

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING AND REGULAR MEETING
November 24, 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 called the meeting to order at 5:13 p.m., Monday, November 24, 2008, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Mayor Evans then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney to receive Legal Advice and discuss Litigation, Section 551.071, to discuss Real Estate, Section 551.072, to discuss Economic Development, Section 551.087 and to further discuss Personnel, Section 551.074 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting and Regular Meeting at 7:05 p.m. in the Council Chambers where the following matters were discussed:

The invocation was led by Rabbi Stefan Weinberg of Congregation Ansai Torah.

The pledge was led by Representatives of the Boys and Girls Club of Collin County Plano.

The oaths of office were passed over and Mayor Evans presented a certificate of appreciation to Gregory J. Myer for his service on the Library Advisory Board.

COMMENTS OF PUBLIC INTEREST

Citizen Jack Lagos requested information regarding the cost to build the arts center and past fund-raising efforts.

CONSENT AGENDA

Upon a motion made by Deputy Mayor LaRosiliere and seconded by Council Member Dunlap, the Council voted 7-0 to approve and adopt the Consent Agenda as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]
November 10, 2008

Approval of Expenditures

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

Bid No. 2008-234-B for Russell Creek Park and Carpenter Park Improvements to Core Construction Services of Texas, Inc. in the amount of \$841,566. Russell Creek Park improvements include bleacher shade structures, signage, gate renovations, player bench renovations and spectator seating enhancements. Carpenter Park improvements include 85 space parking lot, backstop and dugout renovations, bleacher shade, renovation of an existing shade structure and baseball fields, improvements to the baseball plaza (south fields), and signage. (Project No. 5891) [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. 2008-214-B for the purchase of Hardware and Software, including upgrade and installation to AT&T in the amount of \$425,484 for Emergency Call Center System Upgrade. [Consent Agenda Item (C)] (See Exhibit "B")

Purchase from an Existing Contract

To authorize a contract in the amount of \$239,270 from Centennial Contractors Enterprises, Inc. for labor, material and installation of bullet-resistant windows and panels and related work through The Cooperative Purchasing Network (TCPN) contract, and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R4538) [Consent Agenda Item (D)]

To authorize the purchase of City Hall – Paint Existing Ceiling Tiles in the amount of \$115,903 from Centennial Contractors Enterprises, Inc., through The Cooperative Purchasing Network (TCPN) contract, and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R4538) [Consent Agenda Item (E)]

To approve the purchase of five Spartan/Rosenbauer Pumpers and two Spartan/Rosenbauer 109' Aerial Ladders in the amount of \$3,953,539 from Emergency Vehicles of Texas through an existing contract/agreement with H-GAC Cooperative Purchase Program and authorizing the City Manager to execute all necessary documents. (#FS-1207) [Consent Agenda Item (F)]

To authorize the renewal of the Maintenance Agreement for CommVault Backup Software in the amount of \$79,263 from Dell through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-192) [Consent Agenda Item (G)]

To approve an expenditure for upgrading the Sun StorageTek Storage Area Network XL700 Tape Library to a Sun StorageTek IBM LTO4 System, in the amount of \$229,528 from Sigma Solutions, Incorporated through an existing contract with the Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-SDD-503) [Consent Agenda Item (H)]

Adoption of Strategic Plan

To adopt the City Council Strategic Plan for 2008-2023 [Consent Agenda Item (I)]

Adoption of Resolutions

Resolution No. 2008-11-23(R): To adopt a 2009 State Legislative Program for the City of Plano; directing the City Manager or his designee to act with regard to the City's Legislative Program; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2008-11-24(R): To approve receipt of funds in the amount of \$124,866 from the Texas State Library and Archives Commission – Loan Star Libraries to fund the following for Plano Public Library System (PPLS): three (3) SelfCheck™ machines, English and Spanish Microsoft computer classes with instructors; large print books, Overdrive titles, World Language materials including Spanish, and a subscription to an online homework help service; and authorizing the City Manager to execute all necessary documents for receipt of the funding. [Consent Agenda Item (K)]

Adoption of Ordinances

Ordinance No. 2008-11-25: To repeal Ordinance No. 2008-10-19; 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 and November 24, 2008 respectively; establishing a new salary plan for the Police and Fire Departments effective October 27, 2008; and providing a repealer clause, a severability clause and an effective date. [Consent Agenda Item (L)]

Ordinance No. 2008-11-26: To amend Section 12-101 of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to prohibit stopping, standing, or parking of motor vehicles on certain sections of Banner Elk Circle, within the city limits of the City of Plano; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (M)]

Ordinance No. 2008-11-27: To amend Section 12-137 of Chapter 12 (Traffic Code) of the Code of Ordinances to prohibit the operation of trucks or motorized vehicles with three axles or more, and with a payload weight in excess of two (2) tons on certain specified streets within the corporate limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (N)]

Ordinance No. 2008-11-28: To repeal in its entirety Ordinance No. 2007-10-33, codified as Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste of the Code of Ordinances of the City of Plano, Texas and enacting this new Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, establishing a revised schedule of rates and charges for solid waste disposal and collection applicable to commercial accounts; providing a repealer clause, a severability clause, and providing an effective date. [Consent Agenda Item (O)]

The Council resumed discussion of the Preliminary Open Meeting agenda.

Consideration and Action Resulting from Executive Session Discussion:

No items were brought forward.

Personnel Reappointments/Appointments

Cultural Affairs Commission

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Dunlap, the Council voted 7-0 to appoint Stephanie Ward to a term expiring October 2010.

Library Advisory Board

Upon a motion made by Council Member Dunlap and seconded by Deputy Mayor Pro Tem LaRosiliere, the Council voted 7-0 to appoint Debra Conway Benton as Chair and to further appoint Robert R. Marquardt to an interim term expiring October 2009.

Public Arts Committee

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Dunlap, the Council voted 7-0 to appoint Richard E. Allison to an interim term expiring October 2009 and to appoint Andrea Stroh as the ex-officio member from the Cultural Affairs Commission. The Council further deferred consideration of a Chair.

Senior Citizens Advisory Board

Upon a motion made by Council Member Johnson and seconded by Mayor Pro Tem Callison, the Council voted 7-0 to appoint Marilyn R. Pauly to a term expiring October 2010.

DART Report

The DART Report was deferred.

Mobility Report

Transportation Engineering Manager Neal spoke to updating the list of red-light cameras reflecting new locations, considering the impact of yellow light timing on intersections and working with police utilizing speed trailers. He spoke to receipt of a *Traffic Demand Award*. City Manager Muehlenbeck requested information be brought forward to the next Council meeting regarding the need for a committee to review red-light cameras.

Comprehensive Monthly Financial Report

Director of Finance Tacke spoke to the October 2008, report advising that General Fund revenues are down slightly compared to the prior year and that expenditures in the General and Water/Sewer Funds are up slightly. She advised that the annualized sales tax trend continues and unemployment is up but still below 5%. Ms. Tacke spoke to the increase in price of single-family homes, stated there are no significant changes in hotel/motel taxes, and spoke to the liquidity of investments. She responded to City Manager Muehlenbeck, advising that sales tax from this report will be credited to the previous fiscal year.

Discussion and Direction Regarding 2010 Census Complete Count Committee

Long Range Planning Manager Zimmerman spoke regarding the subcommittee appointed on September 22, 2008, recommendation of the need to create a committee and its proposed composition. He spoke to a committee forming a partnership with the Census Bureau, utilizing local leaders' knowledge of the community, starting local promotion efforts early, stressing the impact of accurate counts, and connecting with historically undercounted groups.

Mr. Zimmerman spoke to the impact of the census count in areas of elected representation at the state, federal and city levels; funding; and planning/implementing City programs and services. He spoke to proposed committee composition ranging in size from 21-24 individuals representing a broad base and allowing for the formation of subcommittees. Mr. Zimmerman requested Council's direction in forming a 2010 Census Complete Count Committee including the composition and initiation of contacts. He spoke to development of a "framework" to guide committee efforts and returning to Council for member appointments and approval of direction.

Mr. Zimmerman responded to Council Member Dunlap, advising that Staff foresees the need for \$30,000 for expenses and that \$9,000 will come from the 2008-09 budget and City Manager Muehlenbeck advised that this item is not included and further spoke to benefits. Upon a motion made by Council Member Dunlap and seconded by Council Member Jackson, the Council voted 7-0 giving direction to move forward as recommended.

Council items for discussion/action on future agendas

Council Member Dunlap requested information come forward regarding the requirement that developers bury power lines and requests for exceptions brought to the Board of Adjustment.

Consent and Regular Agenda

No items were removed from the Consent Agenda.

The Council resumed discussion of the Regular Agenda.

END OF CONSENT

Public Hearing to provide citizens and residents with the opportunity to review and provide comment on the projects for the proposed 2009 Bond Referendum. [Regular Agenda Item (1)]

Mayor Evans opened the Public Hearing. Citizen Jack Lagos spoke to economic times, in support of the street bonds, focusing attention on bonds for areas that are needed and postponing some measures. No one else spoke for or against the item and the Public Hearing was closed.

Public Hearing and adoption of Ordinance No. 2008-11-29 to designate a certain area within the City of Plano as Reinvestment Zone No. 115 for a Tax Abatement consisting of a 1.9268 acre tract of land located north of Technology Drive between Matrix Drive and Klein Road, 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 (2)]

Ordinance No. 2008-11-29 (cont'd)

Director of Finance Tacke spoke regarding requirements to establish a reinvestment zone. Mayor Evans opened the Public Hearing. No one spoke for or against the request and the Public Hearing was closed.

Upon a motion made by Council Member Jackson and seconded by Deputy Mayor Pro Tem LaRosiliere, the Council voted 7-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 115 for a Tax Abatement consisting of a 1.9268 acre tract of land located north of Technology Drive between Matrix Drive and Klein Road, 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. 2008-11-29.

Resolution No. 2008-11-30(R): To approve the terms and conditions of an Agreement by and between the City of Plano, Texas, the County of Collin, Texas, and Sigma Four, Inc., a Texas 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 (3)]

Director of Finance Tacke advised that the abatement consists of an estimated \$1.1 million in real property and \$50,000 in business personal property, will run for five years from January 1, 2009 through December 31, 2013, and provide 50% abatement for both real and business personal properties.

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Jackson, 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 Sigma Four, Inc., a Texas 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. 2008-11-30(R).

Resolution No. 2008-11-31(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Sigma Four, Inc., a Texas corporation; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (4)]

Director of Finance Tacke advised regarding a grant for \$20,000 resulting in sixteen full-time jobs.

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, 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 Sigma Four, Inc., a Texas corporation; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2008-11-31(R).

Nothing further was discussed. Mayor Evans adjourned the meeting at 7:48 p.m.

Pat Evans, MAYOR

ATTEST

Diane Zucco, City Secretary