

PLANO CITY COUNCIL
December 19, 2006

COUNCIL MEMBERS

Pat Evans, Mayor
Scott Johnson, Mayor Pro Tem
Sally Magnuson, Deputy Mayor Pro Tem
Shep Stahel
Jean Callison
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
Elaine Bealke, City Secretary

Mayor Evans convened the Council into the Regular Session Tuesday, December 19, 2006, 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 Council Member Callison.

The Pledge of Allegiance was led by Boy Scout Troop 285.

The Plano Senior High School Girl's Choir performed for the Council.

Mayor Evans presented a Special Award for the 2006 Christmas Parade to the Youth Advisory Commission Chairperson.

Mayor Evans administered the oath of office to Self Sufficiency Committee member Cathie Stanford Alexander. Pamela Harvey was not in attendance to receive her oath of office.

COMMENTS OF PUBLIC INTEREST

Karen Dubrow, citizen of the City, advised the Council of a circulating petition calling for a referendum on the issue of the fountain at the Shops at Legacy. She requested the Council delay action on the contract through the signing and verification periods. Ms. Dubrow spoke regarding the costs of doing business and regarding the petition giving the right to voters to decide whether tax dollars will be provided. James Lineback, citizen of the City, spoke to the collection of signatures on the petition and invited the Council to sign. He spoke to citizens being involved in the decision. Jack Lagos, citizen of the City, spoke to the time allotted for discussion of the fountain at the Shops at Legacy and the length of time taken by those in favor as compared to those in opposition.

City Manager Muehlenbeck read a letter into the record from Mr. Karahan advising of his decision to withdraw without prejudice the pending action before the City Council with respect to the fountain and the funds requested.

The Council resumed discussion of the Preliminary Open Meeting at this time.

Discussion and Direction Regarding Combined Charitable Giving Campaign

Executive Director Hogan advised regarding an agenda item changing the process for the employee charitable giving campaign. He spoke to Staff exploring opportunities for including more federations in the campaign and to entering into an agreement to provide coordination of payroll deductions and administration. Mr. Hogan advised that the interlocal agreement would create a regional approach between the cities of Plano and Frisco for charitable giving. He spoke to the creation of a steering committee between the two cities and to the inclusion of a number of charities.

Council Items for Discussion/Action on Future Agendas

City Manager Muehlenbeck requested Council direction regarding any action that might be taken in response to Mr. Karahan's letter and City Attorney Wetherbee advised that Staff could prepare items to repeal the ordinance funding the fountain and the resolution setting for the agreement for consideration at the January 8, 2007 Council meeting.

Consent and Regular Agendas

Council Member Dunlap advised that due to a possible conflict of interest, he will be stepping down on Consent Agenda Item "D," Bid No. 2007-38-B for 2006-07 Arterial Concrete Pavement Rehabilitation Project, Jupiter Road and 18th Street to Jerusalem Corporation in the amount of \$596,975.

Council Member Stahel advised that due to possible conflicts of interest, he will be stepping down on Consent Agenda Items "H," to authorize the purchase of Altiris Total Management Suite software in the amount of \$188,436 from Dell Inc.; "I," to authorize the purchase of network servers in an amount not to exceed \$300,000 from IBM Direct and Hewlett Packard; and "O," a resolution to express intent to finance the purchase of equipment for the Technical Services Department including a Public Safety Wireless Mesh Network together with installation and maintenance in an amount not to exceed twenty one million dollars (\$21,000,000).

Staff requested that Consent Agenda Items "M," a resolution to approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and the City of Frisco establishing the cities of Frisco and Plano Charitable Campaign Partnership and appointing the Community Health Charities as the Campaign Manager and "N," a resolution to approve the terms and conditions of a Settlement Agreement and Release by and between Jacobs Civil, Inc. and the City of Plano be removed for individual consideration

Citizen Dwayne Clark requested Consent Agenda Items “F,” to approve the purchase of thirty-four (34) Chevrolet Police Tahoes in the amount of \$1,034,549 from Caldwell Country Chevrolet through an existing contract/agreement with HGAC Cooperative Purchase Program and “J,” to approve a purchase of Wireless Mesh Network Extension in the amount of \$7,896,000 from Motorola, Inc. through an existing contract/agreement with Houston Galveston Area Council (HGAC) be removed for individual consideration.

Council Reports

Mayor Evans spoke to discussions held with the owners of the Willow Bend Mall and to continuing discussions with Collin Creek Mall regarding renovations and possible basic changes with the City as a partner.

CONSENT AGENDA

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

Approval of Expenditures

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

Bid No. 2007-19-B for Steel Signal Pole Assembly to Union Metal Corporation in the amount of \$67,968. [Consent Agenda Item (A)] (See Exhibit “A”)

Bid No. 2007-6-B for Steel Signal Pole Assembly to ReliaPOLE Solutions, Inc. in the amount of \$118,280. [Consent Agenda Item (B)] (See Exhibit “B”)

Bid No. 2007-29-P for the Sanitary Sewer Rehabilitation Requirements Contract 2006, Project No. 5766 to Miller Pipeline Company in the amount of \$1,992,370. [Consent Agenda Item (C)] (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 approve the purchase of six (6) Unmarked Police Chevrolet Impala Sedans in the amount of \$105,582 from Caldwell Country Chevrolet through an existing contract/agreement with Tarrant County Joint Venture Cooperative Purchase Program, and authorizing the City Manager to execute all necessary documents. (#2005-001) [Consent Agenda Item (E)]

To approve the purchase of police vehicle prisoner barriers and transport seats in the amount of \$39,152 from Big Country Supply through an existing contract/agreement with Tarrant County, and authorizing the City Manager to execute all necessary documents. (Contract #2005-139) [Consent Agenda Item (G)]

Approval of Change Order

To Barson Utilities, increasing the contract by \$29,105 for Whiffletree Water Rehabilitation, Change Order No. 2 (Bid No. 2006-38-B) [Consent Agenda Item (K)]

Adoption of Resolutions

Resolution No. 2006-12-17(R): To approve the terms and conditions of a Support and Maintenance Agreement with BIO-key International, Inc., a sole source vendor for the maintenance and support of BIO-key software applications; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (L)]

Adoption of Ordinances

Ordinance No. 2006-12-18: To abandon all right, title and interest of the City, in and to that certain 20 foot wide alley right-of-way extending from 12th Street to 13th Street between Block 1 and Block 3 of the Aldridge Addition as recorded in the Land Records of Collin County, Texas and being situated in the Joseph Klepper Survey, Abstract No. 213, which is located in the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such 20 foot right-of-way, 10 foot each, to the abutting property owners: Beverly A. Black, Margarita S. Cuevas, Dalton Davis, Ortiz Diego, Bartolo & Felipe Escandon, Sandra A. Gilstrap, Maurice Johnson Etal, Maceo & Willam F. & Robert McKinzie, Elmo Stimpson Estate, Norris Stimpson, R. T. Turner & The House of God, and Arthur Washington, to the extent of their interests; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (P)]

END OF CONSENT

Due to possible conflicts of interest, Council Member Stahel stepped down from the bench on the following three items which were considered concurrently.

Purchase from Existing Contract/Agreement: To authorize the purchase of Altiris Total Management Suite software in the amount of \$188,436 from Dell Inc., through an existing Department of Information Resources (DIR) contract; and authorizing the City Manager to execute all necessary documents. (DIR-SDD-192) [Consent Agenda Item (H)]

Purchase from Existing Contract/Agreement: To authorize the purchase of network servers in an amount not to exceed \$300,000 from IBM Direct and Hewlett Packard through the Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (IBM Direct DIR-SDD-190, HP DIR-VPC-03-006). [Consent Agenda Item (I)]

Resolution No. 2006-12-19(R): To express intent to finance the purchase of equipment for the Technical Services Department including a Public Safety Wireless Mesh Network together with installation and maintenance in an amount not to exceed twenty one million dollars (\$21,000,000); and providing an effective date. [Consent Agenda Item (O)]

Upon a motion made by Council Member LaRosiliere and seconded by Mayor Pro Tem Johnson, the Council voted 7-0 to authorize the purchase of Altiris Total Management Suite software in the amount of \$188,436 from Dell Inc.; to authorize the purchase of network servers in an amount not to exceed \$300,000 from IBM Direct and Hewlett Packard through the Department of Information Resources (DIR) Contract; and to adopt Resolution No. 2006-12-19(R) expressing intent to finance the purchase of equipment for the Technical Services Department including a Public Safety Wireless Mesh Network together with installation and maintenance in an amount not to exceed twenty one million dollars (\$21,000,000).

Council Member Stahel resumed his place at the bench.

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

Bid No. 2007-38-B for 2006-07 Arterial Concrete Pavement Rehabilitation Project, Jupiter Road and 18th Street to Jerusalem Corporation in the amount of \$596,975. This project involves the replacement of arterial street paving, curb and gutter, sidewalk repair and barrier free ramp construction on Jupiter Road between Spring Creek Parkway and Park Boulevard and on 18th Street between G Avenue and P Avenue. [Consent Agenda Item (D)] (See Exhibit "D")

Upon a motion made by Deputy Mayor Pro Tem Magnuson and seconded by Council Member Callison, the Council voted 7-0 to approve Bid No. 2007-38-B for 2006-07 Arterial Concrete Pavement Rehabilitation Project, Jupiter Road and 18th Street to Jerusalem Corporation in the amount of \$596,975.

Council Member Dunlap resumed his place at the bench.

Purchase from Existing Contract/Agreement: To approve the purchase of thirty-four (34) Chevrolet Police Tahoes in the amount of \$1,034,549 from Caldwell Country Chevrolet through an existing contract/agreement with HGAC Cooperative Purchase Program, and authorizing the City Manager to execute all necessary documents. (#VE03-06) [Consent Agenda Item (F)]

Citizen Dwayne Clark stated concern regarding the upgrade to Tahoes citing fuel economy, added expenses and pollution. He spoke to these vehicles being less maneuverable and subject to rollover and to purchasing from a business outside of the City.

City Manager Muehlenbeck spoke to providing opportunities to local dealers and to purchasing through an interlocal agreement for the lowest and best bid. Police Chief Rushin spoke regarding the vehicle committee within the Police Department which reviewed information and provided the recommendation.

Chief Rushin spoke to advantages of the vehicles and stated they could be kept one additional year. Reid Choate of Equipment Services Operations spoke regarding evaluation, maintenance and the total life cycle of the vehicle. He spoke to consideration of the warranty and resale value. City Manager Muehlenbeck spoke to funding from the Equipment Replacement Fund which is part of the City's budget.

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, the Council voted 8-0 to approve the purchase of thirty-four (34) Chevrolet Police Tahoes in the amount of \$1,034,549 from Caldwell Country Chevrolet through an existing contract/agreement with HGAC Cooperative Purchase Program.

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 approve a purchase of Wireless Mesh Network Extension in the amount of \$7,896,000 from Motorola, Inc. through an existing contract/agreement with Houston Galveston Area Council (HGAC), and authorizing the City Manager to execute all necessary documents. (HGAC Contract #RA01-06) [Consent Agenda Item (J)]

Citizen Dwayne Clark stated concern that the expenditure for this item may not be worth the expense. City Manager Muehlenbeck spoke to a pay off within four to five years and to the Public Hearing held during budget consideration. Mr. Clark spoke to waiting for the cost to decrease, possible cost overruns and to possibly being behind schedule on these types of projects. City Manager Muehlenbeck spoke to the cutting edge nature of the request, the applications it will provide, and the exceptional coverage. He responded to Mayor Pro Tem Johnson that it will assist in the area of emergency services as well.

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Magnuson, the Council voted 7-0 to approve a purchase of Wireless Mesh Network Extension in the amount of \$7,896,000 from Motorola, Inc. through an existing contract/agreement with Houston Galveston Area Council (HGAC).

Council Member Stahel resumed his place at the bench.

Resolution No. 2006-12-20(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and the City of Frisco establishing the cities of Frisco and Plano Charitable Campaign Partnership and appointing the Community Health Charities as the Campaign Manager; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2006-12-20(R) (cont'd)

Upon a motion made by Council Member Callison and seconded by Mayor Pro Tem Johnson, the Council voted 8-0 to approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and the City of Frisco establishing the cities of Frisco and Plano Charitable Campaign Partnership and appointing the Community Health Charities as the Campaign Manager; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date; and further to adopt Resolution No. 2006-12-20(R).

Resolution No. 2006-12-21(R): To approve the terms and conditions of a Settlement Agreement and Release by and between Jacobs Civil, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (N)]

Upon a motion made by Mayor Pro Tem Johnson and seconded by Council Member LaRosiliere, the Council voted 8-0 to approve the terms and conditions of a Settlement Agreement and Release by and between Jacobs Civil, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2006-12-21(R).

Public Hearing and adoption of Ordinance 2006-12-22 as stated in Disannexation Case D2006-01 - To disannex 5.2± acres of land located on the west side of Marsh Lane, 1,300± feet south of Plano Parkway, in the John Smith Survey, Abstract No. 1226, Denton County, Texas, and contracting the boundary limits of City limits of the City of Plano, Texas, so as to exclude said property from the City limits; relinquishing any and all extraterritorial jurisdiction the City of Plano may have in and to said tract of land; and providing a severability clause and an effective date. Applicant: Holigan Investment Group, LTD. [Regular Agenda Item (1)]

Director of Planning Jarrell advised the Council that the applicant has assembled land in the area with the intention of building a mixed-use development in the City of Carrollton. She advised that this tract is currently vacant and zoned Light Commercial and stated that if developed as townhouses, it would be beneficial for all services to be provided by one municipality. Ms. Jarrell stated that based on the difficulty of providing sanitary sewer service to the tract and the nature of the proposed residential development, Staff recommends disannexation. She responded to Mayor Pro Tem Johnson regarding other development in the area and stated that residential development poses a sewer capacity issue.

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

Ordinance No. 2006-12-22 (cont'd)

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, the Council voted 8-0 to disannex 5.2± acres of land located on the west side of Marsh Lane, 1,300± feet south of Plano Parkway, in the John Smith Survey, Abstract No. 1226, Denton County, Texas, and contracting the boundary limits of City limits of the City of Plano, Texas, so as to exclude said property from the City limits as stated in Disannexation Case D2006-01; relinquishing any and all extraterritorial jurisdiction the City of Plano may have in and to said tract of land; and providing a severability clause and an effective date; and further to adopt Ordinance No. 2006-12-22.

There being no further discussion, Mayor Evans adjourned the meeting at 8:05 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary