

PLANO CITY COUNCIL
September 22, 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, September 22, 2008 at 7:10 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Jackson.

The invocation was led by Mayor Pro Tem Callison

The Pledge of Allegiance was led by Plano Police Law Enforcement Explorer Post 911.

PROCLAMATIONS AND SPECIAL RECOGNITION

Mayor Pro Tem Callison presented a proclamation recognizing Disability Employment Awareness Month and Deputy Mayor Pro Tem LaRosiliere presented a proclamation recognizing Technology Day. Ms. Callison made a presentation of the Food Service Sanitation Excellence Awards.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Upon a motion made by Council Member Magnuson and seconded by Council Member Johnson, the Council voted 7-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

September 8, 2008
September 15, 2008

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

Bid No. 2008-195-B for Jupiter Elevated Storage Tank Repaint Project to Tank Pro, Inc. in the amount of \$1,034,553. This project consists of the repaint of the interior and exterior of the Jupiter Elevated Storage Tank and the interior of the White Rock Elevated Storage Tank. [Consent Agenda Item (B)] (See Exhibit "A")

Approval of Expenditures

To approve the purchase of materials testing services for Oak Point Park and Nature Preserve in the amount of \$52,647 from GME Consulting Services, Inc. through an existing contract/agreement (2008-16-D) and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (C)]

Purchase from an Existing Contract

To authorize the purchase of Data Domain Restorer Software for disaster recovery capability in the amount of \$155,980 from CDW Government, Inc., through The Cooperative Purchasing Network (TCPN) contract, and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R4713) [Consent Agenda Item (D)]

Approval of Change Order

To Jerusalem Corporation increasing the contract by \$72,126 for the 2007-2008 Residential Concrete Pavement Rehabilitation Project, Zone L7, Project No. 5900. Change Order No. 1, Bid No. 2008-137-B. These additional repairs are due to the drought/wet conditions and shrinkage/swelling of the base soil under the street and alley pavement. [Consent Agenda Item (E)]

Adoption of Resolutions

Resolution No. 2008-9-19(R): To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for an Intersection Traffic Control Project, PIN 17560006409000, targeting intersections regulated by means of a signal light; authorizing the City Manager to execute the Grant Agreement and any other documents necessary to effectuate the action taken; and providing an effective date. [Consent Agenda Item (F)]

Resolution No. 2008-9-20(R): To approve the terms and conditions of an Agreement by and between the City of Plano, Texas and the East Texas Medical Center for the East Texas Medical Center's use of the Trunked Radio System owned by the cities of Allen, Frisco and Plano; authorizing execution of the Agreement by the City Manager; and providing an effective date. [Consent Agenda Item (G)]

Resolution No. 2008-9-21(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the Plano Independent School District for the Plano Independent School District's use of the Trunked Radio System owned by the cities of Allen, Frisco and Plano; authorizing execution of the Agreement by the City Manager; and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2008-9-22(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas and the Town of Prosper, Texas for the Town of Prosper's use of the Trunked Radio System owned by the cities of Allen, Frisco and Plano; authorizing execution of the Agreement by the City Manager; and providing an effective date. [Consent Agenda Item (I)]

Resolution No. 2008-9-23(R): To approve the assignment of the Cable Franchise Agreement from C-Native Exchange III, L.P. to Time Warner NY Cable LLC; and providing for the transfer of control over Time Warner NY Cable LLC; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2008-9-24(R): To amend the existing Building Inspections Department Fee Schedule to provide for additional City services and programs; repealing all previous fee schedules and charges for services listed in the new Building Inspections Department Fee Schedule; and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (K)]

Resolution No. 2008-9-25(R): To repeal Resolution No. 2004-8-4 and create a Fire Department Fee Schedule for Fire Inspections, Fire Plan Reviews, and Hazardous Occupancies Permits; and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (L)]

Resolution No. 2008-9-26(R): To amend the Recreation Membership Fees, Recreation Daily Fees, Recreation Room Rental Fees, Swimming Pool Rental Fees, Tennis Court Fees, and Tennis Court Annual Passes and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2008-9-27(R): To approve the terms and conditions of Agreements between the City of Plano and various community organizations for the expenditure of Buffington Community Services Funds in the amount of \$524,600 for the provision of various community services; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (N)]

Resolution No. 2008-9-28(R): To approve and authorize the refunds of Property Tax Overpayments; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2008-9-29(R): To approve the dedication of a 1.178 acre tract of land owned by the City of Plano, Texas designated as park property but not yet utilized as a park for dedication as a public right-of-way for Bright Star Way, said parcel being situated in the J.O. Straughan Survey, Abstract No. 825, in the City of Plano, Collin County, Texas, and providing an effective date. [Consent Agenda Item (P)]

Resolution No. 2008-9-30(R): To authorize the purchase of Street Light Standards and associated equipment for Tennyson Parkway from Spring Creek Parkway to Preston Road; Parkwood Boulevard from Spring Creek Parkway to SH 121; Hedgcoxe Road from Legacy Drive to Preston Road; Willow Bend Drive from Linmore Lane to Woodsprings Drive, from Oncor Electric Delivery, who is the selected provider of electric service and the selected provider of such equipment; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase in an amount not to exceed \$190,610; and providing an effective date. [Consent Agenda Item (Q)]

Adoption of Ordinances

Ordinance No. 2008-9-31: To repeal Ordinance No. 2008-7-12; establishing the number of certain classifications within the Police and Fire Departments for Fiscal Year 2008-09; establishing the authorized number and effective dates of such positions for each classification effective October 1, 2008; establishing a new salary plan for the Police and Fire Departments effective October 1, 2008; and providing a repealer clause, a severability clause and an effective date. [Consent Agenda Item (R)]

Ordinance No. 2008-9-32: To amend Section 11-222(d)(1) of Article VI. Alarm Systems of Chapter 11. Licenses and Business Regulations of the Code of Ordinances of the City of Plano to increase the fee for Residential and Commercial Alarm Permits; providing a repealer clause, a savings clause, a severability clause; and providing an effective date. [Consent Agenda Item (S)]

Ordinance No. 2008-9-33: To revise Section 8-3 of Chapter 8, Fire Prevention and Protection, of the Code of Ordinances of the City; establishing a policy of responding only to emergency ambulance service requests; providing for the collection of such fees, and for crediting thereof upon receipt; ordaining other matters on the subject; and providing a severability clause and an effective date. [Consent Agenda Item (T)]

Ordinance No. 2008-9-34: To repeal only those portions of Ordinance No. 2006-10-23, codified as Sections 18-31 and 18-32 of Article II, Collection Charges, of Chapter 18, Solid Waste of the Code of Ordinances of the City of Plano, Texas; and enacting new versions of Sections 18-31 and 18-32, and adding Section 18-35 of Article II, Collection Charges, of Chapter 18, Solid Waste of the Code of Ordinances of the City of Plano, Texas; establishing a revised schedule of rates and charges for solid waste disposal and collection applicable to residential and commercial accounts; and adding a section establishing a construction and demolition deposit and rebate fee structure and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (U)]

Ordinance No. 2008-9-35: To repeal Ordinance No. 2003-9-43 in its entirety, codified as Article I of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano; providing revised definitions, regulations and policies for the collection and transportation of solid waste, landscape waste, household hazardous waste and recyclable materials; adding a section establishing a deposit and rebate fee structure to encourage construction and demolition recycling; establishing fees for certain household chemical collections; changing the name of the Solid Waste Division to the Sustainability & Environmental Services Department; providing a repealer clause, severability clause, savings clause, penalty clause, and an effective date. [Consent Agenda Item (V)]

END OF CONSENT

Public Hearing and adoption of Ordinance No. 2008-9-36: To designate a certain area within the City of Plano as Reinvestment Zone No. 119 or a Tax Abatement consisting of a 13.030 acre tract of land located at the northeast corner of Plano Parkway and Dallas North Tollway, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (1)]

Finance Director Tacke spoke to the requirement for a Public Hearing and establishment of a reinvestment zone prior to entering into a tax abatement agreement with Cigna Corporation. She stated that the tax abatement is for ten years at fifty percent for both real and business property and will result in approximately 1,064 jobs and a value of \$38 million in real property and \$13.4 million in business personal property.

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

Ordinance No. 2008-9-36 (cont'd)

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Dunlap, the Council voted 7-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 119 or a Tax Abatement consisting of a 13.030 acre tract of land located at the northeast corner of Plano Parkway and Dallas North Tollway, in the City of Plano, Texas establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2008-9-36.

Resolution No. 2008-9-37(R): To approve the terms and conditions of an Agreement by and between the City of Plano, Texas, the County of Collin, Texas, and Cigna Corporation, a Delaware corporation, and providing for a Real and Business Personal Property Tax Abatement, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (2)]

Finance Director Tacke restated the term will be for ten years at fifty percent for both real and personal property.

Upon a motion made by Council Member Johnson and seconded by Council Member Dunlap, the Council voted 7-0 to approve the terms and conditions of an Agreement by and between the City of Plano, Texas, the County of Collin, Texas, and Cigna Corporation, a Delaware corporation, and providing for a Real and Business Personal Property Tax Abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2008-9-37(R).

Resolution No. 2008-9-38(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Cigna Corporation, a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (3)]

Finance Director Tacke summarized the agreement requirements and grant fund allocation in relation to the employment requirements from Cigna Corporation.

Upon a motion made by Council Member Magnuson and seconded by Council Member Dunlap, the Council voted 7-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Cigna Corporation, a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2008-9-38(R).

Discussion and Direction not to renew the Community Health Charity Interlocal Agreement and to discontinue the City of Plano Charitable Giving Campaign. [Regular Agenda Item (4)]

Linda Burton of Community Health Charities advised that the organization would provide a part-time person to manage the campaign, spoke to the added value of a wellness program, and requested the program be continued. Pat Lopez of Community Health Charities spoke to her work in the human resources sector and to tapping into the needs of employees. She spoke to offering choice and the value of the program along with wellness improvements. David M. Smith, representing Earth Share of Texas, stated concern that a discontinuation of the program would result in decreased funding for charities in the community and cited the efficiency of payroll deduction in getting funds to organizations. He spoke to moving forward successfully with proper management and there being a viable plan supported by Staff.

Executive Director Glasscock spoke to Staff recommendations following meetings with representatives, stated concerns related to management of the program, and the lack of employee interest in participation. He spoke regarding opportunities to donate to charities through other avenues and the current Wellness Program offered to employees. Mr. Glasscock advised that the participation level is 8% and Human Resources Director Ross spoke to the decline in participation.

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 7-0 not to renew the Community Health Charity Interlocal Agreement and to discontinue the City of Plano Charitable Giving Campaign.

There being no further discussion, Mayor Evans adjourned the meeting at 7:42 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary