

PLANO CITY COUNCIL
June 28, 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 directly from the Preliminary Open Meeting into the Regular Session on Monday, June 28, 2010, at 7:11 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 LaRosiliere.

Mayor Dyer presented a proclamation recognizing Scleroderma Awareness Day. He further administered an oath of office to incoming Plano Housing Authority member Jeanine Boehl.

Comments of Public Interest

No one appeared to speak.

Consent Agenda

Upon a motion made by Deputy Mayor Pro Tem Miner and seconded by Council Member Harris, the Council voted 7-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")

June 14, 2010 - CPR/AED Training
June 14, 2010

Approval of Expenditures

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

Rejection of all Bids for Bid No. 2010-76-B Best Value Bid for Two (2) Communications Shelters for the Public Safety Communications Department. (Consent Agenda Item "B")

Rejection of all Bids for Bid No. 2010-132-B Fire Station No. 7 Replacement of Under Floor Piping. (Consent Agenda Item "C")

CSP No. 2010-89-B for Radio System Infrastructure Replacement – School House and Communication Towers. Sabre Communication Corporation for supply and installation of two (2) Public Safety Communication Tower at 6825 Communications Parkway and 435 West Spring Creek Parkway in the amount of \$213,938; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "D")

CSP No. 2010-123-B for the construction of Plano Fire Station No. 13 to Crossland Construction Company, Inc., in the amount of \$3,250,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

Purchase from an Existing Contract

To approve a 48 month lease agreement for Copiers in an estimated amount of \$658,560 for City departments from OCE' North America through an existing contract with the State of Texas department of Information Resources (DIR) and authorizing the City Manager to execute all necessary documents. (DIR-SDD-524) (Consent Agenda Item "F")

To approve a contract for the purchase of PASS (Partner Assurance Support Services), in the amount of \$148,203 paid over three years at \$49,401 annually from Affiliated Communications, through an existing contract/agreement with Texas Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-SDD-289). (Consent Agenda Item "G")

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

To approve an agreement with Oncor Electric Delivery to provide electrical service to Fire Station 13 for the amount of \$60,005; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "H")

To approve an engineering contract by and between the City of Plano and Freese and Nichols, Inc. in the amount of \$180,000 for the Park Boulevard and US 75 Pedestrian Crossing project 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. 1 for the purchase of an upgrade to our existing Microsoft Enterprise Agreement, in the amount of \$95,688 from Dell Marketing, LP. This modification will provide for the addition of Microsoft Business Productivity Online Standard Suite hosted by Microsoft and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “J”)

Approval of Change Order

To Tiseo Paving Company, increasing the contract by \$55,790 for McDermott Road from Ohio Drive to Coit Road, Change Order No. 2. Original Bid No. 2009-143-B. (Consent Agenda Item “K”)

Adoption of Resolutions

Resolution No. 2010-6-13(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas and Alcatel-Lucent USA, Inc., a sole source provider, to purchase services and products related to microwave radio systems for 3 additional tower sites that will interface with the existing Alcatel-Lucent Digital Microwave Loop in the amount of \$472,826; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2010-6-14(R): To designate authorized representatives and investment officers of the City of Plano to transact business with TexPool/TexPool Prime, public funds investment pool; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2010-6-15(R): To designate authorized representatives and investment officers of the City of Plano to transact business with TexasTERM and TexasDAILY, public funds investment pools; and providing an effective date. (Consent Agenda Item “N”)

Resolution No. 2010-6-16(R): To approve the revised terms and conditions of an Interlocal Cooperative agreement between the North Central Texas Council of Governments (NCTCOG) and the City of Plano, for a Local Air Quality Bicycle/Pedestrian Regional Connection Project, and authorizing its execution by the City Manager, and providing an effective date. (Consent Agenda Item “O”)

Resolution No. 2010-6-17(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 construction of Plano Parkway from east of Los Rios to 14th Street; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “P”)

Resolution No. 2010-6-18(R): To approve the terms and conditions of a Real Estate Contract between the City of Plano and Earlane Baccus Croom and Croom Interests, Ltd., for the purchase of 89,627 sq. ft. of land and 206,651 sq. ft. of temporary construction easement for Communications Parkway north of Spring Creek Parkway, situated in the H.B. Miller Survey, Abstract 614; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “Q”)

Resolution No. 2010-6-19(R): To authorize the purchase of eight (8) additional XpressCheck™ patron self-checkout stations in an amount not to exceed \$53,149 from Integrated Technology Group, the sole source provider of such equipment, for the City of Plano Public Library System; and authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date. (Consent Agenda Item “R”)

Adoption of Ordinances

Ordinance No. 2010-6-20: To amend specific sections of Ordinance No2004-9-28 and Ordinance No 2004-10-25 codified as sections 21-152 and 21-154 respectively, of article IV, Service Charges generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano to increase the deposit amount for residential customers, modify the response schedule for non-emergency calls and amend the utility service fee schedule, effective August 1, 2010, and providing a repealer clause, a severability clause, a savings clause, and an effective date. (Consent Agenda Item “S”)

Ordinance No. 2010-6-21: To repeal Section 2-137 Emergency management director; appointment of emergency management coordinator; responsibilities and Section 2-139 Operation of warning devices of Article VI Emergency Management of Chapter 2 Administration of the Code of Ordinances of the City of Plano, Texas and providing a repealer clause, a severability clause, a savings clause, and an effective date. (Consent Agenda Item “T”)

END OF CONSENT

Resolution No. 2010-6-22(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and Rapid Tooling, Inc., a Texas corporation; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “1”)

Plano Economic Development Board Director of Business Retention and Expansion Hamm advised that Rapid Tooling, Inc. would occupy no less than 14,300 square feet of existing commercial space and transfer or create up to 27 full-time jobs by July 1, 2010 with up to an additional 4 full-time jobs by July 1, 2011. She advised that the terms of the agreement run from July 1, 2010 through June 30, 2020 in an amount of up to \$15,500.

Resolution No. 2010-6-22(R) (cont'd)

Upon a motion made by Council Member Davidson and seconded by Council Member Callison, the Council voted 7-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano and Rapid Tooling, Inc. and further to adopt Resolution No. 2010-6-22(R).

Public Hearing and adoption of Resolution No. 2010-6-23(R): To adopt the 2010-2011 Action Plan including the final statement of Community Development Block Grant and HOME programs objectives and proposed use of funds for program year 2010-2011; and declaring an effective date. (Regular Agenda Item "2")

Community Services Manager Day advised that the plan includes proposed use of more than \$1.9 million in funds for 2010-11 and spoke to the application process, public hearings and decision-making of the Community Relations Commission. She advised that recommendations are tied to the goals established by the Council in the 2010-14 Consolidated Plan and support decent housing, suitable living conditions and economic opportunity. Ms. Day advised that Staff and the Commission request approval as submitted.

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 adopt the 2010-2011 Action Plan and Resolution No. 2010-6-23(R).

Resolution No. 2010-6-24(R): To authorize the filing of applications for Federal Funds in an amount not to exceed \$1,863,898 under the Housing and Community Development Act and the HOME Investment Partnership 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. (Regular Agenda Item "3")

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member Davidson, the Council voted 7-0 to authorize the filing of applications for Federal Funds in an amount not to exceed \$1,863,898 under the Housing and Community Development Act and the HOME Investment Partnership Act and further adopting Resolution No. 2010-6-24(R).

Resolution No. 2010-6-25(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 \$246,185 and HOME funds in the amount of \$320,493 for the provisions of various community services and developments; authorizing its execution by the City Manager; and providing the effective date. (Regular Agenda Item "4")

Resolution No. 2010-6-25(R) (cont'd)

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member Smith, the Council voted 7-0 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 \$246,185 and HOME funds in the amount of \$320,493 and further to adopt Resolution No. 2010-6-25(R).

Public Hearing and adoption of Ordinance No. 2010-6-26 as requested in Zoning Case 2010-02 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, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Industrial Developments International. Public Hearing opened on 6/14/10. Item tabled and Public Hearing continued to 6/28/10. (Regular Agenda Item "5")

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

Director of Planning Jarrell advised that the item requests a change in zoning to allow for 171 single-family and 59 townhomes and spoke to consideration as it relates to the Comprehensive Plan. She spoke to water/sewer service as insufficient for residential development and the applicant's plans to resolve this concern. Ms. Jarrell stated that the Planning and Zoning Commission recommends approval as submitted, citing the demand for housing in the area.

Mayor Dyer opened the Public Hearing. Doug Johnson, representing the applicant, spoke to the location's proximity to fire stations, eleven acres available to dedicate as open space, establishment of a hike and bike trail, minimal impact on the school system, property available for a future rail station, and anticipated tax revenues. He spoke to the lack of demand for retail/technology zoned properties, reviewed the concept plan and plans for sound absorption in housing units. Citizen of the City Richard Simmons spoke to home purchasers' responsibilities for determining surrounding uses. Citizen of the City Alan Smith stated support for the Retail/Technology (R/T) District, but spoke in favor of changing zoning to residential and to including strong requirements for building construction and deed restrictions. Citizen of the City Shep Stahel spoke to his advocacy of the R/T District and changes to the economy resulting in a decline of this development in the area. He spoke in support of rezoning, citing the relocation of large companies and the construction of Otto Middle School as factors.

Ordinance No. 2010-6-26 (cont'd)

Kevin Ware, representing the applicant, spoke to assessment of noise levels including traffic, trains (representing largest contributor), and infrequent use of the firing range. Plano Police Chief Rushin advised that the firing range is used extensively throughout the year for several hours per day including under darkness and Richardson Police Chief Spivey spoke to use by officers and SWAT team members. Fred Phillips of Ryland Homes spoke to conversations with area homeowners regarding noise levels and compared the site to those near airports or hospitals. Deputy Mayor Pro Tem Miner spoke to development of patio homes rather than townhomes and Mr. Phillips advised that he expects most residents will be owners rather than renters and spoke to disclosure of the firing range at the time of contract signature which would follow the title transfer. No one else appeared to speak for or against the request. The Public Hearing was closed.

Ms. Jarrell responded to Mayor Dyer, advising that Schell Elementary would serve the area and spoke to other locations without a neighborhood school/park and stated that there is no open space requirement for single family zoning. She advised that the TXU easement is being proposed as an open space area maintained by the homeowners association and that there is no requirement for fencing along the railway, but that the feature may be added.

City Manager Muehlenbeck spoke to the City's tax base made up of 50% residential and 50% commercial/industrial, the cost to the City to serve the area if developed as residential, calls received regarding noise levels at the firing range, and the request eroding the ability to have the land pay for itself and keep existing taxes low. He spoke to demands for space and leaving areas for development of retail and commercial corporate headquarters.

Deputy Mayor Pro Tem Miner spoke to the possibility of revenue enhancements, to residential locations in the proximity of airports, and in support of the request. Mayor Pro Tem Dunlap spoke to the land being vacant for a period of time, its distance from major thoroughfares, topography conducive to small industrial or residential uses, amenities in the area, gun range noise levels, future development of the Cottonbelt rail line, movement away from commercial uses and in support of residential development.

Council Member Harris spoke to concerns raised by various City departments, non-compliance with the Comprehensive Plan, retaining the ability to add commercial development, consideration of long-term impact, and in opposition to the request.

Mayor Dyer spoke regarding the lack of market demand for R/T properties, the confidence of the developer in the product and buyers' responsibility to be aware of neighboring uses. City Attorney Wetherbee advised that the City cannot require certain conditions such as disclosure of the gun range. Council Member Davidson spoke to the gun range noise, but stated that the middle school changed the dynamics of the area and spoke to the benefits of residential development.

Ordinance No. 2010-6-26 (cont'd)

A motion was made by Mayor Pro Tem Dunlap and seconded by Deputy Mayor Pro Tem Miner to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, 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 as requested in Zoning Case 2010-02 and as recommended by the Planning and Zoning Commission. The Council voted 6-1 in favor with Council Member Harris voting in opposition. The motion carried.

The Council provided direction to Staff to bring back further discussion regarding remaining R/T zoned properties.

Mayor Dyer spoke to the Council's meeting schedule in July and adjourned the meeting at 8:53 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary