

PLANO CITY COUNCIL
November 23, 2009

COUNCIL MEMBERS

Phil Dyer, Mayor
Harry LaRosiliere, Mayor Pro Tem
Lee Dunlap, Deputy Mayor Pro Tem
Pat Miner
Ben Harris
Mabrie Jackson (resigned)
Lissa Smith
Jean Callison

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Deputy City Manager
Bruce Glasscock, Deputy City Manager
Rod Hogan, Deputy City Manager
Mark Israelson, Assistant City Manager
LaShon Ross, Assistant City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, November 23, 2009, at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Reverend Edlen Cowley of St. Andrew United Methodist Church and the Pledge of Allegiance was led by The Men of Note Chorus who also performed several holiday songs.

Mayor Dyer presented special recognition to Plano ISD Council of PTA's and received presentations to the City of Plano for 9th Place in Digital Cities Survey and the Parks and Recreation Departments' 15-Year Accreditation from the National Recreation and Parks Association.

Mayor Dyer administered an oath of office to John J. Pfister, incoming member of the Senior Citizens Advisory Board.

COMMENTS OF PUBLIC INTEREST

Citizen Phil Staggs requested information regarding annual alarm fees. City Manager Muehlenbeck spoke to the number of false alarms and the cost to the City, advising that the fee has been collected for many years and spoke to the impact of discontinuing. City Attorney Wetherbee advised that to proceed with an initiative to discontinue the fee would require Mr. Staggs to seek advice from his own counsel and City Manager Muehlenbeck offered to provide further information.

Citizen David Fincannon spoke regarding the economic challenges facing the Council and reductions in sales tax revenues and quoted information from various articles regarding the importance of small businesses in contributing to the economy.

CONSENT AGENDA

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Callison, 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")
November 9, 2009

Approval of Expenditures

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

Bid No. 2009-181-C for Median and Right of Way Landscape Maintenance – Various Locations – Group A, in the amount of \$112,091 for Option 1 to SLM Landscape and Maintenance, and authorizing the City Manager to execute all necessary documents. This will establish an annual fixed price contract with three optional one-year renewals. (Consent Agenda Item "B")

Bid No. 2009-182-C for Median and Right of Way Landscape Maintenance – Various Locations – Group B, in the amount of \$127,133 for Option 1 to SLM Landscape and Maintenance, and authorizing the City Manager to execute all necessary documents. This will establish an annual fixed price contract with three optional one-year renewals. (Consent Agenda Item "C")

Purchase from an Existing Contract

To authorize the maintenance renewal for CommVault Backup Software, in the amount of \$115,812 from Dell Corporation, through a State of Texas Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-890) (Consent Agenda Item "D")

To authorize the purchase of maintenance support for network infrastructure switches in the amount of \$232,546 from INX, Inc. through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-239) (Consent Agenda Item "E")

Approval of Change Order

To Liberty Mutual Insurance Company, as takeover contractor for Hisaw and Associates General Contractors, Inc., whose contract was called into default and terminated, increasing the contract in the amount of \$45,294 for Plano Fire Station No. 12/Emergency Operations Center Complex, Change Order No. 5, adding electric panel and receptacles and relocating racks in the EOC Server Room, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

Adoption of Resolutions

Resolution No. 2009-11-13(R): To approve the terms and conditions of an Agreement by and between Motorola, Inc., a sole source provider, and the City of Plano for technical support services for centralized remote telephone support on technical issues in an amount not to exceed \$83,696; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “G”)

Resolution No. 2009-11-14(R): To approve the terms and conditions of a Support and Maintenance Agreement by and between the City of Plano and Bio-Key International, Inc., the sole source provider of Bio-Key Software Applications, in an amount not to exceed \$57,544; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “H”)

Resolution No. 2009-11-15(R): To approve the terms and conditions of a Local Project Advance Funding Agreement by and between the City of Plano and Texas Department of Transportation for Citywide Off-peak Signal Retiming; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “I”)

END OF CONSENT

Public Hearing and adoption of Ordinance No. 2009-11-16 to designate a certain area within the City of Plano as Reinvestment Zone No. 120 for a Tax Abatement consisting of a 20.54 acre tract of land located 500 feet north of Tennyson Parkway and east of Corporate Drive, 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”)

Director of Finance Tacke spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement based on \$10 million in real and \$5 million in business personal property for a period of ten years from January 1, 2012 through December 31, 2021 at the rate of fifty percent. She stated that impact would be \$24,430 for real and \$12,215 for business personal property at the current tax rate.

Mayor Dyer opened the Public Hearing. No one appeared to speak for or against the item. The Public Hearing was closed.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Miner, the Council voted 7-0 to designate Reinvestment Zone No. 120 and further to adopt Ordinance No. 2009-11-16.

Resolution No. 2009-11-17(R): To approve the terms and conditions of an Agreement by and between the City of Plano, Texas, and Pizza Hut of America, Inc., a Delaware corporation, providing for real and business personal property tax abatement and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “2”)

Director of Finance Tacke advised that the agreement would be between the City of Plano and Pizza Hut and include 160,000 square feet of office space and \$10 million in real and \$5 million in business personal property for ten years.

Resolution No. 2009-11-17(R) (cont'd)

Upon a motion made by Council Member Callison and seconded by Council Member LaRosiliere, the Council voted 7-0 to approve the terms of an agreement between the City and Pizza Hut and further to adopt Resolution No. 2009-11-17(R).

Resolution No. 2009-11-18(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Pizza Hut of America, Inc.; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "3")

Director of Finance Tacks advised that the agreement in the amount of \$1,350,000 provides for occupancy of office space; retention, transfer or creation of 450 full-time job equivalents by December 31, 2011 with a median salary of \$95,000; and cash grants totaling \$250,000 for permits including those from building inspections and engineering.

Upon a motion made by Council Member Harris and seconded by Council Member Smith, the Council voted 7-0 to approve the terms of an economic incentive agreement between the City and Pizza Hut and further to adopt Resolution 2009-11-18(R).

To accept the resignation of a Council Member and adoption of Ordinance No. 2009-11-19 to order a Special Election to be held on January 30, 2010 for the purpose of electing one (1) member of Council, Place No. 3 (District 3), to fill a vacancy until the May 2011 General Election; designating locations of polling places; ordering notices of election to be given as prescribed by law in connection with such election; and providing an effective date. (Regular Agenda Item "1")

Upon a motion made by Council Member Miner and seconded by Council Member Callison, the Council voted 7-0 to accept the resignation of Council Member Jackson and further to adopt Ordinance No. 2009-11-19 ordering a Special Election on January 30, 2010 to fill the vacancy.

There being no further discussion, Mayor Dyer adjourned the meeting at 7:39 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary