

PLANO CITY COUNCIL
July 23, 2007

COUNCIL MEMBERS

Pat Evans, Mayor
Sally Magnuson, Mayor Pro Tem
Jean Callison, Deputy Mayor Pro Tem
Shep Stahel
Scott Johnson
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 into the Regular Session on Monday, July 23, 2007, at 7:09 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Deputy Mayor Pro Tem Callison and Council Member Johnson.

The invocation was led by Mayor Pro Tem Magnuson.

The Pledge of Allegiance was led by Nathan Hozer of Boy Scout Troop 380.

The Plano Fire Department received a \$45,000 Grant from Fireman's Fund Insurance and Mike Rapplean, Public Works Operations Manager received the 2007 Professional Manager of the Year Award (Water Resources) from the Texas Chapter of the Public Works Association. The Plano Early Lions Club made a presentation to the Council and Mayor Evans presented special recognition to Parade Magazine's All-America High School Boys Soccer Team Member and All-America High School Girls Soccer Team Members.

Mayor Evans administered an oath of office to incoming Self Sufficiency Committee member Marci Lynn Holloway.

Mayor Evans presented a certificate of appreciation to outgoing Senior Citizens Advisory Board member Dr. Frida Alperovich.

COMMENTS OF PUBLIC INTEREST

Jack Lagos, citizen of the City, spoke to there being no follow-up with regard to a review of the Arts of Collin County (ACC) by finance directors of the participating cities. He stated concern regarding the legal/financial aspects of a contract donating land to the ACC and requested an audit.

BOARD AND COMMISSION REPORT

Building Standards Commission Chair Jeff D. Bulla III spoke regarding membership and Staff support and to Chief Building Official Mata and the department receiving accreditation by the International Accreditation Service. He stated the responsibilities of the board to enforce health and safety ordinances with duties of enforcement in response to an ordinance violation, use of alternative materials and appeal. Mr. Bulla spoke to code interpretation and the authority to hear appeals from the decision of the Fire Chief or Chief Building Official. He advised regarding other functions including proposing amendments to the fire and building codes, receiving input requesting a change to the fire or building code, acting as an advisor, and reviewing contractors' registrations for reinstatement. Mr. Bulla spoke to the thirty six cases heard during the past year and reviewed the results. Council Member Stahel thanked the Commission for their efforts.

CONSENT AGENDA

Citizen Jack Lagos requested Consent Agenda Item "V," Resolution to approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas, and SCOR Life U.S. Re Insurance Company be removed for individual consideration.

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

Approval of Minutes [Consent Agenda Item (A)]

June 25, 2007

Approval of Expenditures

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

RFP No. 2007-70-C for an annual fixed price contract for Occupational Resource Services to Merit Insurance Services, Inc. in the annual amount of \$500,000. This will establish an annual contract with four City Optional one year renewals for Occupational Resource Services in the amount of \$500,000 for the first year, and a 3% annual increase for each renewal period. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. 2007-157-B for the purchase of Gladys Harrington Library Renovation-Furniture, Fixtures & Equipment - Project No. 5728 Schedule 2: Architectural Woodwork to Cultural Surroundings in the amount of \$2,084; Schedule 3: Library Furniture to TUSA Office Solutions, Inc. in the amount of \$12,340; Schedule 4: The Midlands Company to Libra Tech in the amount of \$13,054; and Schedule 5: Worden to Cultural Surroundings in the amount of \$59,997 for the total amount of \$87,475. [Consent Agenda Item (C)] (See Exhibit "B")

Bid No. 2007-158-B for the purchase of W.O. Haggard Library Renovation-Furniture, Fixtures & Equipment - Project No. 5728 Schedule 1: Library Shelving to Libra Tech in the amount of \$30,815, which includes alternate pricing for 12" shelves; Schedule 2: Architectural Woodwork to Cultural Surroundings in the amount of \$39,404; Schedule 3: Library Furniture to Business Interiors in the amount of \$27,570; Schedule 4: Worden to Cultural Surroundings in the amount of \$29,999; and Schedule 5: Steelcase to Business Interiors in the amount of \$4,728 for the total amount of \$132,516. [Consent Agenda Item (D)] (See Exhibit "C")

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 authorize the purchase of a Firearms and Toolmarks Comparison Microscope System in an amount not to exceed \$70,000 from Leeds Instruments, Inc. through a Texas Building and Procurement Commission contract, and authorizing the City Manager to execute all necessary documents. (TBPC Contract #490-N1 Microscopes and Accessories). [Consent Agenda Item (E)]

To authorize the purchase of furniture in the amount of \$38,608 for Haggard Library and \$37,983 for Harrington Library, for a total purchase of \$76,591, from workplace resource, A Certified ®HermanMiller Dealer utilizing a U.S. Communities Contract (Contract No. AG0607) and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (F)]

To approve the purchase and installation of bay flooring for Fire Stations No. 1, 2, 7, and 8, in the amount of \$152,852, from Hisaw & Associates General Contractors, Inc., through an existing Contract/Agreement with The Interlocal Purchasing System (TIPS), and authorizing the City Manager to execute all necessary documents. (TIPS Vendor Contract No. 14012707) [Consent Agenda Item (G)]

To approve the purchase and installation of apparatus bay ventilation and miscellaneous improvements at Fire Stations No. 2, 5, 6, and 7, in the amount of \$196,820, from Centennial Contractors Enterprises, Inc., through an existing Contract/Agreement with The Cooperative Purchasing Network (TCPN), and authorizing the City Manager to execute all necessary documents. (TCPN Vendor Contract No. R4538). [Consent Agenda Item (H)]

To approve the purchase of one Ford F-450 Cab/Chassis with Aerial Man-Lift (replacement for unit #98125 for Fleet and Equipment Services) in the amount of \$66,028 from Philpott Motors through an existing Contract/Agreement with the Texas Association School Buyboard Purchase Program, and authorizing the City Manager to execute all necessary documents. (#208-04) [Consent Agenda Item (I)]

To approve the purchase of one Ford F-450 Cab/Chassis with Aerial Man-Lift for Fleet and Equipment Services in the amount of \$66,031 from Philpott Motors through an existing Contract/Agreement with the Texas Association School Buyboard Purchase Program, and authorizing the City Manager to execute all necessary documents. (#208-04) [Consent Agenda Item (J)]

To approve the purchase of three Toro #3300 Workman Utility Vehicles, one Toro #3300 Workman Utility Vehicle with Rahn Ballfield Attachments, one Toro #687 Aerator and one Toro Groundmaster 580D for Fleet and Equipment Services in the amount of \$155,986 from Professional Turf Products through an existing Contract/Agreement with the Texas Association School Buyboard Purchase Program, and authorizing the City Manager to execute all necessary documents. (#225-05) [Consent Agenda Item (K)]

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

To approve an Engineering Professional Services Agreement contract by and between the City and Teague, Nall & Perkins, Inc., in the amount of \$397,472, for design engineering services for the Windhaven - Spring Creek Parkway to West City Limits project, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (L)]

To approve the terms and conditions of an agreement by and between the City of Plano and Environmental Systems Research Institute (ESRI) in the amount of \$29,826 to upgrade the City's Geographic Information System (GIS) Engineering Drawing As-Built imaging system to support the latest release of the City's GIS software and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (M)]

To approve an Engineering Professional Services Agreement contract by and between the City and BW2 Engineers, Inc., in the amount of \$41,155, for engineering design services for the 2007 Alley Reconstruction project, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (N)]

To approve an Engineering Professional Services Agreement contract by and between the City and PBS&J, in the amount of \$239,107, for engineering design services for Chaparral - Avenue K to East City Limits, and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (O)]

Approval of Agreement

To approve an agreement with Oncor Electric Delivery for the installation of street lights and appurtenances in Dominion Parkway from Hedgcoxe Road to Parkwood Boulevard, in the amount of \$86,505; authorizing the City Manager to execute the agreement. [Consent Agenda Item (P)]

Reimbursement of Oversize Participation

To approve and authorize reimbursement to Newmark Homes L.P. for oversized paving in Cloverhaven Way and streets adjacent to parks in Bright Star Way in the amount of \$45,574. [Consent Agenda Item (Q)]

To approve and authorize reimbursement to Tennyson Office Center L.P. for oversized paving and water line participation in the amount of \$73,369 in Communications Parkway. [Consent Agenda Item (R)]

Approval of Change Order

To McMahon Contracting, L.P., increasing the contract by \$37,500, for Midway Road Widening - Parker Road to Spring Creek Parkway (Project No. 5507), Change Order No. 3, Bid No. 2006-150-B. [Consent Agenda Item (S)]

Adoption of Resolutions

Resolution No. 2007-7-1(R): To approve the terms and conditions of an agreement between the City of Plano, Texas and Teresa Camozzi, a qualified professional artist, for the design of five artworks at each of the five City libraries: Haggard, Parr, Davis, Harrington and Schimelpfenig; and authorizing the City Manager to execute such agreement with Teresa Camozzi; and providing an effective date. [Consent Agenda Item (T)]

Resolution No. 2007-7-2(R): To approve the dedication of a 1,830 square foot tract of land owned by the City of Plano, Texas for dedication as a sanitary sewer easement for the 15th Street Village No. 2 Addition, said parcel situated in the Sanford Beck Survey, Abstract No. 73, in the City of Plano, Collin County, Texas, and providing an effective date. [Consent Agenda Item (U)]

Adoption of Ordinances

Ordinance No. 2007-7-3: To repeal Ordinance No. 2006-9-28; establishing the number of certain classifications within the Police and Fire Departments for Fiscal Year 2006-2007; establishing the authorized number and effective dates of such positions for each classification; establishing a salary plan for the Police and Fire Departments effective October 2, 2006; and providing a repealer clause, a severability clause and an effective date. [Consent Agenda Item (W)]

Ordinance No. 2007-7-4: To grant a permit to Andrus Water Well Drilling Company to drill a water well to supply irrigation needs at 5601 Banister Court, Plano, Texas, located west of Willow Bend Drive and north of West Park Boulevard; authorizing the City Manager to execute any and all documents in connection therewith; and providing an effective date. [Consent Agenda Item (X)]

Ordinance No. 2007-7-5: To abandon all right, title and interest of the City, in and to that certain twenty foot (20') sanitary sewer easement being situated in the Jacob Baccus survey, Abstract Number 53, which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Estancia at Ridgeview Ranch, L.P., to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (Y)]

Ordinance No. 2007-7-6: To repeal Ordinance No. 93-11-14, codified in subsection entitled "U.S. Highway 75 Service Roads" under Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, of the City of Plano Code of Ordinances and repealing Ordinance Nos. 2000-4-7 and 2001-2-26, codified in subsection entitled "State Highway 190 Service Roads" under Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, to establish prima facie maximum speed limits on U.S. Highway 75 Service Roads and the State Highway 190 Service Roads within the incorporated limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a penalty clause, a severability clause, a savings clause, a publication clause and an effective date. [Consent Agenda Item (Z)]

ITEMS FOR INDIVIDUAL CONSIDERATION:

Resolution No. 2007-7-7(R): To approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas, and SCOR Life U.S. Re Insurance Company, 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 (V)]

Jack Lagos, citizen of the City, requested clarification regarding the financial summary and encumbrances. City Manager Muehlenbeck advised that the documents are produced to advise Council regarding the amount in the budget and that a running total could be provided. He spoke to instances where amounts may be encumbered but if the company does not continue to perform, money would go back to the City.

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, the Council voted 6-0 to approve the terms and conditions of an Economic Development Program Agreement by and between the City of Plano, Texas, and SCOR Life U.S. Re Insurance Company, 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; and further to adopt Resolution No. 2007-7-7(R).

Public Hearing an adoption of Ordinance No. 2007-7-8 as requested in Zoning Case 2007-14 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 6.6± acres located on the east side of Spring Creek Parkway, 3,100± feet west of Tennyson Parkway in the City of Plano, Denton County, Texas, from Commercial Employment to Neighborhood Office and grant Specific Use Permit No. 585 for the additional use of veterinary clinic and kennel (indoor pens); 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: HW Spring Creek Partners, L.P. [Regular Agenda Item (1)]

Director of Planning Jarrell advised the Council that the applicant intends to construct a veterinary clinic with indoor pens on property adjacent to Spring Creek Parkway, that the Future Land Use Plan recommends property in the area be developed for low intensity offices uses and that the Planning and Zoning Commission has recommended approval as submitted.

Mayor Evans opened the Public Hearing. Shane Jordan, representing the applicant, spoke to the reduction in density, height of buildings and advised regarding plans for the facility. He further spoke to contact made with those expressing concerns. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Dunlap and seconded by Mayor Pro Tem Magnuson, the Council voted 6-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to rezone 6.6± acres located on the east side of Spring Creek Parkway, 3,100± feet west of Tennyson Parkway in the City of Plano, Denton County, Texas, from Commercial Employment to Neighborhood Office and grant Specific Use Permit No. 585 for the additional use of veterinary clinic and kennel (indoor pens) as requested in Zoning Case 2007-14 and as recommended by the Planning and Zoning Commission; 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. 2007-7-8.

There being no further discussion, Mayor Evans adjourned the meeting at 8:02 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary