



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/13/14		
Department:		Finance		
Department Head		Denise Tacke		
Agenda Coordinator (include phone #): <b>Katherine Crumbley x-7479</b>				
<b>CAPTION</b>				
<b>A Resolution of the City Council of the City of Plano, Texas, approving revisions to the City of Plano Chapter 380 Policy for Economic Development Incentives; and providing an effective date.</b>				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2013-2014</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
<b>BALANCE</b>	0	0	0	0
<b>FUND(s):</b>				
<b>COMMENTS:</b> Strategic Plan Goal: Providing Economic Development Incentives relates to the City's goal of Strong Local Economy.				
<b>SUMMARY OF ITEM</b>				
This is to approve revisions to the Chapter 380 Policy for Economic Development Incentives.				
List of Supporting Documents: Chapter 380 Program for Economic Incentives			Other Departments, Boards, Commissions or Agencies	

**A Resolution of the City Council of the City of Plano, Texas, approving revisions to the City of Plano Chapter 380 Policy for Economic Development Incentives; and providing an effective date.**

**WHEREAS**, the City of Plano considers providing incentives in the form of grants, loans of monies and lending of personnel and services to stimulate economic development in Plano; and

**WHEREAS**, the City of Plano wishes to adopt a revised Chapter 380 Policy for Economic Development Incentives to add a fee for requests for modifications to Chapter 380 Agreements; and

**WHEREAS**, a substantial copy of the revised Chapter 380 Policy for Economic Development Incentives is attached hereto as Exhibit "A" and incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The City Council hereby approves the revisions to the Chapter 380 Policy for Economic Development Incentives, which is attached hereto as Exhibit "A".

**Section II.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** this the 13<sup>th</sup> day of January, 2014.

---

Harry LaRosiliere, MAYOR

ATTEST:

---

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

---

Diane C. Wetherbee, CITY ATTORNEY

## CITY OF PLANO

### FIRST AMENDED CHAPTER 380 PROGRAM FOR ECONOMIC INCENTIVES APPLICATION AND PROCEDURES

#### **I. General Purpose and Objectives**

The City of Plano is committed to the promotion and retention of high quality development in all parts of the City and to an ongoing improvement in the quality of life for its citizens. Insofar as the enhancement and expansion of the local economy generally serve these objectives, the City of Plano will, on a case-by-case basis, give consideration to providing grants, loans of monies, and lending of personnel and services to stimulate economic development in Plano.

The City of Plano will consider providing incentives in accordance with the procedures and criteria outlined in this document. Nothing herein shall imply or suggest that the City of Plano is under any obligation to provide any incentive to any applicant. All applicants shall be considered on a case-by-case basis.

By Resolution No. 99-5-24, the City Council approved the general concepts for Chapter 380 incentives and other matters and instructed staff to develop these programs in greater detail. This procedure and application process shall govern the Chapter 380 program incentives that may be considered by the City Council.

#### **II. Criteria**

All incentives provided by the City of Plano must have as their underlying goal to further economic development in Plano. The goals to be achieved by the granting of the incentive should be measurable and be binding upon the recipient of the incentive as set forth in an agreement between the City and recipient.

Any person, organization or corporation seeking a Chapter 380 economic development incentive to foster location, modernization of existing facilities, improvement or expansion of operations within the city limits of Plano, must comply with the following procedures. Nothing within these procedures shall imply or suggest that Plano is under any obligation to provide any incentive to an applicant.

### **III. Value of Incentives**

Following an assessment of the narrative response, the City Manager shall determine whether it is in the best interests of the City to recommend that an incentive be offered to the applicant. Additional consideration beyond the criteria will include such items as the degree to which the applicant's request furthers the goals and objectives of the community or meets or compliments a special need identified by the community.

Incentives may be in the form of grants, loans, use of City's personnel or services, or a combination thereof.

### **IV. Application**

- A.** Applicant shall complete the attached "Application for Chapter 380 Economic Development Incentives."
- B.** Applicant shall provide an address or prepare a plat showing the precise location of the property to which the incentive applies, all roadways within 500 feet of the site, and all existing land uses and zoning within 500 feet of the site, and the address of the property. Depending on the request, the applicant may also be required to provide a metes and bounds property description prepared by a registered professional survey at the applicant's expense.
- C.** Applicant shall complete all forms and information detailed in items A and B above and submit them to Plano Economic Development Department, City of Plano, 5601 Granite Parkway, Suite 310, Plano, Texas 75024. Applicant shall also submit a copy of the application to the Director of Finance, City of Plano, P. O. Box 860358, Plano, Texas 75086-0358 (email: finadmin@plano.gov).
- D.** Information provided by applicant on the Application Form may be subject to release to the public pursuant to the Texas Public Information Act. However, certain information provided to the City in connection with an application may be confidential and not subject to public disclosure until the incentive agreement is executed. The City of Plano will respond to requests for disclosure as required by law and will assert exceptions to disclosure as it deems relevant. The City will make reasonable attempts to notify the Applicant of the request so it may assert its own objections to the Attorney General.

**V. Application Review Steps**

- A.** All information in the application package detailed above will be reviewed for completeness and accuracy. Additional information may be requested as needed.
- B.** The City Manager may use City personnel and third parties to assist in the application review process.
- C.** Upon review, the City Manager will determine whether he/she will recommend a proposed incentive to the applicant subject to final Council approval. The proposed incentive by the City Manager is not binding upon the City Council to grant an economic incentive. It is a conditional offer subject to the City Council's approval.
- D.** Upon receipt of the proposed offer to be recommended to the City Council, the applicant will have ninety (90) days to accept, decline or request an extension of the proposed offer. All responses and requests shall be made in writing to the City Manager. In certain circumstances, the City Manager may alter the time frame.
- E.** Upon written acceptance by the applicant of the offer, the recommendation of the City Manager with all relevant materials will be forwarded to the City Council.
- F.** The City Council may consider adoption of a resolution approving the terms and conditions of an agreement between the City and the applicant for an economic incentive(s).

## **VI. Economic Incentive Agreement Terms**

At a minimum, any agreement providing for an economic incentive shall include the following provisions:

1. Recapture of all incentive value provided in the event of default by the party to the Agreement;
2. No assignment of the Agreement in whole or part by the applicant without prior approval of the City; and
3. Written certification annually by the Chief Financial Officer and/or President of the entity receiving the incentive that it has complied with the terms and conditions of the incentive agreement.
4. Right of inspection to records must be provided to ensure compliance with the Agreement.
5. If a minimum number of jobs are part of the consideration provided by the City, the jobs must be maintained for the period established in the Agreement.

## **VII. Modification of Economic Incentive Agreements**

**Any requests by the applicant to modify the terms of the Agreement subsequent to City Council action shall be accompanied by the payment of a non-refundable modification processing fee in the amount of One Thousand Dollars (\$1,000.00) for associated administrative costs.**

CITY OF PLANO, TEXAS

APPLICATION FOR 380 ECONOMIC DEVELOPMENT INCENTIVES

NOTE: PLEASE CLEARLY IDENTIFY ANY INFORMATION YOU DEEM TO BE CONFIDENTIAL OR PROPRIETARY. THE CITY WILL ATTEMPT TO PROTECT ANY INFORMATION MARKED CONFIDENTIAL OR PROPRIETARY AND WILL NOTIFY THE APPLICANT OF ANY REQUESTS FOR DISCLOSURE.

1. Applicant Company's Name:  
Company's Representative:  
Title:  
Mailing Address:  
City, State, Zip:  
Telephone Number:  
Email Address:  
Website Address:
  
2. Tenant's Representative:  
Company:  
Mailing Address:  
City, State, Zip:  
Telephone Number:  
Email Address:
  
3. Property Owner:  
Property Owner's Representative:  
Company:  
Mailing Address:  
City, State, Zip:  
Telephone Number:  
Email Address:
  
4. Proposed property address(es) and/or location description(s):
  
5. Property Legal Description (attach metes and bounds if required by the city):
  
6. Located within:  
City of Plano   
Plano Independent School District   
Lewisville Independent School District   
Frisco Independent School District

Collin County   
Denton County

7. Company description and overview (including headquarters location, year founded, products and services, and annual revenue and growth)
8. Applicant business is:  
Public   
Private
9. State of Incorporation:
10. Is a recent annual audit available?  
If yes, please submit a copy with application. If no, financials to be provided upon request.
11. Applicant company's four digit NAICS Industry Code: (if known)
12. Description of Project:
13. Will any zoning changes be necessary to accommodate the project? If yes, please provide additional information:
14. Does the applicant company plan to utilize Plano-based companies in the design, construction and on-going operations of the facility?
15. Date projected for occupancy of project/initiation of operations:
16. Will applicant company occupy:  
Existing space:   
Space currently planned or under construction:   
Proposed new facility:
17. Acreage of site (for new construction):
18. Square footage of proposed occupied space:
19. Proposed type of occupancy:  
Owner Occupied   
Landlord/Tenant   
If leasing, what is length of lease?

20. Applicant business is: (Check all that apply)

- Existing** Plano company
- New** company to Plano
- Expanding
- Relocating from another city in Texas
- Relocation from out-of-state or country

21. If company is currently located in Plano, when does their current lease expire?

22. Specify economic assistance requested:

## Employment Impact

1. Number of Full Time Equivalents (FTE)\* employed by applicant company at occupancy and to be maintained throughout the term of the agreement (exclusive of contract employees):

\*FTE means one or more jobs positions located at the Property which individually or when combined total 2080 hours (inclusive of holidays, vacation and sick leave) annually.

2. Future FTE employment (if applicable):  
Projected FTE employment (milestone) of \_\_\_\_\_ by \_\_\_\_\_ (indicate date)  
Projected FTE employment (milestone) of \_\_\_\_\_ by \_\_\_\_\_ (indicate date)
3. Is this an existing business in Plano?  
If yes, what is the FTE employment that will be retained in Plano by this project?
4. Does the applicant company anticipate hiring contract employees?  
If yes, what is the number of FTE contract employees?  
What is the median annual salary of the FTE contract employees?
5. If applicable, what is the number of FTE positions that will be relocated to Plano from applicant company's other locations?  
Provide location(s) the positions are being relocated from:
6. Indicate the applicant company's FTE employment in each category (at occupancy):  
Executive  
Professional  
Managerial  
Technical  
General Staff  
Production Workers \_\_\_\_\_  
**Total**
7. What will be the **median** annual salary of company's FTEs (at occupancy)?
8. Projected annual payroll (at occupancy):

**Fiscal Impact**

	Initial Year	Year (If applicable)	Year (If applicable)
1. What is the estimated fair market value of the <b>Real Property</b> improvements ( <b>exclusive of land</b> ) that will be added to the tax base?			
2. What is the estimated fair market value of the <b>Business Personal Property</b> improvements that will be added to the tax base exclusive of inventory and exclusive of property currently located in Plano?			
<b>TOTAL CUMULATIVE IMPROVEMENTS</b>	\$	\$	\$

3. If applicable, what is the annual value of inventory eligible for Freeport Exemption?
4. If applicable, what is the annual value of sales that will be **subject to sales tax collection by the City of Plano**?
5. Will additional infrastructure investment be required from the City of Plano at the proposed site(s)?  
If yes, detail required improvements including cost estimates.

## **Community Impact**

1. Please summarize the overall economic impact on the City of Plano (sales, real property and business personal property improvements, employment, business sector, etc.).
2. Please estimate the annual number of room-nights\* in the City of Plano the applicant company anticipates generating.  
\*Room-nights are the number of hotel rooms booked times the number of nights. i.e. four rooms booked for five nights equals 20 room-nights.
3. Please describe the necessity in requesting an incentive. Describe the competitive, financial or other issues associated with this application.

## Certifications

### Certification of No Undocumented Workers

Chapter 2264 of the Texas Government Code requires that each business that submits an application to receive a public subsidy include in the application a statement certifying that the business, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker. An undocumented worker means an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or authorized under the law to be employed in that manner in the United States. If after receiving a public subsidy, the business, or a branch, division, or department of the business, is convicted of a violation under 8 U.S.C. Section 1324a(f), the business shall repay the amount of the public subsidy with interest, at the rate and according to the other terms provided by an agreement under Section 2264.053, not later than the 120th day after the date the public agency, state or local taxing jurisdiction, or economic development corporation notifies the business of the violation.

I hereby certify that \_\_\_\_\_ is in compliance with Chapter 2264 of the Texas Government Code.

Signature:

Name:

Title:

Note:

Insertion of '/s/' above the name is acceptable evidence of an electronic signature by the person so signing.

I hereby certify that the information provided in this application is, to the best of my knowledge and belief, true and correct.

Date:

Signature:

Name:

Title:

Company:

Note:

Insertion of '/s/' above the name is acceptable evidence of an electronic signature by the person so signing.