

PLANO CITY COUNCIL
December 10, 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
John Gilliam, First Assistant City Attorney
Diane Zucco, City Secretary

Mayor Evans convened the Council into the Regular Session on Monday, December 10, 2007, 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 Mayor Pro Tem Magnuson.

The Pledge of Allegiance was led by the Men of Note Choir and they performed several holiday songs.

CERTIFICATE OF APPRECIATION

Mayor Evans presented a Certificate of Appreciation to outgoing member Pat Miner of the Transition and Revitalization Commission.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon the request of Council Member Stahel, Consent Agenda Item "C" was removed for individual consideration due to a possible conflict of interest.

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member Callison, the Council voted 8-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

Approval of Minutes

November 27, 2007 [Consent Agenda Item (A)]

Approval of Expenditures

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

Bid No. 2007-231-B for Municipal Center Cooling Tower Replacement to Powers MEP Engineering, Inc., in the amount of \$224,000. [Consent Agenda Item (B)] (Exhibit "A")

Purchase from Existing Contract/Agreement:

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

To approve the terms and conditions of an Engineering Services Contract by and between the City of Plano and Nathan D. Maier Consulting Engineers, Inc., in the amount of \$255,040 for the 15th Street- Avenue G to US 75 project; and authorizing the City Manager to execute all necessary documents. (RFP No. 2006-236-B) [Consent Agenda Item (D)]

To approve a Professional Services Agreement Contract between the City of Plano and Hayden Consultants, Inc., in the amount of \$53,539 for Engineering Design Services for the Screening Wall – Desert Garden Project; and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (E)]

To approve an Engineering Contract by and between the City of Plano and R-Delta Engineers, Inc., in the amount of \$194,020 for the Avenue P, 18th Street, and Belle View Addition Project; and authorizing the City Manager, to execute all necessary documents. [Consent Agenda Item (F)]

Approval of Contract Modification

To increase the contract with UBM Enterprise, Inc. by \$179,961 for Custodial Services – various locations. Contract Modification #1. (2007-63-C) This modification will increase the scope of the contract to include seven additional locations for the City. [Consent Agenda Item (G)]

Approval of Change Order

To Dean Electric, Inc., dba Dean Construction, deleting certain requirements and adding others resulting in an overall decrease in the contract by \$61,817 for Enfield Park Improvements, Project No. 5720, Change Order #1 (Bid No. 2007-101-B). [Consent Agenda Item (H)]

Adoption of Resolutions

Resolution No. 2007-12-1(R): To approve receipt of funds in the amount of \$125,801 from the Texas State Library and Archives Commission – Loan Star Libraries to fund the following for Plano Public Library System (PPLS): gaming equipment for teen and adult programming, OCLC language sets, large print books, books on CD, DVDs, Great Courses DVDs, downloadable audios, event registration software, color poster printer, 5 digital projectors, and English and Spanish computer class instructors; and authorizing the City Manager to execute all necessary documents for receipt of the funding. [Consent Agenda Item (I)]

Resolution No. 2007-12-2(R): To approve the terms and conditions of a Texas Traffic Safety Program Grant Agreement by and between the State of Texas and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (J)]

Adoption of Ordinances

Ordinance No. 2007-12-3: To repeal Ordinance No. 2007-4-20, codified as the subsection entitled “Dominion Parkway” of Chapter 12, Motor Vehicles and Traffic, Article IV, Speed, Section 12-74(b) of the City of Plano Code of Ordinances, to establish the prima facie speed limit for motor vehicles operating along Dominion Parkway between Parkwood Boulevard and Hedgoxe Road; authorizing and directing the Traffic Engineer to cause placement of traffic control devices indicating the speed limit; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date. [Consent Agenda Item (K)]

Ordinance No. 2007-12-4: To amend Sections 11-228 (c) and Section 11-228 (e) of Chapter 11. Licenses and Business Regulations of the Code of Ordinances of the City of Plano providing for the assessment of a fee if a robbery alarm or an emergency assistance/personal distress alarm falsely alarms more than twice in a twelve month period; providing a repealer clause, a savings clause; a severability clause; and providing an effective date. [Consent Agenda Item (L)]

Ordinance No. 2007-12-5: To adopt and enact Supplement Number 80 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 (M)]

END OF CONSENT

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

Purchase from Existing Contract/Agreement: To authorize the purchase of maintenance support for Network Infrastructure Switches in the amount of \$156,356 from InterNetwork Experts through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-239) [Consent Agenda Item (C)]

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member Johnson, the Council voted 7-0 to approve the purchase of maintenance support for Network Infrastructure Switches in the amount of \$156,356 from InterNetwork Experts through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-239)

Council Member Stahel resumed his seat at the bench.

ITEMS FOR INDIVIDUAL CONSIDERATION:

Public Hearing and adoption of Ordinance No. 2007-12-6 as requested in Zoning Case 2007-56 –To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 588 so as to allow the additional use of Arcade on 1.1± acres of land located on the west side of U.S. Highway 75, 860± feet north of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; 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: Amazing Jakes. [Regular Agenda Item (1)]

Director of Planning Jarrell stated the request is for an SUP for an arcade in the vacant anchor tenant space of Collin Creek Mall. She additionally stated the location meets all the set back requirements for arcades that are outlined in the Zoning Ordinance and the Planning and Zoning Commission has recommended approval as submitted

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 Ellerbe and seconded by Council Member LaRosiliere, 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. 588 so as to allow the additional use of Arcade on 1.1± acres of land located on the west side of U.S. Highway 75, 860± feet north of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-56; and 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 2007-12-6.

Public Hearing and an Ordinance as requested in Zoning Case 2007-57 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 589 so as to allow the additional use of Day Care Center on 0.5± acre of land located 100± feet west of N Avenue, 370± feet south of Plano Parkway 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: University of Gymnastics. [Regular Agenda Item (2)]

Director of Planning Jarrell stated the applicant requested the item to be tabled until the January 14, 2008 Council meeting.

Upon a motion made by Council Member LaRosiliere and seconded by Mayor Pro Tem Magnuson, Council voted 8-0 to table the item until January 14, 2008, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 589 so as to allow the additional use of Day Care Center on 0.5± acre of land located 100± feet west of N Avenue, 370± feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1.

There being no further discussion, Mayor Evans adjourned the meeting at 7:18 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary