

PLANO CITY COUNCIL
December 20, 2005

COUNCIL MEMBERS

Pat Evans, Mayor
Ken Lambert, Mayor Pro Tem
Scott Johnson, Deputy Mayor Pro Tem
Shep Stahel
Sally Magnuson
Jean Callison
Loretta L. Ellerbe
Harry LaRosiliere

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
Diane Zucco, Assistant City Secretary

Mayor Evans convened the Preliminary Open Meeting directly into the Regular Session on Tuesday, December 20, 2005 at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Members Magnuson and LaRosiliere.

The invocation was led by Associate Pastor Paul Mussachio of Preston Meadow Lutheran Church.

The Pledge of Allegiance was led by representatives of the Boys and Girls Clubs of Collin County – Plano.

GENERAL DISCUSSION

Jack Lagos, citizen of the City, spoke regarding the Arts of Collin County Foundation and to a resolution reserving naming rights and the right for disposal or sale of an asset whose value exceeds \$50,000 to the cities. He inquired when the naming rights were given to the Foundation and spoke regarding a loan agreement between the Arts of Collin County Commission and the Foundation. Mr. Lagos requested an open session for discussion. Deputy Mayor Pro Tem Johnson stated that buildings and roads require Council approval.

Sonja Hammar, citizen of the City, stated concern that the Planning and Zoning Commission will be discussing curtailing and restricting the time allotted to citizens and homeowners associations for input. She stated disappointment that there has been no follow up action addressing her concern that pornography is being viewed at the City's libraries.

CONSENT AGENDA

Upon the request of Council Member Stahel, Consent Agenda Items “H” and “L” were removed for individual consideration due to possible conflicts of interest.

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

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

Bid No. 2006-21-C for an annual fixed price contract for Tree Maintenance Contract for Parks and Recreation to TruGreen Landcare in the estimated annual amount of \$40,000. This will establish a one (1) year contract with two (2) City optional one (1) year renewals. (Consent Agenda Item “A”) [See Exhibit (A)]

Bid No. 2006-19-B for Police Department Generator Replacement to Groves Electric Service, Inc., in the amount of \$42,075. (Consent Agenda Item “B”) [See Exhibit (B)]

Bid No. 2006-46-B for three (3) 1-Ton Extended Cargo Vans for the Facilities Maintenance Department from Sam Packs Five Star Ford of Carrollton in the amount of \$55,992. (Consent Agenda Item “C”) [See Exhibit (C)]

Bid No. 2006-29-B for twenty-three (23) Cab and Chassis with Bodies from Sam Packs Five Star Ford of Carrollton (Items 1 and 2), Dallas Dodge (Item 3), Baby Jack II Automotive LTD (Items 4, 5, 7, and 8), Rockwall Ford (Item 6), Metro Ford Truck Sales, Inc. (Item 9), Team Bonner Chevrolet (Items 10 and 11), and Philpott Motors LTD (Item 12) in the amount of \$729,000. (Consent Agenda Item “D”) [See Exhibit (D)]

Bid No. 2006-11-C for a two-year fixed price contract for Uniform Rental and Laundry Service to Aramark Uniform Services in the estimated two-year amount of \$30,000. This will establish a two-year contract with one optional two-year renewal. (Consent Agenda Item “E”) [See Exhibit (E)]

Bid No. 2006-49-B for Los Rios Boulevard Phase I – Lake Level Control Structures to Jim Bowman Construction Company, L.P. in the amount of \$130,398. (Consent Agenda Item “F”) [See Exhibit (F)]

Bid No. 2006-38B for Whiffletree Water Rehabilitation to Barson Utilities, Inc. in the amount of \$1,452,547. The project consists of the construction of 13,000 feet of water mains through the City of Plano with the preponderance in the Whiffletree Subdivision. (Consent Agenda Item “G”) [See Exhibit (G)]

Adoption of Resolutions

Resolution No. 2005-12-10(R): To approve the terms and conditions of a Real Estate Contract by and between the City of Plano, Texas, and Windhaven, Ltd., a Texas Limited Partnership, for the purchase of approximately 2.606 acres located at the intersection of Spring Creek Parkway and Windhaven Parkway, Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “I”)

Resolution No. 2005-12-11(R): To approve the terms and conditions of a Real Estate Contract by and between the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints and the City of Plano for the purchase of approximately 2.320 acres located at 2401 Legacy Drive and Quarry Chase Trail, Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2005-12-12(R): To repeal Resolution No. 2004-9-20(R) and approve and authorize revised golf course green fees at Pecan Hollow Golf Course; providing a repealer clause and an effective date. (Consent Agenda Item “K”)

Resolution No. 2005-12-13(R): To approve the terms and conditions of an amendment to a Route Specific Communications Facilities License by and between the City of Plano, Texas and Sprint Spectrum L.P., a Delaware Limited Partnership, to locate, place, attach, install, and operate, telecommunications ground equipment in certain specific portions of the public rights-of-way in the City of Plano; authorizing its execution by the City Manager and providing an effective date. (Consent Agenda Item “M”)

Adoption of Ordinances

Ordinance No. 2005-12-14: To repeal City of Plano Ordinance No. 2005-9-22; establishing a certification pay plan for classified members of the Plano Fire and Police Departments; establishing an Assignment Pay Plan for members of the Plano Fire Department in a rank less than Battalion Chief serving in the capacity of Paramedic; establishing a Shift Personnel Coordinator and Paramedic Preceptor Pay Plan for members of the Plano Fire Department; establishing an Assignment Pay Plan for members of the Plano Police Department serving in the capacity of Field Training Officers; and providing a repealer clause, a severability clause, and an effective date. (Consent Agenda Item “N”)

Ordinance No. 2005-12-15: To amend Ordinance No. 2005-11-27 to revise Exhibit “A” reflecting an increase to the Battalion Chief base pay and to add a new Battalion Chief step after six (6) months; and providing a repealer clause, a severability clause, and an effective date. (Consent Agenda Item “O”)

Ordinance No. 2005-12-16: To abandon all right, title and interest of the City, in and to that certain 25' fire lane, access and utility easement recorded in Volume 5186, Page 102 of the Collin County Land Records and being situated in the Daniel Rowlett Survey, Abstract Number 738 and located at the southwest corner of Chase Oaks Boulevard and Central Expressway (U.S. Highway No. 75) in the City Limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owners, Fairview Farm Land Company, Ltd., Dave Capps Family Limited Partnership and American Realty Trust, Inc. 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")

Ordinance No. 2005-12-17: To amend Section 18-34 *Commercial Container Rates* of Article II *Collection Charges* of Chapter 18 *Solid Waste* of the City Code of Ordinances; establishing a revised schedule of rates and charges for collection and disposal of solid waste from commercial accounts in the City of Plano; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item "Q")

Approval of Minutes (Consent Agenda Item "R")

December 12, 2005

END OF CONSENT

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

Purchase from Existing Contract/Agreement: To approve the purchase of an enterprise storage area network in the amount of \$399,444 from Storage Technology Corporation through a Department of Information Resources (DIR) Contract, and authorizing the City Manager to execute all necessary documents. (DIR#: DIR-VPC-03-010) (Consent Agenda Item "H")

Resolution No. 2005-12-18(R): To approve the sole-source purchase of thirty (30) Hammerhead XRTE mobile computers and related equipment in the amount of \$152,420 from OPEN incorporated; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "L")

Upon a motion made by Mayor Pro Tem Lambert and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 5-0 to approve the purchase of an enterprise storage area network in the amount of \$399,444 from Storage Technology Corporation through a Department of Information Resources (DIR) Contract and to approve the sole-source purchase of thirty (30) Hammerhead XRTE mobile computers and related equipment in the amount of \$152,420 from OPEN incorporated and further to adopt Resolution No. 2005-12-18(R).

Council Member Stahel resumed his place at the bench.

To approve an ordinance authorizing a three-year renewal of the Private Franchise Agreement by and between the City of Plano, Texas and Allied Waste Systems, Inc. d/b/a Trinity Waste Services, for collection and disposal of solid waste for commercial customers located within the City of Plano and a non-exclusive private franchise for collection of recyclable materials from commercial customers located in the City of Plano; and authorizing the City Manager to execute any and all documents necessary to effectuate this renewal; providing a repealer clause, a severability clause, a savings clause, a penalty clause and providing for publication and an effective date. (First Reading) (Regular Agenda Item "1")

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 6-0 to approve the first reading of an ordinance authorizing a three-year renewal of the Private Franchise Agreement by and between the City of Plano, Texas and Allied Waste Systems, Inc. d/b/a Trinity Waste Services, for collection and disposal of solid waste for commercial customers located within the City of Plano and a non-exclusive private franchise for collection of recyclable materials from commercial customers located in the City of Plano; and authorizing the City Manager to execute any and all documents necessary to effectuate this renewal; providing a repealer clause, a severability clause, a savings clause, a penalty clause and providing for publication and an effective date.

Public Hearing and adoption of Ordinance No. 2005-12-19 to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 91 for a tax abatement consisting of a 10.05 acre tract of land located at 2805 Plano Parkway, in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. (Regular Agenda Item "2")

Director of Finance McGrane advised the Council that the business personal property tax is estimated to have an approximate taxable value of not less than \$706,156 for calendar year 2006 and \$1,006,156 for the remaining nine years of the abatement. He advised that proposed real property is estimated to have an approximate taxable value of not less than \$306,369 and that the proposed abatement will begin on January 1, 2006 and continue through 2015 and be equal to 50% for ten years. He responded that the location will be a field testing operation and Deputy Mayor Pro Tem Johnson stated that the site will bring a wide variety of visitors to the City.

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 Stahel and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 6-0 to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 91 for a tax abatement consisting of a 10.05 acre tract of land located at 2805 Plano Parkway, in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further adopted Ordinance No. 2005-12-19.

Resolution No. 2005-12-20(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, CLP Properties Texas, L.P., a Delaware Limited Partnership and Underwriters Laboratories, Inc., a Not-For-Profit Delaware Corporation, and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “3”)

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro Tem Johnson, the Council voted 6-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, CLP Properties Texas, L.P., a Delaware Limited Partnership and Underwriters Laboratories, Inc., a Not-For-Profit Delaware Corporation, and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2005-12-20(R).

Public Hearing and adoption of Ordinance No. 2005-12-21 to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 95 for a tax abatement consisting of a 3.425 acre tract of land located at 1601 Summit Avenue, in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. (Regular Agenda Item “4”)

Director of Finance McGrane advised the Council that the business personal property is estimated to have an approximate taxable value of not less than \$1,175,000 and that the proposed real property is estimated to have an approximate taxable value of not less than \$450,000. He stated that the company anticipates employing 150 full time employees and that the tax abatement will average 50% over eight years.

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 Stahel and seconded by Council Member Ellerbe, the Council voted 6-0 to establish and designate a certain area within the City of Plano as Reinvestment Zone No. 95 for a tax abatement consisting of a 3.425 acre tract of land located at 1601 Summit Avenue, in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2005-12-21.

Resolution No. 2005-12-22(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, Century Portfolio, Ltd., a Texas Limited Partnership and Texatronics, Inc., a Texas Corporation, and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “5”)

Resolution No. 2005-12-22(R) (cont'd)

Upon a motion made by Council Member Stahel and seconded by Council Member Callison, the Council voted 6-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, Century Portfolio, Ltd., a Texas Limited Partnership and Texatronics, Inc., a Texas Corporation, and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2005-12-22(R).

Public Hearing and adoption of Ordinance No. 2005-12-23 as requested in Zoning Case 2005-46 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 1.3± acres located 500± feet east of Coit Road and 700± feet north of McDermott Road in the City of Plano, Collin County, Texas, from Single-Family Residence-7 to Planned Development-434-Retail (Tract II – 0.1± acre) and Planned Development-433-Multifamily Residence-2 (Tract I – 1.2± acres) ; 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: City of Plano (Regular Agenda Item “6”)

Director of Planning Jarrell advised the Council that this request addresses a discrepancy between the alignment of the zoning district boundary and the property line in the vicinity of Coit Road and McDermott Road. She stated that the Planning and Zoning Commission recommended approval as submitted and advised that no multi-family units will be added.

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 Mayor Pro Tem Lambert and seconded by Council Member Stahel, the Council voted 6-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 1.3± acres located 500± feet east of Coit Road and 700± feet north of McDermott Road in the City of Plano, Collin County, Texas, from Single-Family Residence-7 to Planned Development-434-Retail (Tract II – 0.1± acre) and Planned Development-433-Multifamily Residence-2 (Tract I – 1.2± acres) as requested in Zoning Case 2005-46 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. 2005-12-23.

There being no further discussion, Mayor Evans adjourned the meeting at 7:29 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, Assistant City Secretary