

PLANO CITY COUNCIL

August 25, 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, August 25, 2008 at 7:00 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Father Jason Cargo with St. Elizabeth Ann Seton Catholic Church.

The Pledge of Allegiance was led by Sr. Girl Scout Troop 2232.

Mayor Evans presented Special Recognition to Bruce Glasscock for his work in bringing a Federal Courthouse to Plano.

Mayor Evans administered an oath of office to incoming Self Sufficiency Committee member Valis Houston.

COMMENTS OF PUBLIC INTEREST

Pat Darby, representing the Assistance League of Collin County spoke regarding efforts of the organization and thanked Council for their support. She further invited the Council to attend an upcoming open house. Citizen of the City Dan Bridges spoke regarding dog attacks, issues of safety, marginalization of neighborhoods, and requested protection.

CONSENT AGENDA

Council Member Dunlap requested that Consent Agenda Items “E,” change order to Jim Bowman Construction Co., L.P., increasing the contract by \$33,134 for Water Crossings No. 1; and “F,” a change order to Jim Bowman Construction Co., L.P., increasing the contract by \$35,437 for Intersection Improvements – Spring Creek Parkway at K Avenue be removed for individual consideration due to a possible conflict of interest.

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 8-0 to approve and adopt all remaining items on the agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

August 11, 2008

August 16, 2008

Approval of Expenditures

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

Bid No. 2008-199-B for S.H. 121 Water Line – Spring Creek Parkway to Dallas North Tollway to Metro-Plex Underground, LP., in the amount of \$475,553. [Consent Agenda Item (B)] (See Exhibit “A”)

Purchase from an Existing Contract

To authorize the purchase of Design/Build Services for an Addition to the Plano Centre in the amount of \$299,592 from Hisaw and Associates General Contractors, Inc. through The Interlocal Purchasing System (TIPS) contract, and authorizing the City Manager to execute all necessary documents. (TIPS Contract No. 1052507) [Consent Agenda Item (C)]

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

To approve the terms and conditions of a professional services contract between the City of Plano and Crossroads Family Services in the amount of \$115,000 wherein Crossroads Family Services will provide services to the Police Department to combat juvenile delinquency, and authorizing execution of such agreement by the City Manager, and providing an effective date. [Consent Agenda Item (D)]

Adoption of Resolutions

Resolution No. 2008-8-6(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the North Central Texas Council of Governments providing terms and conditions for the funding of a RecycleBank Pilot Program; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (G)]

Resolution No. 2008-8-7(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the North Central Texas Council of Governments providing terms and conditions for funding to facilitate (Compost Fair Grant) long-term changes in attitudes about source reduction, reuse and recycling; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2008-8-8(R): To approve and authorize the refunds of property tax overpayments; and providing an effective date. [Consent Agenda Item (I)]

Resolution No. 2008-8-9(R): To authorize the purchase of software maintenance and system support as a sole-source procurement from Polaris Library Systems, exclusive suppliers of software maintenance for Polaris Software in the amount of \$64,025 for the Plano Public Library System, 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 (J)]

Resolution No. 2008-8-10(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and Collin County, Texas, concerning major thoroughfare rehabilitation improvements on Plano Parkway, Legacy Drive, Parker Road, Pleasant Valley Drive and Park Boulevard; authorizing its execution by the City Manager and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2008-8-11(R): To review and approve the City's written Public Funds Investment Policy; and providing an effective date. [Consent Agenda Item (L)]

Adoption of Ordinances

Ordinance No. 2008-8-12: To amend Ordinance No. 98-4-7, codified as Section 16-19, Fees for Zoning, Rezoning and Other Miscellaneous Fees, of Article II, Fees Generally, of Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano; adding a flood study review fee; providing a severability clause, and an effective date. [Consent Agenda Item (M)]

END OF CONSENT

Due to a possible conflict of interest Council Member Dunlap stepped down from the bench on the following two items which were considered concurrently.

Approval of Change Order - To Jim Bowman Construction Co., L.P., increasing the contract by \$33,134 for Water Crossings No. 1, Change Order No. 1. (Original Bid No. 2007-166-B). [Consent Agenda Item (E)]

Approval of Change Order - To Jim Bowman Construction Co., L.P., increasing the contract by \$35,437 for Intersection Improvements – Spring Creek Parkway at K Avenue, Change Order No. 1. (2006-202-B) [Consent Agenda Item (F)]

Upon a motion made by Council Member Magnuson and seconded by Council Member Johnson, the Council voted 7-0 to approve change orders to Jim Bowman Construction Co., L.P., increasing the contract by \$33,134 for Water Crossings No. 1, (Original Bid No. 2007-166-B) and increasing the contract by \$35,437 for Intersection Improvements – Spring Creek Parkway at K Avenue, Change (2006-202-B)

Council Member Dunlap resumed his place at the bench.

Second Public Hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 5.20 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). First Public Hearing Held 08/21/08 [Consent Agenda Item (1)]

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

Resolution No. 2008-8-13(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Phoenix Indemnity Insurance Company, an Arizona Property and Casualty Insurance Company; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (2)]

Interim Director of Finance Tacke spoke to the company occupying 16,814 square feet of office space, real property improvements in the amount of \$750,000 and business personal property in the amount of \$400,000. She advised they will receive \$35,000 for the first 70 jobs on the property by December 31, 2008 with additional job equivalents in later years and to maintaining these for the remainder of the term of the agreement.

Upon a motion made by Council Member Magnuson and seconded by Council Member Johnson, the Council voted 8-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Phoenix Indemnity Insurance Company, an Arizona Property and Casualty Insurance Company; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2008-8-13(R).

Public Hearing and adoption of Resolution No. 2008-8-14(R): To adopt the Stratford Estates Neighborhood Action Plan as proposed by the Stratford Estates Neighborhood Planning Team and approving its use by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development and provision of City services within the Stratford Estates Neighborhood; and providing an effective date. [Consent Agenda Item (3)]

Neighborhood Planner Coleman spoke to meetings held with residents to develop goals and objectives which offer specific courses of action and to anticipated expenses of implementation in the amount of \$59,995. She spoke to the location, history and makeup of the neighborhood, participation level and the name selected to recognize the two organized residential groups.

Resident Chris Hasek spoke regarding the vision, maintenance and beautification to improve the image of private and public property, and transportation to address issues of cut-through traffic by working with the Safe Streets Program and making Special Enforcement Requests to address isolated violations. Resident Bill Sherwood spoke to neighborhood safety, plans to participate in the crime watch program, development of a newsletter and possible additional lighting. He spoke to enriching community involvement through the creation of a neighborhood organization, a yahoo group, neighborhood-wide events, sign toppers and a web site. Resident Nathalie Propes spoke to diversity of the neighborhood and its continuing regeneration. She spoke to Rustic Park serving as a gathering place and anchor for the community and adding picnic tables, turf improvements and cleaning up. Ms. Propes spoke to working with a scout group on efforts, participation in the Adopt-a-Creek Program and waste pickup stations for pets. Ms. Coleman spoke to project costs, procedures of the Safe Streets Program, establishment of a crime watch group, signage and issues of lighting. She advised that sign toppers have been produced, turf improvements have started and pet waste stations installed. Ms. Coleman responded to Mayor Evans that efforts will continue to assess lighting and possible overgrowth of trees.

Mayor Evans 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 Magnuson and seconded by Council Member Dunlap, the Council voted 8-0 to adopt the Stratford Estates Neighborhood Action Plan as proposed by the Stratford Estates Neighborhood Planning Team and approving its use by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development and provision of City services within the Stratford Estates Neighborhood; and providing an effective date; and further to adopt Resolution No. 2008-8-14(R).

Ordinance No. 2008-8-15: To repeal City of Plano Ordinance No. 84-8-24, codified as Division III, Article II, Historic Structures, of Chapter 20 of the Code of Ordinances of the City of Plano (Heritage Preservation Tax Exemption Program); and adopting new and amended provisions for historic structures for the City of Plano and providing a penalty clause, a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (4)]

Long Range Planning Manager Zimmerman spoke to amendments applying current terminology and references, formalizing the appeal process and removing impractical procedures for calculating exemptions. He spoke to the intent of the program to promote continued reinvestment in historic properties; offset the cost of repair, maintenance and restoration; and verifying upkeep of properties through annual survey.

Mr. Zimmerman spoke to application of exemptions for properties that are individual or contributing and addressing a procedural issue where the current ordinance calls for a separation of the condition of the structure as it existed when approved for the program from the improvements made in later years and the difficulty in determining these figures. He spoke to this provision as being inconsistent with the objective of the program and its deletion through this amendment.

Upon a motion made by Council Member Magnuson and seconded by Council Member Miner, the Council voted 8-0 to repeal City of Plano Ordinance No. 84-8-24, codified as Division III, Article II, Historic Structures, of Chapter 20 of the Code of Ordinances of the City of Plano (Heritage Preservation Tax Exemption Program); and adopting new and amended provisions for historic structures for the City of Plano and providing a penalty clause, a repealer clause, a severability clause, a savings clause, and an effective date; and further to adopt Ordinance No. 2008-8-15.

Public Hearing and adoption of Ordinance No. 2008-8-16 as requested in Zoning Case 2008-63 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 595 so as to allow the additional use of Gymnastics/Dance Studio on 0.5± acre located on the southwest corner of 10th Street and N Avenue in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1; 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: T. Cappelli Properties, L.P. [Consent Agenda Item (5)]

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

Mayor Evans opened the Public Hearing. Matt Sturgis representing Envy Cheer Gymnastics and Dance Studio, spoke to the success of former students. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Miner and seconded by Council Member Jackson, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 595 so as to allow the additional use of Gymnastics/Dance Studio on 0.5± acre located on the southwest corner of 10th Street and N Avenue in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1 as requested in Zoning Case 2008-63 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. 2008-8-16.

The Council resumed discussion of the Preliminary Open Meeting.

Consideration and Action Resulting from Executive Session Discussion:

No items were brought forward for consideration.

City Council Appointments to Various Committees and Organizations

Mayor Evans advised regarding the following Council Liaisons to various communities and organizations.

- Designation of Official North Central Texas Council of Governments
- Voting Representative - Mayor Evans
- Regional Transportation Council – NCTCOG – Lee Dunlap and Mayor Evans (backup)
- TML & Other Legislative Action - Mayor Evans and other Council Members as appropriate
- North Texas Commission – Mabrie Jackson
- Memorial Day Committee – Lee Dunlap
- Metroplex Mayors Committee - Mayor Evans
- Collin County Mayors Committee – Mayor Evans
- Arts of Collin County Mayors Committee - Mayor Evans
- Economic Development Board - Mayor Evans and City Manager Muehlenbeck
- Dallas Regional Mobility Coalition - Mayor Evans
- Council of Governments - Texas Clean Air Steering Committee – Sally Magnuson
- Regional Committee on Child Predator Legislation – Mayor Pro Tem Jean Callison and Mabrie Jackson
- Fire Team USA – Sally Magnuson
- Board and Commission Review Committee – Mayor Pro Tem Jean Callison and Deputy Mayor Pro Tem Harry LaRosiliere
- Community Finance – Deputy Mayor Pro Tem Harry LaRosiliere and Scott Johnson
- Joint PISD/Council Committee – Mayor Pro Tem Jean Callison and Sally Magnuson
- Multi-Cultural Outreach Roundtable – Sally Magnuson and Pat Miner

Mobility Report

Transportation Engineer Neal spoke regarding driver awareness in school zones and coming back to Council with a series of parking restrictions. He advised that issues at Parkwood Boulevard and S.H. 121 have been resolved with TxDOT.

Median Left Turn Design Projects

Transportation Engineer Neal spoke to an earlier decision made by Council to proceed with at-grade improvements at several locations previous designated for overpasses. He spoke to traffic congestion, difficulty managing left-turn movements and the resultant stacking of traffic.

Mr. Neal spoke to the effectiveness of the medial left design (MLT) which, if not accepted, may be retrofitted to its conventional design. He advised that the MLT provides a high benefit-to-cost ratio, requires minimal right-of-way, includes minimal disruption to traffic during construction, provides a level of service "C" for 20 years, and enhances the access to adjacent properties. Mr. Neal spoke to anticipated failure of the current design in 2010 and responded to the Council regarding signage, acceptance across the country, educating users, and to implementing the design at Preston Road/Legacy Drive with revisions to Legacy Drive providing the most improvement.

Mr. Neal advised that the Texas U-turn would stay in place and spoke regarding some signalization for traffic to merge. City Engineer Upchurch spoke regarding the cost of \$2.3 million with TxDOT funding of 90% and the remainder coming from Collin County bonds. He spoke to the minimal cost for retrofitting and acquisition of right-of-way. Mr. Neal reviewed the timing for the intersections of Preston Road/Legacy Drive, Plano Parkway/Preston Road, and Spring Creek Parkway/Coit Road. He responded to Mayor Evans that this design provides improved air quality by reducing the stacking of vehicles and to Council Member Miner regarding the reactions of drivers in traffic congested areas. Mr. Miner spoke to receiving citizen input following implementation of the Preston Road/Legacy Drive intersection before proceeding to additional locations.

Citizen Phil Dyer complimented Staff and spoke to the flow at this intersection (Preston Road/Legacy Drive) as heavy during rush hour and with a good flow the remainder of the day. He spoke to adding a third lane southbound on Preston Road and following up with analysis to determine effectiveness before proceeding with the MLT. Mr. Neal spoke to the through lanes that will be added with the MLT and responded to Mayor Pro Tem Callison that volumes at this intersection are different than those seen at Preston Road/Park Boulevard which has additional lanes. Mr. Upchurch advised the Council that efforts are close to completion of the design that if a decision were made in a different direction, Staff would need to go back to TxDOT which might influence the schedule of funding. Mr. Upchurch spoke to input that will be received from citizens, normalization of flow and stated that if unsuccessful it could be retrofitted. Mr. Upchurch responded to the Council advising that this intersection is further along than others in the process so it would be addressed first and to the impact that will be seen through addition of the lane.

Council Member Jackson spoke to moving forward with the plan and the Council provided a consensus approval.

Wellness, Occupational Resource and Employee Clinic Briefing

Director of Health Collins spoke to the evolution of the wellness program, education provided, participation, early disease intervention and detection, successes in claims processing, and the cost of \$162,000. He spoke to the Occupational Resource Center's purpose to provide clinical services and claims administration for workers' compensation, a 52% reduction in medical costs and its underutilization.

Mr. Collins advised that the center is funded through April of 2009 and advised that start-up costs have already been recovered through savings. He spoke to the potential and benefits of an employee clinic providing acute minor pharmaceutical and medical needs, the cost of a Request for Information and exploration of a consortium. Mr. Collins responded to the Council, stating that programs can be better negotiated when offered in-house rather than through another party, to the number of employees living in close proximity to municipal center and to looking at employees first before expanding the program to include dependents.

Comprehensive Monthly Financial Report

This item was deferred.

Emergency Management Overview

Director of Emergency Management & Homeland Security Stovall provided information regarding the department's history and mission. He spoke to finalization of the City's Action Plan and updates to the Comprehensive Emergency Management Plan Hazard Mitigation Annex. Mr. Stovall spoke to cooperation with area, state, federal, private and volunteer sectors; work towards compliance with the National Incident Management System; website information; monitoring tools; drills and a secured \$3 million in grants. He spoke to goals to continue compliance activities, development of a multi-faceted emergency and disaster planning outreach program, completion of the facility, development of training for stakeholders, monitoring grants and ensuring consistent operational readiness in the City. Mr. Stovall spoke regarding past efforts, disaster recovery including assessment, assistance, housing and debris management and the commonalities between projects being communication, coordination and cooperation. He responded to the Council advising that all weather conditions are encompassed in the program and City Manager Muehlenbeck spoke to the excellent reputation of Mr. Shane in the region.

Katrina Update and State Reimbursement Funding

Executive Director Glasscock provided an overview of Katrina events including activation of the Emergency Operations Center, 3,548 evacuees registered, utilization of three faith-based shelters and over 700 apartments with a resultant \$67,656 in damages which were reimbursed. He spoke to auction income of \$1,492 for unused items, over \$200,000 in regular employee hours not reimbursed and \$5.1 million in approved expenses reimbursed by FEMA along with \$61,706 in administrative allowances for a net of \$24.07. Mr. Glasscock advised that only overtime for employees was reimbursed and recognized the efforts of Valerie Tidwell in the process.

Mr. Glasscock spoke to the unresolved issue at the state level related to the reimbursement of local jurisdictions to be pursued in 2009. He stated concern that there will be activation of emergency services with no presidential declaration and the uncertainty whether or not City expenditures would be reimbursed advising there is no statutory authority. Mr. Glasscock spoke to past legislation efforts and to making an effort to address the concern in 2009. He responded to Council Member Johnson that while there are no firm numbers regarding how many evacuees may have stayed in Plano or the state, that the school district reports less than 200 students in their system.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agenda

This item was considered during the Regular Meeting

Council Reports

No items were discussed.

There being no further discussion, Mayor Evans adjourned the meeting at 9:40 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary