spring Creek Parkway to Dallas North Tollroad; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (Q)]

Resolution No. 2008-6-15(R): To support the Regional Transportation Council and the Air North Texas Campaign; and providing an effective date. [Consent Agenda Item (S)]

Adoption of Ordinances

Ordinance No. 2008-6-16: To amend Ordinance No. 2008-4-39, currently codified as Chapter 6, Article XX, Residential Code, Division 2, Section 6-710, deletions, additions, amendments of the City of Plano Code of Ordinances by deleting Appendix P of the International Residential Code; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (T)]

END OF CONSENT

Due to a possible conflict of interest, Council Member Dunlap stepped down from the bench on the following item.

Bid No. 2008-167-B for Railroad Quiet Zone Improvements to Jim Bowman Construction Co., LP, in the amount of \$468,205. The project consists of improvements to railroad crossings at seven locations. [Consent Agenda Item (F)] (Exhibit "G")

Upon a motion made by Mayor Pro Tem Callison and seconded by Council Member Magnuson, the Council voted 6-0 to approve Bid No. 2008-167-B for Railroad Quiet Zone Improvements to Jim Bowman Construction Co., LP, in the amount of \$468,205.

Council Member Dunlap resumed his seat at the bench.

Resolution No. 2008-6-17(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)]

City Manager Muehlenbeck advised Council that Loretta Ellerbe would serve as a full DART Board Member beginning July 1, 2008 and the existing member will continue to serve until that time.

Upon a motion made by Council Member Dunlap and seconded by Council Member Jackson, the Council voted 7-0 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; and further to adopt Resolution No. 2008-6-17(R).

Public Hearing and consideration of ordinances as requested in Zoning Cases 2008-52, 2008-54 through 2008-57 all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano. [Regular Agenda Item (1)]

Adoption of Ordinance No. 2008-6-18: Zoning Case 2008-52 – Request to rescind Specific Use Permit #7 for Private Club on 0.7± acre located at the northeast corner of U.S. Highway 75 and Republic Drive. Zoned Corridor Commercial. [Regular Agenda Item (1a)]

Adoption of Ordinance No. 2008-6-19: Zoning Case 2008-54 – Request to rescind Specific Use Permit #551 for Private Club on 0.1± acre located on the west side of Bishop Road, 500± feet south of Legacy Drive. Zoned Planned Development-65-Central Business-1. [Regular Agenda Item (1b)]

Adoption of Ordinance No. 2008-6-20: Zoning Case 2008-55 – Request to rescind Specific Use Permit #557 for Private Club on 0.1± acre located 180± feet west of Preston Road, 1,000± feet north of Lorimar Drive. Zoned Planned Development-447-Retail/Multifamily Residence-2. [Regular Agenda Item (1c)]

Adoption of Ordinance No. 2008-6-21: Zoning Case 2008-56 – Request to rescind Specific Use Permit #562 for Private Club on 0.1± acre located 100± feet west of U.S. Highway 75 service road, 75± feet south of Enterprise Drive. Zoned Corridor Commercial. [Regular Agenda Item (1d)]

Adoption of Ordinance No. 2008-6-22: Zoning Case 2008-57 – Request to rescind Specific Use Permit #556 for Private Club on 44.3± acres located at the southwest corner of Spring Creek Parkway and Jupiter Road. Zoned General Office. [Regular Agenda Item (1e)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the requests as submitted.

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

Zoning Cases 2008-52, 2008-54 through 2008-57 (Con't)

Upon a motion made by Council Member Magnuson and seconded by Council Member Dunlap the Council voted 7-0 to adopt all the ordinances listed as recommended by the Planning and Zoning Commission and as designated by their zoning case number. The repeal of each amends the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; 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 adopts each ordinance.

There being no further discussion, Mayor Evans adjourned the meeting at 7:50 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary