

PLANO CITY COUNCIL

WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M. ON JANUARY 26, 2009, FOLLOWED BY PRELIMINARY OPEN MEETING IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:

Mission Statement: The mission of the City of Plano is to provide outstanding services and facilities, through cooperative efforts with our citizens, that contribute to the quality of life in our community.

EXECUTIVE SESSION

- | | | | |
|------|--|-------------|---------|
| I. | Legal Advice | Wetherbee | 10 min. |
| | A. Respond to questions and receive legal advice on agenda items | | |
| | B. Sign Regulations | | |
| II. | Litigation | Wetherbee | 10 min. |
| | A. American Community Newspapers v. City of Plano | | |
| III. | Economic Development | Muehlenbeck | 10 min. |
| | A. Discuss a financial offer or other incentive to a business prospect to locate, stay, or expand in Plano and consider any commercial and financial information from the business prospect. | | |

PRELIMINARY OPEN MEETING

I.	Consideration and action resulting from Executive Session discussion:	Council	5 min.
II.	Personnel Appointments Animal Shelter Advisory Committee Community Relations Commission	Council	5 min.
III.	DART Report	Ellerbe	10 min.
IV.	Mobility Report	Neal	10 min.
V.	Comprehensive Monthly Financial Report	Tacke	10 min.
VI.	Discussion and Direction re 2009 Bond Referendum	Rhodes-Whitley	10 min.
VII.	Council items for discussion/action on future agendas	Council	5 min.
VIII.	Consent and Regular Agenda	Council	5 min.

In accordance with the provisions of the Open Meetings Act, during Preliminary Open Meetings, agenda items will be discussed and votes may be taken where appropriate.

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Avenue L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of building. The Council Chamber is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.

REVISED

CITY COUNCIL

1520 AVENUE K



DATE: January 26, 2009

CALL TO ORDER: 7:00 p.m.

INVOCATION: Associate Pastor Neal Jeffrey
Prestonwood Baptist Church

PLEDGE OF ALLEGIANCE: Boy Scout Troop 2819
Prestonwood Baptist Church

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>THE MISSION OF THE CITY OF PLANO IS TO PROVIDE OUTSTANDING SERVICES AND FACILITIES, THROUGH COOPERATIVE EFFORTS WITH OUR CITIZENS THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p><u>PROCLAMATIONS & SPECIAL RECOGNITION</u></p> <p>Proclamation: Heart Awareness Month – February, 2009</p> <p><u>CERTIFICATES OF APPRECIATION</u></p> <p><u>Animal Shelter Advisory Committee</u> John Carver D.V.M.</p> <p><u>Community Relations Commission</u> Sharon Marsh-Wyly</p> <p><u>COMMENTS OF PUBLIC INTEREST</u></p> <p><u>This portion of the meeting is to allow up to five (5) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.</u></p> <p><u>CONSENT AGENDA</u></p> <p><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>Approval of Minutes</u></p> <p>(a) January 12, 2009</p> <p><u>Approval of Expenditures</u></p> <p>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</p> <p>(b) Bid No. 2009-22-C for Oil and Lubrication Products awarded to Douglass Distributing in the estimated annual amount of \$9,017; Jack Ray & Sons Oil Company in the estimated annual amount of \$68,869; Sun Coast Resources in the estimated annual amount of \$7,284; Southwest Distributing Company in the estimated annual amount of \$11,356 and H & B Industries Inc. in the estimated annual amount of \$5,725. Total estimated annual amount is \$102,251. This will establish an annual fixed price contract.</p> <p>(c) Bid No. 2009-36-B for the Alley Reconstruction – 15th Place and Belcamp project to Estrada Concrete Co., LLC, in the amount of \$279,392. The project includes the removal and replacement of two existing curbed alleys. The first alley is located between 17th Street and 15th Place and the length of this curbed alley from P Avenue to Jupiter Road is approximately 2500 linear feet, and the proposed curbed alley will be 10 linear feet in width. The second alley is located between Belcamp Drive and Alma Drive and the length of this alley replacement is approximately 865 linear feet, and the proposed alley will be 12 linear feet in width.</p> <p>Purchase from an Existing Contract</p> <p>(d) To authorize the purchase of Rooftop Split System AC Replacement for the Fire Administration Building in the amount of \$122,849 from Johnson Controls, Inc. through Texas Multiple Award System (TXMAS) contract, and authorizing the City Manager to execute all necessary documents. (TXMAS-5-03FAC020)</p> <p>(e) To authorize the purchase of the installation of the Security System and Intrusion Alarm System for Fire Station 12, EOC and Logistics Warehouse Complex in a “not to exceed” amount of \$151,263 from Certicom Security through Texas Multiple Award System (TXMAS) contract, and authorizing the City Manager to execute all necessary documents. (TXMAS-5-840120)</p> <p>(f) To approve of a contract/agreement to obtain Security Consulting Services from Internetwork Experts (INX), in the amount of \$65,916 through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-239)</p> <p>(g) To approve the purchase and installation of Communications Cabling for Fire Station No. 12/EOC/Fire Logistics Warehouse for \$198,532 from existing contract with Able Communications. (Contract No. 2007-147-C)</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)</p> <p>(h) To approve an Engineering Contract by and between the City of Plano and Garver Engineers, LLC, in the amount of \$153,500 for the Westwood Drive – Janwood Drive to 15th Street project, and authorizing the City Manager to execute all necessary documents.</p> <p>Approval of Change Order</p> <p>(i) To Core Construction Services of Texas, Inc. increasing the contract by \$126,175 for Russell Creek Park and Carpenter Park Improvements, Project No. 5891, Change Order #1 (Bid No. 2008-234-B)</p> <p><u>Adoption of Ordinances</u></p> <p>(j) To delete in its entirety Subsection (d) of Section 21-215 Refunds of Chapter 21 Utilities of the Code of Ordinances of the City of Plano, Texas; and providing an effective date.</p> <p>(k) To amend Article III, Hotel Occupancy Tax of Chapter 20, Taxation, of the Code of Ordinances of the City of Plano, Texas, redefining the term consideration; providing for audit cost recovery; providing penalties for late payment of taxes due; and providing a repealer clause, a severability clause, a penalty clause and an effective date.</p> <p>(l) To amend Chapter 20, Article II, of the Code of Ordinances of the City of Plano, Texas, by adding a new Section 20-19, entitled “Charitable Organization Exemption”; providing a property tax exemption for qualified charitable organizations engaged primarily in performing religious, charitable, scientific, literary or educational functions; requiring a determination letter from the State Comptroller’s Office finding the organization is engaged primarily in performing religious, charitable, scientific, literary or educational functions; providing terms for the property tax exemption; providing a severability clause; and providing for an effective date.</p> <p><u>Adoption of Resolutions</u></p> <p>(m) To grant Masonic Lodge No. 768 a Charitable Organization Exemption for a five (5) year period, and providing an effective date.</p> <p>(n) To amend Resolution No. 2008-11-23(R) to include Dallas Area Rapid Transit Authority (DART) to its 2009 Legislative Program; and providing an effective date.</p> <p>(o) To support legislation during the 81st Texas Legislative Session that encourages Underground Utility Line Relocation through financial incentives, grant funding opportunities, and public-private partnerships, while also supporting the integrity of the City’s right-of-way; and providing an effective date.</p> <p>(p) To approve the terms and conditions of a Second Modification of Contract by and between Able Communications, Inc. and the City of Plano, Texas for voice and data wiring; authorizing its execution by the City Manager; and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(q)	To approve the City of Plano’s participation in “TEXPOOL,” a public funds investment pool; designating authorized representatives and investment officers; and providing an effective date.	
(r)	To review and approve the City’s written Public Funds Investment Policy; and providing an effective date.	
(s)	To approve a legislative position on Rail North Texas, a primary rail program with supplemental roadway improvements and the creation of a Transportation Funding Area for the purpose of levying taxes or fees in order to generate revenue to fund rail and supplemental roadway improvements; authorizing the City Manager to effectuate such position.	
	<u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u>	
	<u>Public Hearing Items: Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The presiding officer may extend these times as deemed necessary.</u>	
	<u>Non-Public Hearing Items: The Presiding Officer may permit limited public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order cards are received until the cumulative time is exhausted.</u>	
(1)	A Resolution to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Bear Transportation Services, LP, a Delaware limited partnership; authorizing its execution by the City Manager; and providing an effective date.	
(2)	Public Hearing and Consideration of an Appeal of the Planning and Zoning Commission’s Denial of Zoning Case 2008-68 – Request to rezone 58.4± acres located at the southwest corner of Preston Road and Spring Creek Parkway from Planned Development-447-Retail/Multifamily Residence-2 to Planned Development-Retail. Zoned Planned Development-447-Retail/Multifamily Residence-2. Applicant: City of Plano	
	<u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A/Building Inspections Training Room are located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u>	



Pat Evans
Mayor

Jean Callison
Mayor Pro Tem

Harry LaRosiliere
Deputy Mayor Pro Tem

Pat Miner
Place 1

Scott Johnson
Place 2

Mabrie Jackson
Place 3

Sally Magnuson
Place 4

Lee Dunlap
Place 8

Thomas H. Muehlenbeck
City Manager

January 22, 2009

Mayor Pat Evans
City Council Members
City of Plano
Plano, TX 75074

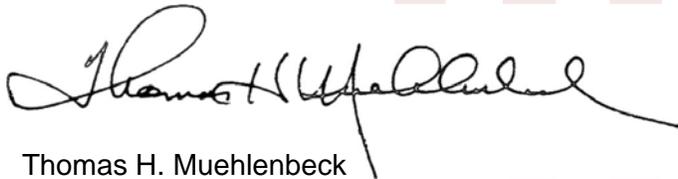
Honorable Mayor and City Council:

We will begin our meeting on Monday in Executive Session where we will receive legal advice from the City Attorney. The City Attorney will also discuss a matter of litigation. Under Item III, potential economic development prospects may be discussed.

The Preliminary Open Meeting will begin with consideration of two personnel appointments. Loretta Ellerbe will present the DART Report, Lloyd Neal will present the Mobility Report and Denise Tacke will present the Comprehensive Monthly Financial Report. In conclusion, Karen Rhodes Whitley will continue discussion regarding the 2009 Bond Referendum.

I look forward to seeing you Monday.

Sincerely yours,



Thomas H. Muehlenbeck

MEMO

DATE: January 22, 2009

TO: Honorable Mayor and City Council
City Manager Muehlenbeck
City Secretary Zucco

FROM: Alice Snyder, Assistant City Secretary

RE: Personnel Appointments – Executive and Worksession Meetings

The following appointments will be considered at the January 26, 2009 Council Meeting.

<u>Executive Session</u>	<u>Worksession Meeting</u>
	<u>Appointments:</u> Animal Shelter Advisory Committee Community Relations Commission

POM Item III

DART Report

Ellerbe



Transportation Engineering Division

Transportation Mobility / Safety Report

December 2008

- Traffic Signals
 - ✓ **Began 3 year study on the impact from extending yellow traffic signal timing (vs. installing a Red Light Camera). Study locations are:**
 - 1) **Preston at Legacy**
 - 2) **Dallas Tollway at Plano Parkway**
 - 3) **Preston at Spring Creek**
 - ✓ **Ohio Drive @ SH 121 - Design new traffic signal (5% completed)**
 - Parkwood Blvd @ Windhaven Prkwy – Design new traffic signal (30% completed)
 - Midway Road @ McKamy Trail – Design New Traffic Signal: (90% completed)
 - Razor Road @ McDermott Road - Design New Traffic Signal (55% completed)
 - Razor Road @ Ohio Drive - Design New Traffic Signal (50% completed)
 - Traffic Surveillance Camera Restoration Project (70% completed)

- Traffic Safety:
 - Annual Traffic Safety Report (35% completed)
 - City-wide Speed Zone Survey Project: (40% completed)
 - Developing ordinance for prohibiting truck/commercial/oversize vehicle parking (**Approved by City Council 12/22/08**)
 - HAL/HARS 2008/2009 project list (30% completed)
 - List of new Red Light Camera locations (100% completed. **Forwarded to Police Dept. for consideration**)
 - Reviewed **25** temporary traffic control plans for utility work in city right-of-way
 - Speed Trailer Deployment – **Miami Drive (Btwn Ohio Drive and Exeter Drive)**
Milano Drive (Btwn Spring Creek Prkwy and Tuscany Drive).

- PISD/FISD
 - Anderson Elementary School (Independence Prkwy @ Oakland Hills Drive) – Request to remove existing school zone; Study in progress
 - Andrews Elementary School (Scenic Drive @ Sutherland Lane) - Request for All-Way Stop; Study in progress
 - Bethany Elementary School – Request for reinstallation of driveway related signs – **Installation completed**
 - Clark High School (Spring Creek Parkway @ Eagle Pass) - Request for pedestrian signals; Study in progress
 - ✓ **Cloverhaven Way - Request to modify hours of existing NO LEFT TURN prohibition – Study in progress.**
 - **Request for crosswalks – To be discussed at the next PISD Safety Meeting.**
 - **Removal of on-street parking prohibition – Study in progress**

- Forman Elementary School
(Hendrick Drive @ Timberline Drive) - Request for All-Way Stop; Study in progress
 - ✓ **(Shiloh Road) - Request to extend afternoon school zone hours - Study in progress.**
 - Harrington Middle School – Request to extend school zone hours; – **Request denied due to lack of pedestrian activity**
 - Hightower Elementary School (Tulane Drive @ Decator Drive) – Request for pedestrian signals; Study in progress
 - Jasper High School (Archgate Drive w/o Alcove Lane) - Request for *No Parking* zone; Study in progress.
 - (Archgate Drive to Legacy Drive) - Request to extend school zone and hours of operation; Study in progress.
 - ✓ **Meadows Elementary School (Rigsbee Drive) Request to extend school zone hours - Study in progress.**
 - Rice Middle School – (Independence Parkway @ Russell Creek Drive) - Request to extend school speed zone hours; Study in progress
 - Taylor Elementary School (Independence Prkwy @ Ridge Creek Lane) – Request to evaluate use of existing school crossing; Study in progress
 - Thomas Elementary School (Montana Trail) - Request for one-way traffic flow during school zone hours; Field review conducted; waiting on PISD response.
- Safe Streets Program (SSP)
 - ✓ **Paradise Valley Drive – Qualification *restudy* failed to meet minimum criteria**
 - ✓ **Pioneer Lane – Qualification study failed to meet minimum criteria**
 - ✓ **Chalfont Lane - Qualification study failed to meet minimum criteria**

Participating Neighborhoods Active in the Program

- Aspermont Drive – **Qualification study failed to meet minimum criteria**
 - Belgium Drive – Qualification study pending
 - Denham Way: Comment Forms received back from residents
 - Harrisburg Lane from Custer Road to Sutherland Lane – Petition process pending.
 - Merriman Drive neighborhood streets – Petition process pending.
 - Micarta Drive – Neighborhood meeting to be held in **January**.
 - Mission Ridge from Parker to Matterhorn
 - Oklahoma Avenue – Petition process **underway**
 - Old Orchard Drive - Qualification study pending
 - Old Pond Drive: : Permanent Plan Installation pending
 - Parkhaven Drive: Permanent Plan installation **completed**
 - Pebble Vale Drive – Qualification study pending
 - Robinson Road: **Public meeting to be held in January**
 - Royal Oaks Drive: ballot packets to be mailed 12/08
 - Russell Creek Drive (East of Independence Parkway): Public meeting to be held in January
 - Scenic Drive – Qualification study pending
 - Silverstone Drive: Permanent Plan installation **completed**
 - Sutherland Lane (Scenic Drive to Homestead Lane) – **Project combined with Harrisburg Lane Project**
 - Teakwood Lane (Custer Road to Roundrock Trail) – Petition process pending
 - Wesson Drive (Savage Drive to Walters Drive) – Goes to P&Z to consider requested waiver
 - Woodburn Corners: Sent petition to sponsor 7/08
- Long Range Planning:
 - Attended monthly DRMC, RTC, TAC, STTC, and ITE meetings
 - Develop structure for Division Laser Fiche filing system (**70%** completed)

DECEMBER 2008



**comprehensive monthly
finance report**



ABOUT THIS REPORT

The City of Plano Finance Department is dedicated to excellence in local government, comprehensive fiscal management, compliance and reporting. The Comprehensive Monthly Finance Report (CMFR) is a unique document, directed at providing our audience (internal and external users), with the general awareness of the City's financial positions and economic activity.

This report is comprised of five sections:

1. The **Financial Analysis** reports the performance of the major operating funds of the City. Narrative disclosures are used to highlight any significant changes or fluctuations.
- 1A. The **Financial Summary** provides comparative data for major revenue sources and expenditure items.
2. The **Economic Analysis** section contains a summary of the key economic indicators and an in-depth review with graphic illustrations.
3. The **Investment Report** provides a description of investment activity during the month and a summary of interest earnings.
4. The **Quarterly Investment Report** summarizes investment activity for the previous fiscal quarter, and also provides various data on portfolio performance.

We would like to acknowledge those responsible for this report: Wendy Badgett for the Financial Summary, Brianna Alvarado for the Economic Analysis Report, Quarterly Hotel/Motel Report and the Investment Report.

The CMFR is intended to provide our audience with a timely, unique and informative document. Please provide us with any comments or suggestions you may have and should you desire additional information, feel free to contact my office.



Denise Tacke
Director of Finance
P.O. Box 860358
Plano, TX 75006-0358
972-941-71357135

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SECTION 1

FINANCIAL ANALYSIS

City of Plano *Comprehensive Monthly Finance Report*

This report is designed for internal use and does not include all the funds and accounts included in the City of Plano's operations. For a complete report, refer to the City of Plano Comprehensive Annual Financial Report, available through the City's Finance Department.

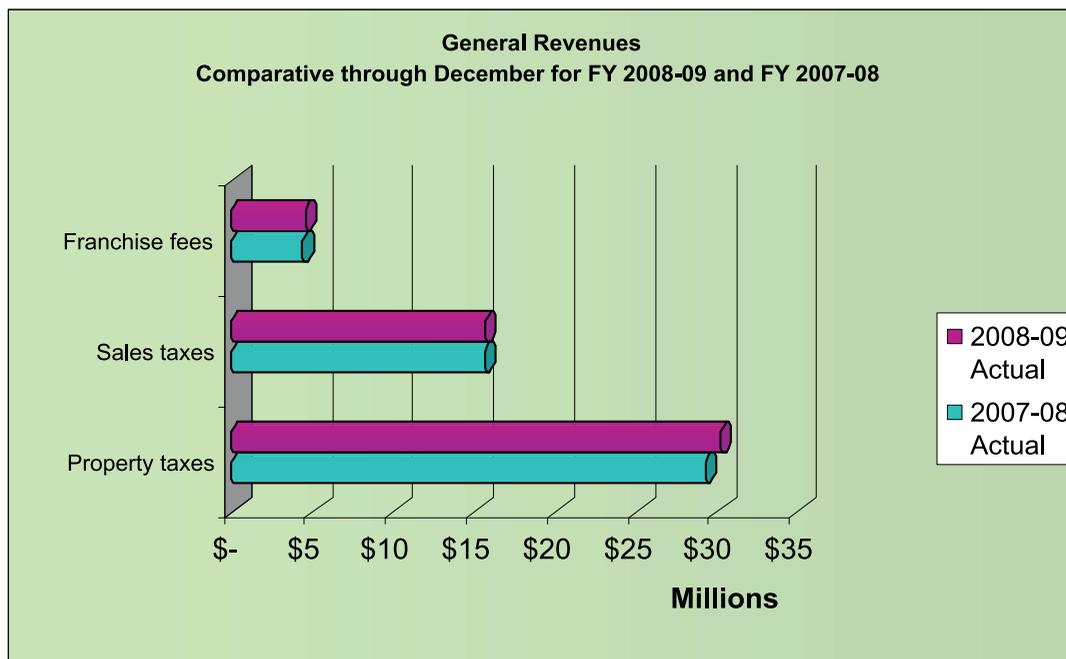
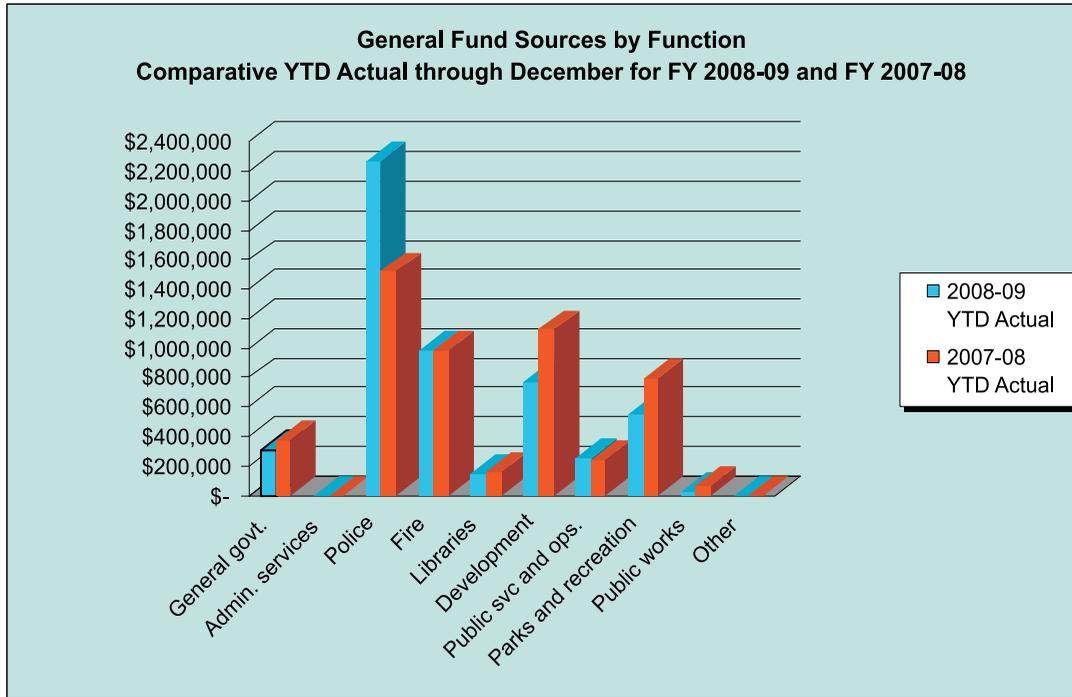


REPORT NOTES DECEMBER, 2008

The information represented in the graphs below is derived from the statement of activities which is located after this section. The statement of activities presents information demonstrating how the City's net assets are changing during the current fiscal year. The format of the statement of activities reports General Fund and Business-type revenues and expenses by function which provides readers with a broad overview of the City of Plano's finances.

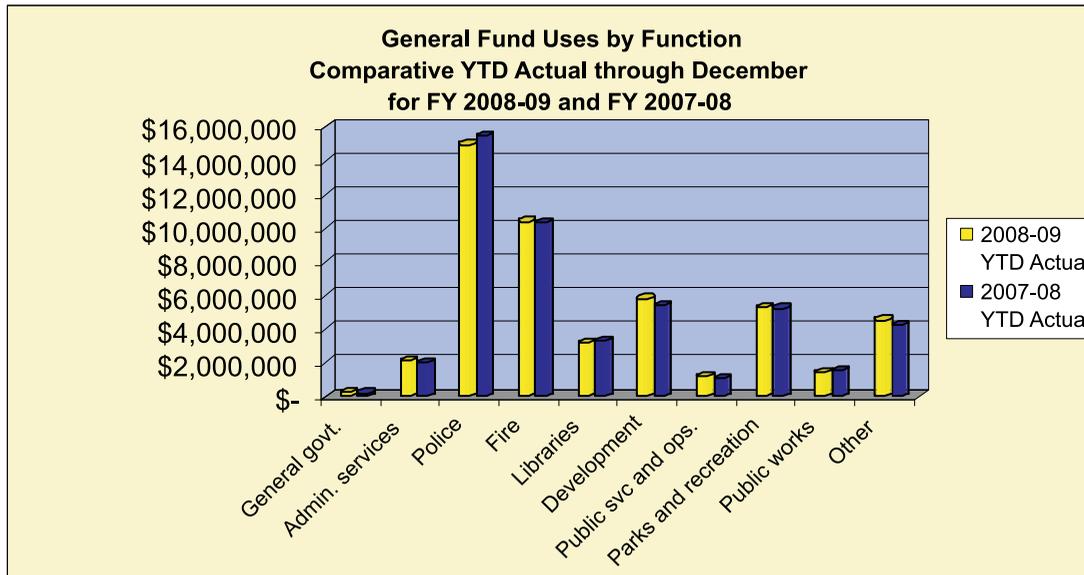
The information in this section compares year to date activity in the current fiscal year to the same time period in prior year. Please note that beginning fund balances in all funds are subject to final audit adjustments.

HIGHLIGHTS OF GENERAL FUND VARIANCES



REPORT NOTES CONTINUED

DECEMBER, 2008



General Government

- Contractual services for class instruction paid through the Professional Development Center increased over prior year by \$64,867. Encumbrances of \$42,000 are committed for a program offered by UTD Career Center. Additionally, funds were encumbered and partially spent in June 2008 with Collin and Richland Colleges for class instruction services. The remaining committed amount as of December 2008 is \$36,718, an increase over prior December since these orders were not placed or spent until June 2008.

Administrative Services

- The Human Resources department spent \$87,936 to remodel the office and kitchen.
- Costs pertaining to pre-employment physicals and random drug and alcohol testing increased over prior fiscal year by \$42,789 due to additional testing and increased fees.
- Fees associated with the audit of the City's financial statements increased over prior year by \$11,250 due to increased fees.

Police

- Court fines and forfeitures increased year to date over prior year in the amount of \$595,524. The increase is attributed to efforts of the collections unit in getting defendants to take responsibility for their citations.
- Due to an increase in rates as well as volume of new permits and renewals, alarm permit revenues increased \$110,540 when compared to prior year.
- False alarm revenue increased \$42,926 as compared to the same period of the prior year. The increase can be attributed to a successful alarm collections unit and its efforts in getting old accounts paid.
- The annual maintenance agreement with Motorola for services pertaining to maintenance of the City's radio system decreased over prior fiscal year by \$306,127 primarily due to timing of encumbrances for these services.
- The Police department spent \$9,660 for criminal and traffic law publications in the prior year which are purchased every other year.
- The Police department experienced a decrease of \$145,730 in workers compensation claims and related administrative expenses. Beginning May of last fiscal year, these costs began being absorbed in the Property Liability Loss Fund, whereas prior to May 2007, claims expenses were allocated to using departments.
- Training costs for police personnel decreased \$32,489. The amount budgeted in the current year is

REPORT NOTES CONTINUED

DECEMBER, 2008

comparable to prior year's budget.

- Refrigerated compartment storage lockers costing \$16,815 were purchased in the prior year for the Property/Evidence Unit within the Police department.

Fire

- Personal services increased \$288,506 over prior year primarily due to increased pay and benefit related costs over last fiscal year.
- The Fire department experienced a decrease of \$62,582 in workers compensation claims and related administrative expenses. Beginning May of last fiscal year, these costs began being absorbed in the Property Liability Loss Fund. Prior to May 2007 claims expenses were allocated to using departments.
- Municipal garage charges to maintain fire fleet decreased over prior year by \$16,340 primarily attributed to lower fuel rates. Additionally, new procedures are in place addressing fuel conservation measures.
- Replacement charges for fire rolling stock decreased over prior year by \$61,816 due to timing of vehicles received and placed into service.
- Expenditures and encumbrances for medical and surgical supplies decreased over prior year by \$30,496. These purchases are made on an as needed basis.
- In prior fiscal year, funds in the amount of \$61,900 were encumbered for services to be provided to analyze the Emergency Medical Services System.
- Costs and encumbrances for wearing apparel increased \$26,929. The budgeted amount is comparable to prior year's original budget.
- Training costs and encumbrances decreased over prior fiscal year by \$15,465 due to timing of orders placed and services received. The amount budgeted in the current fiscal year increased \$3,314 over prior year's budget.
- The Office of Emergency Management and Homeland Security encumbered funds in the prior year of \$34,994 for a new project that provides video conferencing capability.

Libraries

- State grant funding to be utilized to assist small libraries decreased in the current year by \$23,243 due to timing of payments. The amount received is based on volume of materials loaned out to smaller libraries.
- The libraries will be installing ten new self-check machines of which one year of maintenance costs are included in the price of the equipment. The amount paid to 3M Company for maintenance in the current year is \$16,407 while prior year maintenance costs were \$50,611.
- Expenditures and encumbrances for non-print media increased over prior year by \$59,445 due to a change in departmental ordering processes. Book purchases have decreased over prior year by \$179,628 due to timing of orders placed for book selections. The current year budget for non-print media and books is \$22,286 and \$69,248 higher, respectively than prior year's budget.

Development

- Building permit revenues decreased over prior year by \$102,407 due to large commercial projects occurring in the prior year.
- Engineering inspection revenues decreased \$150,702 as compared to prior year. Several large private development projects are being withheld at this time due to the slowing economy. Overall, fewer and smaller projects are being released in the current year.
- Re-inspection revenues have decreased as compared to prior year by \$32,775. These services are directly tied to the decreased amount of construction occurring within the city.
- Facilities Maintenance has experienced an increase over prior year in payments for electric services

REPORT NOTES CONTINUED

DECEMBER, 2008

in the amount of \$272,214. The increase is primarily attributed to the opening of the Tom Muehlenbeck Center and the new computer server room located at Technical Services.

- Facilities Services experienced an increase in expenditures and encumbrances in janitorial services of \$153,608 due to the addition of the Tom Muehlenbeck Center and Occupational Resource Center facilities.
- The Safe Streets Program experienced a decrease of \$112,830 due to rebidding of the contract in the latter portion of prior fiscal year. Therefore, encumbrances ceased around July 2007 but activity is picking up again in the current year.

Public Services and Operations

- Child safety fees have increased over prior year by \$13,943 due to increased school zone violations in the current year.
- Personal services increased \$89,315 over prior year primarily due to increased pay and benefit related costs over last fiscal year.

Parks and Recreation

- Because of the slowing economy and increases in the fee structure, membership to recreation centers has declined. As a result general membership revenues decreased \$15,669 as compared to last year. Additionally, membership fees designated for equipment replacement decreased \$37,630.
- Parks and Recreation athletic field user fees decreased over prior year by \$103,360 due to timing of payments made by youth and adult sports organizations.
- The Courtyard Theater received a donation from Plano Arts and Cultural Endowment in prior year in the amount of \$49,000 to purchase new interior lighting and equipment.
- Swim memberships were discontinued in the current year, resulting in a revenue decrease of \$28,702. There is currently only one recreation membership sold, which includes pool access.
- Personal services increased \$226,704 over prior year primarily due to increased salary and benefit related costs as compared to prior period.
- Design services for construction plans, specifications, details and special provisions and other consulting services related to waterproofing the Cox Building occurred in the prior year at a cost of \$9,000. The Cox Building had water damage on the first floor which the City leases from Plano Independent School District (PISD). PISD reimbursed the City as PISD is the owner of the Cox Building and the City is a tenant. The City received \$65,000 in March 2008 and was deposited in a Community Investment Program Project.
- Purchases and encumbrances of chemicals for trim and playing turf increased over prior year by \$71,785 due to increased cost of fertilizer. The 2008-09 budget for chemical purchases increased over prior year's original budget by \$66,936 in the Athletic Fields and Sports Turf Maintenance departments.
- Replacement charges for parks and recreation rolling stock and equipment increased over prior year by \$69,070 due to timing of vehicles received and placed into service.
- Purchase of an integrated customer relationship fitness management tool totaling \$40,032 was made in prior fiscal year for the Tom Muehlenbeck Center.
- Highpoint Tennis Center encumbered funds in prior year for a security system costing \$38,642.
- Furniture purchases for the Tom Muehlenbeck Center were made in prior fiscal year costing \$24,779.
- The Recreation Administration department paid for services in the current year to administer the Plano Senior Rides Program in the amount of \$50,000. Payment by the City will be made throughout the current year not to exceed a total contract amount of \$100,000. In prior year, Senior transportation services were provided with Collin County Area Regional Transportation in the amount of \$116,000 and paid incrementally beginning in October 2007.

REPORT NOTES CONTINUED

DECEMBER, 2008

Public Works

- The Streets and Signals departments have received \$9,700 from the Property Liability Loss Fund for damages to City property. This represents an \$18,236 decrease from last year.
- The Signs & Markings department utilizes contractual services for installation of street buttons and paving marking materials on the City's streets. These services decreased over prior year by \$76,651 due to a decrease in volume of projects as compared to prior year.

Other

- Payments for retiree health insurance increased over prior year by \$32,422 due to restructuring of retiree insurance, as well as increases in the number of retirees and premium amounts in the current year.
- Payments made in support of social services increased \$33,582 due to increased funding. The current year's budget is \$137,403 higher than the prior.
- Expenditures for interdepartmental water billings increased \$122,267 due to increased consumption as a result of less rainfall in the current fiscal year.
- Technology services charges increased over prior year by \$285,549 due to higher costs budgeted in the current year.
- Funds to support the Boys and Girls Club of Collin County were spent in the amount of \$30,000 in the prior year. The Boys and Girls Club of Collin County will be funded out of the Community Development Block Grant in the current year.

Property Tax Revenues

- Ad valorem tax revenues increased \$934,051 over prior year primarily attributed to an increase in existing property values.

Sales Tax Revenues

- Sales tax revenues remained comparable to prior year.

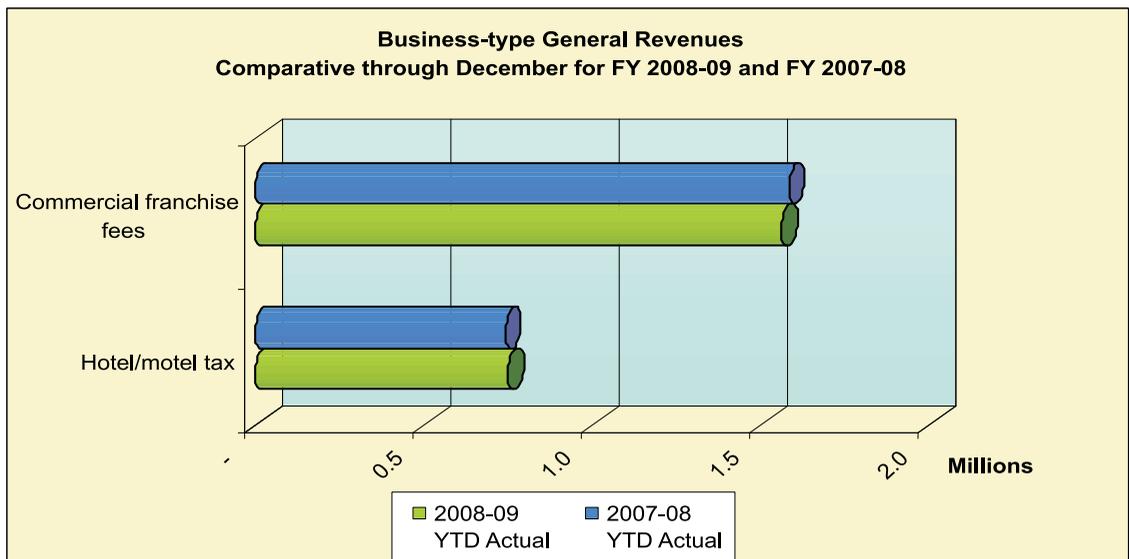
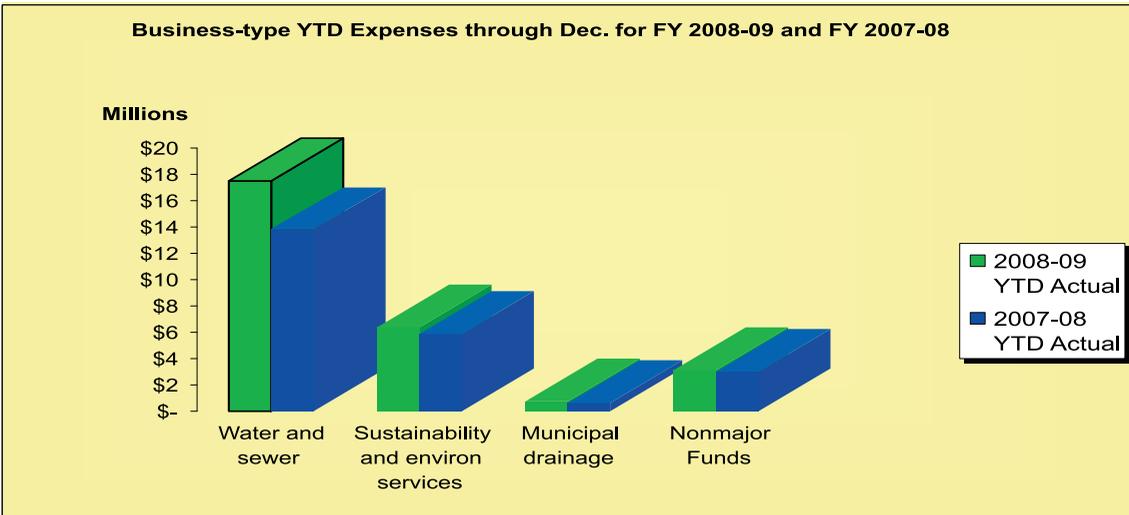
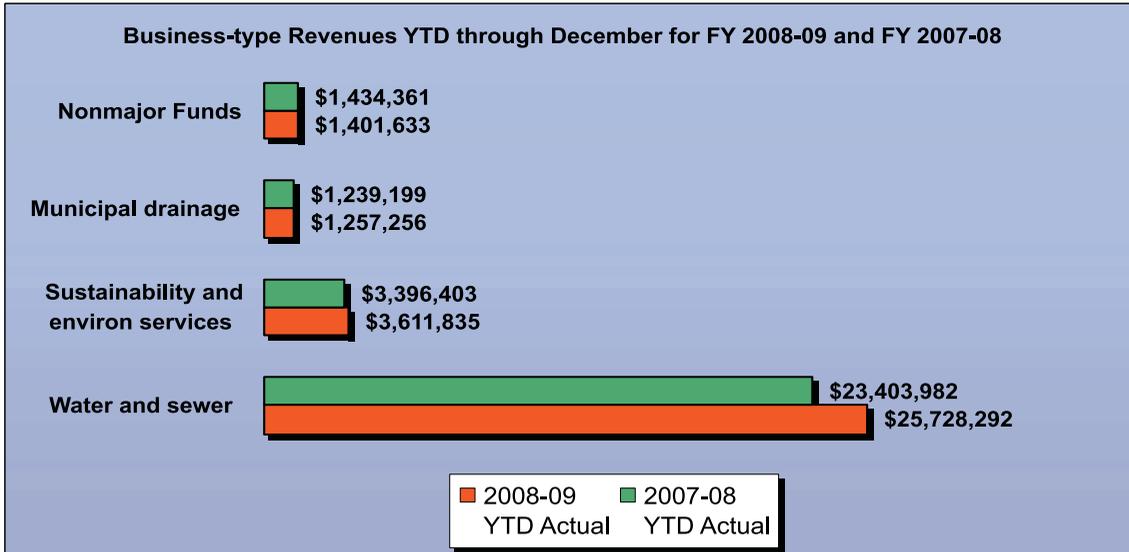
Franchise Fee Revenues

- Electric franchise fee revenues increased \$74,856 as compared to prior year. The City's franchise fee is based on the number of kWh sold by Oncor to the citizens of Plano. An increase in kWh consumed has occurred in the current year as compared to prior year.
- Telephone franchise fee revenues increased \$101,281 in the current year due to timing of payments received.

REPORT NOTES CONTINUED

DECEMBER, 2008

HIGHLIGHTS OF BUSINESS-TYPE VARIANCES



REPORT NOTES CONTINUED

DECEMBER, 2008

Water & Sewer

- Water and sewer revenues increased over prior year by \$1,585,365 and \$624,163, respectively. Overall water consumption for the current year is up as compared to the same time period in the prior year. Sewer revenues are directly related to water consumption and therefore increased as well.
- Consumption and rate increases for construction water meters occurred in the current year resulting in an increase of revenues of \$29,883.
- Cellular telephone companies place antennas on city elevated water towers. The City charges rental fees to cellular telephone companies for antennas placed on City elevated towers. These revenues have increased \$43,090 primarily due to timing of payments received.
- Expenses and encumbrances for maintenance parts for automated meter readers increased over prior year. Of the \$2,700,000 encumbered in April 2008, \$431,947 was spent in the prior fiscal year and \$303,695 in the current year. The encumbered balance at December 31 was \$1,964,359.
- Payments to North Texas Municipal Water District (NTMWD) for wastewater and pre-treatment services and water usage have increased over prior fiscal year by \$942,813 and \$445,970, respectively, as these costs are based on contractual amounts.

Sustainability and Environmental Services

- Residential solid waste revenues are \$237,137 higher than prior year primarily due to an increase in rates for use of 95-gallon carts. The rate increased by \$1.25 to \$15.10 per month.
- Recycling revenues are down \$154,523 as compared to prior year due to a decline in the recycling market.
- Compost revenues are higher over prior year by \$51,267 primarily due to an increase in volume of products sold.
- The Collections and Compost departments received reimbursements of \$94,177 in insurance and damage receipts due to City fleet being involved in accidents.
- Personal services increased \$99,952 over prior year due to increased salary and benefit related costs being higher in the current year as compared to prior period.
- The Compost Operations department has encumbered \$65,500 for purchase of various types of landscape bags. This purchase is done on an as needed basis and no orders were placed last fiscal year.
- Monthly payments to NTMWD increased \$222,542 over prior year as payments are based on contractual amounts.
- The contract with Otto Container Management has increased over prior year by \$118,543 primarily due to a fee increase.

Municipal Drainage

- Personal services increased \$33,936 over prior year due to increased salary and benefit related costs being higher in the current year as compared to prior period.
- Concrete purchases have increased over prior year by \$22,266 primarily due to timing of purchase orders being placed.

Civic Center

- Due to a customer's decision to cancel its annual conference, Plano Centre lost a top revenue-producing event this current fiscal year. Revenue generated from this event last year was approximately \$85,000.
- Costs of building design services spent and encumbered to expand the Plano Centre in the current fiscal year are \$179,592.
- Actual and encumbered costs associated with remodel work in the restrooms at Plano Centre are \$75,236.
- The Plano Convention & Tourism department has contracted services to assist in promotional efforts of area events and activities in the current year for \$48,000.
- Services will be rendered in the current year to provide a convention hotel and conference center

REPORT NOTES CONTINUED

DECEMBER, 2008

feasibility and market study. \$18,500 has been paid to an outside firm to conduct the study.

- An increase in volume of advertising publications, increased fees from media providers and development of a new website have resulted in increased advertising costs and encumbrances of \$38,746.
- Funds spent in the prior year for a replacement phone system cost \$71,582.

Golf Course

- Due to freezing weather in December of the current fiscal year, golf revenues are down as compared to prior year by \$8,878.
- Contractual services for debris removal services decreased over prior year by \$5,006 primarily due to timing of payment to Allied Waste Systems. The current year budget is comparable to prior year's original budget.

Recreation Revolving

- Revenues for recreational classes increased over prior year by \$98,860. Because the Tom Muehlenbeck Center opened in November 2007 an additional month of revenue has been collected from that facility in the current year.
- Encumbrances for printing services of the Leisure catalog have decreased over prior year by \$86,592 due to timing of orders placed.

Property Management

- Rental revenues are down \$3,438 due to Downtown South tenants moving to other properties.
- Contractual services have decreased \$6,500 as compared to prior year for a review of a facility located at 925 East 15th Street to evaluate improvements to the storefront and signage of the property.

Downtown Center Development

- Rental revenues have increased \$17,370 due to timing of revenues received by the City. Collections were made in November and December of the current year while made in January of prior year.



SECTION 1A

FINANCIAL SUMMARY

City of Plano
Comprehensive Monthly Finance Report



CITY OF PLANO, TEXAS
STATEMENT OF ACTIVITIES
FOR THE PERIOD ENDED DECEMBER 31, 2008

Function/Program Activities General Fund	Expenses/Expenditures		Actual & Encumb. /Budget	Program Revenues		Net (Expense) Revenue and Changes in Net Assets	
	Budget	Actual/Encumb.		Budget	Actual	General Fund	Business-type Activities
General Fund Activities:							
General government	\$ 1,341,748	\$ 244,633	18.2%	\$ 605,193	\$ 299,424	\$ (736,555)	\$ 54,791
Administrative services	8,397,977	2,152,492	25.6%	8,180	-	(8,389,797)	(2,152,492)
Police	63,108,862	14,974,195	23.7%	10,665,371	2,276,438	(52,443,491)	(12,697,758)
Fire	43,553,486	10,403,623	23.9%	4,297,480	988,051	(39,256,006)	(9,415,573)
Libraries	11,595,741	3,213,114	27.7%	511,398	147,033	(11,084,343)	(3,066,081)
Development	21,410,316	5,830,301	27.2%	4,093,712	768,696	(17,316,604)	(5,061,605)
Public services and operations	4,882,798	1,178,270	24.1%	1,195,111	256,489	(3,687,687)	(921,781)
Parks and recreation	22,875,261	5,293,627	23.1%	4,569,573	547,901	(18,305,688)	(4,745,726)
Public works	5,941,532	1,446,188	24.3%	41,000	21,437	(5,900,532)	(1,424,751)
Other	20,533,629	4,553,841	22.2%	470,635	-	(20,062,994)	(4,553,841)
Total General Fund	203,641,350	49,290,284	24.2%	26,457,653	5,305,468	(177,183,697)	(43,984,816)
Business-type Activities:							
Water and sewer	75,009,576	17,527,269	23.4%	112,748,390	25,728,292	\$ 37,738,814	\$ 8,201,023
Sustainability and environ services	21,696,469	6,328,257	29.2%	15,819,850	3,611,835	(5,876,619)	(2,716,422)
Municipal drainage	2,803,503	690,329	24.6%	4,928,110	1,257,256	2,124,607	566,927
Civic center	8,517,115	2,300,834	27.0%	2,698,452	574,741	(5,818,663)	(1,726,093)
Municipal golf course	894,751	217,448	24.3%	887,000	150,447	(7,751)	(67,001)
Property management	8,100	5,222	64.5%	39,431	11,055	31,331	5,833
Recreation revolving	3,083,787	554,545	18.0%	3,070,733	648,020	(13,054)	93,475
Downtown center development	46,785	47,918	102.4%	67,678	17,370	20,893	(30,548)
Total business-type activities	112,060,086	27,671,822	24.7%	140,259,644	31,999,016	(177,183,697)	(43,984,816)
Total	\$ 315,701,436	\$ 76,962,106		\$ 166,717,297	\$ 37,304,484	(43,984,816)	\$ 364,001,053

General Revenues		General Revenues	
Budget	Actual	Budget	Actual
83,068,770	30,209,432	-	-
57,417,708	15,635,625	-	-
1,336,194	33,145	-	-
-	-	4,964,601	750,629
21,745,842	4,528,264	6,496,731	1,561,814
3,182,198	171,872	408,000	65,876
166,750,712	50,578,338	11,869,332	2,378,319
(10,432,985)	6,593,522	40,088,890	6,705,513
	44,741,546		357,295,540
	\$ 51,335,068		\$ 364,001,053

General revenues:	
Budget	Actual
Property taxes	30,209,432
Sales taxes	15,635,625
Other taxes	33,145
Hotel/Motel tax	4,964,601
Franchise fees	4,528,264
Investment income	171,872
Total general revenues	50,578,338
Change in net assets	6,593,522
Net assets - beginning	44,741,546
Net assets - ending	\$ 51,335,068

MONTHLY FINANCIAL SUMMARY REPORT
 THROUGH DECEMBER 31 OF FISCAL YEARS 2009, 2008, AND 2007
 GENERAL FUND

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>3 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:					
Ad valorem tax	2009	\$ 83,069,000	30,209,000	36.4%	145.46
	2008	77,467,000	29,275,000	37.8%	151.16
	2007	69,461,000	20,543,000	29.6%	118.30
Sales tax	2009	57,418,000	15,636,000	27.2%	108.93
	2008	61,181,000	15,631,000	25.5%	102.20
	2007	57,606,000	15,728,000	27.3%	109.21
Other revenue	2009	52,721,000	10,039,000	19.0%	76.17
	2008	48,069,000	10,085,000	21.0%	83.92
	2007	<u>46,259,000</u>	<u>10,940,000</u>	23.6%	94.60
TOTAL REVENUE	2009	193,208,000	55,884,000	28.9%	115.70
	2008	186,717,000	54,991,000	29.5%	117.81
	2007	<u>173,326,000</u>	<u>47,211,000</u>	27.2%	108.95
EXPENDITURES & ENCUMBRANCES:					
Current operating	2009	\$ 201,136,000	48,521,000	24.1%	96.49
	2008	199,162,000	48,137,000	24.2%	96.68
	2007	188,784,000	44,033,000	23.3%	93.30
Capital outlay	2009	2,505,000	769,000	30.7%	122.79
	2008	2,255,000	936,000	41.5%	166.03
	2007	<u>1,466,000</u>	<u>520,000</u>	35.5%	141.88
Total expenditures and encumbrances	2009	203,641,000	49,290,000	24.2%	96.82
	2008	201,417,000	49,073,000	24.4%	97.46
	2007	<u>190,250,000</u>	<u>44,553,000</u>	23.4%	93.67
Excess (deficiency) of revenues over (under) expenditures	2009	(10,433,000)	6,594,000	-	-
	2008	(14,700,000)	5,918,000	-	-
	2007	(16,924,000)	2,658,000	-	-
OTHER FINANCING SOURCES (USES)					
Transfers in	2009	17,635,000	4,409,000	25.0%	100.01
	2008	16,609,000	4,152,000	25.0%	99.99
	2007	16,397,000	4,099,000	25.0%	99.99
Transfers out	2009	(19,678,000)	(4,984,000)	25.3%	101.31
	2008	(21,947,000)	(5,584,000)	25.4%	101.77
	2007	<u>(21,055,000)</u>	<u>(5,357,000)</u>	25.4%	101.77
NET CHANGE IN FUND BALANCES	2009	(12,476,000)	6,019,000		
	2008	(20,038,000)	4,486,000		
	2007	(21,582,000)	1,400,000		
FUND BALANCES-BEGINNING	2009		44,742,000		
	2008		45,684,000		
	2007		<u>48,805,000</u>		
FUND BALANCES-ENDING DECEMBER 31	2009		50,761,000		
	2008		50,170,000		
	2007		<u>50,205,000</u>		

MONTHLY FINANCIAL SUMMARY REPORT
 THROUGH DECEMBER 31 OF FISCAL YEARS 2009, 2008, AND 2007
 WATER AND SEWER FUND

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>3 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:					
Water and sewer revenue	2009	\$ 110,226,000	25,019,000	22.7%	90.79
	2008	96,340,000	22,813,000	23.7%	94.72
	2007	93,434,000	19,709,000	21.1%	84.38
Other fees and service charges	2009	2,572,000	728,000	28.3%	113.22
	2008	2,693,000	573,000	21.3%	85.11
	2007	<u>2,556,000</u>	<u>646,000</u>	25.3%	101.10
TOTAL REVENUE	2009	112,798,000	25,747,000	22.8%	91.30
	2008	99,033,000	23,386,000	23.6%	94.46
	2007	<u>95,990,000</u>	<u>20,355,000</u>	21.2%	84.82
EXPENSES & ENCUMBRANCES:					
Capital outlay	2009	-	77,000	-	-
	2008	1,245,000	79,000	6.3%	25.38
	2007	80,000	150,000	187.5%	750.00
Other expenses & encumbrances	2009	75,010,000	17,450,000	23.3%	93.05
	2008	66,174,000	13,764,000	20.8%	83.20
	2007	<u>63,810,000</u>	<u>14,053,000</u>	22.0%	88.09
Total expenses and encumbrances	2009	75,010,000	17,527,000	23.4%	93.46
	2008	67,419,000	13,843,000	20.5%	82.13
	2007	<u>63,890,000</u>	<u>14,203,000</u>	22.2%	88.92
Excess (deficiency) of revenues over (under) expenses	2009	37,788,000	8,220,000	-	-
	2008	31,614,000	9,543,000	-	-
	2007	32,100,000	6,152,000	-	-
TRANSFERS IN (OUT)					
Transfers in	2009	-	-	-	-
	2008	255,000	64,000	25.1%	100.39
	2007	268,000	67,000	25.0%	100.00
Transfers out	2009	(34,349,000)	(8,587,000)	25.0%	100.00
	2008	(30,889,000)	(7,722,000)	25.0%	100.00
	2007	<u>(30,208,000)</u>	<u>(7,559,000)</u>	25.0%	100.09
CHANGE IN NET ASSETS	2009	\$ 3,439,000	(367,000)		
	2008	980,000	1,885,000		
	2007	2,160,000	(1,340,000)		
TOTAL NET ASSETS-BEGINNING	2009		321,539,000		
	2008		315,706,000		
	2007		<u>324,871,000</u>		
TOTAL NET ASSETS-ENDING DECEMBER 31	2009		321,172,000		
	2008		317,591,000		
	2007		<u>323,531,000</u>		

MONTHLY FINANCIAL SUMMARY REPORT
 THROUGH DECEMBER 31 OF FISCAL YEARS 2009, 2008, AND 2007
 SUSTAINABILITY AND ENVIRONMENTAL SERVICES FUND

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>3 Months Actual</u>	<u>Actual/Budget</u>	<u>Performance Index</u>
REVENUES:					
Commerical solid waste franchise	2009	\$ 6,497,000	1,562,000	24.0%	96.17
	2008	6,352,000	1,583,000	24.9%	99.69
	2007	5,901,000	1,403,000	23.8%	95.10
Refuse collection revenue	2009	13,317,000	3,197,000	24.0%	96.03
	2008	12,273,000	3,101,000	25.3%	101.07
	2007	12,078,000	2,905,000	24.1%	96.21
Other fees and service charges	2009	2,503,000	411,000	16.4%	65.68
	2008	2,100,000	303,000	14.4%	57.71
	2007	1,545,000	185,000	12.0%	47.90
TOTAL REVENUE	2009	22,317,000	5,170,000	23.2%	92.66
	2008	20,725,000	4,987,000	24.1%	96.25
	2007	19,524,000	4,493,000	23.0%	92.05
EXPENSES & ENCUMBRANCES:					
Capital outlay	2009	256,000	14,000	5.5%	21.88
	2008	142,000	1,000	0.7%	2.82
	2007	312,000	-	-	-
Other expenses & encumbrances	2009	21,440,000	6,314,000	29.4%	117.80
	2008	19,969,000	5,851,000	29.3%	117.20
	2007	18,531,000	5,412,000	29.2%	116.82
Total expenses and encumbrances	2009	21,696,000	6,328,000	29.2%	116.67
	2008	20,111,000	5,852,000	29.1%	116.39
	2007	18,843,000	5,412,000	28.7%	114.89
Excess (deficiency) of revenues over (under) expenses	2009	621,000	(1,158,000)	-	-
	2008	614,000	(865,000)	-	-
	2007	681,000	(919,000)	-	-
TRANSFERS IN (OUT)					
Transfers in	2009	100,000	25,000	25.0%	100.00
	2008	100,000	25,000	25.0%	100.00
	2007	85,000	21,000	24.7%	98.82
Transfers out	2009	(1,224,000)	(306,000)	25.0%	100.00
	2008	(1,175,000)	(294,000)	25.0%	100.09
	2007	(1,205,000)	(301,000)	25.0%	99.92
CHANGE IN NET ASSETS	2009	\$ (503,000)	(1,439,000)		
	2008	(461,000)	(1,134,000)		
	2007	(439,000)	(1,199,000)		
TOTAL NET ASSETS-BEGINNING	2009		1,690,000		
	2008		2,308,000		
	2007		1,759,000		
TOTAL NET ASSETS-ENDING DECEMBER 31	2009		251,000		
	2008		1,174,000		
	2007		560,000		

MONTHLY FINANCIAL SUMMARY REPORT
 THROUGH DECEMBER 31 OF FISCAL YEARS 2009, 2008, AND 2007
 MUNICIPAL DRAINAGE FUND

	Fiscal Year	Annual Budget	3 Months Actual	Actual/ Budget	Performance Index
REVENUES:					
Fees and service charges	2009	\$ 4,928,000	1,255,000	25.5%	101.87
	2008	4,724,000	1,239,000	26.2%	104.91
	2007	4,700,000	1,216,000	25.9%	103.49
Miscellaneous revenue	2009	150,000	24,000	16.0%	64.00
	2008	125,000	62,000	49.6%	198.40
	2007	109,000	46,000	42.2%	168.81
TOTAL REVENUE	2009	5,078,000	1,279,000	25.2%	100.75
	2008	4,849,000	1,301,000	26.8%	107.32
	2007	4,809,000	1,262,000	26.2%	104.97
EXPENSES & ENCUMBRANCES:					
Capital outlay	2009	-	-	-	-
	2008	-	-	-	-
	2007	28,000	-	-	-
Other expenses & encumbrances	2009	2,804,000	690,000	24.6%	98.43
	2008	2,579,000	620,000	24.0%	96.16
	2007	2,682,000	596,000	22.2%	88.89
Total expenses and encumbrances	2009	2,804,000	690,000	24.6%	98.43
	2008	2,579,000	620,000	24.0%	96.16
	2007	2,710,000	596,000	22.0%	87.97
Excess (deficiency) of revenues over (under) expenses	2009	2,274,000	589,000	-	-
	2008	2,270,000	681,000	-	-
	2007	2,099,000	666,000	-	-
TRANSFERS OUT					
Operating transfers out	2009	(2,868,000)	(717,000)	25.0%	100.00
	2008	(2,711,000)	(678,000)	25.0%	100.04
	2007	(2,559,000)	(640,000)	25.0%	100.04
CHANGE IN NET ASSETS					
	2009	(594,000)	(128,000)		
	2008	(441,000)	3,000		
	2007	(460,000)	26,000		
TOTAL NET ASSETS-BEGINNING					
	2009		21,004,000		
	2008		21,106,000		
	2007		20,754,000		
TOTAL NET ASSETS-ENDING DECEMBER 31					
	2009		20,876,000		
	2008		21,109,000		
	2007		20,780,000		

MONTHLY FINANCIAL SUMMARY REPORT
 THROUGH DECEMBER 31 OF FISCAL YEARS 2009, 2008, AND 2007
 NONMAJOR BUSINESS-TYPE FUNDS

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>3 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:					
Hotel/motel tax	2009	\$ 4,965,000	751,000	0.15	60.50
	2008	4,518,000	742,000	0.16	65.69
	2007	4,009,000	769,000	0.19	76.73
Other revenue	2009	6,974,000	1,431,000	20.5%	82.08
	2008	6,695,000	1,515,000	22.6%	90.52
	2007	6,324,000	1,347,000	21.3%	85.20
TOTAL REVENUE	2009	11,939,000	2,182,000	18.3%	73.10
	2008	11,213,000	2,257,000	20.1%	80.51
	2007	10,333,000	2,116,000	20.5%	81.91
EXPENSES & ENCUMBRANCES:					
Capital outlay	2009	-	59,000	-	-
	2008	81,000	98,000	121.0%	483.95
	2007	52,000	-	0.0%	0.00
Other expenses & encumbrances	2009	12,551,000	3,067,000	24.4%	97.75
	2008	11,659,000	2,866,000	24.6%	98.33
	2007	10,469,000	2,542,000	24.3%	97.12
Total expenses and encumbrances	2009	12,551,000	3,126,000	24.9%	99.63
	2008	11,740,000	2,964,000	25.2%	100.99
	2007	10,521,000	2,542,000	24.2%	96.64
Excess (deficiency) of Revenues over (under) expenses	2009	(612,000)	(944,000)	-	-
	2008	(527,000)	(707,000)	-	-
	2007	(188,000)	(426,000)	-	=
TRANSFERS OUT:					
Operating transfers out	2009	(1,446,000)	(361,000)	25.0%	99.86
	2008	(1,120,000)	(281,000)	25.1%	100.36
	2007	(671,000)	(168,000)	25.0%	100.15
CHANGE IN NET ASSETS	2009	(2,058,000)	(1,305,000)		
	2008	(1,647,000)	(988,000)		
	2007	(859,000)	(594,000)		
TOTAL NET ASSETS-BEGINNING	2009		13,062,000		
	2008		13,468,000		
	2007		12,926,000		
TOTAL NET ASSETS-ENDING DECEMBER 31	2009		11,757,000		
	2008		12,480,000		
	2007		12,332,000		

MONTHLY FINANCIAL SUMMARY REPORT
 THROUGH DECEMBER 31 OF FISCAL YEARS 2009, 2008, AND 2007
 ECONOMIC DEVELOPMENT FUND

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>3 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:					
Miscellaneous revenue	2009	\$ 310,000	64,000	20.6%	82.58
	2008	185,000	124,000	67.0%	268.11
	2007	<u>-</u>	<u>34,000</u>	-	-
EXPENSES & ENCUMBRANCES					
Personal services	2009	559,000	131,000	23.4%	93.74
	2008	551,000	129,000	23.4%	93.65
	2007	529,000	126,000	23.8%	95.27
Materials and supplies	2009	23,000	6,000	26.1%	104.35
	2008	24,000	13,000	54.2%	216.67
	2007	26,000	20,000	76.9%	307.69
Contractual / professional and other	2009	5,487,000	1,412,000	25.7%	102.93
	2008	6,275,000	47,000	0.7%	3.00
	2007	6,276,000	47,000	0.7%	3.00
Capital outlay	2009	-	-	-	-
	2008	-	-	-	-
	2007	<u>-</u>	<u>7,000</u>	-	-
Total Expenses and Encumbrances	2009	<u>6,069,000</u>	<u>1,549,000</u>	25.5%	102.09
	2008	6,850,000	189,000	2.8%	11.04
	2007	<u>6,831,000</u>	<u>200,000</u>	2.9%	11.71
Excess (Deficiency) of Revenues Over (Under) Expenses	2009	(5,759,000)	(1,485,000)	-	-
	2008	(6,665,000)	(65,000)	-	-
	2007	(6,831,000)	(166,000)	-	-
TRANSFERS IN					
Operating transfers in	2009	6,069,000	1,517,000	25.0%	99.98
	2008	6,850,000	1,712,000	25.0%	99.97
	2007	<u>6,831,000</u>	<u>1,708,000</u>	25.0%	100.01
CHANGE IN NET ASSETS					
	2009	310,000	32,000		
	2008	185,000	1,647,000		
	2007	-	1,542,000		
TOTAL NET ASSETS-BEGINNING					
	2009		12,256,000		
	2008		6,941,000		
	2007		<u>1,030,000</u>		
TOTAL NET ASSETS-ENDING DECEMBER 31					
	2009		12,288,000		
	2008		8,588,000		
	2007		<u><u>2,572,000</u></u>		

EQUITY IN TREASURY POOL

DECEMBER 2008

FUND NO.	FUND NAME	CASH	EQUITY IN TREASURY POOL	TOTAL 12/31/08	TOTAL 10/1/08	TOTAL 12/31/07
GENERAL FUND:						
01	General	\$ 23,000	45,877,000	45,900,000	41,732,000	44,755,000
77	Payroll	-	2,108,000	2,108,000	1,949,000	2,012,000
24	City Store	-	-	-	10,000	9,000
		<u>23,000</u>	<u>47,985,000</u>	<u>48,008,000</u>	<u>43,691,000</u>	<u>46,776,000</u>
DEBT SERVICE FUND:						
03	G.O. Debt Service	-	19,312,000	19,312,000	5,484,000	18,917,000
		<u>-</u>	<u>19,312,000</u>	<u>19,312,000</u>	<u>5,484,000</u>	<u>18,917,000</u>
CAPITAL PROJECTS:						
22	Recreation Center Facilities	-	582,000	582,000	579,000	531,000
23	Street Enhancement	-	1,638,000	1,638,000	1,629,000	1,530,000
25	1991 Police & Courts Facility	-	1,150,000	1,150,000	1,260,000	1,678,000
27	1991 Library Facility	-	869,000	869,000	864,000	646,000
28	1991 Fire Facility	-	2,288,000	2,288,000	2,276,000	1,972,000
29	Technology Improvements	-	750,000	750,000	746,000	255,000
31	Municipal Facilities	-	444,000	444,000	441,000	421,000
32	Park Improvements	-	5,765,000	5,765,000	5,735,000	4,807,000
33	Street & Drainage Improvement	-	6,153,000	6,153,000	4,779,000	2,569,000
35	Capital Reserve	-	37,407,000	37,407,000	39,463,000	38,023,000
38	DART L.A.P.	-	765,000	765,000	761,000	743,000
39	Spring Creekwalk	-	24,000	24,000	23,000	23,000
52	Park Service Areas	-	5,755,000	5,755,000	5,804,000	5,744,000
53	Creative & Performing Arts	-	2,196,000	2,196,000	2,185,000	2,038,000
54	Animal Control Facilities	-	338,000	338,000	336,000	253,000
59	Service Center	-	131,000	131,000	131,000	128,000
60	Joint Use Facilities	-	632,000	632,000	628,000	581,000
85	Public Arts	-	117,000	117,000	116,000	100,000
110	G.O. Bond Clearing - 1999	-	324,000	324,000	343,000	408,000
190	G.O. Bond Clearing - 2000	-	3,654,000	3,654,000	3,641,000	3,694,000
230	Tax Notes Clearing - 2001	-	1,107,000	1,107,000	1,343,000	1,415,000
240	G.O. Bond Clearing - 2001-A	-	183,000	183,000	182,000	185,000
250	Tax Notes Clearing - 2001-A	-	60,000	60,000	158,000	161,000
270	G.O. Bond Refund/Clearing - 2003	-	135,000	135,000	137,000	1,109,000
310	G.O. Bond Refund/Clearing - 2005	-	-	-	-	1,015,000
093	G.O. Bond Clearing - 2006	-	-	-	-	1,486,000
089	C.O. Bond Clearing - 2006	-	195,000	195,000	269,000	376,000
102	G.O. Bond Clearing - 2007	-	5,639,000	5,639,000	9,664,000	21,991,000
105	Tax Notes Clearing - 2007	-	1,000	1,000	555,000	6,715,000
082	G.O. Bond Clearing - 2008	-	29,188,000	29,188,000	34,778,000	-
083	Tax Notes Clearing - 2008	-	16,381,000	16,381,000	17,207,000	-
		<u>-</u>	<u>123,871,000</u>	<u>123,871,000</u>	<u>136,033,000</u>	<u>100,597,000</u>
ENTERPRISE FUNDS:						
26	Municipal Drainage CIP	-	282,000	282,000	281,000	239,000
34	Sewer CIP	-	8,559,000	8,559,000	8,134,000	7,335,000
36	Water CIP	-	6,524,000	6,524,000	5,531,000	5,056,000
37	Downtown Center Development	-	121,000	121,000	119,000	81,000
41	Water & Sewer - Operating	478,000	6,353,000	6,831,000	3,228,000	(2,950,000)
42	Water & Sewer - Debt Service	-	760,000	760,000	207,000	1,181,000
43	Municipal Drainage - Debt Service	-	3,404,000	3,404,000	3,288,000	2,950,000
44	W & S Impact Fees Clearing	-	3,690,000	3,690,000	3,293,000	2,815,000
45	Sustainability & Environmental Services	-	(2,518,000)	(2,518,000)	777,000	631,000
46	Convention & Tourism	4,000	3,639,000	3,643,000	4,248,000	3,711,000
81	Friends of Plano Centre	-	4,000	4,000	4,000	4,000
47	Municipal Drainage	-	3,503,000	3,503,000	4,348,000	4,278,000
48	Municipal Golf Course	-	62,000	62,000	139,000	96,000
49	Property Management	-	452,000	452,000	440,000	401,000
51	Recreation Revolving	-	881,000	881,000	1,412,000	727,000
104	Municipal Drain Bond Clearing-1996	-	181,000	181,000	180,000	176,000
320	Municipal Drain Rev Bond Clearing - 2005	-	153,000	153,000	152,000	300,000
094	Municipal Drain Rev Bond Clearing - 2006	-	165,000	165,000	164,000	1,082,000
330	Municipal Drain Rev Bond Clearing - 2007	-	2,119,000	2,119,000	2,604,000	2,957,000
340	Municipal Drain Rev Bond Clearing - 2008	-	2,102,000	2,102,000	2,091,000	-
		<u>482,000</u>	<u>40,436,000</u>	<u>40,918,000</u>	<u>40,640,000</u>	<u>31,070,000</u>

EQUITY IN TREASURY POOL
DECEMBER 2008

FUND	FUND NAME	CASH	EQUITY IN TREASURY POOL	TOTAL 12/31/08	TOTAL 10/1/08	TOTAL 12/31/07
SPECIAL REVENUE FUNDS:						
	Sproles Library	-	184,000	184,000	185,000	112,000
	TIF-Mall	-	-	-	-	50,000
	TIF-East Side	-	6,002,000	6,002,000	6,002,000	7,794,000
	LLEBG-Police Grant	-	43,000	43,000	26,000	120,000
	Criminal Investigation Grant	-	1,059,000	1,059,000	989,000	924,000
	Wireline Fees	-	(169,000)	(169,000)	(69,000)	(837,000)
	Judicial Efficiency	-	430,000	430,000	399,000	324,000
	Industrial	-	121,000	121,000	118,000	118,000
	Intergovernmental	-	18,000	18,000	18,000	18,000
	Government Access/CATV	-	378,000	378,000	370,000	588,000
	Teen Court Program	-	246,000	246,000	431,000	674,000
	Municipal Courts Technology	-	49,000	49,000	46,000	43,000
	Municipal Court-Building Security Fees	-	1,581,000	1,581,000	1,538,000	1,419,000
	911 Reserve Fund	-	1,316,000	1,316,000	1,328,000	1,259,000
	State Library Grants	-	8,782,000	8,782,000	8,462,000	7,468,000
	Disaster Relief	-	51,000	51,000	(53,000)	16,000
	Animal Shelter Donations	-	1,134,000	1,134,000	1,114,000	1,158,000
	Memorial Library	-	196,000	196,000	180,000	137,000
	Juvenile Case Manager	-	408,000	408,000	378,000	262,000
	Traffic Safety	-	173,000	173,000	167,000	137,000
	Child Safety	-	1,332,000	1,332,000	1,213,000	767,000
		-	923,000	923,000	827,000	787,000
		-	24,257,000	24,257,000	23,669,000	23,338,000
INTERNAL SERVICE FUNDS:						
	Public Safety Technology	-	1,969,000	1,969,000	1,718,000	1,617,000
	Technology Infrastructure	-	(9,000)	(9,000)	(108,000)	4,147,000
	PC Replacement	-	1,902,000	1,902,000	2,024,000	1,524,000
	Equipment Maintenance	-	(4,416,000)	(4,416,000)	(4,201,000)	(5,017,000)
	Information Technology	-	3,835,000	3,835,000	3,261,000	(118,000)
	Office Services	-	15,000	15,000	(277,000)	(285,000)
	Warehouse	-	(27,000)	(27,000)	238,000	199,000
	Property/Liability Loss	-	4,547,000	4,547,000	5,629,000	7,956,000
	Technology Services	-	12,190,000	12,190,000	12,786,000	12,086,000
	Equipment Replacement	-	11,408,000	11,408,000	9,898,000	12,041,000
	Health Claims	-	7,936,000	7,936,000	7,943,000	29,124,000
	Parkway Service Ctr. Expansion	-	(28,000)	(28,000)	(28,000)	(29,000)
		-	39,322,000	39,322,000	38,883,000	63,245,000
FIDUCIARY FUNDS:						
	Unclaimed Property	-	58,000	58,000	57,000	55,000
	Library Training Lab	-	7,000	7,000	5,000	7,000
	Collin County Seized Assets	-	266,000	266,000	263,000	290,000
	Developers' Escrow	-	3,913,000	3,913,000	4,185,000	4,096,000
	Plano Economic Development Trust	-	657,000	657,000	683,000	-
	Economic Development	-	11,759,000	11,759,000	11,727,000	8,686,000
	Rebate	-	985,000	985,000	1,017,000	1,045,000
		-	17,645,000	17,645,000	17,937,000	14,179,000
TOTAL		\$ 505,000	312,828,000	313,333,000	306,337,000	298,122,000
TRUST FUNDS						
	Water & Sewer Reserve	-	-	-	-	-
	Retirement Security Plan	-	61,612,000	61,612,000	70,000	70,008,000
	115 Trust	-	21,299,000	21,299,000	23,000,000	-
TOTAL TRUST FUNDS		\$ -	82,911,000	82,911,000	23,070,000	70,008,000

A Treasury Pool fund has been created for the purpose of consolidating cash and investments. All City funds not restricted or held in trust are included in this consolidated fund. Each fund's "Equity in Treasury Pool" represents the fund's proportionate share of the Treasury Pool Fund. At December 31, 2008 the Treasury Pool, including an adjustment to Fair Value as required by GASB 31, consisted of the following:

Cash	40,754,000
Local Government Investment Pool	241,744,000
Federal Securities	12,936,000
Certificates of Deposit	17,000,000
Fair Value Adjustment	204,000
Interest Receivable	190,000
	<u>312,828,000</u>

HEALTH CLAIMS FUND
THROUGH DECEMBER 31 OF FISCAL YEARS 2009 AND 2008

Health Claims Fund	1 Month Variance			1 month Variance			1 month Variance			Year to Date Variance		
	FY 08-09 October	FY 07-08 October	Favorable (Unfavorable)	FY 08-09 November	FY 07-08 November	Favorable (Unfavorable)	FY 08-09 December	FY 07-08 December	Favorable (Unfavorable)	FY 08-09 Total	FY 07-08 Total	Favorable (Unfavorable)
Revenues												
Employees Health Ins. Contributions	\$ 250,000	\$ 197,000	53,000	\$ 250,000	\$ 197,000	53,000	\$ 266,000	\$ 249,000	17,000	\$ 766,000	\$ 643,000	\$ 123,000
Employers Health Ins. Contributions	1,538,000	1,753,000	(215,000)	1,546,000	1,749,000	(203,000)	1,577,000	1,531,000	46,000	4,661,000	5,033,000	(372,000)
Contributions for Retirees	80,000	51,000	29,000	37,000	53,000	(16,000)	68,000	50,000	18,000	185,000	154,000	31,000
Cobra Insurance Receipts	8,000	4,000	4,000	8,000	5,000	3,000	3,000	4,000	(1,000)	19,000	13,000	6,000
Retiree Insurance Receipts	28,000	25,000	3,000	27,000	31,000	(4,000)	66,000	61,000	5,000	121,000	117,000	4,000
Plano Housing Authority	-	-	-	-	-	-	-	-	-	-	-	-
Employer Contribution-OPEB	-	-	-	-	-	-	556,000	-	556,000	556,000	-	556,000
Interest	15,000	155,000	(140,000)	14,000	141,000	(127,000)	13,000	114,000	(101,000)	42,000	410,000	(368,000)
Total Revenues	1,919,000	2,185,000	(266,000)	1,882,000	2,176,000	(294,000)	2,549,000	2,009,000	540,000	6,350,000	6,370,000	(20,000)
Expenses												
Insurance	116,000	118,000	2,000	116,000	120,000	4,000	116,000	119,000	3,000	348,000	357,000	9,000
Contracts- Professional Svc.	39,000	5,000	(34,000)	5,000	5,000	-	64,000	8,000	(56,000)	108,000	18,000	(90,000)
Contracts- Other	86,000	70,000	(16,000)	101,000	91,000	(10,000)	96,000	77,000	(19,000)	283,000	238,000	(45,000)
Health Claims Paid Reinsurance	1,000	(83,000)	(84,000)	(3,000)	(35,000)	(32,000)	(4,000)	(14,000)	(10,000)	(6,000)	(132,000)	(126,000)
Health Claims - Prescription	259,000	273,000	14,000	260,000	263,000	3,000	280,000	287,000	7,000	799,000	823,000	24,000
Health Claims Paid -JHC	1,552,000	982,000	(570,000)	1,449,000	1,043,000	(406,000)	1,880,000	1,069,000	(811,000)	4,881,000	3,094,000	(1,787,000)
Cobra Insurance Paid	-	-	-	1,000	1,000	-	-	-	-	1,000	1,000	-
Retiree Insurance Paid	6,000	11,000	5,000	7,000	10,000	3,000	7,000	10,000	3,000	20,000	31,000	11,000
Retiree Insurance Paid- Medicare	40,000	-	(40,000)	23,000	-	(23,000)	8,000	-	(8,000)	71,000	-	(71,000)
Plano Housing Authority	-	-	-	-	-	-	-	-	-	-	-	-
Total Expenses	2,099,000	1,376,000	(723,000)	1,959,000	1,498,000	(461,000)	2,447,000	1,556,000	(891,000)	6,505,000	4,430,000	(2,075,000)
Net increase (decrease)	\$ (180,000)	\$ 809,000	(989,000)	(77,000)	678,000	(755,000)	102,000	453,000	(351,000)	\$ (155,000)	\$ 1,940,000	(2,095,000)
Health Claims Fund Balance - Cumulative	\$ 3,799,000	\$ 24,863,000	(21,064,000)	\$ 3,723,000	\$ 25,541,000	(21,818,000)	\$ 3,825,000	\$ 25,994,000	(22,169,000)			

ANALYSIS OF PROPERTY LIABILITY LOSS FUND THROUGH DECEMBER 31 OF FISCAL YEARS 2009, 2008, AND 2007

PROPERTY LIABILITY LOSS FUND

	Fiscal Year 2009	Fiscal Year 2008	Fiscal Year 2007
Claims Paid per General Ledger	\$ 606,000	165,000	258,000
Net Judgments/Damages/Attorney Fees	273,000	66,000	213,000
Total Expenses	\$ 879,000	231,000	471,000

CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
DECEMBER 31, 2008

ENGINEERING

Funding Category	Project Description Name: To: From:	Construction Start (Est.) Complete (Est.)	Total Project Budget (thousands)	Comments:
CIP 37581 68161 48852	<u>14th STREET – K Avenue to Ridgewood</u>	06/09 06/10	6,800	65% engineering design plans have been returned to the design engineer.
CIP TxDOT 37818 68953	<u>15th STREET – G Avenue to I Avenue</u>	02/07 02/09	1,011 800	All street pavement is done. Contractor is waiting for Time Warner and Oncor to remove power poles to complete the work. All lanes are open for traffic.
CIP 31298	<u>15th STREET – G Avenue to US 75</u>	06/10 03/11	1,954	Met with design engineer on January 6 th to discuss and give direction to design team on pedestrian path and lane alignments.
CIP 71126	<u>15th STREET AND MISCELLANEOUS DRAINAGE IMPROVEMENTS</u>	03/08 02/09	1,385	Construction is finished on the south side of 15 th Street between Alma and US 75. Contractor is installing pipe west of Alma on the north and south side.
CIP Collin 31383	<u>ALMA – Spicewood to Rowlett Creek</u>	02/09 08/09	810 400	Construction project has been awarded to RKM Utility Services, Inc. and contracts are being processed
CIP 71101	<u>ALMA & PARKER DRAINAGE</u>	05/09 11/09	962	Design is proceeding. Plans have been submitted and are in review by City staff.
CIP 37854	<u>BAFFIN BAY AND MORTON VALE</u>	05/09 11/09	700	Design is underway. Final plans have been submitted and are in review by City staff.
CIP Collin 31384	<u>CHAPARRAL –Avenue K to East City Limits</u>	05/09 12/09	1,053 950	Reviewed plans have been sent to consultant.
CIP Collin 68156	<u>COIT & DALLAS NORTH TANK REPAINT</u>	11/09 06/10	1,035	Design is proceeding. Work to begin in November.
CIP Collin 37847	<u>COMMUNICATIONS PARKWAY – Parker to Spring Creek Parkway</u>	02/09 11/09	1,670 1,075	Final plans are complete. Bids were opened November 18 th . Construction contract was awarded December 8 th . Contract documents are being executed.
CIP Collin 32495	<u>COMMUNICATIONS PARKWAY – Spring Creek to Tennyson</u>	06/09 06/10	2,860 850	Final plans have been submitted and are in review by City staff. 404 Environmental issue being evaluated. Right of way negotiations underway.
CIP 68921	<u>CUSTER GROUND STORAGE TANKS</u>	11/08 06/09	3,530	Construction started the week of November 17 th . Underground piping is being installed.
CIP Collin 31389	<u>INDEPENDENCE – McDermott to SH 121</u>	02/09 09/09	800 800	Construction contract awarded to Tiseo Paving on the December 22 nd City Council agenda. Contracts are being processed.

CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
DECEMBER 31, 2008

Funding Category	Project Description Name: To: From:	Construction Start (Est.) To: Complete (Est.)	Total Project Budget (thousands)	Comments:
CIP 31442	<u>INTERSECTION IMPROVEMENTS 2004– Coit at Legacy</u>	01/09 08/09	514	ROW acquisition is complete. Utility adjustments are delaying construction start
CIP TxDOT 31439	<u>INTERSECTION IMPROVEMENTS– Jupiter/Plano Parkway</u>	09/08 04/09	473 400	Construction started September 22 nd Franchise utility conflicts are slowing the work progress.
CIP 37849	<u>INTERSECTION IMPROVEMENTS– Jupiter, Park, Parker and Independence</u>	04/09 10/09	600	Final plans are complete. Project will be scheduled for bidding in late January.
CIP TxDOT 31441	<u>INTERSECTION IMPROVEMENTS– Preston and Legacy</u>	06/09 01/10	154 2,250	Schematic approved. MAPOs sent to TXDOT. Environmental Categorical Exclusion awaiting TxDot Austin approval. City staff, consultants and TxDOT met to discuss common signing. 95% engineering plans have been submitted to TXDOT.
CIP TxDOT 31410	<u>INTERSECTION IMPROVEMENTS - Preston and Plano Parkway</u>	01/10 09/10	590 1,600	Consultant is currently addressing comments from TxDOT/Austin on the schematics. The CATEX - Environmental Report has been submitted to TxDOT.
CIP 68156	<u>JUPITER & WHITE ROCK CREEK ELEVATED TANK</u>	11/09 06/10	1,100	Interior painting has begun. Work began November 10 th .
CIP 48817	<u>MAPLESHADE LIFT STATION</u>	01/09 12/09	4,223	Signed contracts have been received. Preconstruction meeting will be held in January. Sewer line will be bid in early 2009.
CIP 31416	<u>MARSH LANE – Parker Road South</u>	05/09 11/09	405	65% plans are being reviewed by City staff.
CIP Collin 31397	<u>MCDERMOTT – Coit To Ohio</u>	09/09 07/10	1,044 1,050	TXDOT funding is not currently available for construction. We are proceeding with a City of Plano bid package to construct the Robinson at McDermott intersection.
CIP 31397	<u>McDERMOTT AT ROBINSON</u>	04/09 08/09	500	Construction plans to construct intersection are being reviewed.
CIP 37756	<u>MEADOWS ADDITION</u>	10/09 09/10	1,829	PSA has been signed by the city manager. Waiting on purchase order.
CIP 37825 68912	<u>P AVENUE, 18TH STREET & BELLE VIEW ADDITION</u>	05/09 02/10	800	90% plans have been returned to the design engineer.
CIP Collin 31405 68967	<u>PARKER ROAD – K Avenue to Raton Lane</u>	07/07 02/09	1,948 2,162	Construction is underway. The main portion of roadway paving is near completion with pavement repair areas still remaining to be done. Median work for irrigation and landscaping is still to be done.
CIP Collin 31449	<u>PARKWOOD BOULEVARD - Park Boulevard to Spring Creek Parkway</u>	01/08 02/09	2,800 2,200	All main lane paving is completed. We added a left turn lane for Whittington. Fencing and establishment of ground cover on the Haggard property is proceeding.

CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
DECEMBER 31, 2008

Funding Category	Project Description Name: To: From:	Construction Start (Est.) Complete (Est.)	Total Project Budget (thousands)	Comments:
CIP 31407	<u>PLANO PARKWAY WIDENING – Midway to West City Limits</u>	04/09 01/10	1,200	Plano Parkway will be widened from four to six lanes and the intersection at Marsh Lane will be improved. The consultant's 3 rd submittal has been reviewed and sent back for revisions. Work on acquisition of easements in progress.
CIP 37819	<u>R AVENUE & 17TH STREET</u>	09/09 09/10	1,450	Pavement, water line, sewer line and related items will be replaced on R Avenue and 17 th Street. PSA is being processed with Hayden Consultants, Inc.
CIP TxDOT 37753	<u>RAILROAD CROSSINGS – Quiet Zones</u>	09/08 09/09	1,097 100	Pre-construction meeting held August 29 th . Working on DART permit for waterline at Park Vista.
CIP Collin 31411	<u>RASOR BOULEVARD - Ohio to SH 121</u>	04/09 01/10	1,274 2,450	Design is proceeding with plans to bid in February
CIP Collin 31190	<u>RIDGEVIEW – Independence to Coit</u>	04/09 12/09	1,580 500	Final plans have been reviewed and sent back for revisions.
CIP 68973	<u>SH 121 WATER LINE – Spring Creek Parkway to Dallas North Tollway</u>	01/09 04/09	500	Construction to begin on January 12 th .
CIP 68919	<u>SHILOH PUMP STATION</u>	11/09 05/10	1,500	Design has started. Project will be bid in early 2009.
CIP TxDOT 31438	<u>SPRING CREEK PARKWAY AT COIT ROAD INTERSECTION IMPROVEMENTS (TxDOT)</u>	01/10 09/10	450 1,600	The schematic plan and environmental report were submitted to TxDOT for review. TxDOT review comments for the environmental report are being addressed by the consultant. Schematic comments have been received from TxDOT and are being done by the consultant.
CIP 31456 68180	<u>SPRINGBROOK – Quill to Janwood</u>	01/09 09/09	1,028	City Council awarded the construction contract October 27 th . Contract execution is complete and the pre-construction meeting and notice to proceed are scheduled for January 13 th .
CIP 31440	<u>US 75/PARKER ROAD INTERCHANGE</u>	08/08 08/10	6,250	Low bid was \$20,172,429. TxDOT managing construction. Construction started in September and should take about two years.
CIP 68175	<u>WATER REHAB - Ridgewood</u>	11/09 11/10	1,900	Design is proceeding.
CIP Collin TxDOT 31194	<u>WINDHAVEN – Spring Creek Parkway to West City Limits</u>	03/10 03/11	260 600 3,200	TxDOT has reviewed the schematic and design report. Traffic study has been completed and results have been given to the design engineer to finish the design report and schematic.
Facilities				
CIP 57541	<u>ANIMAL SHELTER EXPANSION</u>	03/09 12/09	1,863	Competitive sealed proposals advertise December 24 th and close January 20 th . Expect award 3 rd week February.
CIP 23406 35-P04 54422	<u>CARPENTER PARK RECREATION CENTER</u>	11/09 12/10	8,300	Architect has been selected. Cost estimates exceed funding authorized. Parks will request additional funds. Design will begin with intent to delete pool if fund increase does not pass. Architect due back with proposal by 3 rd week of January.

CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
DECEMBER 31, 2008

Funding Category	Project Description Name: To: From:	Construction Start (Est.) Complete (Est.)	Total Project Budget (thousands)	Comments:
41-725	<u>ENVIRONMENTAL EDUCATION BUILDING</u>	04/09 04/10	1,400	100% package complete; final estimate \$1.8M; three deductive alternates identified total \$115K. Projected advertisement January 21 st .
CIP 10211	<u>FIRE STATION 12/LOGISTICS FACILITY & Emergency Operations Center</u>	06/08 08/09	11,000	Under construction – 53% complete.
CIP 10213	<u>FIRE STATION 13</u>	TBD	4,256	Design is complete. Project on hold pending approval of additional funding.
CIP 22340	<u>OAK POINT PARK & NATURE PRESERVE, PHASE 3, VISITOR CENTER</u>	TBD	5,000	Construct 17,000 SF Visitor Center– Parks closing out contract with Carter-Burgess; will contract with Hatch-Ulland Owen- to repackage Visitor Center only for bid and contract administration– negotiating scope and fees
CIP 28824	<u>OAK POINT MAINTENANCE FACILITY</u>	TBD	1,900	Design-builder selected. Contract being developed. Initial design begun. Schematic developed. Project de-scoped to meet max price of \$1.9M – but current estimates > \$2.3M; still working to re-scope

Parks

CIP 28822	<u>BIKE ROUTE SYSTEM</u>	05/09 03/10	1,600	On-street bike route improvements include route signs, pavement markings and improvements where collector street routes intersect with major thoroughfares. Project partially funded by \$1,200,000 Federal grant. Analysis is complete, implementation plans are being developed.
CIP 22342	<u>BLUEBONNET TRAIL EXTENSION (EAST)</u>		900	Plans for construction of trail from Alma Road to US 75 are near completion. Bidding is on hold.
CIP 22342	<u>BLUEBONNET TRAIL EXTENSION (WEST)</u>	04/08 01/09	1,669	Construction of trail from White Rock Creek to Shady Brook Trail (Midway Road) within Spring Creek Parkway right of way is 98% complete.
CIP 28852	<u>CARPENTER PARK/RUSSELL CREEK PARK ATHLETIC FIELD IMPROVEMENTS</u>	12/08 9/09	842	The addition of 85 parking spaces and renovation of backstops at Carpenter Park south. The addition of bleacher shade structures on 16 soccer fields at Russell Creek Park. Construction has just started.
CIP 22333	<u>CHISHOLM TRAIL IMPROVEMENTS</u>	06/09 12/09	2,000	Design is 60% complete for improvements, including restroom, directional signage, lighting, erosion improvements and extension of trail on west side of Spring Creek under 15 th Street to the mall ring road. The planned bridge improvements which will involve complete replacement of the structures at Deerfield and Crossbend will be designed and bid separately.
CIP 22334	<u>CLEARVIEW PARK IMPROVEMENTS</u>	10/09 04/10	700	New playground equipment, renovation of irrigation system, additional shade structure, sidewalk loop, drainage improvements, seating areas and tree planting are part of the neighborhood revitalization program (2009 bonds).

CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
DECEMBER 31, 2008

Funding Category	Project Description Name: To: From:	Construction Start (Est.) Complete (Est.)	Total Project Budget (thousands)	Comments:
CIP 53357	<u>COTTONWOOD CREEK GREENBELT IMPROVEMENTS</u>	12/08 03/09	236	Addition of shelter, playground equipment and shade structure. Contract awarded. Ordering of equipment began in December. On-site improvements are expected to begin by the end of January.
CIP 22334	<u>DOUGLAS NEIGHBORHOOD PARK</u>	10/09 02/10	250	Improvements include playground, picnic shelter, irrigation, trees, sidewalks and parking (2009 bonds). Schematic design is in progress. Staff is coordinating the design with the African American Museum and neighborhood residents.
CIP 22334	<u>EVANS PARK</u>	10/09 03/10	200	Addition of parallel parking, sidewalk, fence replacement and re-platting of the park are part of the neighborhood revitalization program (2009 Bonds). Surveying is complete and preliminary design is complete. Planning and engineering review underway, with replat review.
CIP 12122	<u>LEACH PROPERTY TRAIL ADDITION</u>			Acquisition of land for trail connection on White Rock Creek north of Parker Road is in progress. Trail construction to be funded through 2009 Bond Program.
CIP 22345	<u>LEGACY GREENBELT ADDITION</u>	06/09 02/10	2,500	Construction of trail along White Rock Creek from south of Tennyson Parkway to Preston Road, running through the Legacy area within easements provided by adjacent property owners. Acquisition of easements in progress. Design of improvements is 85% complete. Project will be ready to bid this spring with the exception of the Crossmark section.
CIP 22342	<u>LEGACY GREENBELT ADDITION – North</u>	02/09 07/09	500	Construction of trail connection between Ohio Drive and Preston Road along White Rock Creek. Plans are complete. Bidding is scheduled for early 2009.
CIP 37752	<u>MEDIAN LANDSCAPING</u>	05/08 02/09	255	Trees and irrigation on Emerald Coast Drive, Parkwood Boulevard and Plano Parkway from K to Alma. Irrigation in progress. Construction is 55% complete.
CIP 53379	<u>MEDIAN TREE REPLACEMENT</u>	01/09 03/09	120	City wide replacement of median trees. Bids opened and contract awarded. Tree planting expected to begin in January.
CIP 22340	<u>OAK POINT PARK & NATURE PRESERVE, PHASE 3</u>	10/08 09/09	7,300	Includes trail connection from Woodruff Park to Jupiter Road, a large pavilion for group reservations, restrooms, parking, earth work and associated improvements. Earthwork and utilities are underway. Project 39% complete overall.
CIP 22328	<u>PARK & SIDEWALK IMPROVEMENTS</u>	07/08 02/09	250	Tree planting, irrigation renovations and sidewalk improvements at Arrowhead, Caddo, Hackberry and Westwood Parks are 55% complete.
CIP 70104	<u>PARK EROSION CONTROL</u>	06/09 11/09	500	Preliminary scope of work underway for contract preparation. Anticipated park sites for erosion control include Shady Brook Trail, Coyote Creek Park, Archgate Park, Arbor Hills NP, Caddo Park, White Rock Creek GB and Chisholm Trail. Final project list dependent on final design and funding.

CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
DECEMBER 31, 2008

Funding Category	Project Description Name: To: From:	Construction Start (Est.) To: Complete (Est.)	Total Project Budget (thousands)	Comments:
CIP 53368	<u>PARK POND RESTORATION</u>	06/09 10/09	600	Park pond silt removal and restoration at Prairie Meadow Park, Hoblitzelle Park and Russell Creek Park. Environmental assessment complete (no hazard). Preliminary design underway.
CIP 28818	<u>Pecan Hollow Golf Course Renovation</u>	10/10 10/11	8,000	Complete renovation of Pecan Hollow Golf Course to include new greens, new tee boxes, new irrigation system, realignment of fairways, a full driving range, cart path replacements, new cart barn and related improvements. Funding requested as part of 2009 bond election to be coupled with existing funding from 2005 bond program.
CIP 22342 13134	<u>SHADY BROOK TRAIL AT SPRING CREEK PARKWAY</u>	02/08 12/08	450	Construction of trail between Midway Road and the west City limit to complete gaps in Shady Brook Trail is complete.
CIP 53357	<u>2008 TRAIL IMPROVEMENTS (Repairs)</u>	12/08 07/09	1,235	Repair and replacement of existing recreational trails. Trail improvements at Bob Woodruff Park are in progress. The total project is 10% complete.
CIP 22342	<u>TRANSIT VILLAGE VELOWEB</u>	10/09 06/10	1,500	A recreational trail and on -street bike route between DART 190 Station and DART Parker Road Station along the DART right of way will be partially funded by a Federal grant of \$1,200,000. Design and TxDOT reviews in progress. Project was delayed due to changes in route necessitated by DART decisions. City funding included in 2009 Bond Program. TXDOT has this project scheduled to bid in October 2009.
CIP 21188	<u>White Rock Creek Community Park</u>	10/12 10/13	5,000 development cost	On-site surveying for final acquisition is in progress. Acquisition is anticipated to be complete in 2009. Funding for development is being requested through the 2009 Bond Program.
Public Works				
CIP 51131	<u>2008 – 2009 ARTERIAL CONCRETE PAVEMENT REHABILITATION – Legacy Drive between Preston Road and SH121.</u>	11/08 03/09	293	Preconstruction meeting was held and the contractor will begin construction at the beginning of January.
CIP 51131	<u>2008-2009 ARTERIAL CONCRETE PAVEMENT REHABILITATION – Parker Road – Preston to Dallas North Toll Road</u>	11/08 03/09	437	Preconstruction meeting was held in December with construction to start at the beginning of January
CIP 51131	<u>2007/2008 ARTERIAL CONCRETE PAVEMENT REHABILITATION – Parker Road, Pleasant Valley Trail, Country Place Drive</u>	07/08 02/09	818	Contractor continued repairs on Parker between Preston Meadow and Preston Road during the month. Change order was processed increasing the contract amount.

CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
DECEMBER 31, 2008

Funding Category	Project Description Name: To: From:	Construction Start (Est.) Complete (Est.)	Total Project Budget (thousands)	Comments:
CIP 51134	2007/2008 RESIDENTIAL & ARTERIAL PAVEMENT UNDERSEALING & RAISING (Requirements Contract) Renewal	12/07 12/09	1,660	Uretek USA completed 33 residential locations, using 31,126 lbs. of foam to raise and underseal 29,400 SF of street pavement (1.06 lbs/SF).
CIP 51118	2007/2008 RESIDENTIAL CONCRETE PAVEMENT REHAB – Zone L5	09/08 01/09	786	Contractor completed 10,177 SY of street paving and 168 SY of alley paving during the month. This project is for street and alley pavement repairs in the area bordered by Alma, Spring Creek, Custer and Parker. Project was started at the end of the month
CIP 51118	2007/2008 RESIDENTIAL CONCRETE PAVEMENT REHAB – Zone Q3	05/08 01/09	632	Jerusalem repaired 7,193 SY of street pavement and 5,015 SY of alley pavement by the end of the month which completes the original project. Zone Q3 covers the residential area bounded by 14 th , Los Rios, Rowlett Creek and Shiloh. With money remaining in the contract, the contractor will repair 18 th Street west of Shiloh where the road is in need of repair over a box culvert. Repairs are also being made on Sherrye Drive, east of Shiloh and on Sherrye Drive between 14 th Street and Rigsbee.
CIP 48861	2006 SANITARY SEWER REHAB REQUIREMENTS	03/08 01/09	1,992	Contractor completed all work on the project which will be finalized in January.
CIP 51128	2007/2008 SIDEWALK CONSTRUCTION	12/08 04/09	316	Inventory is being conducted to identify locations to install concrete sidewalk at various locations in the City.
CIP 51142	SPLIT TRAIL DRIVE ASPHALT OVERLAY	10/08 12/09	180	Plans and bid documents are being prepared for repair of the existing asphalt paving and overlay of Split Trail Drive from south of Spring Creek to K Avenue.

CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
DECEMBER 31, 2008

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SECTION 2

ECONOMIC ANALYSIS

City of Plano
Comprehensive Monthly Finance Report

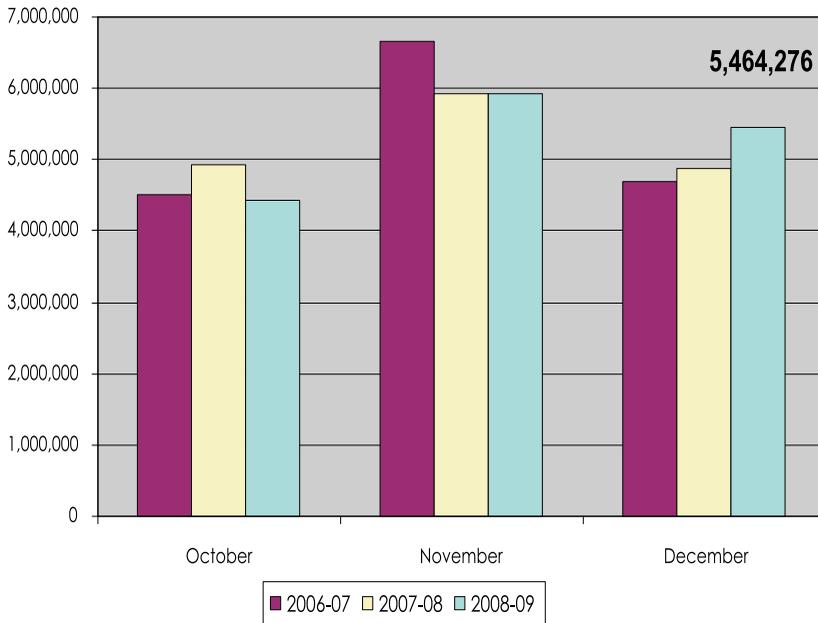


ECONOMIC ANALYSIS

Sales tax allocation of \$5,464,276 was remitted to the City of Plano in the month of December 2008. This amount represents an increase of .14% compared to the amount

received in December 2007.

SALES TAX
ACTUAL MONTHLY REVENUE
FIGURE I



Sales tax revenue is generated from the 1% tax on applicable business activity within the City. These taxes were collected by businesses filing monthly returns, reported in November to the State, and received in December by the City of Plano.

Figure I represent actual sales and use tax receipts for the months of October through December for fiscal years 2006-2007, 2007-2008, and 2008-2009.

ANNUALIZED SALES TAX INDEX
COMPARED TO DALLAS CONSUMER PRICE INDEX
FIGURE II

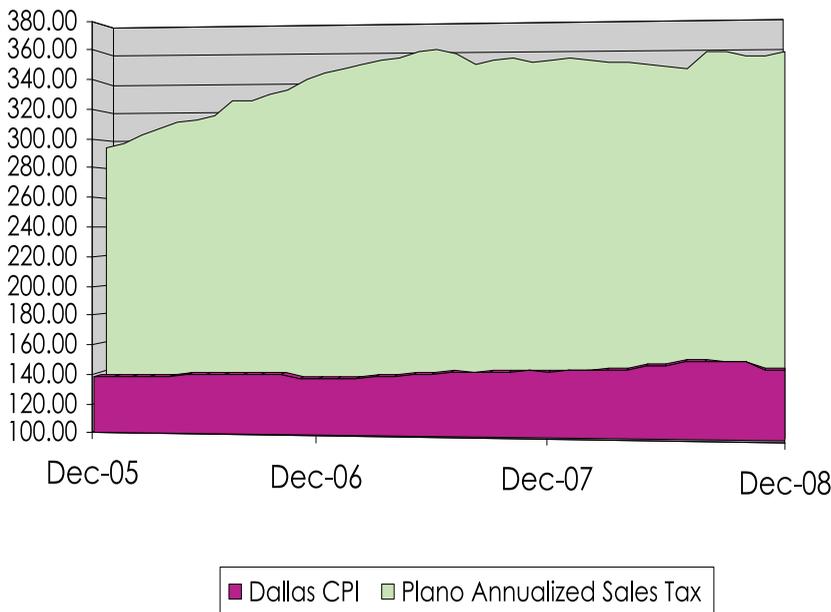


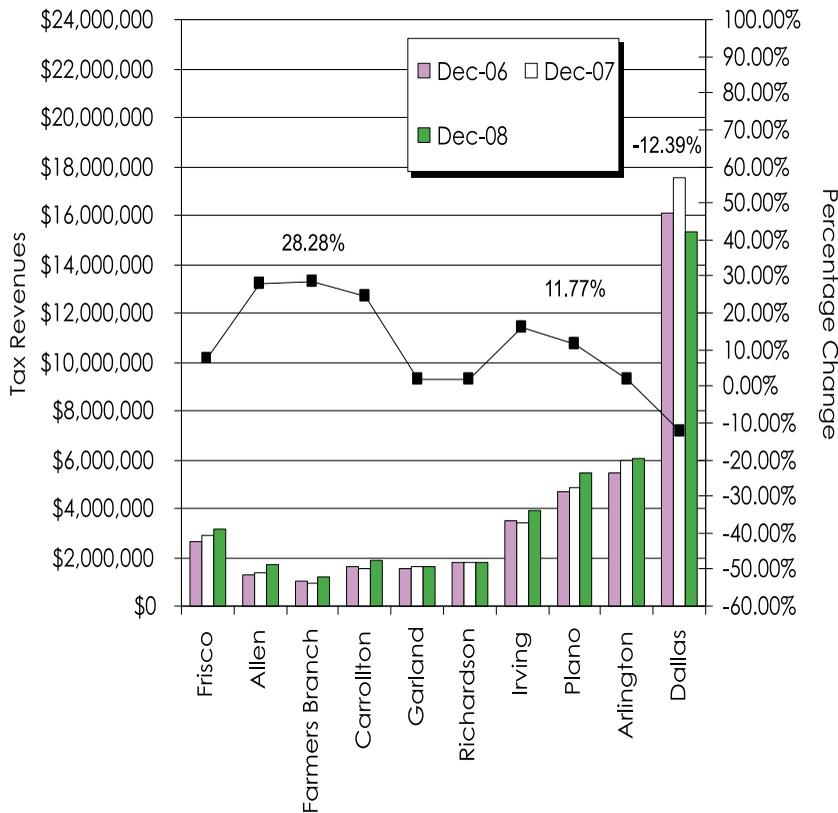
Figure II, left, tracks the percentage change in annualized sales tax revenues compared to the percentage change in the Dallas-area CPI, using 1982-84 as the base period. For December 2008, the adjusted CPI was 146.99 and the Sales Tax Index was 356.88.

Since January 1998, the BLS has moved the Dallas-Area pricing cycle for CPI computation to odd-numbered months.

ECONOMIC ANALYSIS

Figure III shows sales tax allocations in the months of December 2006, December 2007 and December 2008 for the City of Plano and nine area cities. Each of the cities shown has a sales tax rate of 1%, except for the cities of Allen and Frisco, which have a 2% rate, but distribute half of the amount shown in the graph to 4A and 4B development corporations within their respective cities, and the City of Arlington which has a 1.75% sales tax rate with .25% dedicated to road maintenance and .50% for funding of the Dallas Cowboys Complex Development Project. In the month of December, the City of Plano received \$5,464,276 from this 1% tax.

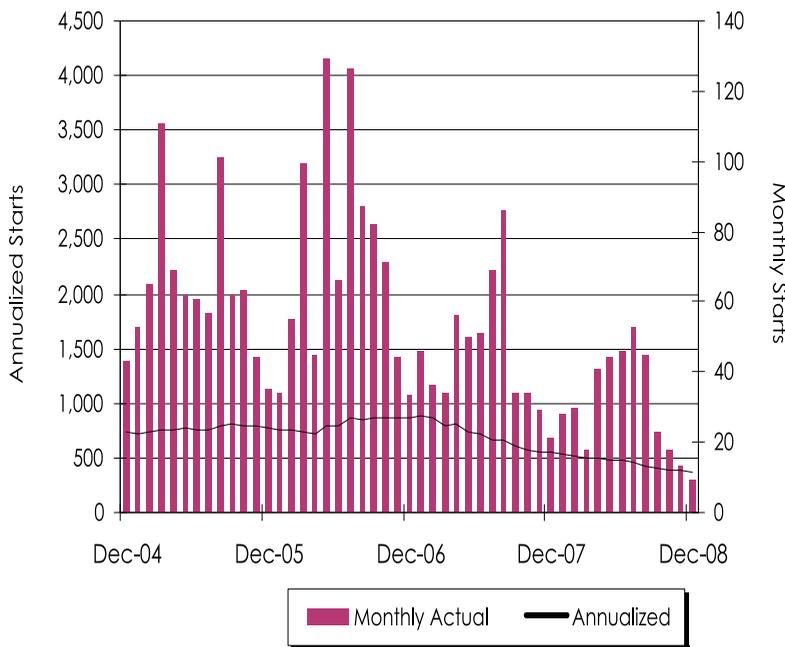
SALES TAX COMPARISONS
CITY OF PLANO AND AREA CITIES
FIGURE III



The percentage change in sales tax allocations for the area cities, comparing December 2007 to December 2008, ranged from 28.28% for the City of Farmers Branch to -12.39% for the City of Dallas.

The percentage change in sales tax allocations for the area cities, comparing December 2007 to December 2008, ranged from 28.28% for the City of Farmers Branch to -12.39% for the City of Dallas.

SINGLE FAMILY HOUSING STARTS
FIGURE IV



In December 2008, a total of 9 actual single-family housing permits, representing a value of \$4,682,396, were issued. This value represents a 52.01% decrease from the same period a year ago. Annualized single-family housing starts of 368 represent a value of \$84,442,157.

Figure IV above shows actual single-family housing starts versus annualized housing starts for December 2004 through December 2008.

ECONOMIC ANALYSIS

YIELD CURVE
FIGURE V

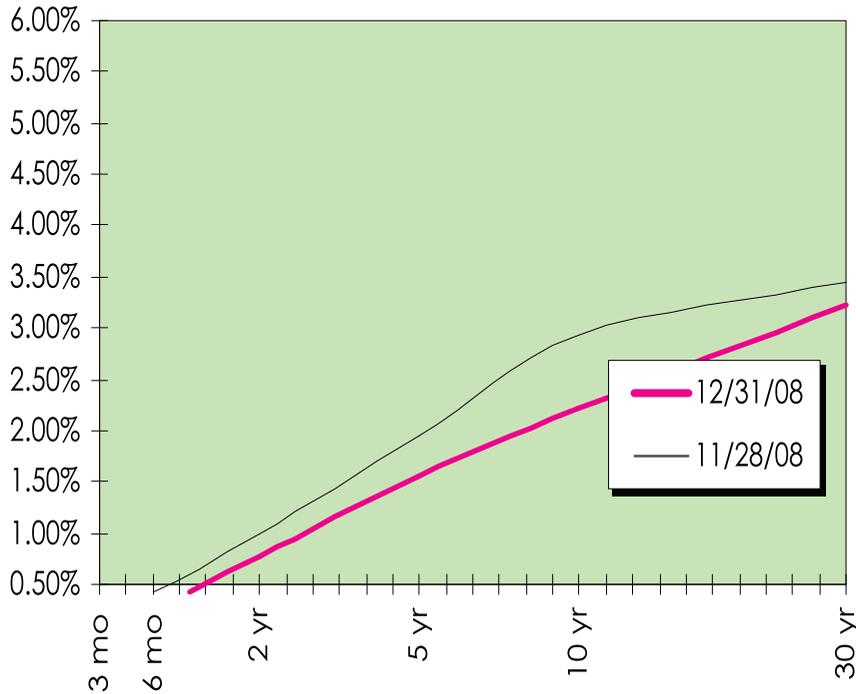


Figure V, left, shows the U.S. Treasury yield curve for December 31, 2008 in comparison to November 30, 2008. Of the reported treasury yields, the only increase was in the 3 month treasuries with an increase of .03 basispoints.

UNEMPLOYMENT RATES
UNADJUSTED RATE COMPARISON
FIGURE VI*

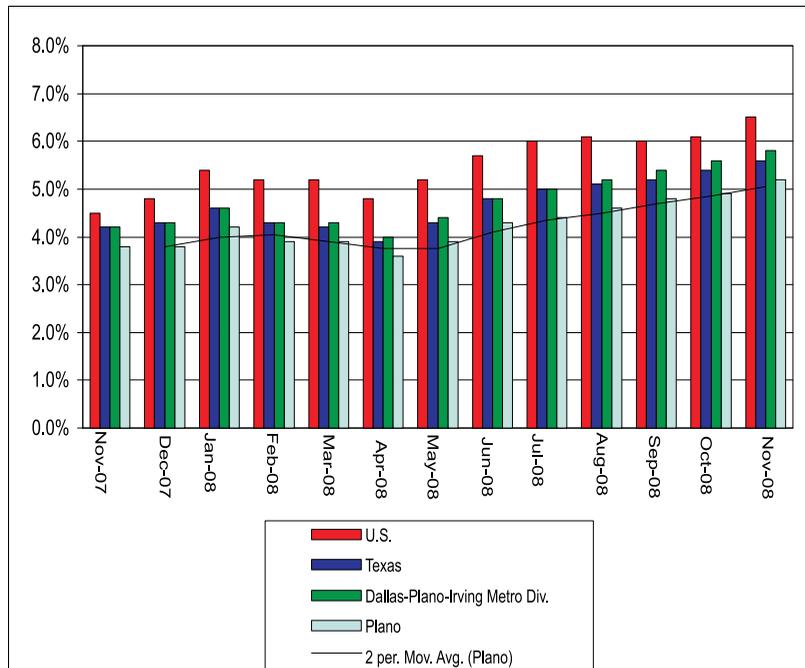


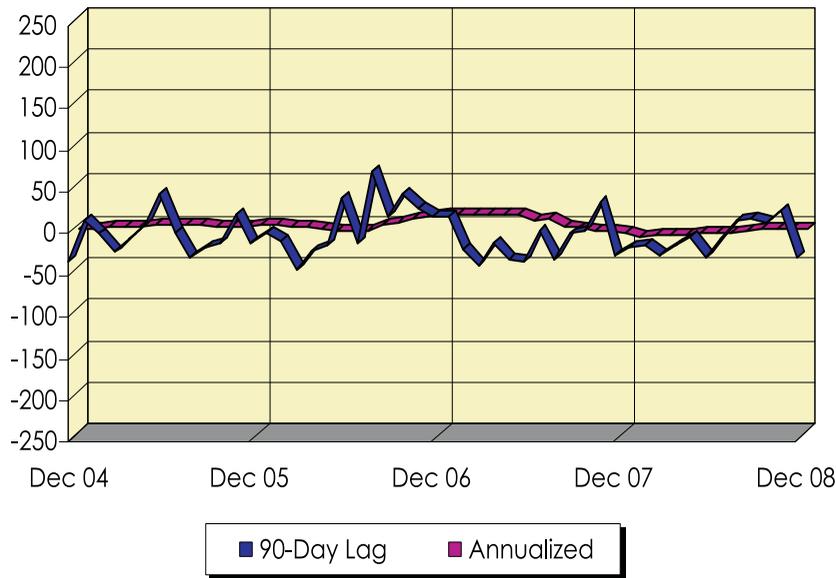
Figure VI shows unadjusted unemployment rates based on the BLS U.S. City Average, and LAUS estimates for the State of Texas, the Dallas-Plano-Irving Metropolitan Division and the City of Plano from November 2007 to November 2008.

*Due to changes in labor force estimation methodology by the BLS and the TWC, sub-state unemployment rate data prior to January 2005 are no longer comparable with current estimates. As a result, statistically significant changes in the reported unemployment rates may have occurred.

ECONOMIC ANALYSIS

Figure VII shows the net difference between the number of housing starts three months ago and new refuse customers in the current month (90-day lag) as well as the average

HOUSING ABSORPTION
90-DAY LAG FROM PERMIT DATE
FIGURE VII

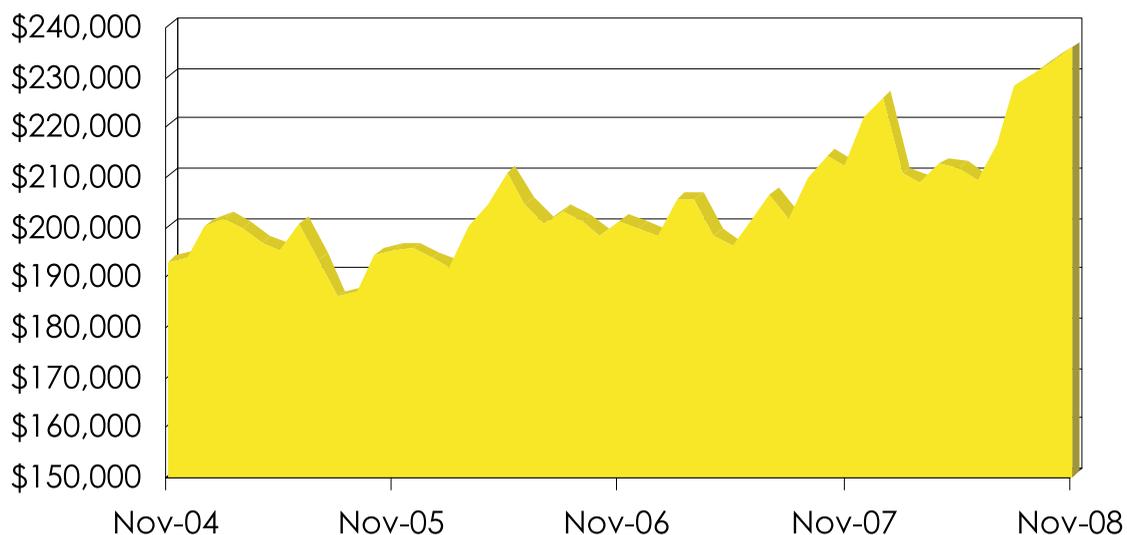


difference between these measures for the past four years (annualized).

For the current month, the 90-day lag is -30 homes, meaning that in September 2008 there were 30 less housing starts than new refuse customers in December 2008. The annualized rate is -7 which means there was an average of 7 fewer housing starts than new garbage customers per month over the past year.

The annualized average declared construction value of new homes increased 3.46% to \$229,462 when compared to December 2007.

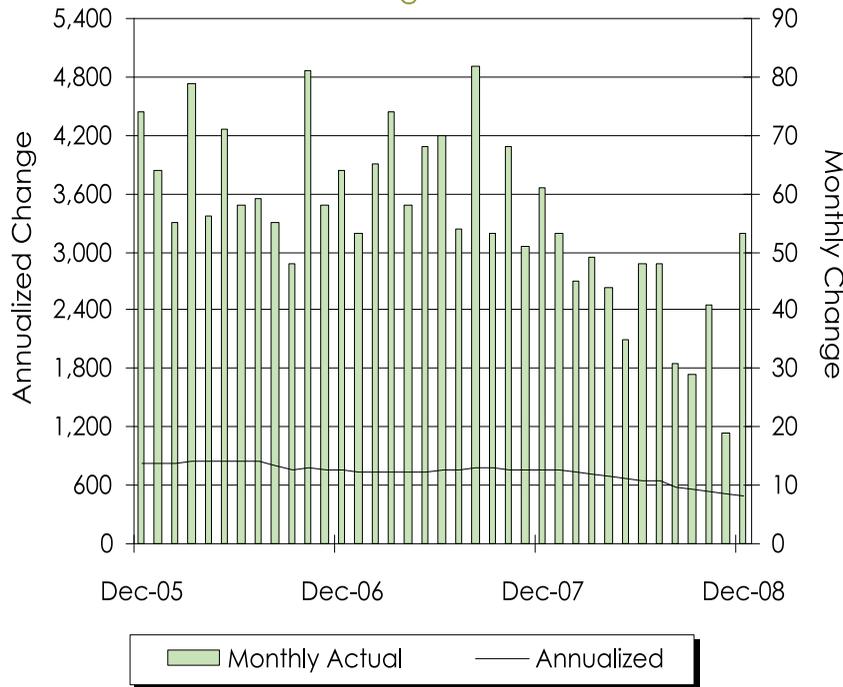
SINGLE-FAMILY NEW HOME VALUE
FIGURE VIII



ECONOMIC ANALYSIS

REFUSE COLLECTIONS ACCOUNTS NET GAINS/LOSSES

Figure IX

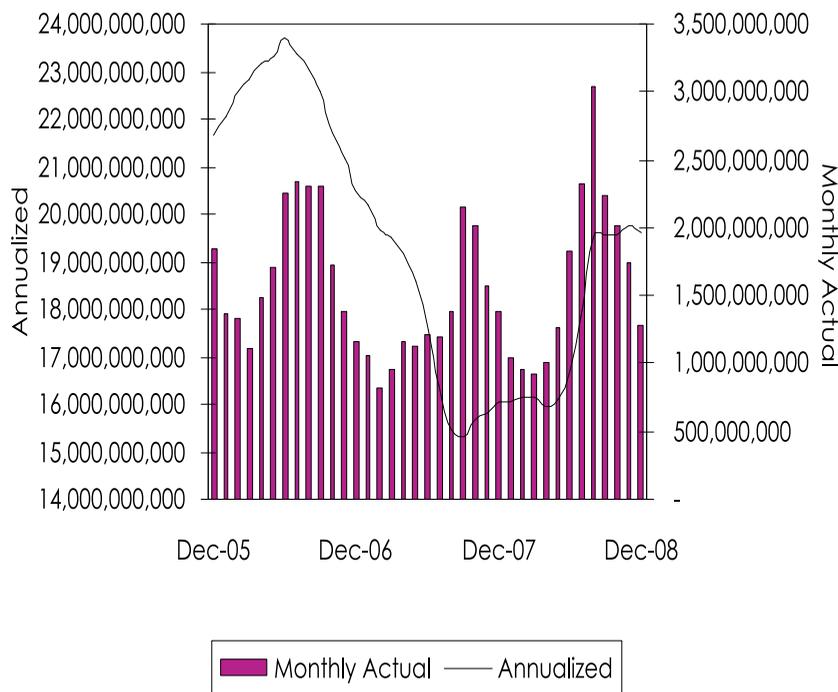


In December, net new refuse collection accounts totaled 53, in comparison to 61 new accounts in December of 2007. This change represents a 13.11% decrease on a year-to-year basis. Annualized new refuse accounts totaled 495 showing a decrease of 262, or a -34.61% change when compared to the same time last year.

Figure IX shows actual versus annualized new refuse collection accounts.

LOCAL WATER CONSUMPTION (GALLONS)

FIGURE X



In December, the City of Plano pumped 1,437,885,000 gallons of water from the North Texas Municipal Water District (NTMWD). Consumption was 1,275,500,460 gallons among 78,438 billed water accounts while billed sewer accounts numbered 74,749. The minimum daily water pumpage was 40,141,000 gallons, which occurred on Thursday, December 25th. Maximum daily pumpage was 55,853,000 gallons and occurred on Wednesday, December 3rd. This month's average daily pumpage was 46,383,000 gallons.

Figure X shows the monthly actual and annualized average for local water consumption.

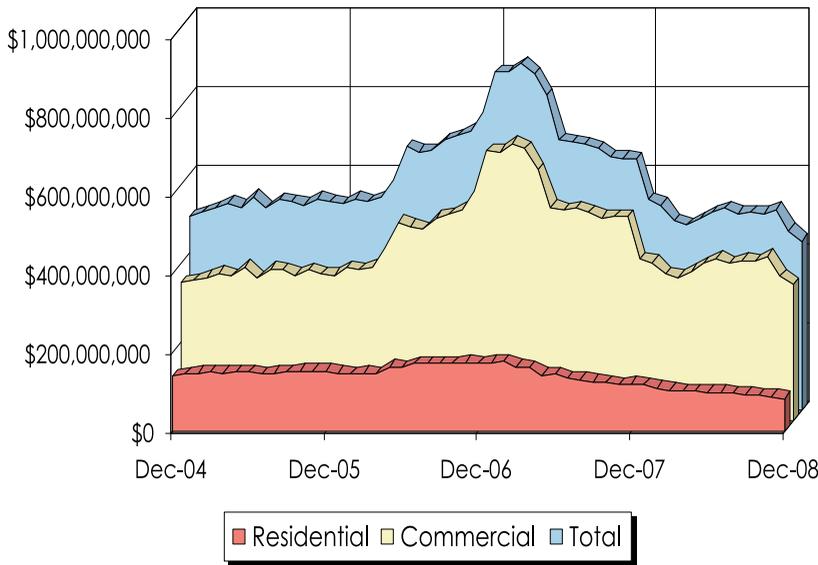
ECONOMIC ANALYSIS

In December a total of 45 new construction permits were issued, for properties valued at \$10,666,508. This includes 9 single-family residences, 1 retail/restaurant, 3 other, 8 commercial additions/alterations, 24 interior finish-outs, and no demolitions. There were 7

permits issued for pools/spas.

ANNUALIZED BUILDING PERMIT VALUES

FIGURE XI



The overall annualized value was \$429,678,290, down 19.44% from the same period a year ago. The annualized value of new residential construction decreased to a value of \$84,442,157, down 30.27% from a year ago. The annualized value of new commercial construction decreased 16.26% to \$345,236,133.*

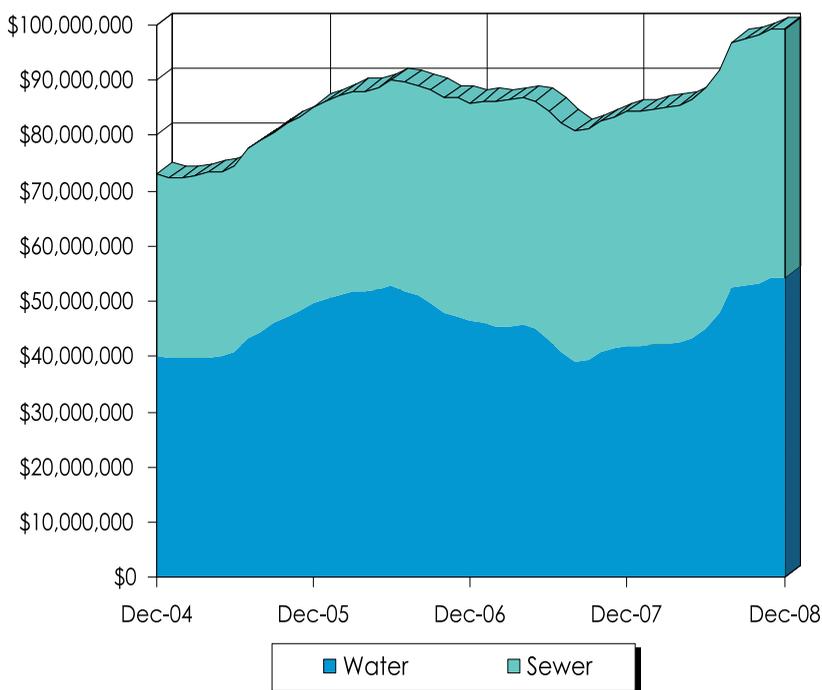
* As of January 2002, data on commercial construction value is based on both the building shell and interior finish work, per the Building Inspection Department.

The actual water and sewer customer billing revenues in December were \$3,262,425 and \$3,724,521, representing a decrease of 1.47% and an increase of 3.76% respectively,

compared to December 2007 revenues. The aggregate water and sewer accounts netted \$6,986,946 for an increase of 1.25%.

ANNUALIZED WATER & SEWER BILLINGS

FIGURE XII



December consumption brought annualized revenue of \$54,205,007 for water and \$45,038,436 for sewer, totaling \$99,243,443. This total represents an increase of 17.74% compared to last year's annualized revenue.

Figure XII represents the annualized billing history of water and sewer revenues for December 2004 through December 2008.

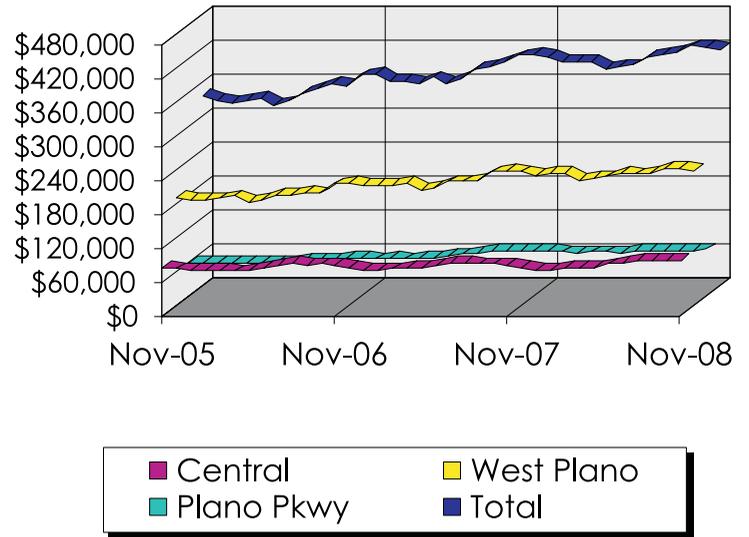
ECONOMIC ANALYSIS

November revenue from hotel/motel occupancy tax was \$368,310. This represents a decrease of \$21,680 or -5.56% compared to November 2007. The average monthly revenue for the past six months (see graph) was \$416,731, an increase of 2.91% from the previous year's average. The six-month average for the Central area increased to \$97,648, the West Plano average increased to \$237,639, and the Plano Pkwy average increased to \$81,445 from the prior year.

¹This amount will not always equal the hotel/motel taxes reported in the financial section. The economic report is based on the amount of taxes earned during a month, while the financial report indicates when the City received the tax.

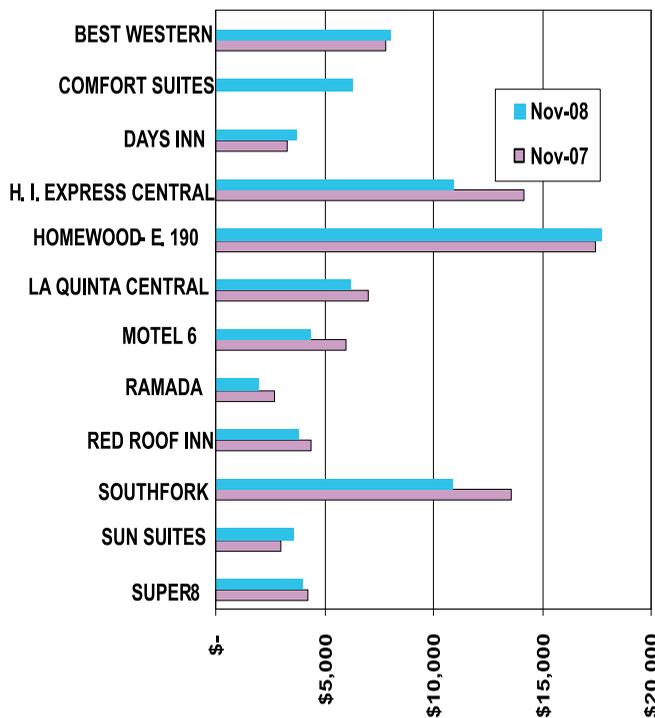
HOTEL/MOTEL OCCUPANCY TAX SIX MONTH TREND

FIGURE XIII

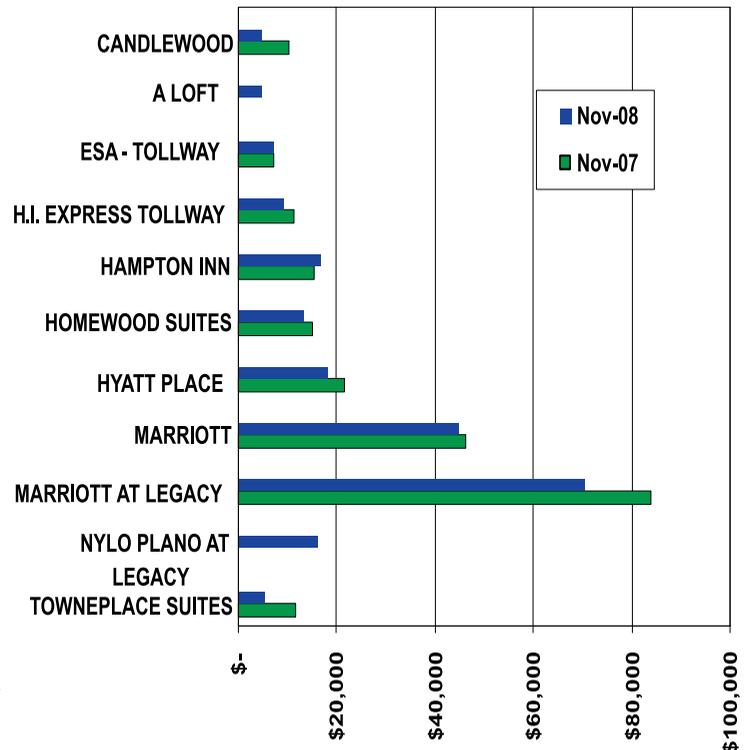


Figures XIV, XV and XVI show the actual occupancy tax revenue received from each hotel/motel in Plano for November 2008 compared to the revenue received in November 2007.

HOTEL/MOTEL OCCUPANCY TAX MONTHLY COMPARISON BY HOTEL - CENTRAL FIGURE XIV



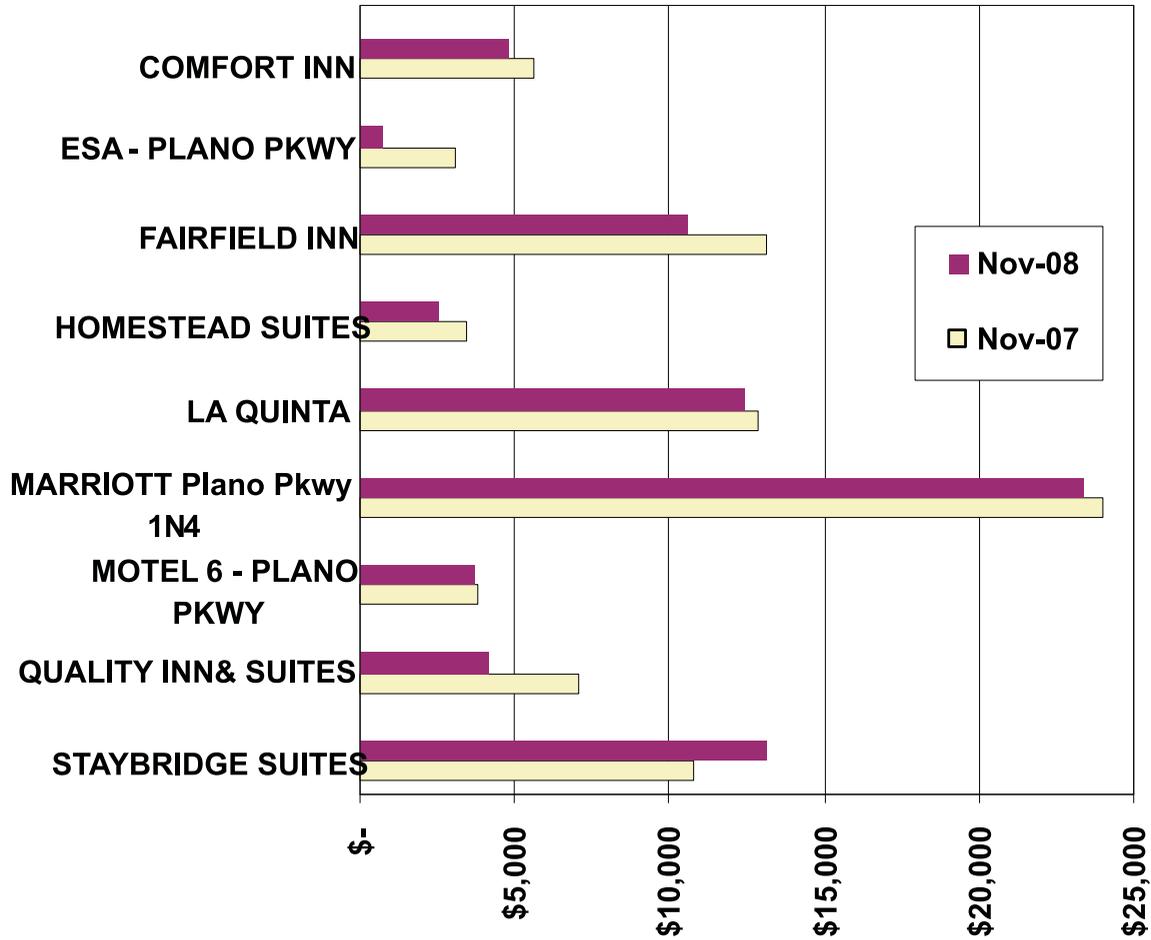
HOTEL/MOTEL OCCUPANCY TAX MONTHLY COMPARISON BY HOTEL - WEST PLANO FIGURE XV



*Since August 2005, Marriott International Tax Revenue numbers on this graph represent two (2) Marriott owned hotels (Courtyard by Marriott 1ND and Residence Inn # 323)**Hyatt Place: Formerly AmeriSuites; began renovation in June 2006

ECONOMIC ANALYSIS

HOTEL/MOTEL OCCUPANCY TAX
 MONTHLY COMPARISON BY HOTEL-PLANO PKWY
 FIGURE XVI



*Since August 2005, Marriott International tax revenue on this graph represent one (1) Marriott owned hotel (Courtyard by Marriott # N14) **Quality Inn & Suites: Formerly Baymont Inn & Suites

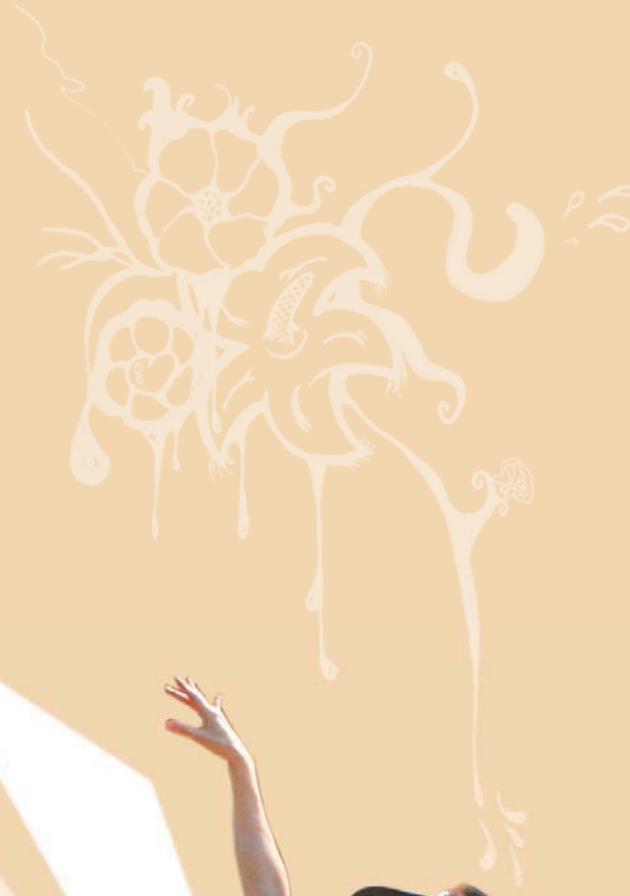


SECTION 3

INVESTMENT REPORT

City of Plano
Comprehensive Monthly Finance Report

Funds of the City of Plano are invested in accordance with Chapter 2256 of the "Public Funds Investment Act." The Act clearly defines allowable investment instruments for local governments. The City of Plano Investment Policy incorporates the provisions of the Act and all investment transactions are executed in compliance with the Act and the Policy.



INVESTMENT REPORT

DECEMBER, 2008

Earned income during December totaled \$469,230 and represents interest paid on maturing investments and coupon payments on investments. Interest allocation is based on average balances within each fund during the month.

The two-year Treasury note yield decreased throughout the month of December, starting at 1.10% and ending at 0.71%.

As of December 31, a total of \$304 million was invested in the Treasury Fund. Of this amount, \$57 million was General Obligation Bond Funds, \$4.6 million was Municipal Drainage Revenue Bond Funds, and \$242.4 million was in the remaining funds.

Metrics	Current Month Actual	Fiscal YTD	Prior Fiscal YTD	Prior Fiscal Year Total
Funds Invested ¹	\$ 17,000,000	\$ 27,000,000	\$ 46,750,000	\$ 219,706,000
Interest Received ²	\$ 469,230	\$ 1,478,414	\$ 3,791,032	\$ 12,660,107
Weighted Average Maturity (in days) ³	67		330	
Modified Duration ⁴	0.1704		0.8224	
Average 2-Year T-Note Yield ⁵	0.71%			

* See interest allocation footnote on Page C-3.

- (1) Does not include funds on deposit earning a "NOW" rate, and/or moneys in investment pools or cash accounts.
- (2) Cash Basis.
- (3) The length of time (expressed in days) until the average investment in the portfolio will mature. The Prior fiscal YTD column represents current month, prior year.
- (4) Expresses the measurable change in the value of the portfolio in response to a 100-basis-point (1%) change in interest rates. The modified duration number in the Prior fiscal YTD column represents current month, prior year.
- (5) Compares 2008 to 2007.

Month-to-Month Comparison

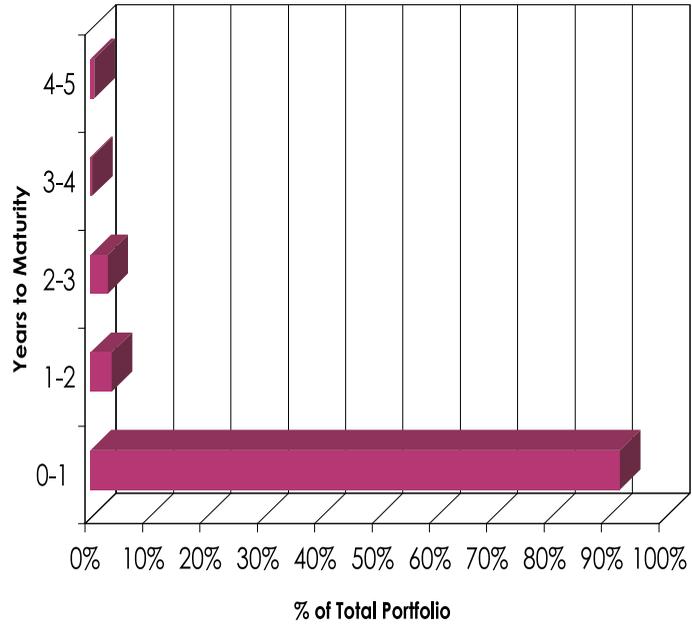
Metrics	Nov-08	Dec-08	Difference
Portfolio Holding Period Yield	1.90%	1.49%	-0.41% (-41 Basis Points)
Average 2-Year T-Note Yield	1.10%	0.71%	-0.39% (-39 Basis Points)

INVESTMENT REPORT

Portfolio Maturity Schedule Figure I

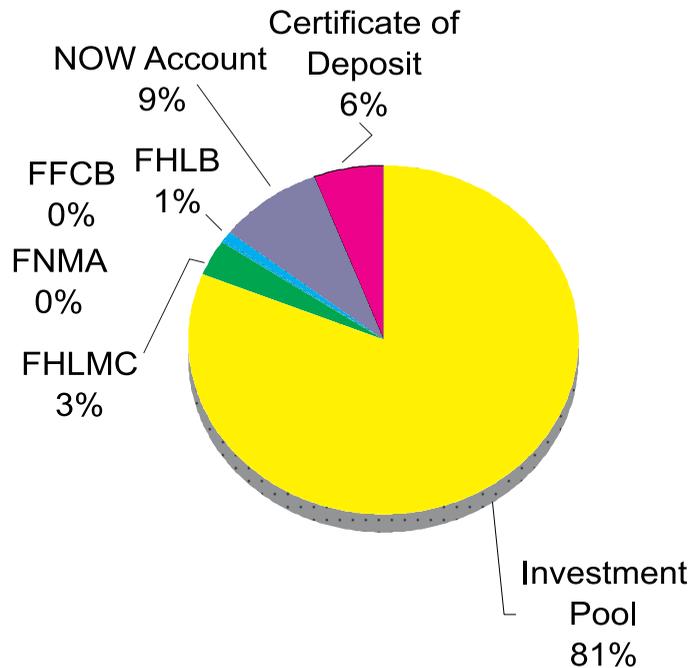
Years to Maturity*	Face Value	% Total
0-1	\$ 275,165,128	92.29%
1-2	11,000,000	3.69%
2-3	9,000,000	3.02%
3-4	1,000,000	0.34%
4-5	2,000,000	0.67%
Total	\$ 298,165,128	100.00%

*Does not take into consideration callable issues that can, if called, significantly shorten the Weighted Average Maturity.



Portfolio Diversification Figure II

Type	Face Value	% Total
Investment Pool	\$ 241,741,920	81.08%
Commercial Paper	0	0.00%
FHLMC	10,000,000	3.35%
FNMA	1,000,000	0.34%
FFCB	0	0.00%
FHLB	2,000,000	0.67%
NOW Account	26,423,208	8.86%
Certificate of Deposit	17,000,000	5.70%
Total	\$ 298,165,128	100.00%



INVESTMENT REPORT

Allocated Interest/Fund Balances December 2008

Fund	Beginning Fund Balance	Allocated Interest		Ending Fund Balance	% of Total
	12/31/2008	Current Month	Fiscal Y-T-D	12/31/2008	
General	45,818,675	58,875	169,154	45,877,550	15.09%
G. O. Debt Services	19,291,245	21,093	42,552	19,312,338	6.35%
Street & Drainage Improvements	6,143,341	10,037	31,210	6,153,379	2.02%
Sewer CIP	8,545,842	13,650	43,666	8,559,492	2.81%
Capital Reserve	37,345,581	61,226	202,207	37,406,806	12.30%
Water & Sewer Operating	6,344,312	8,305	18,391	6,352,617	2.09%
Water & Sewer Debt Service	758,477	1,081	1,639	54,428	0.02%
W & S Impact Fees Clearing	3,684,081	5,857	18,393	3,689,939	1.21%
Park Service Area Fees	5,746,136	9,386	30,592	5,755,522	1.89%
Property/ Liability Loss	4,539,318	7,703	27,561	4,547,020	1.50%
Information Services	12,169,929	19,843	65,372	12,189,773	4.01%
Equipment Replacement	11,390,019	17,747	37,748	11,407,767	3.75%
Developer's Escrow	3,906,502	6,503	21,695	3,913,005	1.29%
G. O. Bond Funds	56,924,670	95,405	328,571	57,020,075	18.75%
Municipal Drainage Bond Clearing	4,636,463	7,459	24,919	4,643,922	1.53%
Other	77,083,489	125,061	414,744	77,208,550	25.39%
Total	304,328,081	469,230	1,478,414	304,092,182	100%

November 30, 2008 allocated interest to these funds may include an adjustment to fair value as required by GASB 31

Portfolio Statistics

Month	Total Invested (End of Month)	Portfolio Yield	Securities Purchased	Maturities/ Sold/Called	Weighted Ave. Mat. (Days)	# of Securities
August, 2007	\$ 314,475,970	4.81%	3	5	301	107
September, 2007	\$ 280,880,178	4.69%	4	13	352	98
October, 2007	\$ 271,859,396	4.65%	9	9	372	98
November, 2007	\$ 267,923,119	4.50%	0	13	336	85
December, 2007	\$ 297,081,403	4.38%	5	5	330	85
January, 2008	\$ 331,733,593	3.89%	0	7	271	78
February, 2008	\$ 355,395,292	3.74%	0	47	201	31
March, 2008	\$ 387,032,318	3.15%	2	6	185	27
April, 2008	\$ 381,330,126	2.74%	1	5	139	23
May, 2008	\$ 372,180,688	2.87%	3	1	154	25
June, 2008	\$ 364,394,409	2.80%	3	10	89	18
July, 2008	\$ 335,954,990	2.83%	5	4	114	19
August, 2008	\$ 334,980,268	2.69%	7	6	119	20
September, 2008	\$ 299,945,950	2.55%	1	5	104	16
October, 2008	\$ 299,107,004	2.73%	1	4	266	13
November, 2008	\$ 283,647,681	1.90%	1	5	82	9
December, 2008	\$ 298,165,128	1%	2	2	67	9

INVESTMENT REPORT

Equity in Treasure Pool
By Major Category
Figure IV

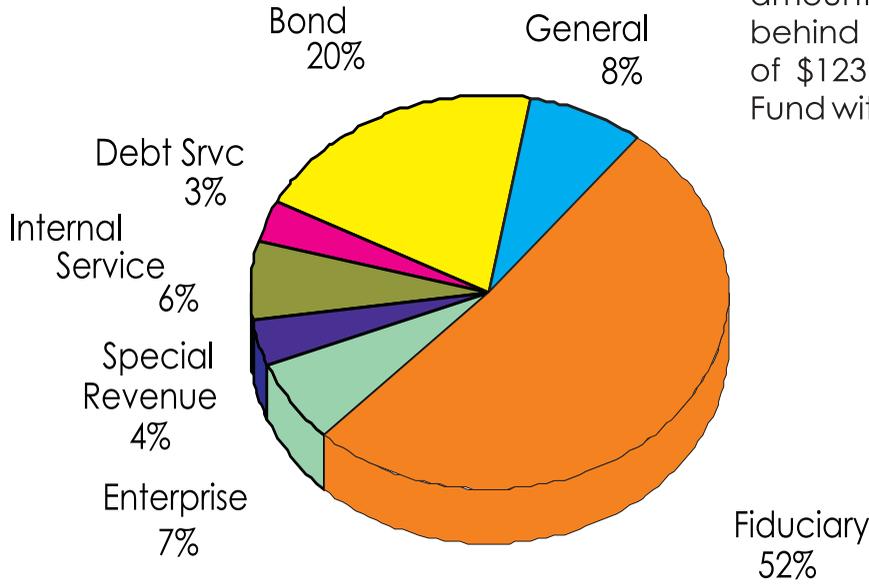
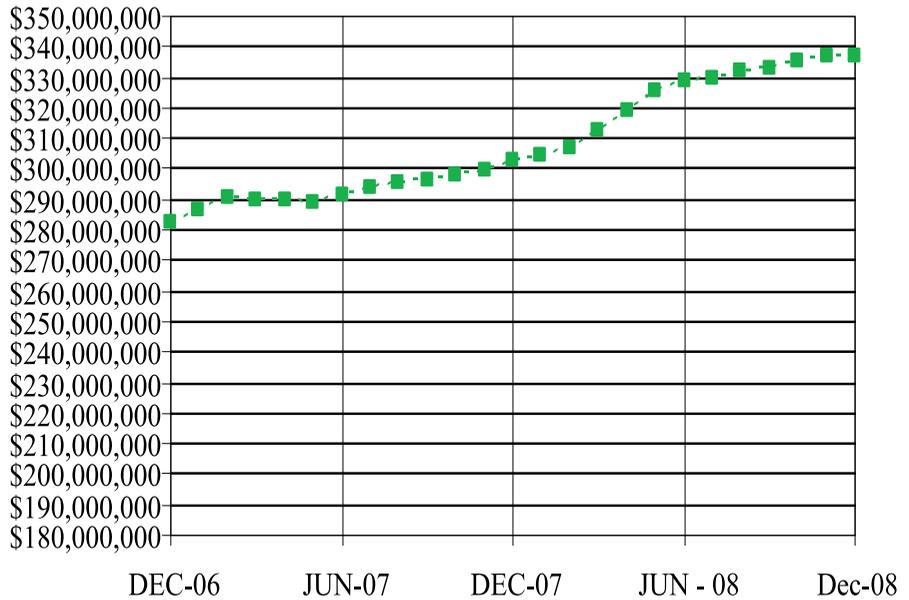


Figure IV shows a breakdown of the various sources of funds for the City's Treasury Pool as of December 31, 2008. The largest category is the Fiduciary Funds in the amount of \$313.3 million. Closest behind is the Bond Fund with a total of \$123.8 million, and the General Fund with \$48.0 million.

Annualized Average Portfolio
Figure V

The annualized average portfolio for December 31, 2008 was \$336,988,954. This is an increase of \$34,564,945 when compared to the December 2007 average of \$302,424,009.





SECTION 4

QUARTERLY INVESTMENT REPORT

City of Plano

Comprehensive Monthly Finance Report



Investment Report

City of Plano - Treasury

12/01/08 - 12/31/08

This report summarizes the investment position of City of Plano - Treasury for the period 12/01/08 to 12/31/08.

	11/30/08	12/31/08
Book Value	283,639,814.29	298,161,812.21
Market Value	283,771,911.23	298,305,658.30
Par Value	283,647,681.23	298,165,128.30
Change in Market Value		16,300.00
Weighted Average Maturity (in Days)	82	67
Weighted Average Yield-to-Maturity of Portfolio	1.9033%	1.4912%
Yield-to-Maturity of 2 Yr. Treasury Note	0.7238%	0.7524%
Accrued Interest		79,076.11

This report is presented in accordance with the Texas Government Code Title 10 Section 2256.023. The below signed hereby certify that, to the best of their knowledge on the date this report was created, City of Plano - Treasury is in compliance with the provisions of Government Code 2256 and with the stated policies and strategies of City of Plano - Treasury.

Denise Tacke

Brianna Alvarado

Date: January 26, 2009
To: Honorable Mayor & City Council
From: Karen Rhodes-Whitley, Director of Budget & Research
Subject: **2009 Bond Referendum Discussion Packet**

Enclosed is the 2009 Bond Referendum Discussion Packet for your review for the Monday, January 26, 2009 City Council Worksession. Included in the packet is the most current proposed projects list, O & M impact, descriptions and the tax rate impact scenarios for \$100 million to \$140 million in new authority over the four year period. The proposed Bond Referendum Projects currently totals \$140.5 million in new authority.

The following changes have been incorporated into the proposed packet since our meeting on January 12, 2009. The elimination of the Public Safety Communication Center Project totaling \$7.6 million due to a planned expansion in the basement of Municipal Center which can be funded through Capital Reserve. The revocation of \$3.5 million previously authorized in the 2001 Bond Referendum for the Preston/Legacy Overpass Project to provide for a grade separation. Due to a change in policy, this project is not scheduled to be completed.

Staff from the various areas will be available at the meeting to answer any questions you may have regarding the projects. Due to the timing of the election, a listing of the final bond referendum projects and proposed propositions will need to be discussed and decided on at the Tuesday, February 17, 2009 City Council meeting. Monday, February 23, 2009, the City Council is scheduled to adopt the resolution calling for the election.

PROPOSED 2009 BOND REFERENDUM PROJECTS
City Council Discussion 1/26/09

1/26/2009

Project	2009-10	2010-11	2011-12	2012-13	Total
<u>Public Safety Facilities</u>					
Engine/Fire Apparatus	1,300,000	1,568,000	-	-	2,868,000
O&M	1,646,952	3,293,904	-	-	4,940,856
Fiber Infrastructure Build-Out	-	5,000,000	-	-	5,000,000
O&M	-	750,000	-	-	750,000
Fire Station 2	-	1,500,000	-	-	1,500,000
O&M	-	14,036	-	-	14,036
Fire Station 6	-	-	1,500,000	-	1,500,000
O&M	-	2,086	6,290	-	8,376
Fire Station 7	1,500,000	-	-	-	1,500,000
Fire Station 13	1,000,000	-	-	-	1,000,000
O&M	1,782,692	14,604	-	-	1,797,296
Video Surveillance	3,000,000	-	-	-	3,000,000
O&M	75,000	-	-	-	75,000
Total Public Safety Authority Needed	6,800,000	8,068,000	1,500,000	-	16,368,000
Total O&M	3,504,644	4,074,630	6,290	-	7,585,564
<u>Technology Services Facility</u>					
Technology Services Facility	1,700,000	6,300,000	-	-	8,000,000
O&M	-	25,035	195,550	-	220,585
Total Technology Services Authority Needed	1,700,000	6,300,000	-	-	8,000,000
Total O&M	-	25,035	195,550	-	220,585
<u>Library Facilities</u>					
Library Improvements	530,800	834,800	384,400	-	1,750,000
Total Library Authority Needed	530,800	834,800	384,400	-	1,750,000
<u>Park Improvements</u>					
White Rock Community Park Development	500,000	4,500,000	-	-	5,000,000
O&M	-	-	217,000	-	217,000
Oak Point Park Development	-	500,000	4,500,000	-	5,000,000
O&M	-	-	-	335,496	335,496
Trail Connections	1,250,000	1,250,000	1,250,000	1,250,000	5,000,000
O&M	11,875	11,875	11,875	11,875	47,500
Athletic Field Renovations	2,000,000	2,000,000	2,000,000	2,000,000	8,000,000
O&M	9,375	9,375	9,375	9,375	37,500
Park Improvements	1,000,000	1,000,000	1,000,000	1,000,000	4,000,000
O&M	57,300	57,300	57,300	57,300	229,200
Land Acquisitions	500,000	3,000,000	7,000,000	4,750,000	15,250,000
O&M	-	10,000	60,000	224,490	294,490
Athletic Field Improvements	1,000,000	1,000,000	1,000,000	1,000,000	4,000,000
O&M	11,450	11,450	11,450	11,450	45,800
Arbor Hills Nature Preserve	-	50,000	350,000	-	400,000
O&M	-	-	-	7,500	7,500
Pecan Hollow Golf Course	7,000,000	-	-	-	7,000,000

PROPOSED 2009 BOND REFERENDUM PROJECTS

City Council Discussion 1/26/09

1/26/2009

Project	2009-10	2010-11	2011-12	2012-13	Total
<u>Park Improvements (Cont.)</u>					
Maintenance Facility Expansion/Renov.	-	100,000	900,000		1,000,000
O&M	-	4,172	28,465	-	32,637
Downtown Improvements	-	-	-	900,000	900,000
O&M	-	-	-	15,000	15,000
Total Park Authority Needed	13,250,000	13,400,000	18,000,000	10,900,000	55,550,000
Total O&M	90,000	104,172	395,465	672,486	1,262,123
<u>Recreation Center</u>					
Aquatic Center Renovation	500,000	3,000,000	-	-	3,500,000
Carpenter Park Recreation Center Expansion	6,000,000	-	-	-	6,000,000
O&M	-	583,153	-	-	583,153
Senior Center/Wellness Center Expansion	-	500,000	7,000,000	-	7,500,000
O&M	-	27,121	181,793	87,344	296,258
Oak Point Rec Center Expansion	-	-	600,000	6,000,000	6,600,000
O&M	-	-	-	162,586	162,586
Douglass Community Center	-	-	50,000	450,000	500,000
Total Rec Cntr Authority Needed	6,500,000	3,500,000	7,650,000	6,450,000	24,100,000
Total O&M	-	610,274	181,793	249,930	1,041,997
<u>Street Improvements</u>					
14th Street Reconstruction- K to Ridgewood	1,000,000	0	0	0	1,000,000
15th Street Reconstruction - G Ave to US 75	2,454,000	0	0	0	2,454,000
17th Street/R Avenue Reconstruction	800,000	0	0	0	800,000
Alley Reconstruction at Various Locations	200,000	200,000	200,000	200,000	800,000
Barrier Free Ramps at Various Location	100,000	100,000	100,000	100,000	400,000
Communications Construction Sp Cr to Tennyson	2,410,000	0	0	0	2,410,000
Computerized Signal System Improvements	250,000	250,000	250,000	250,000	1,000,000
Dallas North Estates 3 Street Reconstruction	151,000	1,260,000	0	0	1,411,000
East Side Entryway Features and Landscaping	110,000	0	0	0	110,000
Independence Pkay Corridor Intersection Imp	1,472,000	0	0	0	1,472,000
Intersection Improvements at Various Locations	1,500,000	1,500,000	1,500,000	1,500,000	6,000,000
Intersection Improvements 2008	522,000	0	0	0	522,000
Landscaping Street Enhancements at Various Roads	131,000	110,000	560,000	110,000	911,000
Legacy Corridor Intersection Improvements	200,000	1,255,000	0	0	1,455,000
McDermott Rd widening- Coit to Ohio	1,000,000	0	0	0	1,000,000
Meadows Addition Street Reconstruction	1,633,000	0	0	0	1,633,000
New Concrete Alleys at various locations	100,000	100,000	100,000	100,000	400,000
Oversize Participation	300,000	200,000	100,000	100,000	700,000
P Avenue/18th /Belle View Street Reconstruction	290,000	0	0	0	290,000
Park Blvd Corridor Intersection Improvements	400,000	1,950,000	0	0	2,350,000
Park Blvd/US 75 Pedestrian Crossing	100,000	1,222,500	0	0	1,322,500
Park Streets - Adjacent to Parks	100,000	0	100,000	0	200,000
Parker Rd Corridor Intersection Improvements	1,500,000	0	0	0	1,500,000
Permanent Traffic Calming Improvements	100,000	100,000	100,000	100,000	400,000
Preston Road Corridor Intersection Improvements	200,000	2,860,000	0	0	3,060,000
Preston/Legacy Intersection Imp.	500,000	0	0	0	500,000
Preston/Plano Parkway Intersection Imp	1,890,000	0	0	0	1,890,000
Preston/SH 190 Intersection Imp.	100,000	2,700,000	0	0	2,800,000

PROPOSED 2009 BOND REFERENDUM PROJECTS

City Council Discussion 1/26/09

1/26/2009

Project	2009-10	2010-11	2011-12	2012-13	Total
<u>Street Improvements (Cont.)</u>					
Railroad Corridors Studies	100,000	0	0	0	100,000
Razor Road construction- Ohio to SH 121	2,000,000	0	0	0	2,000,000
Redevelopment Street Improvements	1,000,000	1,000,000	1,000,000	0	3,000,000
Roadway Median Landscaping-Variou Locations	55,000	55,000	55,000	55,000	220,000
Screening Wall Reconstruction-Variou Locations	550,000	550,000	550,000	550,000	2,200,000
Shiloh Rd widening - 14th Street to Park Blvd.	150,000	2,840,000	0	0	2,990,000
Split Trail Reconstruction- Spring Creek to K	750,000	0	0	0	750,000
Spring Creek Pkwy at Coit Intersection Imp. (TIP)	1,655,000	0	0	0	1,655,000
Spring Creek Pkwy Corridor Intersection Imp	400,000	2,625,000	0	0	3,025,000
Spring Creek Pkwy Widening - Park to Parker	200,000	2,800,000	0	0	3,000,000
Street Reconstruction at Various Locations	1,000,000	1,000,000	1,000,000	1,000,000	4,000,000
Traffic Signalization at New Locations	500,000	500,000	500,000	500,000	2,000,000
West Plano Village Street Improvements	545,000	0	0	0	545,000
Westwood Reconst - 15th Street to Janwood	1,000,000	0	0	0	1,000,000
Windhaven Widening-City Limit to Spring Creek	3,600,000	0	0	0	3,600,000
18th Street Reconst - G to West of K Avenue	0	1,250,000	0	0	1,250,000
Brand Road widening- 544 to City Limits	0	100,000	700,000	0	800,000
Dallas North Estates Street Reconstruction	0	223,000	1,854,000	0	2,077,000
F Ave. and 14th St. Reconstruction	0	25,000	150,000	0	175,000
International Widening- Plano Pkwy to Midway	0	90,000	700,000	0	790,000
Los Rios Widening - Jupiter to Parker	0	120,000	1,880,000	0	2,000,000
18th Street Reconstruction- Jupiter to Dale Drive	0	0	82,000	682,000	764,000
Chaparral Bridge at Cottonwood Creek	0	0	1,000,000	0	1,000,000
Dallas North Estates 5- Street Reconstruction	0	0	173,000	1,437,000	1,610,000
Los Rios Widening - S City Limits to 14th Street	0	0	2,000,000	0	2,000,000
Mapleshade Construction- Bush Tpk to Silverglen	0	0	830,000	0	830,000
Marsh Widening - Park to Parker	0	0	1,700,000	0	1,700,000
Park Widening- Shiloh to East City Limit	0	0	112,000	1,688,000	1,800,000
Plano Park 1 - Street Reconstruction	0	0	120,000	995,000	1,115,000
Dallas North Estates 2 - Street Reconstruction	0	0	0	91,000	91,000
Ridgeview Dr Construction - S.H. 121 to Coit	0	0	0	2,000,000	2,000,000
	33,018,000	26,985,500	17,416,000	11,458,000	88,877,500
<i>Revenue from Collin County</i>	<i>-6,963,000</i>	<i>-6,860,000</i>	<i>-4,425,000</i>	<i>-2,700,000 #</i>	<i>-20,948,000</i>
<i>Revenue from Denton County</i>	<i>0</i>	<i>0</i>	<i>-1,500,000</i>	<i>0 #</i>	<i>-1,500,000</i>
<i>Revenue from East Side TIF</i>	<i>0</i>	<i>-500,000</i>	<i>0</i>	<i>0 #</i>	<i>-500,000</i>
<i>Revenue from RTR Funds</i>	<i>-12,067,000</i>	<i>-10,830,000</i>	<i>0</i>	<i>0 #</i>	<i>-22,897,000</i>
<i>Revenue from TxDOT</i>	<i>-6,100,000</i>	<i>-2,178,000</i>	<i>0</i>	<i>0 #</i>	<i>-8,278,000</i>
	-25,130,000	-20,368,000	-5,925,000	-2,700,000 0	-54,123,000
Total Street Improvement Authority Needed	7,888,000	6,617,500	11,491,000	8,758,000	34,754,500
TOTAL PROJECTED AUTHORITY NEEDED	36,668,800	38,720,300	39,025,400	26,108,000	140,522,500
<u>Revocation</u>					
<i>Preston/Legacy Overpass</i>	<i>-3,500,000</i>				<i>-3,500,000</i>
NET NEW AUTHORITY NEEDED	33,168,800	38,720,300	39,025,400	26,108,000	137,022,500
TOTAL PROJECTED O&M	3,594,644	4,814,111	779,098	922,416	10,110,269

<p style="text-align: center;">PRELIMINARY PROJECT DESCRIPTIONS 2009 BOND REFERENDUM</p>

PUBLIC SAFETY FACILITIES PROJECTS***Engine/Fire Apparatus***

This project includes one ladder truck and two engines as well as all the loose equipment and tools required to place these apparatus in service for emergency response.

Fiber Infrastructure Build-Out

Provide single-mode fiber to all City facilities. It will replace current SONET service from Verizon and increase bandwidth.

Fire Station 2

This project covers the addition of training and physical fitness areas to the front of the building. The current day room will be reconfigured to become a station officer's area.

Fire Station 6

This project covers kitchen remodel and expansion of the third bay north to add a training and physical fitness area.

Fire Station 7

This project covers reconfiguration of the day room, dormitory room, restrooms and the training and physical fitness areas.

Fire Station 13

Additional \$1 million needed for fire station #13 due to increased material costs for projected cost estimates.

Video Surveillance

Centralize storage management and access for all video throughout the City. It will have a management suite and viewing at centralized locations and at distributed points.

TECHNOLOGY SERVICES FACILITY PROJECT***Technology Services Facility***

Purchase of land and construction of a new Technology Services facility. The location of the facility is still to be determined.

LIBRARY FACILITIES PROJECT***Library Improvements***

This project covers: interior painting, minor building modifications, and replacement of carpet, furniture, and wall coverings at Davis Library, replacement of furniture and four microform machines at Haggard Library, a new roof and boiler, modification of the loading dock area, replacement of a workroom countertop, and refinishing furniture at Harrington Library, reconfiguring the public space and replacement of carpet and furniture at Parr Library, and replacement of furniture, replacement of parking lot surface, and a new elevator control at Schimelpfenig Library.

PARK IMPROVEMENT PROJECTS***White Rock Community Park Development***

Funding is for development of a community park located on White Rock Creek south of the intersection of Spring Creek Parkway and Windhaven Parkway. Improvements will include trails, sidewalks, pavilion, playground, parking, and other related park facilities.

Oak Point Park Development

Funding is for continued development of the park to include pavilion, restrooms, trails, parking, camp facilities and signage.

Trail Connections

Funding is for recreational trail connections throughout the city linking existing trails with newly-developed areas and adjacent cities.

Athletic Field Improvements

Funding will provide for continued development of shade structures, restroom additions, fencing, and additional parking at athletic sites throughout the city.

Park Improvements

Funding is for improvements to parks throughout the city including neighborhood parks, linear parks and community parks. Improvements could include irrigation systems, playgrounds, shade structures, lighting, benches, picnic tables, sidewalks, trees, parking, and other related park facilities.

Land Acquisitions

Funding is for land acquisitions including additional funding for the south central community park site, additions to Harrington Park and other acquisitions.

Athletic Field Renovations

Funding is for projects previously identified in the Capital Reserve Fund and is for the renovation of aging athletic sites including irrigation systems, backstops, fences, restrooms, lighting, and parking lots.

Arbor Hills Nature Preserve

Funding is for additional parking.

Pecan Hollow Golf Course Renovation and Expansion

This additional funding is for general renovation of the 35 year old course including driving range modifications, irrigation system renovation, drainage improvements, cart path improvements, and modifications to fairway alignments on selected holes. Funds would be combined with existing bond authorization identified for replacement of the golf course greens.

Maintenance Facility Renovation/Expansion

Funding is for renovation and expansion of aging park maintenance facilities at Jack Carter Park and Schell Park.

Downtown Improvements

Funding is for improvements in the downtown area to include additional lighting and renovation of McCall Plaza. Improvements would also include additional water and electrical services to support special events.

RECREATION CENTER PROJECTS

Aquatic Center Renovations

Funding is for complete renovation of the existing 30 year old pool to include improved locker rooms, family changing rooms, deck improvements, and water amenities.

Carpenter Expansion/ Senior Center

Additional funding is for expansion and renovation of Carpenter Park Recreation Center. Funds would be combined with existing bond authorization to complete the planned improvements.

Senior Center/ Wellness Center Expansion

Funding is for expansion of the senior center to include a fitness room, dining room, classrooms and parking. The improvements would also include expansion of the Geriatric Wellness Center offices, exam rooms, meeting rooms, and related spaces.

Oak Point Recreation Center Expansion

Funding is for expansion of Oak Point Recreation Center to include expanded exercise facilities and additional classroom space.

Douglass Community Center

Funding is for exterior renovation and accessibility improvements.

STREET IMPROVEMENT PROJECTS

14th Street Reconstruction – K to Ridgewood

Reconstruction of 14th Street from Avenue K to Ridgewood Drive.

15th Street Reconstruction– G Ave to US 75

This project consists of reconstruction of 15th Street from G Avenue to I Avenue, including brick sidewalks, landscaping and placement of underground utilities.

17th Street/R Avenue Reconstruction

Complete reconstruction of the following streets: 17th Street between P Avenue and R Avenue & R Avenue between 17th Street and 18th Street.

Alley Reconstruction at Various Locations

Reconstruction of deteriorated concrete alleys. Reconstruction of deteriorated concrete alleys.

Barrier Free Ramps at Various Locations

Construct ramps in residential neighborhoods and major thoroughfares to meet ADA standards.

Communications Pkwy Construction - Spring Creek to Tennyson

Completion of the extension of Communications Parkway from Spring Creek to Tennyson as a six-lane divided thoroughfare.

Computerized Signal System Improvements

The system controls all signalized intersections via a traffic control center. All current and future signals will be connected to the control center. This project includes the installation of video cameras at critical intersections to monitor the traffic first hand. This will be an on-going project with upgrades and improvements made when appropriate. Also includes establishing wireless communication links between the Traffic Management Center and the existing and proposed camera locations.

Dallas North Estates 3 - Street Reconstruction

Complete reconstruction of existing street pavement and sidewalks on the following streets: Edgefield - Janwood to Springbrook; Linden - Edgefield to Ridgefield; & Meadowcrest - Springbrook to Ridgefield.

East Side Entryway Features and Landscaping

Construction of entryway features east of U.S.75 to create more aesthetically appearing roadways. Specific projects include: RT Corner Treatments (50% City matching); Parker Road Enhancements; & Entry Features (to be decided).

Independence Parkway Corridor Intersection Improvements

Construction of additional left turn and right turn lanes from 15th Street to Parker Road, including realigning the north and south bound lanes at 15th Street.

Intersection Improvements at Various Locations

This project includes the addition of left- and/or right-turn lanes at various intersections throughout the City.

Intersection Improvements – 2008

Intersection improvements at five (5) locations throughout the City, specifically: Preston Road at Spring Creek Parkway; Preston Road at Hedcoxe Road (schematic only); Spring Creek Parkway at Parker Road; Jupiter Road at Summit Drive; & Jupiter Road at Technology Drive.

Landscaping Street Enhancements on Various Roads

Construction of additional entryways, landscaping and other enhancements on various roadways throughout the City.

Legacy Drive Corridor Intersection Improvements

Construction of additional left and right turn lanes from Custer Road to K Ave.

McDermott Road Widening- Coit to Ohio

Widen McDermott Road to a six-lane divided thoroughfare from Coit Road to Ohio Drive.

Meadows Addition Street Improvements

Complete reconstruction of street, sidewalks and drive approaches in the Meadows #1 area. The project location includes: Rigsbee Drive - 14th Street to Janet Way; Meadows Drive - Ridsbee to Price; Ridgeway Drive - Rigsbee to Meadows; 15th Street - Rigsbee to Meadows; & Rice Drive - Meadows to Sherrye.

New Concrete Alleys at Various Locations

Construct concrete alleys to replace dirt alley locations.

Oversize Participation

This project maintains participation with developers for various oversize paving and drainage improvements. These are requirements per the Subdivision Ordinance.

P Avenue/18th Street/Belle View – Street Reconstruction

Complete reconstruction of existing concrete streets including sidewalks and residential drive approaches: 18th Street between P Avenue east to Red Bud Lane; P Avenue from 17th Street north to 18th Street; 17th Street - P Avenue to N Avenue; N Place - 18th Street to 17th Street; O Avenue - 17th Street to 18th Street; & Concord Circle - 17th Street to end.

Park Boulevard Corridor Intersection Improvements

Construction of additional left and right turn lanes from Coit Road to Jupiter Road.

Park Blvd/US 75 Pedestrian Crossing

Improve pedestrian access to the Parker Road DART station along Park Boulevard by widening the pedestrian crossing on the bridge over US 75 and widening sidewalks from Chisholm Trail to the station.

Park Streets – Adjacent to Parks

Construct various roadway sections adjacent to City parks, including neighborhood streets, thoroughfares and drainage facilities.

Parker Road Corridor Intersection Improvements

Construction of additional left and right turn lanes from Coit Road to Alma Drive.

Permanent Traffic Calming Improvements

This project will place permanent traffic calming devices as part of the Neighborhood Traffic Safety Program. Since these are new permanent improvements funding was proposed through bond funds rather than general operating funds.

Preston Road Corridor Intersection Improvements

Construction of additional left and right turn lanes from Parker Road to Headquarters Drive.

Preston/Legacy Intersection Improvements

Construction of at-grade median left turn intersection improvements at Preston Road and Legacy Drive.

Preston/Plano Parkway Intersection Improvements

This project is for construction of at-grade median left turn intersection improvements.

Preston/S.H. 190 Intersection Improvements

Addition of a southbound right-turn lane on Preston Road at Bush Tollroad. Evaluate widening the bridge over Bush to add left-turn lanes and an additional northbound lane on Preston, north of Bush.

Railroad Corridor Studies

In coordination with COG, DART and adjacent cities a corridor study of the Burlington Northern, Cotton Belt and the Red line extension will evaluate the options and details of extending passenger rail service.

Razor Road Construction- Ohio to SH 121

Complete six-lane divided thoroughfare from Ohio Drive to SH 121.

Redevelopment Street Improvements

As areas of the City begin redeveloping, it will be necessary for the City to make various street improvements to facilitate the development. These funds will be used to build new streets and reconstruct existing substandard streets. Funding in the re-estimate is associated with an agreement between the City and Lexington for redevelopment of Rice Field.

Roadway Median Landscaping at Various Locations

Landscaping of thoroughfare medians throughout the City.

Screening Wall Reconstruction at Various Locations

The complete reconstruction of concrete screening walls along major thoroughfares is this project function.

Shiloh Road Widening - 14th Street to Park Boulevard

Construction of the two eastern lanes to complete a four-lane divided thoroughfare.

Split Trail Reconstruction – Spring Creek to K

Reconstruction of existing asphalt roadway to a concrete collector roadway.

Spring Creek Pkwy at Coit Intersection Imp. (TIP)

Construction of at-grade median left turn intersection improvements at Spring Creek Parkway and Coit Road.

Spring Creek Pkwy Corridor Intersection improvements

Reconstruction of the existing improvements at Independence and Custer to a normalized intersection including double lefts and right turn lanes.

Spring Creek Pkwy Widening - Park to Parker

Construction of the eastern two lanes to complete a four-lane divided thoroughfare.

Street Reconstruction at Various Locations

Complete reconstruction of concrete streets at various locations throughout the city.

Traffic Signalization at New Locations

This project is responsible for the construction of new traffic signals.

West Plano Village – Street Improvements

Reimbursement for the public street improvements associated with the development.

Westwood Drive Reconstruction - 15th Street to Janwood

Complete reconstruction of street and sidewalks with storm drainage improvements.

Windhaven Pkwy Widening- City Limit to Spring Creek

Widen Windhaven Parkway to six lanes from the City limit to Spring Creek Parkway.

18th Street Reconstruction– G Ave to West of K Ave

Reconstruction of existing roadway with finished sidewalks and landscaped roadways.

Brand Road Widening - S of 544 to City Limits

Widen existing four lanes of Brand Road to a six-lane divided thoroughfare from south of F.M. 544 to the City limits.

Dallas North Estates - Street Reconstruction

Complete reconstruction of streets, sidewalks and drive approaches in the Dallas North subdivision. Specific locations include: Amherst Drive - Frenwood to Brentwood; Brentwood Drive - 15th Street to Janwood; Crestridge Drive - 15th Street to Janwood; Drexel Drive - Amherst to Janwood.

F Ave. and 14th St. Reconstruction

Replace asphalt pavement with reinforced concrete on F Avenue from 14th Street to the 13th/14th Street Connector and on 14th Street from E Avenue to F Avenue.

International Pkwy Widening- Plano Pkwy to Midway

Widen International to a six-lane divided thoroughfare from Plano Parkway to Midway.

Los Rios Blvd. Widening - Jupiter to Parker

Construction of the remaining half of a four-lane divided thoroughfare for Los Rios, north of Parker.

18th Street Reconstruction- Jupiter to Dale Drive

Complete reconstruction of the existing street, sidewalks and drive approaches in conjunction with storm drainage improvements.

Chaparral Bridge at Cottonwood Creek

Construction of the south two-lane bridge on Chaparral Road over Cottonwood Creek.

Dallas North Estates 5 – Street Reconstruction

Complete reconstruction of existing street pavement and sidewalks on the following streets: Ridgefield/Quill - Springbrook to Meadowcrest; Potomac - Springbrook to Ridgefield; Oakhill - Springbrook to Ridgefield; & Northridge - Springbrook to Ridgefield.

Los Rios Blvd. Widening – S. City Limits to 14th Street

Widen existing four lanes of Los Rios to a six-lane divided thoroughfare from south City limits to 14th Street.

Mapleshade Construction - Bush Tpk. to Silverglen

Construction of a four-lane divided thoroughfare, east of Silverglen, across UTD property to connect to the service road of the George Bush Turnpike.

Marsh Lane Widening- Park to Parker

Widen Marsh Lane to a six-lane divided thoroughfare between Park to Parker.

Park Blvd. Widening - Shiloh to East City Limit

Widen Park Boulevard from the existing four lanes to a six-lane divided thoroughfare from Shiloh to the east City limit.

Plano Park 1 – Street Reconstruction

Complete reconstruction of existing street pavement and sidewalks on the following: Japonica - Jasmine to P Avenue; Laurel Lane - Jasmine to P Avenue; Jasmine - Japonica to Hawthorne; & Mimosa - P Avenue to Willow Lane.

Dallas North Estates 2 - Street Reconstruction

Complete reconstruction of existing street pavement and sidewalks on the following streets: Fernwood - Westwood to Edgefield; Glenwick - Westwood to Edgefield; Aldridge - Westwood to Edgefield.

Ridgeview Drive Construction - S.H. 121 to Coit

This project is for the construction of a four-lane divided thoroughfare on Ridgeview Drive from S.H. 121 to Coit Road.

REVOCATION

Preston/Legacy Overpass

Revocation of a previously authorized general obligation overpass project to provide grade separation at Preston Road and Legacy Drive.

**PROPOSED 2009 BOND REFERENDUM
TAX RATE IMPACT ASSUMPTIONS
January 26, 2009**

- **Existing Property Values** - Flat existing value in 2009-10; 1% increase in 2010-11; and a 2% increase each year after that.
- **New Growth** - \$700 million in 2009-10, \$550 million in 2010-11, \$250 million in 2011-13.
- **Existing Authority** – Assumes \$22.97 million in existing authority and \$6.29 million in Tax Notes will be sold in 2008-09, \$34.67 million in existing authority will be sold in 2009-10 and \$9.50 million in existing authority will be sold in 2010-11.
- **Does not** include any additional Bond Referendums schedules for the future.
- Assumes **current O & M Tax Rate of 32.68** for support of existing General Fund programs. **Additional O & M costs** for these projects are **included** in each year.
- **Total Tax Rate Impact** includes new debt issuance, O&M costs, remaining authority issues and existing debt currently issued.

**2009 PROPOSED BOND REFERENDUM
CUMULATIVE TAX RATE IMPACT
ISSUANCE OVER FOUR (4) YEARS**

	Cumulative Year Maximum			
	New Issue	Add'l O&M	Existing Debt	Total
\$100 Million New Authority	1.408	1.826	1.969	5.203
\$110 Million New Authority	1.549	1.826	1.969	5.344
\$120 Million New Authority	1.690	1.826	1.969	5.485
\$130 Million New Authority	1.830	1.826	1.969	5.625
\$140 Million New Authority	1.971	1.826	1.969	5.766

	Cumulative New Issue
\$100 Million New Authority	2.685
\$110 Million New Authority	2.954
\$120 Million New Authority	3.222
\$130 Million New Authority	3.491
\$140 Million New Authority	3.759

Discussion/Action Items for Future Council Agendas

February 9 & 10 – Collin County Days

February 17

Public Hearing: Comprehensive Plan Amendment - Request to amend the Comprehensive Plan to include a policy statement with guidelines for reviewing zoning requests for mixed-use projects.

Applicant: City of Plano

February 23

ACC Report (Quarterly)

Mobility Report

DART Report

Comprehensive Monthly Financial Report

March 5 – District 1 Roundtable, Plano Centre, 7 p.m.

March 6 & 7 – Core Business Matrix Follow-up Worksession, TRA

March 9

March 14 & 18 - NLC Conference DC

March 23

Mobility Report

DART Report

Comprehensive Monthly Financial Report

March 24 – Council Candidate Briefing, TRA, 8 a.m. – 2 p.m.

March 27 – Police Awards Banquet

April 14

April 27

Mobility Report

DART Report

Comprehensive Monthly Financial Report

May 11

May 18
Canvass

May 26
ACC Report (Quarterly)
Mobility Report
DART Report
Comprehensive Monthly Financial Report

June 8

June 18 – District 3 Roundtable, PSA StarCenter, 7 p.m.

June 22
Mobility Report
DART Report
Comprehensive Monthly Financial Report

September 4 – District 4 Roundtable, PSA StarCenter, 7 p.m.

December 10 – District 2 Roundtable, TMC, 7 p.m.



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY			Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:		01/26/09	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager's Office			Initials	Date
Department Head	Tom Muehlenbeck		Executive Director		
Dept Signature:			City Manager	<i>[Signature]</i>	1/05/09
Agenda Coordinator (include phone #): Sharon Wright ext. 7107					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER					
CAPTION					
Proclamation: Heart Awareness Month - February, 2009					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	0	0	0	0	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	0	0	0	
BALANCE	0	0	0	0	
FUND(S):					
COMMENTS:					
SUMMARY OF ITEM					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
January 12, 2009**

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 5:09 p.m., Monday, January 12, 2009, 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 and receive Legal Advice, Section 551.071, 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 at 5:53 p.m. in the Council Chambers where the following matters were discussed:

Consideration and Action Resulting from Executive Session Discussion:

No items were brought forward.

Personnel Appointments

Public Arts Committee

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Magnuson, the Council voted 8-0 to appoint Bob Drotman as chair.

DART Report

The report will be rescheduled.

Discussion Regarding Distribution of Unsolicited Newspapers

Council Member Jackson spoke to citizen complaints regarding the distribution of the Dallas Morning News *Briefing*. Dallas Morning News Editor Bob Mong spoke to prior discussions with the Council, the desire to address issues, and positive response to the product. Council Member Jackson spoke to papers left in neighborhoods, the impact when homes are unoccupied and requested distributors be more observant of circulars stacking up in yards. Dallas Morning News President and CEO John McKeon spoke to experience gained and changes in distribution over recent weeks, the decline in complaints and contact information for concerns. He spoke to utilizing one distributor for both the *Briefing* and the Dallas Morning News and requesting they note multiple copies left at a location. Council Members Dunlap and Miner spoke to discontinuing distribution at homes with "for sale" signs. Council Member Dunlap spoke to ensuring placement is made on the property and Council Member Miner spoke to citizens' concern that they are receiving distributions that have not been requested. City Attorney Wetherbee advised regarding complaints made to the prosecutor's office.

Discussion Regarding Property Tax Exemption for Masonic Lodge

Director of Budget and Research Rhodes-Whitley spoke to prior consideration of the request and information indicating that the Masonic Lodge has a 501(c)10 status rather than a 501(c)3 as do other organizations in the City who receive exemptions. She spoke to legislation expanding to include lodges and a previous denial in 1999 when the location had commercial operations in the basement. City Attorney Wetherbee spoke to this exemption being made at the discretion of the governing body, in effect for five years, applicable to personal and real property and to development of an ordinance setting forth a process. The Council concurred requesting Staff to bring forward an item on the January 26, 2009 agenda.

Discussion and Direction Regarding 2009 Bond Referendum

Director of Budget and Research Rhodes-Whitley spoke to information received from the City's boards and commissions in support of a referendum, preparation of a preliminary list, decisions being made on February 17, 2009 to allow for an order of election to be considered on February 23 for the May 9 election. She advised that the current list of projects totals \$148 million consisting of \$32 million for Public Safety Facilities, \$1.7 million for Library Facilities, \$55.5 million for Park Improvements, \$24 million for Recreation Centers, and \$34.7 million for Street Improvements. Ms. Rhodes-Whitley spoke to the Public Safety Communications Center utilizing the lower level of Municipal Center and resultant saving and designation of the Technology Service Facility as a separate bond item since it will not share a facility with Public Safety. City Manager Muehlenbeck advised that the costs for fire apparatus are related to retaining the ISO 1 rating and to improvements on the Senior Center being the first since it was built. He spoke to increases in costs for work at Carpenter Park Recreation Center and the need for additional funds.

Ms. Rhodes-Whitley advised that information will be posted on the City's web site and spoke regarding outside funding of 61% for street improvements based on approval of bond items. She spoke to the tax rate impact including two cents projected for existing debt; two cents based on projected operation/maintenance (O&M) expenses in Fiscal Year 2010-11 should all bond items pass as proposed; and the actual bond referendum passage coming online with an impact of approximately three cents. City Manager Muehlenbeck spoke regarding improvements planned for Pecan Hollow Golf Course including realignment. He spoke to the format for items on the ballot, positive input received from bond rating agencies and a possible upgrade in municipal drainage bonds. Council Member Johnson spoke to the costs for O&M for the fire station.

Discussion and Direction on Priorities for Amendments as recommended in Duncan Associates' Assessment of the Zoning Ordinance

Planning Director Jarrell spoke to an assessment of the Zoning Ordinance and recommendations to address interpretation and enforcement. She spoke to reorganization and reformatting of zoning regulations, the use of additional graphics, reflecting enforcement issues, and addressing supplementary regulations. Ms. Jarrell spoke to amending parking regulations, addressing federal and state land use regulations and issues of group homes and assisted living homes for the disabled. She spoke to addressing issues related to religious institutions and their alignment with federal law and to considering areas of nonconforming uses and structures. Ms. Jarrell responded to Council Member Jackson regarding consideration of accommodating religious institutions while adhering to parking and access regulations. The Council concurred in providing direction for Staff to move forward and Ms. Jarrell advised that the item will be added to the Planning and Zoning Commission's work program.

Council items for discussion/action on future agendas

Council Member Jackson requested consideration of online submittal of campaign finance reports.

Consent and Regular Agenda

Mayor Evans requested Consent Agenda Item "L," to approve to direct the Planning and Zoning Commission to identify City of Plano commercial sign regulations that may unreasonably restrict the use of contemporary and innovative advertising and marketing practices, be removed for individual consideration.

Council Member Magnuson advised that she would be stepping down on Regular Agenda Item "2," consideration of an ordinance to authorize a three-year renewal of the Private Franchise Agreement by and between the City of Plano, Texas and Allied Waste Systems, Inc due to a possible conflict of interest.

Nothing further was discussed. Mayor Evans adjourned the Preliminary Meeting at 6:42 p.m.

Pat Evans, MAYOR

ATTEST

Diane Zucco, City Secretary

PLANO CITY COUNCIL
January 12, 2009

COUNCIL MEMBERS

Pat Evans, Mayor
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Harry LaRosiliere, Deputy Mayor Pro Tem
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Scott Johnson
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Sally Magnuson
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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, January 12, 2009, at 7:00 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Pastor Barry Gin of the Plano Chinese Alliance Church. The Pledge of Allegiance was led by Brownie Troop 3143 of St. Elizabeth Ann Seaton Catholic Church.

Mayor Evans presented a proclamation recognizing Very Special Arts Festival – 25th Anniversary.

Mayor Evans administered oaths of office to incoming board and commission members and recognized service of others.

COMMENTS OF PUBLIC INTEREST

Citizen David Dowell spoke to crimes committed in his neighborhood and requested assistance. Mayor Evans advised that City Manager Muehlenbeck would provide follow up.

CONSENT AGENDA

Mayor Evans requested that Consent Agenda Item “L” be removed for individual consideration.

Council Member Magnuson advised that she would be stepping down on Regular Agenda Item “2” due to a possible conflict of interest.

a-5

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 8-0 to approve and adopt all remaining Consent Agenda Items as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]

December 22, 2008

Approval of Expenditures

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

Bid No. 2009-13-B for the purchase of two Tractor Trucks from Rush Truck Center DFW in the amount of \$191,970. [Consent Agenda Item (B)] (See Exhibit "A")

Purchase from an Existing Contract

To approve the purchase of three Toyota Corollas (K01) in the amount of \$50,391 from Philpott Motor Company through an existing contract/agreement with H-GAC Cooperative Purchase Program, and authorizing the City Manager to execute all necessary documents. (#VE03-06) [Consent Agenda Item (C)]

To approve the purchase of two Toro Multi Pro (1250) Chemical Sprayers in the amount of \$54,464 from Professional Turf Products through an existing contract/agreement with Texas Association School Buyboard Purchase Program, and authorizing the City Manager to execute all necessary documents. (#292-08) [Consent Agenda Item (D)]

To approve the purchase of one Jacobsen Rough Rotary Mower (HR-9016) in the amount of \$71,983 from Luber Bros. through an existing contract/agreement with Texas Association School Buyboard Purchase Program, and authorizing the City Manager to execute all necessary documents. (#292-08) [Consent Agenda Item (E)]

To authorize an expenditure for staff augmentation to install and test wireless antennas for the Automatic Meter Reading (AMR) Project for Customer & Utility Services, in the amount of \$75,839 from Scientel Wireless, LLC., through an existing contract/agreement with the Department of Information Resources (DIR), and authorizing the City Manager to execute all necessary documents. (DIR-SDD-767) [Consent Agenda Item (F)]

Adoption of Resolutions

Resolution No. 2009-1-1(R): To accept the findings and opinions of the Annual Audit; authorizing the City Manager to publish the results thereof; and providing an effective date. [Consent Agenda Item (G)]

Resolution No. 2009-1-2(R): To approve the amendment to the Bylaws of the Arts of Collin County Commission, Inc. to expand the Board of Directors; providing a repealing clause; and providing an effective date. [Consent Agenda Item (H)]

A-4

Resolution No. 2009-1-3(R): To suspend the effective date of CoServ Gas Ltd.'s requested rate changes to permit the City time to study the request and to establish reasonable rates; approving cooperation with other cities within the CoServ system to hire legal and consulting services and to negotiate with the company and direct any necessary litigation; requiring reimbursement of cities' rate case expenses; authorizing intervention in the proceeding at the Railroad Commission; requiring notice of this resolution to the company; and providing an effective date. [Consent Agenda Item (I)]

Resolution No. 2009-1-4(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, providing for the widening of Independence Parkway from McDermott Road to SH 121; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2009-1-5(R): To approve the settlement of the lawsuit styled City of Plano, Texas v. Technology Properties III L.P., Cause No. 004-78-08, Collin County Court at Law No. 4, in the amount of \$90,000; authorizing the City Manager to execute any and all documents necessary to settle such lawsuit; and providing an effective date. [Consent Agenda Item (K)]

END OF CONSENT

Approval of Direction - To approve to direct the Planning and Zoning Commission to identify City of Plano commercial sign regulations that may unreasonably restrict the use of contemporary and innovative advertising and marketing practices and recommend possible changes to the regulations to the City Council no later than March 9, 2009. [Consent Agenda Item (L)]

Mayor Evans spoke to marketing/advertising signage being widely used and to not discouraging businesses through restrictive regulations. She spoke to providing comprehensive direction to the Commission and taking a vote on the item. Mayor Evans spoke to consideration of vertical banners on parking lot poles, horizontal banners on building facades, canopies with permanent signage, special promotional signage for events and openings, awning signage, signage on top of buildings, monument sign revisions and festival signage. Council Member Johnson spoke to business identification on exterior of buildings, Council Member Jackson spoke to electronic signage, and Mayor Evans spoke to neon signs. Mayor Evans responded to Council Member Dunlap regarding current restrictions on temporary signage and to addressing commercial/retail regulations that restrict the use of innovative advertising. She spoke to kiosks as a separate item that might be addressed at a later time. Director of Planning Jarrell advised that Staff will seek input from the business community and Homeowners' Council. Council Member Johnson spoke to possible expansion of multi-story office wall signage and Mayor Pro Tem Callison spoke to the architectural elements of signage. Chief Building Official Mata provided examples of possible roof signage and Council Member Miner spoke to providing for repair and replacement.

Upon a motion made by Council Member Magnuson and seconded by Mayor Pro Tem Callison, the Council voted 8-0 to direct the Planning and Zoning Commission to identify City of Plano commercial sign regulations that may unreasonably restrict the use of contemporary and innovative advertising and marketing practices and recommend possible changes to the regulations to the City Council no later than March 9, 2009.

a-7

Resolution No. 2009-1-6(R): to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Americorp, Inc., dba Altair Global Relocation, a Texas corporation; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (1)]

Director of Finance Tacke advised that the company is relocating from Dallas; will retain, transfer or create 200 full-time jobs by December 31, 2009 and add 40 more by December 31, 2011; will add business personal property in the amount of \$2.25 million by January 31, 2009; and occupy 50,000 square feet of office space by January 31, 2009. The grant is for \$192,000 with \$160,000 based on the initial jobs and an additional \$32,000 for later positions.

Upon a motion made by Council Member Magnuson and seconded by Council Member Miner, the Council voted 8-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Americorp, Inc., dba Altair Global Relocation, a Texas corporation; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2009-1-6(R).

Due to a possible conflict of interest, Council Member Magnuson stepped down from the bench on the following item.

An Ordinance to authorize 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 (2)]

Executive Director Hogan advised that the item provides the last three-year extension, spoke to good service provided and excellent ratings received on customer service surveys. He advised that Staff recommended adoption.

Upon a motion made by Council Member Jackson and seconded by Council Member Miner, the Council voted 7-0 to approve a 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.

Council Member Magnuson resumed her place at the bench.

a-s

Public Hearing and adoption of Ordinance No. 2009-1-7 as requested in Zoning Case 2008-73 to amend Subsection 3.1108 (Special Off-Street Parking Regulations) (4) (Special Vehicle Storage) and (6) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, regarding definitions and standards for special vehicle storage; 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 (3)]

Director of Planning Jarrell spoke to issues of enforcement related to language in the ordinance and to proposed changes in definitions of "special" vehicles, their measurement and how they are parked. She advised that the Planning and Zoning Commission recommended approval as follows: (Additions are indicated by underlined text; deletions are indicated by strikethrough text.)

1. Subsection 3.1108 (4) (Special Vehicle Storage) of Section 3.1100 (Off-Street Parking and Loading) is amended to read as follows:

(a) A special vehicle is defined as:

i) Any ~~Any~~ trailer ~~(including boats or any other item stored there on)~~ of any length designed to be towed on public streets or

(ii) ~~(a)~~ ~~(b)~~ any self-propelled vehicle which exceeds 22 feet in length. Self-propelled ~~Vehicle~~ length shall be measured to include ~~trailer connections and any overhang of the vehicle or trailer, including the and/or any item, being carried on the trailer apparatus, or attachment affixed to the vehicle.~~

~~(e)~~ ~~Storage is defined as the continuous parking of the vehicle for 48 hours or longer.~~

(b) ~~(d)~~ All special vehicles must ~~meet~~ conform to the following requirements:

(i) No special vehicle may be stored on required off-street parking.

(ii) No part of a special vehicle may extend over a public easement or right-of-way.

(iii) No special vehicle stored on a residential lot may be used for housekeeping, living, or sleeping quarters.

(iv) If required, federal and state licensing and registration must be current.

(v) All special vehicles must be maintained in an operable condition.

(vi) Stored vehicles must be secured with wheel stops or maintained so as not to present a safety problem to the neighborhoods in which they are located.

a-9

Ordinance No. 2009-1-7 (cont'd)

- (vii) All special vehicles must be stored on an improved driveway or improved parking surface such as concrete, asphalt, paving stones, or brick. Gravel or crushed rock may be used in the side and rear yards but not in the front yard. The parking surface must be continuous from a driveway contiguous with and be an extension of the driveway, and the area of the parking surface shall not be less than the full dimensions of the special vehicle.
- (viii) Special vehicles must be stored behind the front building line in the side or rear yard unless the lot is served by a driveway from a public street and which is its only point of vehicular access, or the lot does not have access to a standard alley (ten-foot wide paved alley).
- (ix) ~~(xii)~~ Special vehicles stored in the side yard or rear yard behind the front building line must be screened from view from ~~adjacent lots and side streets, but not alleys.~~ In addition, these special vehicles must be screened in the front if brought onto the lot from the rear. (See Section 3.1000.)
- (x) ~~(ix)~~ Where permissible in (viii) above, only one special vehicle may be stored in the front yard, and the a special vehicle stored in the front yard length must be parked oriented perpendicular to the front property line.

(c) ~~(xi)~~ Special vehicle permit requirements:

- (i) The storage in the front yard of a any special vehicle exceeding 22 feet in length, including trailers, in the front yard shall require a permit issued by the city, certifying that the special vehicle will be stored in compliance with this ordinance.
 - (ii) For the purpose of this section, trailer length shall be measured to include trailer connections, any overhang of the trailer or any item, apparatus, or attachment carried on or affixed to the trailer.
 - (iii) To obtain a permit, the applicant must submit a plan of the lot illustrating how the vehicle will be stored. The permit shall specify the special vehicle to be stored and the owner of the lot. The permit is only valid for the vehicle and owner specified. Permits may be revoked if the vehicle is not stored in accordance with this ordinance.
2. Subsection 3.1108 (6) of Section 3.1100 (Off-Street Parking and Loading) shall be deleted as follows and existing standards renumbered accordingly:

~~On a residential lot all self-propelled vehicles not defined as special vehicles must be parked on an improved surface.~~

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

A-10

Ordinance No. 2009-1-7 (cont'd)

Upon a motion made by Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 8-0 to amend Subsection 3.1108 (Special Off-Street Parking Regulations) (4) (Special Vehicle Storage) and (6) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, regarding definitions and standards for special vehicle storage as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2008-73; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2009-1-7.

Public Hearing and adoption of Ordinance No. 2009-1-8 as requested in Zoning Case 2008-82 to amend Section 1.600 (Definitions) of Article I (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended regarding private club use; 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 (4)]

Director of Planning Jarrell spoke to Council initiation of the Public Hearing process to consider amendments to regulations for private clubs in the Downtown Business/Government (BG) and Central Business-1 (CB-1) zoning districts. She spoke to the 2005 election approving the sale of mixed beverages in restaurants by a food and beverage certificate holder and the 50% limitation on gross revenues from alcoholic beverage sales. Ms. Jarrell spoke to the difficulty for those locations oriented to dinner and late evening service in meeting limitations and an alternative licensing option amending local regulations for private clubs. She advised that the request proposes a minor change in the definition of private club to better reflect the reference in state regulations; amends the use charts to allow the use by right rather than with a Specific Use Permit in BG and CB-1 districts only; and exempts these locations from the supplemental regulations of the Zoning Ordinance including the 65/35 ratio of food to beverages. Ms. Jarrell advised that the 300-foot distance requirement from churches, public/private schools would remain in the BG district and would apply in the CB-1 district. She advised that the Planning and Zoning Commission recommended approval as follows: (Additions are indicated by underlined text; deletions are indicated by strikethrough text.)

1. Amend the definition for private club in Section 1.600 (Definitions) of Article 1 (General Regulations) to read as follows:

“An establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, ~~the of Title 3, Chapter 32, Vernon’s Texas Codes~~ Annotated Texas Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs. (See Subsection 3.105.)

2. Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to permit private club use by right in the Downtown Business/Government and Central Business-1 zoning districts.

A-11

Ordinance No. 2009-1-8 (cont'd)

3. Amend Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to read as follows:

3.105 Private Clubs

(1) Private clubs are allowed by right in the Downtown Business/Government and Central Business-1 zoning districts. Private club uses in these districts are prohibited within 300 feet of a church or public or private school, measured as prescribed, below, except that the prohibition will not apply to a property within 300 feet of a church if the City Council affirmatively finds that the private club would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.

(2) The following standards and regulations apply to any private club use requiring a specific use permit:

(a)(1) Private clubs shall be restricted to the following use districts:

(a.) ~~The Downtown Business/Government district~~

(i) ~~b.~~ Contiguous Regional Commercial and/or Regional Employment districts collectively comprising 30 acres or more.

(ii) ~~e.~~ Contiguous Retail districts collectively comprising 30 acres or more.

(iii) ~~d.~~ Contiguous Light Commercial districts collectively comprising 30 acres or more.

(iv) ~~e.~~ Contiguous Office-2 districts collectively comprising 30 acres or more.

(f.) ~~Contiguous Central Business-1 districts collectively comprising 30 acres or more.~~

(v) ~~g.~~ Contiguous Research/Technology Center districts collectively comprising 30 acres or more.

(vi) ~~h.~~ Contiguous Corridor Commercial districts collectively comprising 30 acres or more.

(vii) ~~i.~~ Contiguous Commercial Employment districts collectively comprising 100 acres or more.

(viii) ~~j.~~ The contiguous Light Commercial, Retail, Office-2, Light Industrial-1, Light Industrial-2, and Corridor Commercial zoning which is located adjacent to U.S. Highway 75 and is not further west than 1,500 feet from the right-of-way of U.S. Highway 75, and is not further east than 1,000 feet from the right-of-way of U.S. Highway 75.

(ix) ~~k.~~ Office-2, Retail, Light Commercial, Regional Employment, Regional Commercial, Corridor Commercial, Research/Technology Center, Light Industrial-1, or Light Industrial-2 districts when operated in conjunction with a hotel or motel or in conjunction with a regional shopping mall of not less than 750,000 square feet.

(x) ~~l.~~ Any district when in conjunction with a country club or golf course.

a-12

Ordinance No. 2009-1-8 (cont'd)

- (b)(2) A private club shall be prohibited within 1,000 feet of the property line of any church, public or parochial school, hospital, or publicly-owned park, except that this prohibition will not apply to property located within 1,000 feet of a hospital or publicly-owned park if the City Council affirmatively finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood. ~~In the BG district, the minimum separation between a private club and any church or public or private school shall be 300 feet, measured as prescribed above. All other separation provisions shall be as noted above, except that the prohibition will not apply to property located within 300 feet of a church if the City Council affirmatively finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.~~
- (c)(3) A private club shall be prohibited within 300 feet of the boundary of any residentially-zoned district, except that this prohibition will not apply to property located within 300 feet of the boundary of a residentially-zoned district if the City Council affirmatively finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.
- (d)(4) All distances provided for in this section shall be determined by measurement to be made in a straight line from the front door of the premises to be permitted to the nearest boundary line of the said church, public or parochial school, hospital, publicly-owned park, or residentially-zoned district.
- (e)(5) The following limitations are established for the issuance of specific use permits for private clubs:
- (i)(a) For contiguous Retail, contiguous Office-2, contiguous Light Commercial, ~~contiguous Downtown Business/Government~~, contiguous Corridor Commercial, Research/Technology Center, and combined zoning districts within the city but excluding (1) a hotel or motel and (2) a regional shopping mall of not less than 750,000 square feet, specific use permits may be issued in accordance with the following:
 - 1.(i) No more than two specific use permits shall be issued for a tract of land which is greater than 30 acres but less than or equal to 44 acres.
 - 2.(ii) No more than three specific use permits shall be issued for a tract of land which is greater than 45 acres but less than or equal to 59 acres.
 - 3.(iii) No more than four specific use permits shall be issued for a tract of land which is greater than 60 acres but less than or equal to 74 acres.
 - 4.(iv) No more than five specific use permits shall be issued for a tract of land which is greater than 75 acres but less than or equal to 89 acres.
 - 5.(v) In areas which are 90 acres or larger, the number of specific use permits issued for private clubs shall not be limited based upon acreage.

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Ordinance No. 2009-1-8 (cont'd)

- ~~(ii)b.~~ A hotel or motel shall be issued not more than one specific use permit, provided that the floor area of the restaurant need not be contiguous as long as all the floor area within the private club is situated within the same building.
- ~~(iii)e.~~ For contiguous Commercial Employment districts collectively comprising 100 acres or more, a maximum of one specific use permit may be issued for each 100 acres of land.
- ~~(d)~~ ~~For contiguous Central Business 1 districts collectively comprising 30 acres or more, a maximum of two specific use permits may be issued for each 30 acres of land.~~
- ~~(iv)e.~~ A country club or golf course shall not be issued more than one specific use permit.
- ~~(v)f.~~ For the contiguous Light Commercial, Retail, Office-2, Light Industrial-1, Light Industrial-2, and Corridor Commercial zoning described in 2.a.viii above, there shall be no limitation on the number of private clubs which may be permitted.
- ~~(vi)g.~~ In calculating the acreage in contiguous Retail, Office-2, Corridor Commercial, Light Commercial, Light Industrial-1, and Light Industrial-2 zoning districts outside of and adjacent to the areas described in 2.a.viii above, acreage in contiguous Retail, Office-2, Light Commercial, and Corridor Commercial zoning districts within the described adjacent area shall be included up to a maximum of 30 acres.
- ~~(f)6.~~ All specific use permits issued for the operation of private clubs shall be conditioned that:

 - ~~(i)a.~~ Sixty-five percent of gross receipts be derived from the sale of food, subject to an annual audit provided at the expense of the permitted for review by the City Council.
 - ~~(ii)b.~~ The permitted premises contain a minimum of 80 dining seats allowing a minimum area of 12 square feet of dining area per dining chair.
- ~~(g)e.~~ The permittee comply with the provisions of the Alcoholic Beverage Code and receive a private club permit from the State of Texas within six months from the date of issuance of the specific use permit by the City Council, each such limitation in time being subject to review and possible extension by the City Council.
- ~~(h)d.~~ Such other conditions and restrictions which the City Council may determine at the time of granting the specific use permit are necessary to protect and provide for the health, safety, and general welfare of the community.

Ordinance No. 2009-1-8 (cont'd)

- (i)7- City Council may revoke a specific use permit granted hereunder if it finds that any of the conditions imposed at the time of granting the permit are not met or thereafter cease to exist. City Council may deny a specific use permit for the operation of a private club if it should affirmatively determine that issuance of the same would be detrimental or offensive to the neighborhood or otherwise be contrary to the health, safety, and general welfare of the city and its inhabitants.
- (i)8- All specific use permits issued for the operation of private clubs shall be further conditioned that the same may be canceled, suspended, or revoked in accordance with the provisions of Ordinance No. 79-6-10 which is incorporated herein by reference and made a part hereof for all purposes.

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 Deputy Mayor Pro Tem LaRosiliere and seconded by Council Member Johnson, the Council voted 8-0 to amend Section 1.600 (Definitions) of Article I (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended regarding private club use as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2008-82; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2009-1-8.

There being no further discussion, Mayor Evans adjourned the meeting at 7:40 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary

2-15



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/12/09		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Fleet & Equipment Services Division		Initials	Date	
Department Head	Mike Ryan		Executive Director		
Dept Signature:	<i>Mike Ryan</i>		City Manager	<i>NCW 1/12/09</i>	
Agenda Coordinator (include phone #):		Nancy Corwin x7137			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT					
<input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award/Rejection of Bid/Proposal for Bid No 2009-13-B for the purchase of two (2) Tractor Trucks from Rush Truck Center DFW in the amount of \$191,970.00.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	08/09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	208,000	0	208,000
Encumbered/Expended Amount		0	0	0	0
This Item		0	-191,970	0	-191,970
BALANCE		0	16,030	0	16,030
FUND(S): EQUIPMENT REPLACEMENT FUND (071)					
COMMENTS: FUNDS ARE INCLUDED IN THE FY2008-09 ADOPTED BUDGET FOR THE PURCHASE OF TWO (2) TRACTOR/TRUCKS. THE REMAINING BALANCE OF FUNDS WILL BE USED FOR OTHER EQUIPMENT AND ROLLING STOCK PURCHASES.					
STRATEGIC PLAN GOAL: Replacement equipment purchases relates to the City's Goal of "Service Excellence".					
SUMMARY OF ITEM					
Staff recommends the bid of Rush Truck Center DFW in the amount of \$191,970.00 be accepted as the lowest responsive responsible bid meeting specifications conditioned upon timely execution of any necessary contract documents for the purchase of two (2) Tractor Trucks.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Memo, Bid Recap					



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/26/09		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Purchasing		Initials	Date	
Department Head	Mike Ryan		Executive Director		
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	<i>01/09/09</i>
Agenda Coordinator (include phone #): Becky Johansen (4396)					

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT OTHER

CAPTION

Award/Rejection of Bid/Proposal for Bid No. 2009-22-C for Oil and Lubrication Products awarded to Douglass Distributing in the estimated annual amount of \$9,017.12; Jack Ray & Sons Oil Company in the estimated annual amount of \$68,868.76; Sun Coast Resources in the estimated annual amount of \$7,284.00; Southwest Distributing Company in the estimated annual amount of \$11,356.00 and H & B Industries Inc. in the estimated annual amount of \$5,725.00. Total estimated annual amount is \$102,250.88.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(s): 64-362

COMMENTS: This item approves price quotes. Expenditures will be made in the Inventory Control and Asset Disposal within the approved budget appropriations. The estimated annual amount is \$102,251.

STRATEGIC PLAN GOAL: Funding of Inventory stock items relates to the City's goal of "Premier City in Which to Live".

SUMMARY OF ITEM

Staff recommends bids of Douglass Distributing for items 1,13, 14 and 18 in the estimated annual amount of \$9,017.12; Jack Ray & Sons Oil Company for items 2, 4, 5, 6, 7, 8, 9, 10, 12, 15, 19, 20 and 22 in the estimated annual amount of \$68,868.76; Sun Coast Resources for items 16, 17 and 24 in the estimated annual amount of \$7,284.00; Southwest Distributing Company for item 23 in the estimated annual amount of \$11,356.00 and H & B Industries for items 3 and 11 in the estimated annual amount of \$5,725.00 be accepted as the lowest responsive responsible bids, conditioned upon timely execution of any necessary contract documents. Total estimated annual amount is \$102,250.88. This will establish an annual fixed price contract for the purchase of Oil and Lubrication Products.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

List of Supporting Documents: Bid Recap	Other Departments, Boards, Commissions or Agencies

CITY OF PLANO

BID NO. 2009-22-C Oil and Lubrication Products BID RECAP

Bid Opening Date/Time: December 5, 2008 @ 4:00pm

Number of Vendors Notified: 360

Vendors Submitting "No Bids": 2

Number of Bids Submitted: 8

Nilco Enterprises
SouthWest Distributing Company
H & B Industries Inc
Buckley Oil Company
Douglass Distributing
Hydrotex
Sun Coast Resources
Jack Ray & Sons Oil Company Inc

Bids Evaluated Non-Responsive to Specification: 0

Recommended Vendor(s): Douglass Distributing
Jack Ray & Sons Oil Company Inc
Sun Coast Resources
Southwest Distributing Company
H & B Industries Inc

Becky Johansen

Becky Johansen, Buyer

January 8, 2009

Date



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	01/26/2009	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Engineering	Initials	Date	
Department Head	Alan L. Upchurch	Executive Director	1/16/09	
Dept Signature:	<i>Alan L. Upchurch</i>	City Manager	1/16/09	
Agenda Coordinator (include phone #):		Irene Pegues (7198)	Project No. 5839	
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Award of Bid for Bid No. 2009-36-B for the Alley Reconstruction -15 th Place & Belcamp project to Estrada Concrete Co., LLC, in the amount of \$279,392.00				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	2008-09	Prior Year (CIP Only)	Current Year	Future Years
Budget		41,474	495,526	0
Encumbered/Expended Amount		-41,474	-8,478	0
This Item		0	-279,392	0
BALANCE		0	207,656	0
FUND(S): STREET IMPROVEMENT CIP				
COMMENTS: Funds are included in the 2008-09 Street Improvement CIP. This item in the amount of \$279,392, will leave a current year balance of \$207,656 for the Alley Reconstruction – 15 th Place to Belcamp project. STRATEGIC PLAN GOAL: Alley reconstruction relates to the City's Goal of Safe, Efficient Travel.				
SUMMARY OF ITEM				
Staff recommends that the base bid of Estrada Concrete Co., LLC, in the amount of \$279,392.00, be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents. Alternate No. 2 (low nitrous oxide dry kiln cement) was more than 5% of concrete items and so it was not recommended. The second vendor being recommended is McMahon Contracting, L.P., in the amount of \$299,141.25. Engineer's estimate was \$394,000.00.				
The project includes the removal and replacement of two existing curbed alleys. The first alley is located between 17 th Street and 15 th Place and the length of this curbed alley from Avenue P to Jupiter Road is approximately 2500 linear feet, and the proposed curbed alley will be 10 linear feet in width. The second alley is located between Belcamp Drive and Alma Drive and the length of this alley replacement is approximately 865 linear feet, and the proposed alley will be 12 linear feet in width.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Bid Summary		N/A		
Location Map				

CITY OF PLANO
***CORRECTED BID TABULATION**
2009-36-B
ALLEY RECONSTRUCTION – 15TH PLACE & BELCAMP – PROJECT NO. 5839
DECEMBER 19, 2008 @ 3:00 P.M.
BID TABULATION

BIDDER:	BID BOND	TOTAL BASE BID	ALT NO. 1 TOTAL BID	ALT NO. 2 TOTAL BID
ESTRADA CONCRETE CO, LLC	YES	\$279,392.00*	\$287,392.00*	\$291,392.00*
MCMAHON CONTRACTING, L.P.	YES	\$299,141.25*	\$299,640.25*	\$307,971.28*
TRI-CON SERVICE, INC.	YES	\$316,504.20	\$316,504.20	\$344,651.78
JIM BOWMAN CONST. CO. L.P.	YES	\$318,142.38	\$318,142.38	\$323,734.05
2L CONSTRUCTION, LLC	YES	\$338,584.50	\$338,584.50	NO BID
RATLIFF HARDSCAPE, LTD	YES	\$359,995.53*	\$359,995.53*	\$359,995.53*
J & T EXCAVATING	YES	\$372,531.20*	\$365,689.70*	\$365,689.70*
CAMINO CONSTRUCTION, LP	YES	\$381,391.40	\$370,830.21	\$371,830.21*
SMITH CONTRACTING, INC.	YES	\$382,677.80	\$382,677.80	\$393,318.35
RODRIGUEZ CONCRETE CONSTRUCTION	YES	\$387,708.02*	\$383,503.45*	\$387,708.02*
F & F CONCRETE, LLC	YES	\$409,206.60	\$405,166.92	\$411,645.29
KEN-DO CONTRACTING, LP	YES	\$443,662.05	\$514,462.05	\$620,662.05

I certify that the above includes all firms contacted to bid and that replies are exactly as stated.

Dianna Wike

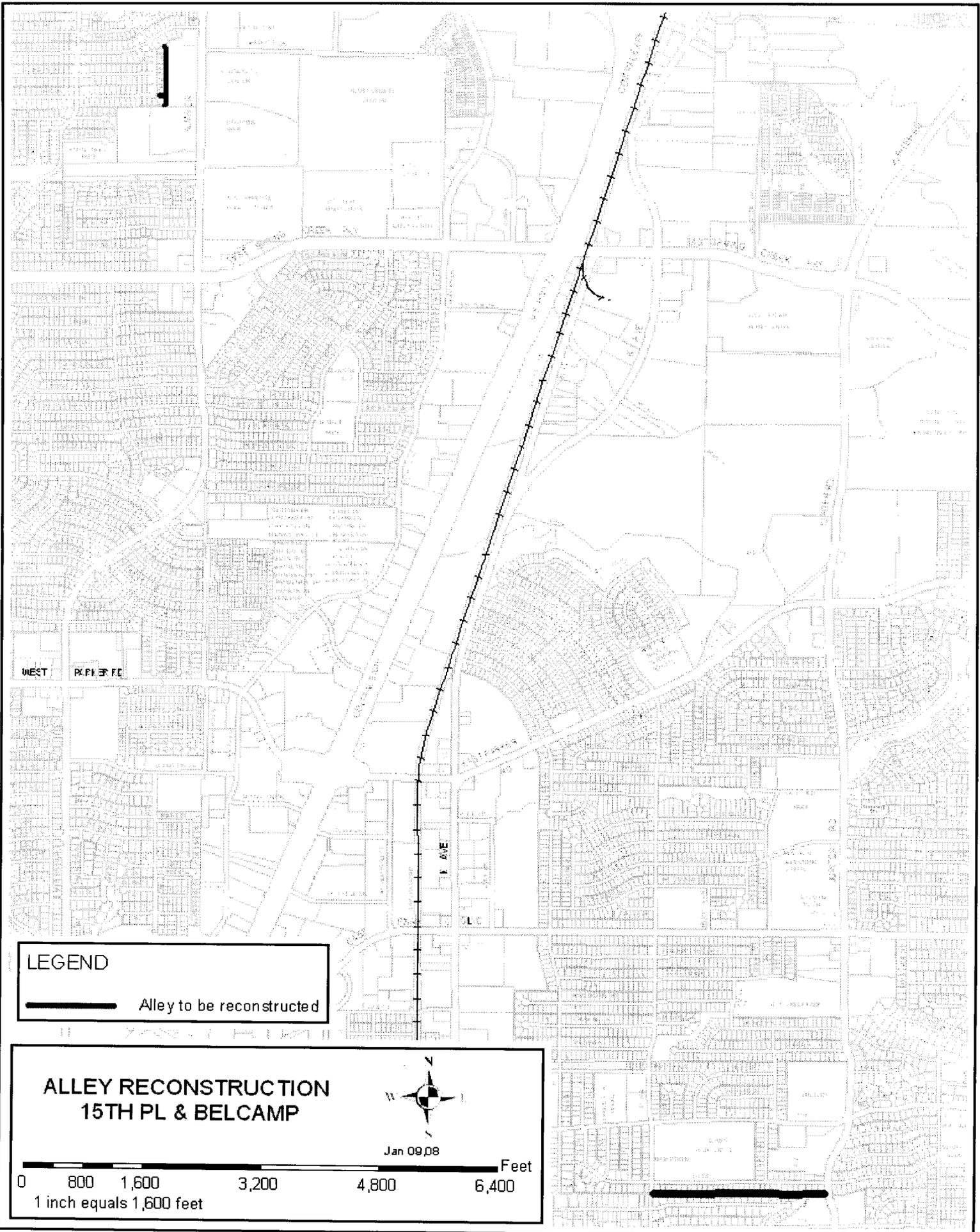
Dianna Wike, Senior Buyer

DECEMBER 19, 2008
CORRECTED JANUARY 13, 2009
Date

“BID TABULATION STATEMENT”

ALL BIDS SUBMITTED FOR THE DESIGNATED PROJECT ARE REFLECTED ON THIS BID TAB SHEET. **HOWEVER, THE LISTING OF A BID ON THIS SHEET SHOULD NOT BE CONSTRUED AS A COMMENT ON THE RESPONSIVENESS OF SUCH BID OR AS ANY INDICATION THAT THE CITY ACCEPTS SUCH BID AS RESPONSIVE.** THE CITY WILL MAKE A DETERMINATION AS TO THE RESPONSIVENESS OF BIDS SUBMITTED BASED UPON COMPLIANCE WITH ALL APPLICABLE LAWS, CITY OF PLANO PURCHASING GUIDELINES, AND PROJECT DOCUMENTS, INCLUDING BUT NOT LIMITED TO THE PROJECT SPECIFICATIONS AND CONTRACT DOCUMENTS. THE CITY WILL NOTIFY THE SUCCESSFUL BIDDER UPON AWARD OF THE CONTRACT AND, ACCORDING TO LAW, ALL BIDS RECEIVED WILL BE AVAILABLE FOR INSPECTION AT THAT TIME.

PURCHASING DIVISION
CITY OF PLANO TEXAS



LEGEND
——— Alley to be reconstructed

**ALLEY RECONSTRUCTION
15TH PL & BELCAMP**



Jan 09 08

0 800 1,600 3,200 4,800 6,400 Feet
1 inch equals 1,600 feet



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/26/09	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Purchasing		Initials	Date
Department Head	Mike Ryan	Executive Director		
Dept Signature:	<i>Ma Ryan</i>	City Manager	<i>[Signature]</i>	<i>1/13/09</i>
Agenda Coordinator (include phone #): Dianna Wike, Ext. 5512				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER EXISTING CONTRACT				
CAPTION				
Purchase from Existing Contract/Agreement to authorize the purchase of rooftop split system AC replacement for the Fire Administration Building in the amount of \$122,849.44 from Johnson Controls, Inc. through Texas Multiple Award System (TXMAS) contract, and authorizing the City Manager or his designee to execute all necessary documents. (TXMAS-5-03FAC020)				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	2008-09	Prior Year (CIP Only)	Current Year	Future Years
Budget		44,661	204,175	352,000
Encumbered/Expended Amount		-44,661	-7,836	0
This Item		0	-122,849	0
BALANCE		0	73,490	352,000
TOTALS				
				600,836
				-52,497
				-122,849
				425,490
FUND(S): CAPITAL RESERVE				
COMMENTS: Funds are included in the 2008-09 Capital Reserve Fund. This item, in the amount of \$122,849, will leave a current year balance of \$73,490 for the Fire Station #1 project.				
STRATEGIC PLAN GOAL: Rooftop air conditioning replacement relates to the City's Goals of Premier City in which to live and Service Excellence.				
SUMMARY OF ITEM				
Staff recommends purchase of the installation of rooftop split system AC replacement for the Fire Administration Building, from Johnson Controls, Inc. in the amount of \$122,849.44 conditioned upon timely execution of any necessary contract documents. The City is authorized to purchase from the State Contract list pursuant to Section 271 Subchapter D of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (TXMAS-5-03FAC020)				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 1/26/09		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Purchasing		Initials	Date	
Department Head	Mike Ryan		Executive Director		
Dept Signature:	<i>[Signature]</i>		City Manager		
Agenda Coordinator (include phone #):		Dianna Wike, Ext. 5512			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT					
<input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER EXISTING CONTRACT					
CAPTION					
Purchase from Existing Contract/Agreement to authorize the purchase of the installation of the security system and intrusion alarm system for Fire Station 12, EOC and Logistics Warehouse Complex in a "not to exceed" amount of \$151,262.98 from Certicom Security through Texas Multiple Award System (TXMAS) contract, and authorizing the City Manager or his designee to execute all necessary documents. (TXMAS-5-840120)					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		3,968,296	9,013,704	0	12,982,000
Encumbered/Expended Amount		3,968,296	-8,524,977	0	-12,493,273
This Item		0	-151,263	0	-151,263
BALANCE		0	337,464	0	337,464
FUND(s): FIRE FACILITIES CIP					
COMMENTS: Funds are included in the 2008-09 Fire Facilities CIP. This item, in the amount o \$151,263, will leave a current year balance of \$337,464 for the Fire Station 12/Logistics Facility/EOC project.					
STRATEGIC PLAN GOAL: Security equipment installation associated with fire and emergency facilities relates to the City's Goals of Service Excellence and Premier City in which to live.					
SUMMARY OF ITEM					
Staff recommends purchase of the installation of the security system and intrusion alarm system for Fire Station 12, EOC and Logistics Warehouse Complex, from Certicom Secuirty in the amount of \$151,262.98 conditioned upon timely execution of any necessary contract documents. The City is authorized to purchase from the State Contract list pursuant to Section 271 Subchapter D of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (TXMAS-5-840120)					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 1/26/09		Reviewed by Legal <i>AWB</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Technology Services			Date
Department Head	David Stephens	Executive Director	<i>[Signature]</i>	01-20-09
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	1/20/09
Agenda Coordinator (include phone #): Amy Powell X7342				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER EXISTING CONTRACT				
CAPTION				
Approval of a contract/agreement to obtain Security Consulting Services from Internetwork Experts (INX), in the amount of \$65,916 through a Department of Information Resources (DIR) contract, and authorizing the City Manager or his designee to execute all necessary documents. (DIR-SDD-239)				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2008-09	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	99,600	0
Encumbered/Expended Amount		0	0	0
This Item		0	-65,916	0
BALANCE		0	33,684	0
FUND(S): TECHNOLOGY SERVICES FUND (66)				
COMMENTS: Funds are included in the 2008-09 budget for contracted professional services. The balance of funds will be used for other contracts and professional service expenditures. STRATEGIC PLAN GOAL: Security consulting and support services relate to the City's Goal of "Service Excellence".				
SUMMARY OF ITEM				
Technology Services recommends Council approval of expenditure in the amount of \$65,916 to Internetwork Experts (INX) for Security Consulting and Services which includes design, implementation, knowledge transfer and monitoring services, through the Department of Information Resources (DIR). The City is authorized to purchase from the State Contract List pursuant to Section 271 Subchapter D of the Local Government Code, and by doing so satisfies any State Law requiring the local government to seek competitive bids for items. (DIR-SDD-239)				
List of Supporting Documents: Staff Memo, Quote		Other Departments, Boards, Commissions or Agencies		

Interoffice Memo

Date: 12/22/08
To: David Stephens, Director Technology Services
Cc:
From: Chester M. Helt, Infrastructure Manager
RE: Security Consulting and Services

We are recommending obtaining Security Consulting and Services from Internetwork Experts (INX) as outlined in the attached memos. These services as outlined include design, implementation, knowledge transfer and monitoring services for a limited period of time. These services are to be obtained from the INX State of Texas Contract DIR-SDD-239 and include the deliverables as described in the attached memo for a not to exceed price of \$65,916.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/26/09	Reviewed by Legal <i>WJ</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering	Initials	Date	
Department Head	Alan L. Upchurch	Executive Director	<i>AA</i>	1-20-09
Dept Signature:	<i>Alan L. Upchurch</i>	City Manager	<i>[Signature]</i>	1/29/09
Agenda Coordinator (include phone #):		Irene Pegues (7198) <i>[Signature]</i>		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER PURCHASE FROM EXISTING CONTRACT				
CAPTION				
Approve purchase and installation of communications cabling for Fire Station No. 12/EOC/Fire Logistics Warehouse for \$198,531.71 from existing contract with Able Communications.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	2008-09	Prior Year (CIP Only)	Current Year	Future Years
Budget		3,968,296	9,138,704	0
Encumbered/Expended Amount		-3,968,296	-8,524,977	0
This Item		0	-198,532	0
BALANCE		0	415,195	0
FUND(S): TECHNOLOGY FUND (062), FIRE FACILITIES CIP (028)				
COMMENTS: Funds are included in the 2008-09 Technology Fund and Fire Facilities CIP for communications cabling at the new Emergency Operations Center (EOC). STRATEGIC PLAN GOAL: Installation of communications cabling at new City facilities relates to the City's Goal of "Service Excellence".				
SUMMARY OF ITEM				
To approve purchase and installation of communications cabling for Fire Station No. 12/EOC/Fire Logistics Warehouse in the amount of \$198,531.71 from existing Contract No. 2007-147C with Able Communications.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
10/17/08 Letter from Able Communications		N/A		



October 17, 2008

City of Plano
ATTN: Lisa Prunty

Re: Fire Station #12 EOC Complex - Building A

Project Pricing – Building A

Base Bid

Total Materials	\$ 12,699.65
Total Labor	\$ <u>9,240.00</u> (240 Hours @ \$ 38.50 Each)
Sub total	\$ 21,939.65

TV Cabling

Total Materials	\$ 2,274.60
Total Labor	\$ <u>1,578.50</u> (41 Hours @ \$ 38.50 Each)
Sub total	\$ 3,853.10

If you have any questions, please feel free to contact me at (817) 488-2253 Office or (214) 213-1700 Mobile.

Regards,

Chris K. LaNoue
Manager-Major Accounts
ABL® Communications, Inc

g-2



October 17, 2008

City of Plano
ATTN: Lisa Prunty

Re: Fire Station #12 EOC Complex - Building B

Project Pricing – Building B

Base Bid

Total Materials	\$ 109,026.82
Total Labor	\$ <u>45,122.00</u> (1172 Hours @ \$ 38.50 Each)
Sub total	\$ 154,148.42

TV Cabling

Total Materials	\$ 1,027.80
Total Labor	\$ <u>308.00</u> (8 Hours @ \$ 38.50 Each)
Sub total	\$ 1,335.80

If you have any questions, please feel free to contact me at (817) 488-2253 Office or (214) 213-1700 Mobile.

Regards,

Chris K. LaNoue
Manager-Major Accounts
ABL[®] Communications, Inc



October 27, 2008

City of Plano
ATTN: Lisa Prunty

Re: Fire Station #12 EOC Complex - Building C

Project Pricing – Building C

Base Bid

Total Materials	\$10,363.24
Total Labor	<u>\$ 6,891.50</u> (179 Hours @ \$ 38.50 Each)
Sub total	\$17,254.74

If you have any questions, please feel free to contact me at (817) 488-2253 Office or (214) 213-1700 Mobile.

Regards,

Chris K. LaNoue
Manager-Major Accounts
ABL[®] Communications, Inc



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 01/26/09		Reviewed by Legal <i>WJ</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Engineering	Initials	Date		
Department Head	Alan J. Upchurch	Executive Director	<i>[Signature]</i>	1/16/09	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	1/16/09	
Agenda Coordinator (include phone #):		Irene Pegues (7198) <i>[Signature]</i>	Project No. 5930		

ACTION REQUESTED:

<input type="checkbox"/> ORDINANCE	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> CHANGE ORDER	<input type="checkbox"/> AGREEMENT
<input type="checkbox"/> APPROVAL OF BID	<input checked="" type="checkbox"/> AWARD OF CONTRACT	<input type="checkbox"/> OTHER	

CAPTION

Approval of an engineering contract by and between the City and Garver Engineers, LLC, in the amount of \$153,500 for the Westwood Drive - Janwood Drive to 15th Street project, and authorizing the City Manager or his designee to execute all necessary documents.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	120,000	1,000,000	1,120,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-153,500	0	-153,500
BALANCE	0	-33,500	1,000,000	966,500

FUND(S): **SREET IMPROVEMENT CIP**

COMMENTS: Funds are included in the 2008-09 Street Improvement CIP. This item, in the amount of \$153,500, will exceed the current year balance by \$33,500 for the Westwood – 15th to Janwood project. The overage will be funded through reallocation from the Intersection Improvements – Spring Creek to K project.

STRATEGIC PLAN GOAL: Engineering design services for street reconstruction relate to the City's Goal of Safe, Efficient Travel.

SUMMARY OF ITEM

This agreement with Garver Engineers, LLC, is for engineering design for the Westwood Drive - Janwood Drive to 15th Street project, to include reconstruction of residential street paving, sidewalks, and waterlines. The contract fee is for \$153,500 and is detailed as follows:

Research and Data collection	\$2,640
Design Survey	\$25,300
Conceptual Design	\$19,410
Preliminary Design	\$39,310
Final Design	\$29,970
Bid Phase Services	\$8,030
Special Services	\$21,580



**CITY OF PLANO
COUNCIL AGENDA ITEM**

Construction Phase Services (including control staking) _____ \$7,260	
TOTAL FEE \$153,500	
The staff feels that the fee is reasonable for this project estimated to cost \$1,200,000.	
List of Supporting Documents: Engineering Services Agreement Location Map	Other Departments, Boards, Commissions or Agencies N/A

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WESTWOOD DRIVE – JANWOOD DRIVE TO 15TH STREET

PROJECT NO. 5930

ENGINEERING SERVICES AGREEMENT

THIS AGREEMENT is made and entered by and between the **CITY OF PLANO, TEXAS**, a Home-Rule Municipal Corporation, hereinafter referred to as "City", and **GARVER ENGINEERS, LLC**, an **Arkansas Limited Liability Company**, licensed to do business in the State of Texas, hereinafter referred to as "Engineer", to be effective from and after the date as provided herein.

WITNESSETH:

WHEREAS, the City desires to engage the services of the Engineer to prepare construction plans, specifications, details and special provisions and to perform other related engineering services in connection with the **WESTWOOD DRIVE – JANWOOD DRIVE TO 15TH STREET** project located in the City of Plano, Collin County, Texas, hereinafter referred to as the "Project"; and

WHEREAS, the Engineer desires to render such engineering services for the City upon the terms and conditions provided herein.

NOW, THEREFORE, for and in consideration of the covenants contained herein, and for the mutual benefits to be obtained hereby, the parties hereto agree as follows:

I. Employment of the Engineer

The City hereby agrees to retain the Engineer to perform professional engineering services in connection with the Project. Engineer agrees to perform such services in accordance with the terms and conditions of this Agreement.

II. Scope of Services

The parties agree that Engineer shall perform such services as are set forth and described in Exhibit "A", which is attached hereto and thereby made a part of this Agreement. The parties understand and agree that deviations or modifications in the form of written contract modifications may be authorized from time to time by the City.

III. Schedule of Work

The Engineer agrees to commence work immediately upon execution of this Agreement, and to proceed diligently with said work, except for delays beyond the reasonable control of Engineer, to completion as described in the Completion Schedule, attached hereto as Exhibit "B" and thereby made a part of this Agreement.

IV. Compensation and Method of Payment

The parties agree that Engineer shall be compensated for all services provided pursuant to this Agreement in the amount and manner described and set forth in the Payment Schedule attached hereto and incorporated herein as Exhibit "C". The contract amount specified in Exhibit "C" shall not be exceeded without the written permission of the City.

V. Information to be Provided by the City

The City agrees to furnish, prior to commencement of work, all that information requested by Engineer and available in City's files.

VI. Insurance

Engineer agrees to meet all insurance requirements, and to require all consultants who perform work for Engineer to meet all insurance requirements, as set forth on Exhibit "D", which is attached hereto and thereby made a part of this Agreement.

VII. Indemnity

Engineer shall release, defend, indemnify and hold City and its officers, agents and employees harmless from and against all damages, injuries (including death), claims, property damages (including loss of use), losses, demands, suits, judgments and costs, including reasonable attorney's fees and expenses, in any way arising out of, related to, or resulting from the services provided by Engineer and to the extent caused by the negligent act or omission or intentional wrongful act or omission of Engineer, its officers, agents, employees, subcontractors, licensees, invitees or any other third parties for whom Engineer is legally responsible (hereinafter "Claims"). Engineer is expressly required to defend City against all such Claims.

In its sole discretion, City shall have the right to approve defense counsel to be retained by Engineer in fulfilling its obligation hereunder to defend and indemnify City, unless such right is expressly waived by City in writing. City reserves the right to provide a portion or all of its own defense; however, City is under no obligation to do so. Any such action by City is not to be construed as a waiver of Engineer's obligation to defend City or as a waiver of Engineer's obligation to indemnify City pursuant to this Agreement. Engineer shall retain City approved defense counsel within seven (7) business days of City's written notice that City is invoking its right to indemnification under this Agreement. If Engineer fails to retain counsel within such time period, City shall have the right to retain defense counsel on its own behalf, and Engineer shall be liable for all costs incurred by City.

VIII. Independent Contractor

Engineer covenants and agrees that Engineer is an independent contractor and not an officer, agent, servant or employee of City; that Engineer shall have exclusive control of and exclusive right to control the details of the work performed hereunder and all persons performing same, and shall be responsible for the acts and omissions of its officers, agents, employees, contractors, subcontractors and consultants; that the doctrine of respondeat superior shall not apply as between City and Engineer, its officers, agents, employees, contractors, subcontractors and consultants, and nothing herein shall be construed as creating a partnership or joint enterprise between City and Engineer.

IX. Assignment and Subletting

The Engineer agrees that neither this Agreement nor the work to be performed hereunder will be assigned or sublet without the prior written consent of the City. The Engineer further agrees that the assignment or subletting of any portion or feature of the work or materials required in the performance of this Agreement shall not relieve the Engineer from its full obligations to the City as provided by this Agreement.

X. Audits and Records/Prohibited Interest

The Engineer agrees that at any time during normal business hours and as often as City may deem necessary, Engineer shall make available to representatives of the City for examination all of its records with respect to all matters covered by this Agreement, and will permit such representatives of the City to audit, examine, copy and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement, all for a period of one (1) year from the date of final settlement of this Agreement or for such other or longer period, if any, as may be required by applicable statute or other lawful requirement.

The Engineer agrees that it is aware of the prohibited interest requirements of the City Charter and Code of Conduct and will abide by the same. Further, a lawful representative of Engineer shall execute the affidavit shown in Exhibit "E". Engineer understands and agrees that the existence of a prohibited interest during the term of this contract will render the contract voidable.

XI. Contract Termination

The parties agree that City shall have the right to terminate this Agreement with or without cause upon thirty (30) days written notice to Engineer. In the event of such termination, Engineer shall deliver to City all finished or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs or other items prepared by Engineer in connection with this Agreement. Engineer shall be entitled to

compensation for any and all work completed to the satisfaction of City in accordance with the provisions of this Agreement prior to termination.

XII. Engineer's Opinion of Probable Construction Costs

The parties recognize and agree that any and all opinions of probable construction costs prepared by Engineer in connection with the Project represent the best judgment of Engineer as a design professional familiar with the construction industry, but that the Engineer does not guarantee that any bids solicited or received in connection with the Project will not vary from opinions prepared by Engineer.

XIII. Ownership of Documents

Original drawings and specifications are the property of the Engineer; however, the Project is the property of the City and Engineer may not use the drawings and specifications therefor for any purpose not relating to the Project without City's consent. City shall be furnished with such reproductions of drawings and specifications as City may reasonably require. Upon completion of the work or any earlier termination of this Agreement under Article XI, Engineer will revise drawings to reflect changes made during construction and he will promptly furnish the City with one (1) complete set of reproducible record prints. Prints shall be furnished, as an additional service, at any other time requested by City. All such reproductions shall be the property of the City who may use them without Engineer's permission for any proper purpose including, but not limited to, additions to or completion of the Project. However, use of the documents for other than their intended purpose shall be at the sole risk of the City.

XIV. Complete Contract

This Agreement, including the Exhibits lettered "A" through "E", constitute the entire agreement by and between the parties regarding the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings. This Agreement may only be amended, supplemented, modified or canceled by a duly executed written instrument.

XV. Mailing of Notices

Unless instructed otherwise in writing, Engineer agrees that all notices or communications to City permitted or required under this Agreement shall be addressed to City at the following address:

City of Plano
Engineering Department
P.O. Box 860358
Plano, TX 75086-0358

City agrees that all notices or communications to Engineer permitted or required under this Agreement shall be addressed to Engineer at the following address:

Garver Engineers, LLC
3010 Gaylord Parkway, Suite 190
Frisco, TX 75034
Attn: Matthew A. Estridge

All notices or communications required to be given in writing by one party or the other shall be considered as having been given to the addressee on the date such notice or communication is posted by the sending party.

XVI. Miscellaneous

A. Paragraph Headings:

The paragraph headings contained herein are for convenience only and are not intended to define or limit the scope of any provision in this Agreement.

B. Contract Interpretation:

Although this Agreement is drafted by the City, should any part be in dispute, the parties agree that the Agreement shall not be construed more favorably for either party.

C. Venue/Governing Law:

The parties agree that the laws of the State of Texas shall govern this Agreement, and that it is performable in Collin County Texas. Exclusive venue shall lie in Collin County, Texas.

D. Successors and Assigns:

City and Engineer, and their partners, successors, subcontractors, executors, legal representatives, and administrators are hereby bound to the terms and conditions of this Agreement.

E. Severability:

In the event a term, condition, or provision of this Agreement is determined to be void, unenforceable, or unlawful by a court of competent jurisdiction, then that term, condition, or provision, shall be deleted and the remainder of the Agreement shall remain in full force and effect.

F. Effective Date:

This Agreement shall be effective from and after execution by both parties hereto.

SIGNED on the date indicated below.

GARVER ENGINEERS, LLC.
An **Arkansas** Limited Liability Company,
licensed to do business in the State of
Texas

DATE: _____

BY: _____
Paul Timothy Siemens, PE
SR. PROJECT MANAGER

CITY OF PLANO, TEXAS

DATE: _____

BY: _____
Thomas H. Muehlenbeck
CITY MANAGER

APPROVED AS TO FORM:



Diane C. Wetherbee
CITY ATTORNEY

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, _____, by **PAUL TIMOTHY SIEMENS, PE, Senior Project Manager**, of **Garver Engineers, LLC**, an Arkansas Limited Liability Company, licensed to do business in the State of Texas, on behalf of said limited liability company.

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, _____, by **THOMAS H. MUEHLENBECK, City Manager**, of the **City of Plano, Texas**, a Home-Rule Municipal Corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

EXHIBIT A

SCOPE OF SERVICES

WESTWOOD DRIVE - JANWOOD DRIVE TO 15TH STREET

PROJECT NO. 5930

CIP NOS. 31222 / 68978

PROJECT DESCRIPTION:

1. Reconstruction of Westwood Drive from Janwood Drive to 15th Street at 24' (f-f) width (to match the existing width) with 7" reinforced concrete (4,200 p.s.i.) Existing right-of-way should be utilized. Storm Drainage will be installed on Westwood Drive as defined by an analysis of the related drainage areas and existing systems. A drainage analysis will be made and, if additional systems are required, design and plan preparation shall be by contract modification. Construction contract will be phased so as to set up the closing of the east side of Westwood Drive first for street, sidewalk and water line construction. The west side paving and median openings will be done as phase 2.
2. Replacement of the existing 6" water line with a new 8".
3. Replacement of all existing walk including barrier free ramps per City details, along both sides of Westwood from Janwood Drive to 15th Street.
4. Survey and cross-section work for Westwood Drive should extend from the southern end of the intersection of Westwood and Janwood, to the north curb line of 15th Street. The survey should extend up all the side streets or alleys a minimum of 100', a minimum of 10' beyond the ROW line in other non-fenced areas. If required, survey shall extend to define storm drain outfalls.

BASIC SERVICES:

A. Design Standards

1. This project shall be designed in accordance with the following:
 - Geodetic Monumentation Manual
 - Manual for Right-of-Way Management
 - Storm Drainage Design Manual
 - Stream Bank Stabilization Manual
 - Erosion & Sediment Control Manual
 - Thorough Fare Standards Rules & Regulations
 - Manual for the Design of Water & Sanitary Sewer Lines
 - Standard Construction Details
 - Barrier Free Ramp Details
 - NCTCOG Standard Specifications for Public Works Construction
 - Special Provisions to Standard Specifications for Public Works Construction
 - Sample Plan Set
 - Irrigation Details
 - Irrigation System Technical Specs
 - Trail and Tree Planting Details
 - Tree Planting Specs
2. All final plans for construction submitted to the City shall be signed and sealed in accordance with state law.

B. Research and Data Collection –

1. Meet with City of Plano engineering staff and obtain design criteria, pertinent utility plans, street plans, plats and right-of-way maps, existing easement information, and other information available for the project area.
2. Meet with the City of Plano project manager and conduct an on-site review and walk through.

C. Design Survey –

1. Establish a horizontal and vertical control network and project control baseline for the project areas. The network and baseline are to be tied into the existing City of Plano control network.
2. Establish horizontal and vertical project control monumentation.
3. Tie right-of-way lines and corners, property lines and corners/monuments, buildings, fence lines, trees 4-inches in diameter and larger, edges of pavements and all other visible surface features to the project control baseline. Existing utility structures shall be located and referenced by utility name (i.e. Oncor Elec., Verizon Telephone, Atmos Gas, Etc.).
4. Vertical topographic information tying pavement, drives, walls, manholes (top and inverts), storm drain inlets (top and inverts), and other improvements as needed within the project areas for the design.
5. Provide roadway cross sections at a fifty-foot (50') interval relative to the project baseline and at all drives, street intersections, drainage channels or outfalls or other areas of significance. Cross sections are for project design review and quantity takeoffs and will be a part of plan review sets as well as the final construction plan set.
6. When underground utilities are exposed, tie to project control baseline.
7. Identify the street address of all adjacent properties to the proposed construction and show on drawings.

D. Conceptual Design & Right-of-way/Easement Requirements –

1. Prepare Schematic Layout of paving and water improvements (1"= 20' scroll plot) for use in producing preliminary list of right-of-way parcels and easements required for project construction.
2. Prepare a preliminary list of right-of-way parcels and easements necessary to construct the project (if any). Submit to the City of Plano as soon as possible and prior to the preliminary plan submittal.

3. Present schematic layout of improvements and preliminary right-of-way parcels/easements in a conceptual workshop review meeting with the City to determine final easement and right-of-way requirements for preparation of field notes and exhibits.
4. Prepare drainage area map (with drainage calculations). Scale 1"= 100'. Analyze existing storm sewer system to determine if it is adequately sized to convey the proposed storm water flows. Prepare and present a brief summary of the analysis and recommendations to City at the conceptual workshop review meeting.

E. Preliminary Design –

1. Prepare preliminary construction plans. Prepare the following sheets (22" x 34") at the engineering scale indicated:
 - a. Cover sheet.
 - b. General Notes Sheet
 - c. Project layout control sheet(s). Scale 1"= 100'.
 - d. Quantity sheet (sheet by sheet breakdown of all quantities).
 - e. Paving plan & profile sheets for street improvements. The consultant will need to evaluate the existing street lights on the project streets to see that adequate lighting exists. The City will provide the criteria. If additional lights are needed, new conduit and street light foundations will be included in the project with the information shown on the paving plans. Scale 1"= 20'H; 1"=5'V.
 - f. Water Utility Replacement Plans, Scale 1"=20'.
 - g. Drainage area maps (with drainage calculations) for street/drainage improvements. Scale 1"= 100'.
 - h. Storm drain improvement plan & profile sheets. Scale 1"= 20'H; 1"=5'V. (These improvements will be included if shown to be required as a result of the drainage area maps/drainage calculations. If improvements are required, a separate written notice to proceed will be issued by the City and payment for services will be made per Special Service Items B & C.)
 - i. Typical sections and detail sheets.
 - j. Cross –Sections. Scale 1"=20'H; 1"=2'V.
 - k. Construction phasing and temporary traffic control sheets. Scale 1"= 20'.
 - l. Final buttoning and signage plan sheets. Scale 1"= 40'.

- m. SWPPP sheets meeting EPA and City of Plano requirements. Scale 1"= 40'. Include the City WORD file form, "City of Plano CIP Projects – SWPPP Operator Requirements" as a sheet in the plans as part of the SWPPP. Include erosion control details from City Standards as required.

Information required can be combined on sheets if the information can be clearly shown and is approved by the City of Plano project manager.

2. Coordinate with affected utilities such as water, gas, telephone, cable TV and electric to obtain accurate information for the location of their facilities.
3. Prepare outline of any special technical specifications needed for the project (if any).
4. Prepare an estimate of construction quantities and develop the preliminary statement of probable construction cost.
5. Submit six (6) sets of preliminary plans, and one (1) set of outline of special technical specifications and preliminary statement of probable construction cost to the City for review.

- Engineering
- Public Works
- Inspectors
- Transportation
- Parks Dept.
- File Set

6. Meet with City of Plano staff to discuss City comments on preliminary plans, specifications and cost estimates.
7. Distribute the preliminary plans and proposed schedule for bidding and start of construction to local utility companies to obtain information regarding impacts to their facilities.

F. Final Design –

1. Revise preliminary plans incorporating comments from the City of Plano.
2. Incorporate comments from the utility companies.
3. Finalize construction plans for proposed improvements.

4. Finalize special technical specifications and special conditions (if any).
5. Incorporate standard details (those not included in the City of Plano Standard Details) into the construction plans and prepare additional details as required.
6. Take off final construction quantities and prepare final construction cost estimates.
7. Submit six (6) sets of pre-final plans and one (1) set of special technical specifications, draft bid schedule and final statement of probable construction cost to the City for review.
8. Incorporate City final comments into the plans and bid documents.
9. Submit three (3) sets of final black/blue line prints, three (3) bound copies of the bid documents and one (1) unbound original bid document set to the City of Plano.
10. Attend a utility coordination meeting to start relocation process with affected franchise utilities. Distribute copy of final plans and proposed schedule for bid letting and construction to all affected franchise utilities.
11. Submit one (1) set of final black/blue line prints and one (1) bound copy of the bid documents to the designated Material Testing Laboratory.

G. Bid Phase Services –

1. Assist the City staff in advertising for bids.
2. Furnish plans and specifications for bidding. Cost for these to be recouped by non-refundable deposit from contractors. Maintain a list of plan holders.
3. Furnish plans and bid documents for up to four plan review rooms to be determined by the City. These documents are to be furnished at no cost to the plan review rooms.
4. Assist City staff in conducting a pre-bid conference, if required.
5. Prepare and distribute addenda to bid documents as necessary.
6. Assist City staff as required in bid opening. Submit list of plan holders to the City two working days prior to the bid letting.

7. Submit a CD-ROM disk of the bid set plans in a PDF format.
8. Provide bid tabulation to the City of Plano within four working days of the bid letting.
9. Evaluate the low and second low bidders. Prepare letter of recommendation to the City of Plano for awarding a contract to the lowest responsible bidder within four working days of the bid letting.
10. Assist City staff in a pre-construction conference.
11. Furnish eleven (11) full size and four (4) half size sets of final construction plans and seven (7) sets of the contract documents manual to the City for construction.

H. Construction Administration –

1. Provide periodic site visits by the design engineer when requested by the City or in response to questions during construction with a written inspection report submitted to the City for each visit.
2. Provide written responses to requests for information or clarifications.
3. Prepare plan and quantity revisions as required for change orders. The City of Plano will prepare the actual change order and get it executed by the contractor.
4. Assist the City staff in conducting the final inspection.
5. Recommend final acceptance of work when acceptable.
6. Prepare construction "Record Drawings" based upon mark-ups and information provided by the construction contractor(s). Submit one blackline set to the City and two (2) CD-ROM disks containing scanned images of the 22" x 34" final "as constructed" blackline drawings (with "record drawing stamps" bearing the signature of the Engineer and the date). The drawings shall be scanned 1 to 1 as Group 4 TIF files at a minimum resolution of 200 dots per inch and a maximum resolution of 400 dots per inch. The TIF files shall be legible and shall include any post processing that may be required to enhance image quality (e.g., de-speckling, de-shading, de-skewing, etc.). Each file shall be named in numeric order.

I. Construction Control Survey –

1. Set vertical and horizontal control stakes for construction at 500' intervals, and a minimum of one at each end of the project.

SPECIAL SERVICES:

A. Right-of-Way and Easement Surveying –

1. Prepare a metes and bounds description and an 8-1/2" x 11" exhibit for one (1) right-of-way parcel on a per tract basis. Deliver three (3) reviewed and approved originals to the City.
2. Prepare a metes and bounds description and an 8-1/2" x 11" exhibit for ten (10) temporary construction easements on a per tract basis. Deliver three (3) reviewed and approved originals to the City.
3. Prepare a metes and bounds description and an 8-1/2" x 11" exhibit for one (1) permanent easement on a per tract basis. Deliver three (3) reviewed and approved originals to the City.
4. Prepared exhibits with the field notes first and drawings second. Both the field notes and the drawing shall be labeled as Exhibit "A". Each parcel shall be assigned its own separate number.
5. Set new iron pins at all new corners, PC's and PT's of new right-of-way.

B. Proposed Preliminary & Final Storm Sewer Design –

1. If the existing storm sewer system is determined to be inadequate during the conceptual design phase analysis, provide proposed drainage area map, storm sewer pipe and inlet design and calculations after separate written notice to proceed has been issued by the City.
2. The storm sewer design shall be in accordance with all applicable design standards identified in Section A of this Scope of Services.
3. The proposed preliminary and final storm sewer plans, if required, shall be submitted in conjunction with the preliminary and final submittals for the project.

GEOTECHNICAL ENGINEERING:

1. The Engineer will NOT be responsible for obtaining, interpreting, and evaluating geotechnical data necessary for the design of this project. The Engineer will coordinate with a geotechnical consultant chosen by the Owner. The Engineer will provide input as to the location of borings and sampling. For design, the Engineer will utilize the data, recommendations and pavement design provided by the geotechnical consultant. The Engineer will NOT perform a detailed pavement design.

TRAFFIC ENGINEERING:

1. The Engineer will NOT be responsible for obtaining, interpreting, and evaluating traffic engineering studies or data for the design of this project. If requested or required, the Engineer can provide these services by contract modification as extra work.

EXTRA WORK:

1. The following items are not included under this agreement but will be considered as extra work.
 - Redesign for the Owner's convenience or due to changed conditions after previous alternate direction and/or approval.
 - Submittals or deliverables in addition to those listed herein.
 - Traffic Studies/Engineering.
 - Geotechnical Engineering.
 - Detailed Pavement Design.
 - Design of any utility relocation other than the water and storm sewer mains listed herein.
 - Retaining walls or other significant structural design.
 - Full-time construction observation.
 - Construction materials testing.
 - Environmental Handling and Documentation, including wetlands identification or mitigation plans or other work related to environmentally or historically (culturally) significant items.
 - Coordination with FEMA and preparation/submittal of a CLOMR and/or LOMR.
 - Services after construction, such as warranty follow-up, operations support, etc.
 - Landscaping Design.
 - Irrigation Design.

EXHIBIT B - COMPLETION SCHEDULE

WESTWOOD DRIVE (JANWOOD DRIVE TO 15TH ST)

**PROJECT NO. 5930
CIP NOS. 31222 / 68978**

Activity	Completion Time (Calendar Days)
1. Notice to Proceed	1
2. Research and Data Collection	14
3. Design Survey	45
4. Conceptual Design (20%)	45
4. Preliminary Design (60%) / Draft ROW & ESMNT Docs.	60
5. City Review	14
6. Final Design (95%) / Final ROW & ESMNT Docs.	60
7. City Review	14
8. Bidding Documents /	14
9. City Review	1
10. Advertise for Bids	30
11. Receive Bids	1
12. Recommendation	5
13. Prepare Council Agenda	5
14. Council Award	1
15. Prepare/Execute Contract	14
16. Schedule Preconstruction	1
17. Notice to Proceed	1
18. Construction	270

**EXHIBIT C – PAYMENT SCHEDULE SUMMARY
WESTWOOD DRIVE (JANWOOD DRIVE TO 15TH ST)
PROJECT NO. 5930
CIP NO. 31222 & 68978**

WORK STAGE SUBMITTAL OR COMPLETION

1. Research & Data Collection	\$2,640
2. Design Survey	\$25,300
3. Conceptual Design (20%)	\$19,410
• Pavement	
• Sidewalk & Ramps	
• Water	
• Drainage*	
* Item includes analysis of existing on-site storm sewer system.	
4. Preliminary Design (60%)	\$39,310
• Pavement	
• Sidewalk & Ramps	
• Water	
• Drainage**	
** Item includes any adjustments of existing on-site storm sewer inlets & laterals.	
5. Final Design	\$29,970
• Pavement	
• Sidewalk & Ramps	
• Water	
• Drainage***	
*** Item includes any adjustments of existing on-site storm sewer inlets & laterals.	
6. Bid Phase	\$8,030
7. Construction Phase	\$7,260
8. Construction Control Survey	Included in Item 2
Subtotal Basic Fee	\$131,920
9. Special Services –	
a. Perm. ROW Exhib./Mon.	\$2,395 (Estimate 1 Parcel @ \$2,395 / Parcel)
b. Temp. Const. Esmt. Exhib.	\$6,670 (Estimate 10 Parcels @ \$667 / Parcel)
c. Perm. Esmt. Exhib.	\$2,035 (Estimate 1 Parcel @ \$2,035 / Parcel)
d. Prelim Drainage Design****	\$5,933
e. Final Drainage Design****	\$4,547
**** Items include any on-site proposed storm sewer & inlet design.	
Subtotal Special Services	\$21,580
Total Fee	\$153,500

EXHIBIT "D"
ENGINEERING

INSURANCE

INSURANCE: (Review this section carefully with your insurance agent prior to bid or proposal submission. See "Insurance Checklist" on the last page or specific coverages applicable to this contract).

1. General Insurance Requirements:

- 1.1 The Engineer (hereinafter called "Engineer") shall not start work under this contract until the Engineer has obtained at his own expense all of the insurance called for here under and such insurance has been approved by the City. Approval of insurance required of the Engineer will be granted only after submission to the Purchasing Agent of original, signed certificates of insurance or, alternately, at the City's request, certified copies of the required insurance policies.
- 1.2 All insurance policies required hereunder shall be endorsed to include the following provision: "It is agreed that this policy is not subject to cancellation, non-renewal, material change, or reduction in coverage without first providing the Risk Manager, City of Plano, at least ten (10) days prior written notice."

NOTE: The words "endeavor to" and "but failure to mail such notice shall impose no obligation to liability of any kind upon the company, its agents or representatives" are to be eliminated from the cancellation provision of standard ACORD certificates of insurance.

- 1.3 No acceptance and/or approval of any insurance by the City shall be construed as relieving or excusing the Engineer from any liability or obligation imposed upon the provisions of the Contract.
- 1.4 The City of Plano (including its elected and appointed officials, agents, volunteers, and employees) is to be named as an additional insured under Engineer's General Liability Policy, and the certificate of insurance, or the certified policy, if requested, must so state. Coverage afforded under this paragraph shall be primary as respects the City, its elected and appointed officials, agents and employees.
 - 1.4.1 The following definition of the term "City" applies to all policies issued under the contract:

The City Council of the City of Plano and any affiliated or subsidiary Board, Commission Authority, Committee, or Independent Agency (including those newly constituted), provided that such affiliated or subsidiary Board Commission, Authority, Committee, or Independent Agency is either a Body Politic created by the City Council of the City of Plano, or one in which controlling interest is vested in the City of Plano; and City of Plano Constitutional Officers.
- 1.5 The Engineer shall provide insurance as specified in the "Insurance Checklist" (Checklist) found on the last page of the bid or proposal form. Full limits of insurance required in the Checklist of this agreement shall be available for claims arising out of this agreement with the City of Plano.

- 1.6 Engineer agrees to defend and indemnify the City of Plano, its officers, agents and employees as provided in Paragraph VII. of this contract.
- 1.7 Insurance coverage required in these specifications shall be in force throughout the Contract Term. Should the Engineer fail to provide acceptable evidence of current insurance within seven (7) days of written notice at any time during the Contract Term, the City shall have the absolute right to terminate the Contract without any further obligation to the Engineer, and the Engineer shall be liable to the City for the entire additional cost of procuring performance and the cost of performing the incomplete portion of the Contract at time of termination.
- 1.8 Written requests for consideration of alternate coverages must be received by the City Purchasing Manager at least ten (10) working days prior to the date set for receipt of bids or proposals. If the City denies the request for alternative coverages, the specified coverages will be required to be submitted.
- 1.9 All required insurance coverages must be acquired from insurers authorized to do business in the State of Texas and acceptable to the City. The City prefers that all insurers also have a policyholder's rating of "A-" or better, and a financial size of "Class VI" or better in the latest edition of A.M. Best, or A or better by Standard and Poors, unless the City grants specific approval for an exception.
- 1.10 Any deductibles shall be disclosed in the Checklist and all deductibles will be assumed by the Engineer. Engineer may be required to provide proof of financial ability to cover deductibles, or may be required to post a bond to cover deductibles.

2. Engineer's Insurance - "Occurrence" Basis:

- 2.1 The Engineer shall purchase the following insurance coverages, including the terms, provisions and limits shown in the Checklist.
 - 2.1.1 Commercial General Liability - Such Commercial General Liability policy shall include any or all of the following as indicated on the Checklist:
 - i. General aggregate limit is to apply per project;
 - ii. Premises/Operations;
 - iii. Actions of Independent Contractors;
 - iv. Contractual Liability including protection for the Engineer from claims arising out of liability assumed under this contract;
 - v. Personal Injury Liability including coverage for offenses related to employment;
 - vi. Explosion, Collapse, or Underground (XCU) hazards; if applicable. This coverage required for any and all work involving drilling, excavation, etc.
 - 2.1.2 Business Automobile Liability including coverage for any owned, hired, or non-owned motor vehicles and automobile contractual liability.

2.1.3 Workers' Compensation - statutory benefits as required by the State of Texas, or other laws as required by labor union agreements, including Employers' Liability coverage.

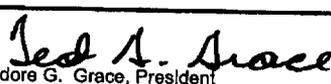
2.2 Professional Errors and Omissions

The Engineer shall carry Professional Liability insurance which will pay for injuries arising out of negligent errors or omissions in the rendering, or failure to render professional services under the contract, for the term of the Contract and up to three years after the contract is completed in the amount shown in the Checklist.

Professional Errors and Omissions, Limit \$1,000,000
per claim and aggregate

ACORD <small>TM</small> CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 12/23/2008
PRODUCER Phone: (501) 367-0084 Fax: (501) 367-0084 THE GRACE GROUP 17709 CANTRELL RD/ P. O. BOX 17488 LITTLE ROCK AR 72222-7488		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
Agency Lic#: 23130		INSURERS AFFORDING COVERAGE
INSURED GARVER ENGINEERS, LLC 3010 Gaylord Pkwy, Ste 190 Frisco, TX 75034		NAIC #
		INSURER A: Hartford Ins. Co. of the Midwest 37478 INSURER B: Hartford Casualty Ins. Co. 29424 INSURER C: Hartford Casualty Ins. Co. 29424 INSURER D: The Hartford Group INSURER E: ST. PAUL FIRE & MARINE INS. CO. 24767

COVERAGES						
THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
INSR LTR	ADDL INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR	3838UUNND5785	07/01/08	07/01/09	EACH OCCURRENCE \$ 1,000,000
		GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED. EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS-COMP/OP AGG. \$ 2,000,000
B		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	38UUNND5785	07/01/08	07/01/09	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
						BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
C		EXCESS / UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE	XHUKJ6699	07/01/08	07/01/09	EACH OCCURRENCE \$ 5,000,000
		<input type="checkbox"/> DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$				AGGREGATE \$ 5,000,000
D		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?	38WEJ06454	07/01/08	07/01/09	<input checked="" type="checkbox"/> NO STATUTORY LIMITS <input type="checkbox"/> OTHER
		If yes, describe under SPECIAL PROVISIONS below				E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE-EA EMPLOYEE \$ 500,000 E.L. DISEASE-POLICY LIMIT \$ 500,000
E		OTHER: PROFESSIONAL LIAB	QP03800315	07/01/08	07/01/09	EA CLAIM \$2,000,000 AGGREGATE \$4,000,000 DED \$150,000 PER CLAIM

CERTIFICATE HOLDER		CANCELLATION	
City of Plano Engineering Department P.O. Box 860358 Plano, TX 75086-0358		SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT.	
Attention:		AUTHORIZED REPRESENTATIVE  Theodore G. Grace, President	

ACORD 25 (2001/08) Certificate # 41646 © ACORD CORPORATION 1988

Engineering Services Agreement
 Westwood Drive – Janwood Drive to 15th Street
 Project No. 5930

Exhibit D – Page 4

EMM:LEGAL-2008-08E-Garver1-5930

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SUPPLEMENT TO CERTIFICATE OF LIABILITY INS #41546

DATE
DEC-23 2008

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

RE: Project #5930 - Westwood Drive-Janwood Drive to 15th Street, Plano, Texas

It is agreed that this is not subject to cancellation, non-renewal, material change, or reduction in coverage without first providing the Risk Manager, City of Plano, at least ten (10) days prior written notice.

CERTIFICATE HOLDER IS AN ADDITIONAL INSURED IN REGARD TO THE GENERAL LIABILITY POLICY SHOWN ABOVE FOR WORK PERFORMED BY THE NAMED INSURED AND COVERAGE IS PRIMARY TO ALL OTHER COVERAGE THE CITY MAY POSSESS. GENERAL LIABILITY POLICY INCLUDES COVERAGE FOR INDEPENDENT CONTRACTORS. CONTRACTUAL LIABILITY IS INCLUDED UNDER THE GENERAL LIABILITY COVERAGE.

WAIVER OF SUBROGATION APPLIES ON THE WORKERS COMPENSATION POLICY SHOWN ABOVE IN FAVOR OF THE CERTIFICATE HOLDER FOR WORK PERFORMED BY THE NAMED INSURED PER SIGNED CONTRACT BETWEEN THE NAMED INSURED AND THE CERTIFICATE HOLDER.

Certificate # 41546

ENGINEERING

City of Plano - Insurance Checklist

("X" means the coverage is required.)

Coverages Required

Limits (Figures Denote Minimums)

- | | |
|---|--|
| <input checked="" type="checkbox"/> 1. Workers' Compensation & Employers' Liability | Statutory limits of State of Texas
\$100,000 accident \$100,000 disease
\$500,000 policy limit disease |
| <input type="checkbox"/> 2. For Future Use | |
| <input type="checkbox"/> 3. City Approved Alternative Workers' Comp. Program | \$150,000 medical, safety program |
| <input checked="" type="checkbox"/> 4. General Liability | Complete entry No. 26
Minimum \$500,000 each occurrence
\$1,000,000 general aggregate |
| <input checked="" type="checkbox"/> 5. General aggregate applies per project (CGL) | |
| <input checked="" type="checkbox"/> 6. Premises/Operations | (Items No. 3-10 & 12 require) |
| <input checked="" type="checkbox"/> 7. Independent Contractors | \$500,000 combined single limit
for bodily injury and property damage |
| <input type="checkbox"/> 8. Products | damage each occurrence with |
| <input type="checkbox"/> 9. Completed Operations | \$1,000,000 general aggregate that
applies to project under contract |
| <input checked="" type="checkbox"/> 10. Contractual Liability | |
| <input checked="" type="checkbox"/> 11. Personal Injury Liability | \$500,000 each offense & aggregate |
| <input type="checkbox"/> 12. XCU Coverages | |
| <input checked="" type="checkbox"/> 13. Automobile Liability | \$500,000 Bodily Injury & Property |
| <input checked="" type="checkbox"/> 14. Owned, Hired & Non-owned | Damage each accident |
| <input type="checkbox"/> 15. Motor Carrier Act Endorsement | |
| <input checked="" type="checkbox"/> 16. Professional Liability | \$1,000,000 each claim and aggregate |
| <input type="checkbox"/> 17. Garage Liability | \$_____ BI & PD each occurrence |

EXHIBIT "E"

AFFIDAVIT OF NO PROHIBITED INTEREST

I, the undersigned declare and affirm that no person or officer of **GARVER ENGINEERS, LLC**, (herein "Contractor") is either employed by the City of Plano or is an elected official of the City of Plano and who has a financial interest, direct or indirect, in any contract with the City of Plano or has a financial interest, directly or indirectly, in the sale to the City of Plano of any land, or rights or interest in any land, materials, supplies or service. As per Section 11.02 of the Plano City Charter, interest represented by ownership of stock by a City of Plano employee or official is permitted if the ownership amounts to less than one (1) per cent of the corporation stock.

I further understand and acknowledge that the existence of a prohibited interest at any time during the term of this contract will render the contract voidable.

Name of Consultant

By: _____
Signature

Print Name

Title

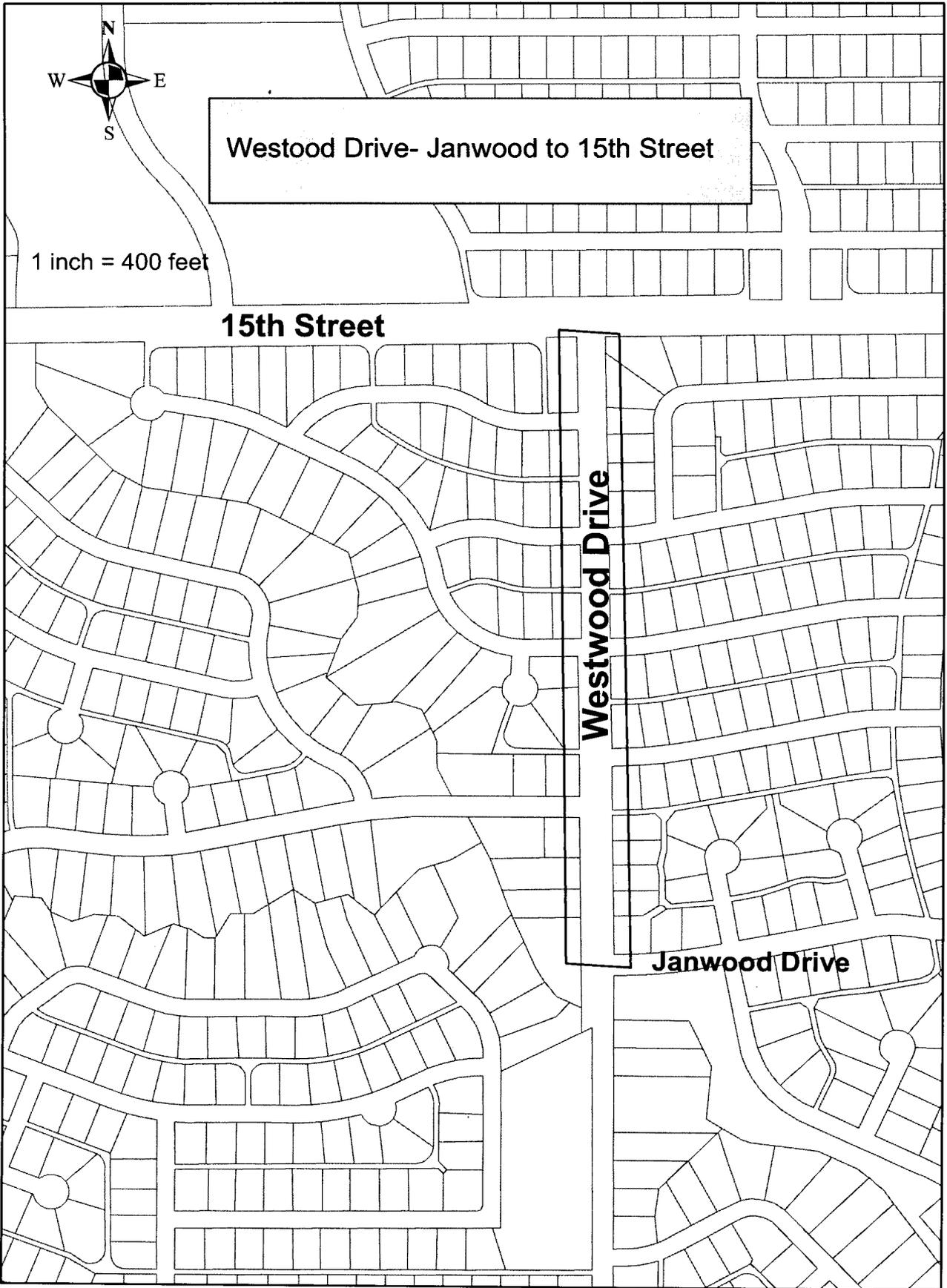
Date

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

SUBSCRIBED AND SWORN TO before me this _____ day of _____, _____.

Notary Public, State of Texas

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CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/26/09	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Parks and Recreation		Initials	Date
Department Head	Don Wendell	Executive Director	<i>DA</i>	1-15-09
Dept Signature:	<i>Don Wendell</i>	City Manager	<i>[Signature]</i>	1/15/09
Agenda Coordinator (include phone #): Susan Berger (7255)				

ACTION REQUESTED:

<input type="checkbox"/> ORDINANCE	<input type="checkbox"/> RESOLUTION	<input checked="" type="checkbox"/> CHANGE ORDER	<input type="checkbox"/> AGREEMENT
<input type="checkbox"/> APPROVAL OF BID	<input type="checkbox"/> AWARD OF CONTRACT	<input type="checkbox"/> OTHER	

CAPTION

An Amendment to the contract with Core Construction Services of Texas, Inc. increasing the contract by \$126,175 for Russell Creek Park and Carpenter Park Improvements, Project No. 5891, Change Order #1 (Bid No. 2008-234-B).

FINANCIAL SUMMARY

NOT APPLICABLE
 OPERATING EXPENSE
 REVENUE
 CIP

FISCAL YEAR: 2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	2,367,496	2,299,504	3,550,000	8,217,000
Encumbered/Expended Amount	-2,367,496	-1,035,174	0	-3,402,670
This Item	0	-126,175	0	-126,175
BALANCE	0	1,138,155	3,550,000	4,688,155

FUND(S): **PARK IMPROVEMENT CIP & CAPITAL RESERVE**

COMMENTS: Funds are included in the 2008-09 Park Improvement CIP & Capital Reserve. This item, in the amount of \$126,175, will leave a current year balance of \$1,138,155 for the Athletic Field Improvements and Athletic Field Renovation projects.

STRATEGIC PLAN GOAL: Athletic field improvements and renovations relate to the City's Goal of Premier City in Which to Live.

SUMMARY OF ITEM

Staff recommends a change order in the amount of \$126,175 for Russell Creek Park and Carpenter Park Improvements, Project No. 5891. This will increase the contract amount from \$841,566 to \$967,741 (14.99%).

This change order adds \$24,000 for backstop renovations at Carpenter Park fields 7 and 8, \$34,375 for a concrete soccer goal storage area, \$2,800 for a fenced trash can storage area, \$19,000 for electronic scoreboards at Carpenter Park fields 7 and 8, and \$46,000 to add eight metal parking lot gates to control unauthorized use during non-season periods. The gates limit access to parking areas only; the park road will remain open at all times.

All of the change order items are for improvements at Carpenter Park. The existing improvements at Carpenter Park were developed in 1983. These new improvements are part of the ongoing renovation of Carpenter Park being completed as funding permits. The bids for this project came in significantly under budget which allows funding for these additional items to be added to the contract.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

List of Supporting Documents: Location Map Change Order	Other Departments, Boards, Commissions or Agencies

CHANGE ORDER NO. 1

**RUSSELL CREEK PARK & CARPENTER PARK IMPROVEMENTS - PROJECT NO. 5891
PURCHASE ORDER NO. 103646
CIP NOS. 28852-8331 AND 53307-8331
BID NO. 2008-234-B**

A. INTENT OF CHANGE ORDER

The intent of this change order is to modify the provisions of the contract entered into by the **CITY OF PLANO, TEXAS** and **CORE CONSTRUCTION SERVICES OF TEXAS, INC.** for the **RUSSELL CREEK PARK & CARPENTER PARK IMPROVEMENTS PROJECT**, dated **NOVEMBER 24, 2008**.

B. DESCRIPTION OF CHANGE

The change order is for work at Carpenter Park. The work includes the following items:

1. Renovation of the backstops on Fields 7 and 8 to add an additional 10 feet in height to improve protection of bleacher areas.
2. Construction of a concrete pad for storage of soccer goals and trash receptacles.
3. Addition of a chain link fence with gate around a portion of the concrete pad.
4. Add scoreboards to Fields 7 and 8.
5. Add metal gates at park entryway to prevent unauthorized use of fields outside of scheduled athletic seasons.

C. EFFECT OF CHANGE

This change order will have the following effect on the cost of this project:

ITEM NO.	ITEM DESCRIPTION	ORIGINAL QUANTITY	REVISED QUANTITY	UNIT	UNIT PRICE	AMOUNT OF CHANGE
1	Add 10ft to Backstops (Fields #7 & #8)	0	2	ea	\$12,000.00	\$24,000.00
2	Add 4" thick Concrete Flatwork (250 ft x 25 ft)	0	6,250	ea	\$5.50	\$34,375.00
3	Add 25' x 25' chain link fence at new concrete flatwork (item #2) - 8' tall with gate	0	100	ft	\$28.00	\$2,800.00
4	Add Scoreboards to Fields #7 & #8	0	2	ea	\$9,500.00	\$19,000.00
5	Add Metal Gates at Parking Lot Entryways	0	8	ea	\$5,750.00	\$46,000.00
	TOTAL:					\$126,175.00

CHANGE ORDER NO. 1
Russell Creek Park and Carpenter Park Improvements - Project No. 5891

Original Contract Amount	\$ 841,566.00
Contract Amount (Including Previous Change Orders)	\$ 841,566.00
Amount, Change Order No. 1	\$ 126,175.00
Revised Contract Amount	\$ 967,741.00
Total Percent Increase Including Previous Change Orders	14.99%

Item #1 charged to Account No. 53307-8321 and Items 2 thru 5 are charged to Account No. 28852-8321.

D. EFFECT OF CHANGE ON CONTRACT TIME

The work required under this change order will add 0 days to this project:

Original Contract Time	Project completed by March 1, 2009
Amount (Including Previous Change Orders)	_____
Amount, Change Order No. 1	No Additional Days
Revised Contract Time	_____
Total Percent Increase Including Previous Change Orders	0.00%

E. AGREEMENT

By the signatures below, duly authorized agents of the City of Plano, Texas and **CORE CONSTRUCTION SERVICES OF TEXAS, INC.**, do hereby agree to append this Change Order No. 1 to the original contract between themselves, dated **NOVEMBER 24, 2008**.

OWNER: CITY OF PLANO

**CONTRACTOR: CORE
CONSTRUCTION SERVICES OF
TEXAS, INC.**

By: _____
(signature)

By: Keith R. Roeschley
(signature)

Print
Name: Thomas H. Muehlenbeck

Print
Name: Keith Roeschley

Print
Title: City Manager

Print
Title: President

Date: _____

Date: 1/5/09

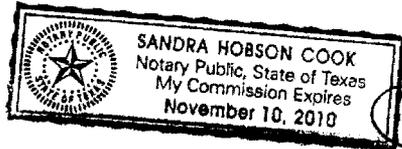
APPROVED AS TO FORM:

By: Diane C. Wetherbee
Diane C. Wetherbee, City Attorney

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the 5th day of January, 2009, by **KEITH ROESCHLEY, PRESIDENT**, of **CORE CONSTRUCTION SERVICES OF TEXAS, INC.**, a Texas corporation, on behalf of said corporation.



Sandra Hobson Cook
Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, 200__, by **THOMAS H. MUEHLENBECK, CITY MANAGER** of the **City of Plano, Texas**, a Home-Rule Municipal Corporation, on behalf of said municipal corporation.

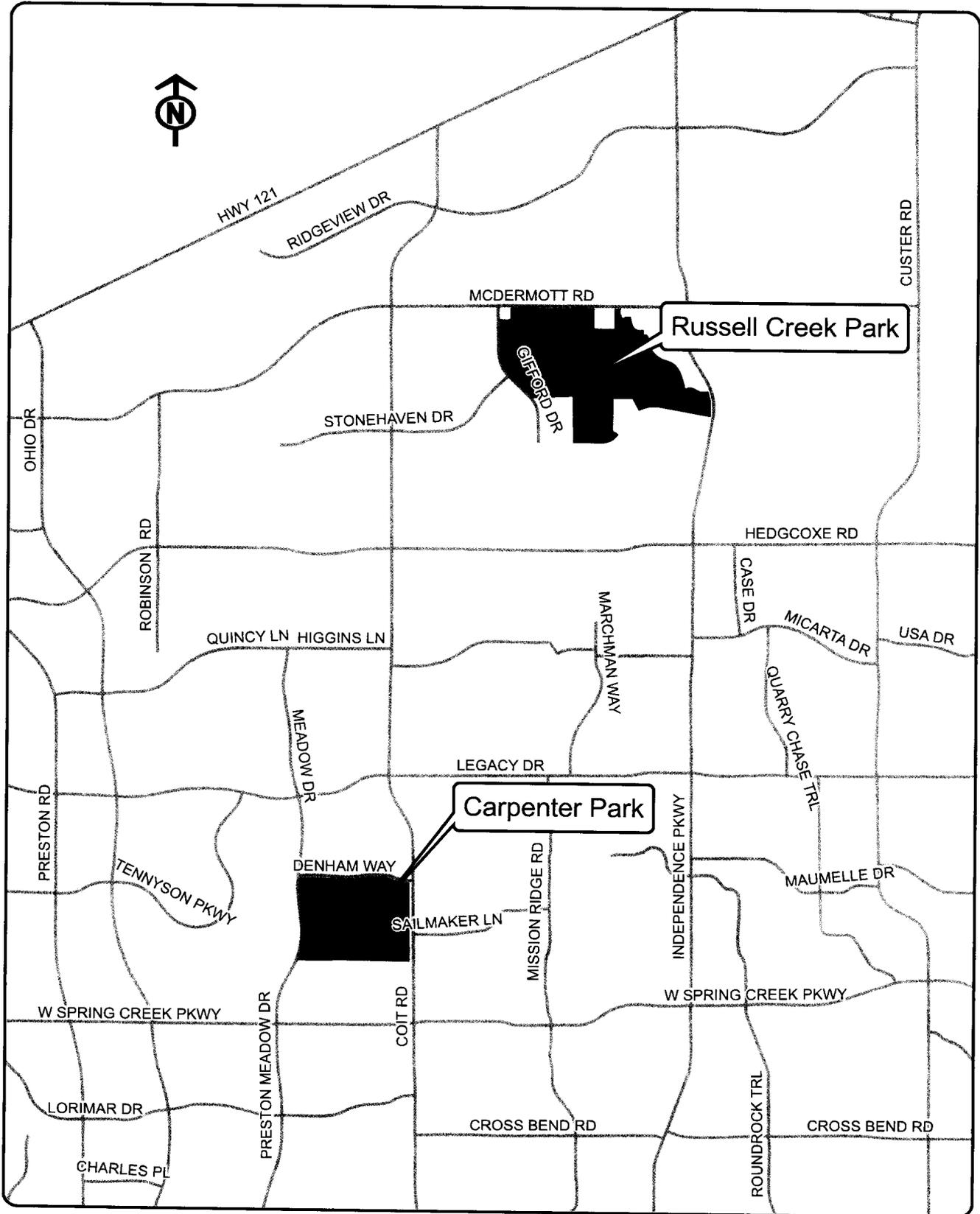
Notary Public, State of Texas



Location Map

Carpenter Park & Russell Creek Park

Project #5891





**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY			Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory			Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:		1/26/09	Reviewed by Legal <i>WJ</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering			Initials	Date
Department Head	Alan L. Upchurch		Executive Director	<i>[Signature]</i>	<i>1/16/09</i>
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	<i>1/16/09</i>
Agenda Coordinator (include phone #):			Irene Pegues (7198)	<i>[Signature]</i>	<i>[Signature]</i>
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
An Ordinance of the City of Plano, Texas, deleting in its entirety subsection (d) of Section 21-215 refunds of Chapter 21 Utilities of the Code of Ordinances of the City of Plano, Texas; and providing an effective date.					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget					
Encumbered/Expended Amount					
This Item					
BALANCE					
FUND(S):					
COMMENTS:					
SUMMARY OF ITEM					
The City's impact fee ordinance provides a process for calculating whether refunds are due to the record owners of impact fees upon the completion of all capital improvements or facility expansion identified in the capital improvement plan for the service area. The requirement for this process was removed from the Local Government Code, Chapter 395, in 2001. This ordinance change will bring our ordinance into compliance with Chapter 395.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
N/A			N/A		

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, DELETING IN ITS ENTIRETY SUBSECTION (d) OF SEC. 21-215 REFUNDS OF CHAPTER 21 UTILITIES OF THE CODE OF ORDINANCES OF THE CITY OF PLANO, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, subsection (d) of Section 21-215 of Chapter 21 of the City of Plano Code of Ordinances provides a process for calculating whether refunds are due to the record owners of impact fees upon the completion of all capital improvements or facility expansion identified in the capital improvement plan for the service area; and

WHEREAS, effective September 1, 2001, the 77th Texas Legislature repealed that portion of Texas Local Government Code Section 395.025 which required cities to calculate whether refunds are due in the manner described by subsection (d) of Section 21-215 of Chapter 21 of the City of Plano Code of Ordinances; and

WHEREAS, in all other respects Section 21-215 of Chapter 21 of the City of Plano Code of Ordinances currently provides procedures for determining the necessity for and the amount of refunds due under the City's impact fee program in accordance with Chapter 395; and

WHEREAS, it is in the best interest of the citizens of the City of Plano that subsection (d) of Section 21-215 be repealed in its entirety.

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

Section I. Subsection (d) of Sec. 21-215 Refunds of Chapter 21 Utilities of the Code of Ordinances of the City of Plano, Texas, is hereby deleted in its entirety.

Section II. This Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED the _____ day of _____, 2009.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 1/26/09		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Finance		Initials	Date
Department Head	Denise Tacke	Executive Director		
Dept Signature:		City Manager		
Agenda Coordinator (include phone #):		Brianna Alvarado 7333		
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING ARTICLE III, HOTEL OCCUPANCY TAX OF CHAPTER 20, TAXATION, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO, TEXAS, REDEFINING THE TERM CONSIDERATION; PROVIDING FOR AUDIT COST RECOVERY; PROVIDING PENALTIES FOR LATE PAYMENT OF TAXES DUE; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE AND AN EFFECTIVE DATE..				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2009	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: Updating the Hotel Motel Ordinance.				
SUMMARY OF ITEM				
List of Supporting Documents: Ordinance and red line version		Other Departments, Boards, Commissions or Agencies		

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING ARTICLE III, HOTEL OCCUPANCY TAX OF CHAPTER 20, TAXATION, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO, TEXAS, REDEFINING THE TERM CONSIDERATION; PROVIDING FOR AUDIT COST RECOVERY; PROVIDING PENALTIES FOR LATE PAYMENT OF TAXES DUE; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, Article III of Chapter 20 of the Code of Ordinances provides terms for the collection of a municipal hotel occupancy tax; and

WHEREAS, the amendment of the hotel occupancy tax provisions of Article III as provided herein will ensure that all permissible taxes will be assessed, costs for enforcement of the taxes will be recovered, and appropriate penalties will be imposed to encourage compliance; and

WHEREAS, the City Council deems it in the best interest of the citizens of the City of Plano that Article III of Chapter 20 of the Code of Ordinances be amended as set forth herein.

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

Section I. Article III Hotel Occupancy Tax of Chapter 20 Taxation of the Code of Ordinances of the City of Plano, Texas is hereby amended to read in its entirety as follows:

“ARTICLE III. HOTEL OCCUPANCY TAX

Sec. 20-71. Levied; amount.

There is hereby established and levied a tax upon the cost of occupancy of any sleeping room furnished by any hotel in the city, where the cost of occupancy is at the rate of two dollars (\$2.00) or more per day. Such tax is hereby levied at the rate of seven percent (7%) of the consideration paid by the occupant of the sleeping room to the hotel.

Sec. 20-72. Definitions.

As used in this article, the following words, terms and phrases are defined as follows:

Consideration shall mean the price of, or value received for, the right to use a sleeping room, bed, or dormitory space or other sleeping facility in a hotel, and includes the price of conveniences customarily provided in connection with sleeping accommodations, including mattress, sheets, bedspreads, pillows, pillow cases, bed frames, air conditioning, electricity, lighting, water, soap, towels, wash cloths, toilet tissue, shower or bath facilities, lavatory, chairs, trash receptacles, plus any other goods or services which are not ordinarily subject to sales tax. The

consideration paid for a sleeping room or facility shall not include the price of food served, nor the price of personal services rendered to the occupant which are unrelated to cleaning and readying a room for occupancy, nor any sales tax, nor occupancy tax assessed by other governmental agencies, provided that these charges are stated separately on the folio or invoice of the occupant. Charges not stated separately shall be presumed to be part of the consideration paid for occupancy of a sleeping room or sleeping facility, and shall be taxed under this article.

Occupancy shall mean the use or possession, or the right to the use or possession, of any room in a hotel if the room is one ordinarily used for sleeping.

Hotel shall mean any building in which the public may, for a consideration, obtain sleeping accommodations. The term shall include hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, or other buildings where rooms are furnished for a consideration, but "hotel" shall not be defined so as to include hospitals, sanitariums, or nursing homes.

Occupant shall mean anyone, who, for a consideration uses, possesses, or has a right to use, or possess any room in a hotel if the room is one ordinarily used for sleeping.

Sec. 20-73. Revenue distribution.

The revenues derived from the hotel occupancy tax levied pursuant to this article shall be expended in the following manner as provided for by Chapter 351, Texas Tax Code:

Percent of Levy

- (1) For operating, maintaining, improving, and otherwise supporting a civic center facility . . . four percent (4%)
- (2) For all other purposes allowed, subject to annual appropriation by the City Council . . . three percent (3%)
- Total levy . . . seven percent (7%)

Sec. 20-74. Collection and reporting.

(a) Every person owning, operating, managing or controlling any hotel shall collect the tax imposed under this article and pay same to the City of Plano through its Finance Department.

(b) Such taxes shall be paid by the hotel to the City of Plano on a monthly basis, and shall be received for each month within thirty (30) days following the last day of each month.

(c) A hotel may retain one percent (1%) of the taxes collected on a monthly basis, pursuant to this section, provided that:

- (1) The gross amount collected is reported and the retainage calculated accordingly; and
- (2) No retainage will be permitted on any amount paid after thirty (30) days following the last day of each month; and

(3) Reports are filed in a form(s) prescribed by the City of Plano and all information required by that report is complete and accurately provided.

(d) A hotel not filing a report in a complete and accurate manner in a form(s) prescribed by the City of Plano shall forfeit the right for retainage as provided by this section, and shall not deduct said retainage from the amount due the City of Plano for any given month for which a complete and accurate reporting is not made. Complete and accurate shall mean provision of each and every element contained or required, in a form(s) prescribed by the City of Plano. Forms are available on the City of Plano Finance Department web page or may be obtained by contacting the City's Finance Department. A substitute form may be used if it is approved in advance by the Director of Finance for the City of Plano.

(e) If the city finds that the underreporting of hotel revenue is greater than two percent (2%) of the hotel's reported receipts for the audit period, the hotel shall pay a fee for the cost of the audit. This audit fee can only be assessed on taxes that have been delinquent for at least two complete municipal fiscal quarters at the time the audit is conducted. If the city finds any underreporting of hotel revenue or late reporting of hotel revenue, the hotel will pay the City any previously withheld retainage for any month that hotel revenue was not properly and timely reported.

Sec. 20-75. Occupants--Not exempted.

Under the provisions of the Texas Tax Code, hotel occupancy tax is levied on all occupants not exempted in section 20-76. Those not exempted include the following:

- (1) Educational institutions (including State of Texas colleges and universities).
- (2) Religious and charitable organizations.
- (3) Local government entities.
- (4) Contract employees of exempt organizations.

Sec. 20-76. Same--Exempt.

Under the provisions of the Texas Tax Code, hotel occupancy tax is not levied on the following:

- (1) The United States Government agencies and their officers or employees when traveling or otherwise engaged in the course of official duties.
- (2) Military personnel traveling on official military business.
- (3) The State of Texas, or an agency, institution (excluding state educational institutions), board, or commission of the State of Texas and their officers or employees when traveling or otherwise engaged in the course of official duties.
- (4) Diplomatic personnel who present a tax exemption card issued by the United States Department of State.
- (5) Occupants whose use, possession, or whose right to use or possession of a hotel sleeping room extends for at least thirty (30) consecutive days.

Any exemptions claimed shall be supported by a signed hotel occupancy tax exemption certificate and reported to the City of Plano on a form or report similar to the Hotel Occupancy Tax Exemption Report listed on the city's Finance department web site.

Sec. 20-77. Records.

Every hotel within the city shall keep and maintain accurate records of the consideration and hotel occupancy tax paid by the occupant of each sleeping room in the hotel. Such records shall include, but not be limited to, at a minimum, guest folios, tax exemption certificates, and any original documents such as posting ledgers and rate and stay adjustment reports. These records may be retained in any retrievable format, including but not limited to micro form; shall be maintained for a period of not less than four (4) years; and shall be available for inspection upon request by any employee, agent, officer or representative of the City of Plano at all reasonable times. Any adjustments or allowances made or granted shall be reported in a letter to the City of Plano's Director of Finance.

Sec. 20-78. Withholding amount due in event of sale.

Under the provisions of V.T.C.A., Tax Code Section 351.0041, if a hotel is sold, the purchaser shall withhold an amount sufficient to pay any amount due under this article until the seller produces a receipt showing that any amount due has been paid. If the purchaser fails to withhold an amount, the purchaser is liable to the City of Plano for the amount required to be withheld.

Sec. 20-79. Penalty.

(a) A penalty of fifteen percent (15%) of the tax due shall be imposed on a hotel which fails to pay a tax imposed by this article when due. The tax imposed by this article that is not paid to City of Plano when it is due shall draw interest at a monthly rate of one percent (1%) from the due date.

(b) The municipal attorney or other attorney acting for the city may bring suit against a person who is required to collect the tax imposed by this article and who fails to either file a tax report or pay the tax when due. The city's attorney may collect the tax not paid or enjoin the person from operating a hotel in the city until the tax is paid. In addition to the amount of any tax owed under this article, the person is liable to the city for the city's reasonable attorney's fees and a penalty equal to fifteen percent (15%) of the total amount of the tax owed.

(c) If the operator of any hotel shall fail to file a report for any period as required by this article, or shall fail to pay the tax for any period as required by this article, then the tax assessor/collector is hereby authorized to make an assessment of the tax for such period. The tax assessed, together with any penalties provided by statute, shall be a prior and superior line on all property of the hotel.

(d) Any person, firm or corporation violating any of the provisions of this article shall be subject to the penalty as provided for in section 1-4(b) of the Code of Ordinances of the City of Plano, Texas.

(e) The penalties provided for herein, are in addition to other remedies and/or actions for collection available to the city by law.

Sec. 20-80. Time limitation for refunds.

A state agency may apply for a refund of hotel occupancy tax paid under this article no later than two (2) years after the end of the fiscal year in which the payment occurred. A hotel may apply for a refund of hotel occupancy tax

erroneously paid under this article no later than twelve (12) months after the end of the month in which the payment was incurred.”

Section II. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section III. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section IV. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section V. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this the ____ day of _____, 2009.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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ARTICLE III. HOTEL OCCUPANCY TAX

Sec. 20-71. Levied; amount.

There is hereby established and levied a tax upon the cost of occupancy of any sleeping room furnished by any hotel in the city, where the cost of occupancy is at the rate of two dollars (\$2.00) or more per day. Such tax is hereby levied at the rate of seven percent (7%) of the consideration paid by the occupant of the sleeping room to the hotel.

Deleted: (7)

Sec. 20-72. Definitions.

As used in this article, the following words, terms and phrases are defined as follows:

~~Consideration shall mean the cost of the room in such hotel only if the room is one ordinarily used for sleeping, and shall not include the cost of any food served or personal services rendered to the occupant of such room not related to the cleaning and readying of such room for occupancy.~~

Consideration shall mean the price of, or value received for, the right to use a sleeping room, bed, or dormitory space or other sleeping facility in a hotel, and includes the price of conveniences customarily provided in connection with sleeping accommodations, including mattress, sheets, bedspreads, pillows, pillow cases, bed frames, air conditioning, electricity, lighting, water, soap, towels, wash cloths, toilet tissue, shower or bath facilities, lavatory, chairs, trash receptacles, plus any other goods or services which are not ordinarily subject to sales tax. The consideration paid for a sleeping room or facility shall not include the price of food served, nor the price of personal services rendered to the occupant which are unrelated to cleaning and readying a room for occupancy, nor any sales tax, nor occupancy tax assessed by other governmental agencies, provided that these charges are stated separately on the folio or invoice of the occupant. Charges not stated separately shall be presumed to be part of the consideration paid for occupancy of a sleeping room or sleeping facility, and shall be taxed under this article.

Occupancy shall mean the use or possession, or the right to the use or possession, of any room in a hotel if the room is one ordinarily used for sleeping.

Hotel shall mean any building in which the public may, for a consideration, obtain sleeping accommodations. The term shall include hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, or other buildings where rooms are furnished for a consideration, but "hotel" shall not be defined so as to include hospitals, sanitariums, or nursing homes.

Occupant shall mean anyone, who, for a consideration uses, possesses, or has a right to use, or possess any room in a hotel if the room is one ordinarily used for sleeping.

Sec. 20-73. Revenue distribution.

The revenues derived from the hotel occupancy tax levied pursuant to this article shall be expended in the following manner as provided for by Chapter 351, Texas Tax Code:

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Percent of Levy

- (1) For operating, maintaining, improving, and otherwise supporting a civic center facility . . . four percent (4%)
 - (2) For all other purposes allowed, subject to annual appropriation by the City Council . . . three percent (3%)
- Total levy . . . seven percent (7%)

Sec. 20-74. Collection and reporting.

(a) Every person owning, operating, managing or controlling any hotel shall collect the tax imposed under this article and pay same to the City of Plano through its Finance Department.

(b) Such ~~taxes~~ shall be paid by the hotel to the City of Plano on a monthly basis, and shall be ~~paid~~ received for each month within thirty (30) days following the last day of each month.

Deleted: revenues

(c) A hotel may retain one percent (1%) of the ~~revenues~~ ~~taxes~~ collected on a monthly basis, pursuant to this section, provided that:

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- (1) The gross amount collected is reported and the retainage calculated accordingly; and
- (2) No retainage will be permitted on any amount paid after thirty (30) days following the last day of each month; and
- (3) Reports are filed in a form(s) prescribed by the City of Plano and all information required by that report is complete and accurately provided.

(d) A hotel not filing a report in a complete and accurate manner in a form(s) prescribed by the City of Plano shall forfeit the right for retainage as provided by this section, and shall not deduct said retainage from the amount due the City of Plano for any given month for which a complete and accurate reporting is not made. Complete and accurate shall mean provision of each and every element contained or required, in a form(s) prescribed by the City of Plano. Forms are available on the City of Plano Finance Department web page or may be obtained by contacting the City's Finance Department. ~~as Exhibits "A," "B," and "C" following this article, or in a~~ A substitute form may be used if it is ~~as~~ approved in advance by the Director of Finance for the City of Plano.

(e) If the city finds that the underreporting of hotel revenue is greater than two percent (2%) of the hotel's reported receipts for the audit period, the hotel shall pay a fee for the cost of the audit. This audit fee can only be assessed on taxes that have been delinquent for at least two complete municipal fiscal quarters at the time the audit is conducted. If the city finds any underreporting of hotel

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revenue or late reporting of hotel revenue, the hotel will pay the City any previously withheld retainage for any month that hotel revenue was not properly and timely reported.

~~(f) Notwithstanding anything in this section to the contrary, a hotel may make a revocable application to the city's Finance department to pay and report its hotel/motel tax revenues taxes on a quarterly basis. The city's Finance department shall permit payment and reporting on a quarterly basis if the hotel's average monthly tax liability is fifty dollars (\$50.00) or less for the quarter preceding application. The hotel may continue to pay and report on a quarterly basis so long as the average monthly tax revenue taxes does not exceed such minimum amount. Such tax revenue taxes shall be paid no later than thirty (30) days following the last day of the month of each quarter. For purposes of this section, the end of each quarter coincides with the months of December, March, June and September. A hotel electing to pay and report on a quarterly basis is not entitled to retainage.~~

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Sec. 20-75. Occupants--Not exempted.

Under the provisions of the Texas Tax Code, hotel occupancy tax is levied on all occupants not exempted in section 20-76. Those not exempted include the following:

- (1) Educational institutions (including State of Texas colleges and universities).
- (2) Religious and charitable organizations.
- (3) Local government entities.
- (4) Contract employees of exempt organizations.

Sec. 20-76. Same--Exempt.

Under the provisions of the Texas Tax Code, hotel occupancy tax is not levied on the following:

- (1) The United States Government agencies and their officers or employees when traveling or otherwise engaged in the course of official duties.
- (2) Military personnel traveling on official military business.
- (3) The State of Texas, or an agency, institution (excluding state educational institutions), board, or commission of the State of Texas and their officers or employees when traveling or otherwise engaged in the course of official duties.
- (4) Diplomatic personnel who present a tax exemption card issued by the United States Department of State.
- (5) Occupants whose use, possession, or whose right to use or possession of a hotel sleeping room extends for at least thirty (30) consecutive days.

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Any exemptions claimed shall be supported by a signed hotel occupancy tax exemption certificate and reported to the City of Plano on a form or report similar to Exhibit "B." the Hotel Occupancy Tax Exemption Report listed on the city's Finance department web site.

Sec. 20-77. Records.

Every hotel within the city shall keep and maintain accurate records of the consideration and hotel occupancy tax paid by the occupant of each sleeping room in the hotel. Such records shall include, but not be limited to, at a minimum, guest folios, tax exemption certificates, and any original documents such as posting ledgers and rate and stay adjustment reports. These records may be retained in any retrievable format, including but not limited to micro form; shall be maintained for a period of not less than four (4) years; and shall be available for inspection upon request by any employee, agent, officer or representative of the City of Plano at all reasonable times. Any adjustments or allowances made or granted shall be reported in a letter to the City of Plano's Director of Finance. ~~on a form similar to Exhibit "C."~~

Sec. 20-78. Withholding amount due in event of sale.

Under the provisions of V.T.C.A., Tax Code Section 351.0041, if a hotel is sold, the purchaser shall withhold an amount sufficient to pay any amount due under this article until the seller produces a receipt showing that any amount due has been paid. If the purchaser fails to withhold an amount, the purchaser is liable to the City of Plano for the amount required to be withheld.

(Ord. No. 92-8-17, § IX, 8-10-92)

Sec. 20-79. Penalty.

(a) ~~A penalty of five (5) percent of the tax due shall be imposed on a hotel which fails to pay a tax imposed by this article when due, and, if the hotel fails to pay the tax within thirty (30) days after the day on which it is due, an additional five (5) percent shall be imposed. The first penalty above shall be increased to ten (10) percent for any hotel which twice in a twelve-month period fails to pay the hotel occupancy tax when due. The tax imposed by this article that is not paid to the City of Plano when it is due shall draw interest at a rate of twelve (12) percent compounded monthly, beginning sixty (60) days from the due date. The penalty provided for herein, is in addition to other remedies and/or or actions for collection available to the city by law. A penalty of fifteen percent (15%) of the tax due shall be imposed on a hotel which fails to pay a tax imposed by this article when due. The tax imposed by this article that is not paid to City of Plano when it is due shall draw interest at a monthly rate of one percent (1%) from the due date.~~

(b) The municipal attorney or other attorney acting for the city may bring suit against a person who is required to collect the tax imposed by this article and who fails to either file a tax report or pay the tax when due. The city's attorney may collect the tax not paid or enjoin the person from operating a hotel in the city

DRAFT

until the tax is paid. In addition to the amount of any tax owed under this article, the person is liable to the city for the city's reasonable attorney's fees and a penalty equal to fifteen percent (15%) of the total amount of the tax owed.

Deleted: percent

(c) If the operator of any hotel shall fail to file a report for any period as required by this article, or shall fail to pay the tax for any period as required by this article, then the tax assessor/collector is hereby authorized to make an assessment of the tax for such period. The tax assessed, together with any penalties provided by statute, shall be a prior and superior lien on all property of the hotel.

(d) Any person, firm or corporation violating any of the provisions of this article shall be subject to the penalty as provided for in section 1-4(b) of the Code of Ordinances of the City of Plano, Texas.

(e) The penalties provided for herein, are in addition to other remedies and/or actions for collection available to the city by law.

Sec. 20-80. Time limitation for refunds.

A state agency may apply for a refund of hotel occupancy tax paid under this article no later than two (2) years after the end of the fiscal year in which the payment occurred. A hotel may apply for a refund of hotel occupancy tax erroneously paid under this article no later than twelve (12) months after the end of the month in which the payment was incurred.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/26/09		Reviewed by Legal <i>vt</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Budget & Research		Initials	Date	
Department Head	Karen Rhodes-Whitley		Executive Director		
Dept Signature:	<i>Karen Rhodes-Whitley</i>		City Manager	<i>[Signature]</i>	1/15/09
Agenda Coordinator (include phone #):		E.A. Dorrance x7146			

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT OTHER

CAPTION

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING CHAPTER 20, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO, TEXAS, BY ADDING A NEW SECTION 20-19, ENTITLED "CHARITABLE ORGANIZATION EXEMPTION"; PROVIDING A PROPERTY TAX EXEMPTION FOR QUALIFIED CHARITABLE ORGANIZATIONS ENGAGED PRIMARILY IN PERFORMING RELIGIOUS, CHARITABLE, SCIENTIFIC, LITERARY OR EDUCATIONAL FUNCTIONS; REQUIRING A DETERMINATION LETTER FROM THE STATE COMPTROLLER'S OFFICE FINDING THE ORGANIZATION IS ENGAGED PRIMARILY IN PERFORMING RELIGIOUS, CHARITABLE, SCIENTIFIC, LITERARY OR EDUCATIONAL FUNCTIONS; PROVIDING TERMS FOR THE PROPERTY TAX EXEMPTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(S): GENERAL FUND & GENERAL OBLIGATION DEBT FUND

COMMENTS: If approved, this item will result in a loss of Ad Valorem Tax Revenue for the qualified charitable organizations that apply and are approved for this exemption.

STRATEGIC PLAN GOAL: Ad Valorem tax exemptions for charitable organizations relate to the City's Goals of Premier City in which to live and Diverse Business Center

SUMMARY OF ITEM

This ordinance amends and adds to the City of Plano Code of Ordinances and provides a "Charitable Organization Exemption" for qualified charitable organizations as defined in Section 11.18(d) of the Texas Tax Code.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING CHAPTER 20, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO, TEXAS, BY ADDING A NEW SECTION 20-19, ENTITLED "CHARITABLE ORGANIZATION EXEMPTION"; PROVIDING A PROPERTY TAX EXEMPTION FOR QUALIFIED CHARITABLE ORGANIZATIONS ENGAGED PRIMARILY IN PERFORMING RELIGIOUS, CHARITABLE, SCIENTIFIC, LITERARY OR EDUCATIONAL FUNCTIONS; REQUIRING A DETERMINATION LETTER FROM THE STATE COMPTROLLER'S OFFICE FINDING THE ORGANIZATION IS ENGAGED PRIMARILY IN PERFORMING RELIGIOUS, CHARITABLE, SCIENTIFIC, LITERARY OR EDUCATIONAL FUNCTIONS; PROVIDING TERMS FOR THE PROPERTY TAX EXEMPTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, section 11.184 of the Texas Tax Code authorizes the City of Plano, Texas, to provide for a property tax exemption for charitable organizations engaged primarily in performing religious, charitable, scientific, literary or educational functions;

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

Section I. That Chapter 20, Article II, of the Code of Ordinances of the City of Plano, Texas, is hereby amended by adding a new Section 20-19, which shall read as follows:

Sec. 20-19 Charitable Organization Exemptions

(a) Definitions.

(1) "Local charitable organization" means an organization that:

(A) is a chapter, subsidiary or branch of a statewide charitable organization; and

(B) with respect to its activities in this state, is engaged primarily in performing religious, charitable, scientific, literary or educational functions as defined in Section 11.18(d) of the Texas Tax Code, as amended.

(2) "Qualified charitable organization" means a statewide charitable organization or a local charitable organization.

(3) "Statewide charitable organization" means that a statewide organization that, with respect to its activities in this state, is engaged primarily in performing religious, charitable, scientific, literary or educational functions as defined in Section 11.18(d) of the Texas Tax Code, as amended.

(b) **Exemption.** A qualified charitable organization is entitled to an exemption from taxation of:

(1) the buildings and other real property and the tangible personal property that:

(A) are owned by the organization; and

(B) except as permitted by Subsection (c) of this Section, are used exclusively by the organization and other organizations eligible for an exemption from taxation under Section 11.18 or 11.184 of the Texas Tax Code, as amended; and,

(2) the real property owned by the organization consisting of:

(A) an incomplete improvement, as defined by Section 11.184(j) of the Texas Tax Code, that:

(i) is under active construction or other physical preparation; and

(ii) is designed and intended to be used exclusively by the organization and other organizations eligible for an exemption from taxation under Section 11.18 or 11.184 of the Texas Tax Code, as amended; and,

(B) the land on which the incomplete improvement is located that will be reasonably necessary for the use of the improvement by the organization and other organizations eligible for an exemption from the taxation under Section 11.18 or 11.184 of the Texas Tax Code, as amended.

(c) **Incidental use of the property.** Use of the exempt property by persons who are not charitable organizations eligible for an exemption from taxation under Section 11.18 or 11.184 of the Texas Tax Code does not result in the loss of an exemption authorized by this section if the use is incidental to use by those charitable organizations and limited to activities that benefit the charitable organization that owns or uses the property.

(d) **State comptroller's determination letter.** An organization applying for an exemption under this section must receive from the State Comptroller's office, and submit to the City a copy of the State Comptroller's office determination letter finding the organization is engaged primarily in performing functions listed in Section 11.18(d) of the Texas Tax Code.

(e) **Terms of exemption.** An exemption under this section expires at the end of the fifth (5th) Tax year after the year in which the exemption is granted except an exemption granted under 20-19(b)(2) shall expire after three (3) years. To continue to receive an exemption under this section after that year, the organization must obtain a new determination letter and reapply for the exemption.

Section II. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and to be severable.

Section III. The caption of this Ordinance shall be published one time in a newspaper having generated circulation in the City of Plano, Texas, and shall become effective upon such publication.

DULY PASSED AND APPROVED THIS THE _____ DAY OF _____, 2009.

Pat Evans, **MAYOR**

ATTEST:

Diane Zucco, **CITY SECRETARY**

APPROVED AS TO FORM:

Diane C. Wetherbee, **CITY ATTORNEY**



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/26/09	Reviewed by Legal <i>W</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Budget & Research	Initials	Date	
Department Head	Karen Rhodes-Whitley	Executive Director		
Dept Signature:	<i>Karen Rhodes-Whitley</i>	City Manager	<i>[Signature]</i>	<i>1/15/09</i>
Agenda Coordinator (include phone #):		E.A. Dorrance x7146		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, GRANTING MASONIC LODGE NO. 768 A CHARITABLE ORGANIZATION EXEMPTION FOR A FIVE (5) YEAR PERIOD, AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2008-09	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	120,025,200	0
Encumbered/Expended Amount		0	0	0
This Item		0	-890	0
BALANCE		0	120,024,310	0
FUND(s): GENERAL FUND & GENERAL OBLIGATION DEBT FUND				
COMMENTS: This item has a companion agenda item and is contingent on the approval of the Ordinance that provides a "Charitable Organization Exemption" for qualified charitable organizations. If approved, this item will result in a loss of Ad Valorem Tax Revenue in the amount of approximately \$890 per year for a five-year period for the tax exemption for charitable organizations.				
STRATEGIC PLAN GOAL: Ad Valorem tax exemptions for charitable organizations relate to the City's Goals of Premier City in which to live and Diverse Business Center				
SUMMARY OF ITEM				
The Masonic Lodge No. 768 is requesting a property tax exemption from the City of Plano, as a qualified organization as defined in Section 11.18(d) of the Texas Tax Code.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Exemption Request Letter State Comptroller's Determination Letter Property Appraisal				

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, GRANTING MASONIC LODGE NO. 768 A CHARITABLE ORGANIZATION EXEMPTION FOR A FIVE (5) YEAR PERIOD, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under the Texas Tax Code Section 11.18(d), the City of Plano, TX has the authority to grant qualified charitable organizations tax exemption; and

WHEREAS, under the City of Plano, TX Code of Ordinances Section 20-19, entitled "Charitable Organization Exemption" providing a real property and tangible personal property tax exemption for qualified charitable organizations; and

WHEREAS, Masonic Lodge No. 768 has requested a Charitable Organization Tax Exemption and has submitted its application and supporting documentation as shown in Exhibit A, attached.

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

Section I. The Masonic Lodge No. 768 is granted Charitable Organization Ad Valorem Exemption as requested in the attached Exhibit A, as authorized under Chapter 20, Article II, Section 20-19 of the Plano Code of Ordinances.

Section II. This Resolution shall become effective immediately upon its passage and the exemption shall be effective 1/1/09.

DULY PASSED AND APPROVED this ____ day of _____, 2009

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

PLANO LODGE No. 768, A.F. & A.M.

P. O. Box 860282 Plano, TX 75086

James L. Miller, IV
Worshipful Master

Scott M. Shaffer
Senior Warden
Adam C. DeMasellis
Junior Warden



Barry S. Parrish
Treasurer

Harry F. Powell, II
Secretary
P.O. Box 860282
Plano, Texas 75086
972-424-7153

October 10, 2008

Ms. Karen Rhodes
Budget Director
City of Plano
1520 Avenue K
Plano, Texas 75074

Subject: Ad Valorem Tax Exemption for Plano Masonic Lodge #768 AF & AM.

Dear Ms. Rhodes:

I appreciated your taking the time and effort to advise and counsel our committee on how best to proceed with our request for a Tax Exemption with the City of Plano. Your professionalism and candor has been both welcomed and informative.

Plano Masonic Lodge #768 respectfully makes this formal request to be exempt from the annual property tax as levied by the City of Plano in accordance with the Texas Tax Code and Legislative HB 1689 as described below.

Plano Masonic Lodge #768 is physically located at 1414 Avenue J, Plano Texas. It is identified by Collin Central Appraisal District as:

“Railroad Plano, Block 14, Lot 6 & 7A, Appraisal District – account number R-0420-014-0061-1.”

“Proposed Appraised Value” of this property is \$188,027, Tax Year 2008. (Please see enclosed “Property Valuation & Tax Document,” Collin County Central Appraisal District, May 2, 2008.)

In support of this request the following information is provided for consideration by the City of Plano.

Plano Masonic Lodge #768 meets the specific qualification criteria for “Tax Exemption” in accordance with the Property Tax Code (Section 11.184, “Charitable Organizations”) and under the provisions of Texas House Bill 1689, as amended by the 77th Legislative Session of the State of Texas.

The Texas Comptroller of Public Accounts has determined that Plano Masonic Lodge #768 is a 501 (c) organization in accordance with HB 1689. (Please see enclosed Texas Comptroller letter, August 7, 2008 addressed to Plano Masonic Lodge #768.)

The Collin County Judge, Ron Harris, has made a similar determination. (Please see his enclosed letter, June 7, 2002, Re: "Application for Primary Charitable Organization Property Tax Exemption for various Masonic Lodges," addressed to the Collin County Central Appraisal District.)

The Collin County Community College Board of Trustees' has approved our request for an Ad Valorem Tax Exemption. (Please see enclosed Collin County Community College Board of Trustees' Meeting resolution of September 23, 2008.) It should be noted that the Community College has granted similar request from Masonic Lodges organized under the Grand Lodge of Texas and located in Collin County.

Please be advised that Plano Masonic Lodge #768 has made an identical request to the Plano Independent School District which is currently under consideration in accordance with their administrative procedures.

As we have indicated, representatives from Plano Masonic Lodge #768 would be honored to appear before the Plano City Council or the appropriate City of Plano Staff agency at their convenience to make a formal presentation in support of this request should that be deemed necessary.

We would appreciate notification of when and where the Plano City Council will address this request.

Ms. Rhodes, Plano Masonic Lodge #768 AF & AM appreciates your time and consideration of this request. We look forward to a positive determination by the City of Plano. Should you or your taxing agency have any questions or require additional information please feel free to contact me.

Sincerely



James L. Miller
President
Plano Masonic Lodge #768
214-733-1814

Enclosures:

- 1) Collin County Central Appraisal District Property Valuation and Tax Document, 05/02/08.
- 2) Texas State Comptroller of Public Accounts letter, 08/07/08.
- 3) Collin County Judge Ron Harris letter, 06/07/02.
- 4) Collin County Community College Board of Trustees Meeting, 09/23/08.

m-4

S U S A N	TEXAS COMPTROLLER of PUBLIC ACCOUNTS WWW WINDOW STATE TX US	
C O M B S		

August 7, 2008

Mr. Harry F. Powell
Secretary
Plano Masonic Lodge #768
P. O. Box 860282
Plano, Texas 75086

Dear Taxpayer:

As you may know, the Texas Legislature allowed local taxing jurisdictions to give property tax relief to qualifying charitable organizations, as defined in Chapter 11.18, Property Tax Code. After reviewing your application, we have determined that your organization is primarily engaged in charitable activities, based on your classification as a 501(c) organization with the Internal Revenue Service.

Accordingly, I am pleased to issue this property tax determination letter.

You will apply locally, with your county appraisal district, for property tax exemption. Include a copy of this determination letter with your application.

Be aware that an organization may be qualified, but receive no benefit from the exemption because either it owns no property, or the appraisal district determines that the property is not used exclusively for qualifying charitable activities.

Not all taxing jurisdictions offer this property tax exemption. The actual amount of your tax relief is dependent upon local taxing authorities and your county appraisal district.

A new determination letter, and reapplication for the exemption, is required following the end of the fifth year of exemption.

If you have any questions about your exemption, email us at tax.help@cpa.state.tx.us, or call toll free (800) 531-5441 and ask for the exempt organizations section. The mailing address is Comptroller of Public Accounts, Exempt Organizations Section, P. O. Box 13528, Austin, Texas 78711-3528. The FAX number is (512) 475-1598.

Sincerely,


Bryant K. Lomax
Manager, Tax Policy Division

Form 50-301 (2-02)

Encl. 2.

m-5

PHONE: (469) 742-9200 (800) 401-1110

DATE OF NOTICE: May 2, 2008

DBA: MOORE HOUSE HISTORIC LANDMARK B
 Legal: RAILROAD PLANO, BLOCK 14, LOT 6 & 7A

*****AUTO**5-DIGIT 75086

159836
428

Legal Acres:
 Situs: 1414 J AVE PLANO, TX
 Appraiser: TW
 OWNER ID: 52678

PROPERTY ID: 21263 - R-0420-014-0061-1
 PLANO LODGE 768 AF & AM
 PO BOX 860282
 PLANO TX 75086-0282



Dear Property Owner,

We have appraised the property listed above for the tax year 2008. As of January 1, our appraisal is outlined below.

Appraisal Information		Last Year - 2007		Proposed - 2008	
Structure & Improvement Market Value		132,322		134,027	
Market Value of Non Ag/Timber Land		54,000		54,000	
Market Value of Ag/Timber Land		0		0	
Market Value of Personal Property/Minerals		0		0	
Total Market Value		186,322		188,027	
Productivity Value of Ag/Timber Land		0		0	
Appraised Value * (Possible Homestead Limitations, see asterisk below)		186,322		188,027	
Exemptions		HT			

2007 Taxable Value	Taxing Unit	2008 Proposed Appraised Value	2008 Exemption Amount	2008 Taxable Value	2007 Tax Rate	2008 Estimated Taxes	2008 Tax Ceiling**
120,161	PLANO CITY	188,027	0	188,027	0.473500	890.31	
120,161	COLLIN COUNTY	188,027	0	188,027	0.245000	460.66	
120,161	COLLIN C C COLLEGE	188,027	0	188,027	0.086984	163.55	
120,161	PLANO ISD	188,027	0	188,027	1.268400	2,384.94	

The difference between the 2003 appraised value and the proposed 2008 appraised value is 10.49%. This percentage information is required by Tax Code section 25.19(b-1).

The Texas Legislature does not set the amount of your local taxes. Your property tax burden is decided by your locally elected officials and all inquiries concerning your taxes should be directed to those officials.

The above tax estimates use last year's tax rates for the taxing units shown. The governing body of each unit (school board, county commissioners, and so forth) decides whether property taxes increase. The appraisal district only determines your property value. The taxing units will set tax rates later this year.

* Your residence homestead is protected from future appraisal value increases in excess of 10% per year from the date of the last appraisal PLUS the value of any new improvements.

** If you are 65 years of age or older and received the \$10,000 school tax exemption on your home last year from the school listed above, your school taxes for this year will not be higher than when you first received the exemption on this home. If you are disabled and received the \$10,000 school tax exemption on your home last year from the school listed above, your school taxes for this year will not be higher than the 2003 taxes or the first year you received the exemption, whichever is later. If your county, city, or junior college has approved a limitation on your taxes in the preceding year, your county, city, or junior college taxes will not be higher than the first year your county, city, or junior college approved the limitation or the first year you qualified for the limitation. If you improved your property (by adding rooms or buildings), your school, county, city, or junior college ceiling may increase for these improvements. If you are a surviving spouse, age 55 or older, you may be eligible to retain the school, county, city, or junior college tax ceiling.

Contact the appraisal office if you disagree with this year's proposed value for your property or if you have any problem with the property description or address information. If the problem cannot be resolved, you have the right to appeal to the appraisal review board (ARB).

To appeal, you must file a written protest with the ARB before the deadline date:

Deadline for filing a protest: June 2, 2008
 Location of Hearings: 250 W ELDORADO PKWY, MCKINNEY TX (1.5 MILES EAST OF US-75)
 ARB will begin hearings: June 9, 2008

A protest FORM to send to the Appraisal District Office is on the back of this notice. If you intend to appear and present evidence before the ARB. A protest is sufficient if it includes the protesting property owner, account number, property address and reason for protesting. The ARB will notify you of the date, time, and place of your scheduled hearing. Enclosed is information to help you in preparing your protest.

If you have any questions or need more information, please contact the appraisal district office at (469) 742-9200 or at the address shown above.

Sincerely,

_____nie C. Honea
 Chief Appraiser

Encl. 1

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	01/26/09	Reviewed by Legal <i>JD</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Public Safety Services and Technology			
Department Head	Bruce D. Glasscock	Executive Director	<i>JD</i> Date 01-07-09 <i>1/8/09</i>	
Dept Signature:		City Manager		
Agenda Coordinator (include phone #): Dee Dee Falls, ext. 7747				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, amending Resolution No. 2008-11-23(R) to include Dallas Area Rapid Transit Authority (DART) to its 2009 Legislative Program; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
Amending Resolution No. 2008-11-23(R) to include Dallas Area Rapid Transit Authority (DART) to its 2009 Legislative Program.				
List of Supporting Documents: City of Plano 2009 Legislative Program		Other Departments, Boards, Commissions or Agencies n/a		

City of Plano 2009 Legislative Program

Support legislation that would:

(Bold = Priority Focus)

Public Safety

- **Address the issue of jurisdictional reimbursement for disaster-related costs incurred in the absence of, or prior to, a Presidential Disaster Declaration being issued.**
- Authorize use of sobriety checkpoints as deterrent and enforcement tool for intoxicated drivers.
- Reduce the number of false burglar alarms that may occur before a penalty can be assessed and set a higher penalty for violations.
- Increase the penalty for burglary of a vehicle and unauthorized use of a vehicle to a state jail felony.
- Increase the penalties for violation of the Transportation Code, Subtitle C. Sec. 542.401 to a maximum of \$500 from current \$200.

Utilities

- Requires timely relocation of utilities.
- Provide a means of funding for the placement of utilities underground and alternative routing.

Transportation

- **Funding for regional rail transit and other transportation initiatives.**

Water

- **Requires wholesale pricing of water to be based on conservation.**
- **Protection and acquisition of sites for reservoir development.**

Civil Service

- Allow police chief or fire chief in civil service city to increase number of appointments immediately below the department head level.

Economic Development

- **Amendment of tax increment financing authority to:**
 - **Extend the duration of existing TIF districts;**
 - **Permit use of all revenue for Section 380 grants;**
 - **Permit the creation of new TIF districts with school district participation;**
 - **Permit the creation of TIF districts to support regional rail development.**
- Provide clear authorization to use Chapter 380 grants for housing rehabilitation or incentive programs.

Endorse legislation that is:

- Consistent with the legislative programs of the Texas Municipal League (TML), Cities Aggregation Power Project (CAPP), Texas Coalition of Cities for Utility Issues (TCCFUI), Dallas Area Rapid Transit (DART) and Texas Civil Service Cities Coalition, except to extent it conflicts with City of Plano position.
- Consistent with Region C plan and reservoir development.

Oppose legislation that would:

- **Oppose any legislation that would erode or otherwise diminish local governmental authority or resources.**

A-2

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AMENDING RESOLUTION NO. 2008-11-23(R) TO INCLUDE DALLAS AREA RAPID TRANSIT AUTHORITY (DART) TO ITS 2009 LEGISLATIVE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Resolution No. 2008-11-23(R) on November 24, 2008 which adopted the City of Plano 2009 Legislative Program; and

WHEREAS, in the 2009 Legislative Program, the City committed to endorse legislation that is consistent with programs of various entities; and

WHEREAS, the City Council desires to amend Resolution No. 2008-11-23(R) to add the Dallas Area Rapid Transit (DART) in its 2009 Legislative Program.

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

Section I. Resolution No. 2008-11-23(R) is hereby amended to include the Dallas Area Rapid Transit (DART) in its 2009 Legislative Program.

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

DULY PASSED AND APPROVED this the ____ day of _____, 2009.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/26/09	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Customer and Utility Services		Initials	Date
Department Head	Mark D. Israelson	Executive Director	<i>[Signature]</i>	1-16-09
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	1/16/09
Agenda Coordinator (include phone #): Nancy Rodriguez X7510				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY OF PLANO SUPPORTING LEGISLATION DURING THE 81ST TEXAS LEGISLATIVE SESSION THAT ENCOURAGES UNDERGROUND UTILITY LINE RELOCATION THROUGH FINANCIAL INCENTIVES, GRANT FUNDING OPPORTUNITIES, AND PUBLIC-PRIVATE PARTNERSHIPS, WHILE ALSO SUPPORTING THE INTEGRITY OF THE CITY'S RIGHT-OF-WAY; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
This resolution encourages the 81 st Texas Legislature to pass legislation to allow Texas cities more authority to place utility lines underground.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PLANO SUPPORTING LEGISLATION DURING THE 81ST TEXAS LEGISLATIVE SESSION THAT ENCOURAGES UNDERGROUND UTILITY LINE RELOCATION THROUGH FINANCIAL INCENTIVES, GRANT FUNDING OPPORTUNITIES, AND PUBLIC-PRIVATE PARTNERSHIPS, WHILE ALSO SUPPORTING THE INTEGRITY OF THE CITY'S RIGHT-OF-WAY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 81st Legislature will convene in January 2009; and

WHEREAS, it is anticipated that many legislative issues affecting local government will be considered during this Session providing local governments and the Texas Legislature with opportunities to serve their citizens and the State of Texas; and

WHEREAS, the infrastructure of our State, and particularly utility infrastructure, needs to be studied; and

WHEREAS, consideration should be given to what impact various infrastructure designs have upon the citizens of this State and how improvements will better serve our citizens, enhance economic growth and make the State more aesthetically appealing to new business and safer for our residents; and

WHEREAS, natural storms such as hurricanes and tornadoes occur in Texas; and

WHEREAS, utility infrastructure improvements should take into consideration safety factors due to such storms, and

WHEREAS, locating utility lines underground is in the interests of public safety, as demonstrated by recent weather events, including hurricanes and tornadoes, and we need solutions that will include financial incentives for placing utility lines underground, the ability to have more flexible use of existing funds, including various taxes and fees, and, grants for financing the placement of lines underground; and

WHEREAS, to further the public interest, cities must be allowed to effectively manage their right-of-way, and should oppose any existing laws or precedents or proposed legislation that would impede city control of its property, and support the ability to enforce the necessary management and control over right-of-way so that issues of safety, traveling convenience, tree trimming, and other issues may be properly managed; and

WHEREAS, Texas cities, utility companies and the State would benefit greatly from improved underground utility infrastructure; and

WHEREAS, the City Council is of the opinion that both cities and utility companies need assistance for this project, and intergovernmental coordination and collaboration

between the State and Texas cities and utility companies is in the best interest of the City and its citizens;

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

SECTION I. That the City of Plano supports legislation that encourages the improvement and relocation of utility lines, including financial incentives, funding opportunities and grants, and the ability to have sustainable public-private partnerships, while also supporting the integrity of city right-of-way.

SECTION II. That the City of Plano will work with other Texas cities in seeking such legislation and in furthering areas and issues of common interest and need during the 2009 Texas Legislative session.

SECTION III. This resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, ON THIS THE _____ DAY OF _____, 2009.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 1/26/09		Reviewed by Legal <i>ub</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Technology Services		<i>Initials</i>	Date
Department Head	David Stephens	Executive Director	<i>[Signature]</i>	01.16.09
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	1/29/09
Agenda Coordinator (include phone #): Amy Powell X7342				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A SECOND MODIFICATION OF CONTRACT BY AND BETWEEN ABLE COMMUNICATIONS, INC. AND THE CITY OF PLANO, TEXAS FOR VOICE AND DATA WIRING; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0		0	0
FUND(S): GENERAL FUND, CIP FUNDS, AND OTHER FUNDS				
COMMENTS: This item approves expenditures from various departments and funds, within the annual approved budget appropriations, for the purchase of Voice and Data Wiring Services, and increases the estimated annual expenditures from \$150,000 not to exceed \$448,000. Appropriations for wiring projects are included in the 2008-09 adopted budgets.				
STRATEGIC PLAN GOAL: Voice and data wiring contracts relate to the City's Goal of "Service Excellence".				
SUMMARY OF ITEM				
Technology Services recommends Council approve Amendment No. 2 to the original contract between the City of Plano and Able Communications, Inc. increasing the current annual expenditure contract amount of \$150,000 not to exceed \$448,000. The amendment is necessary for voice and data wiring services for the completion of City projects. (Able Communications, Inc. Contract No.2007-147-C)				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Resolution and 2nd Contract Modification				

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A SECOND MODIFICATION OF CONTRACT BY AND BETWEEN ABLE COMMUNICATIONS, INC. AND THE CITY OF PLANO, TEXAS FOR VOICE AND DATA WIRING; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented a proposed Second Modification of Contract for voice and data wiring services between Able Communications, Inc. and the City of Plano, Texas, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Second Modification"); and,

WHEREAS, upon full review and consideration of the Second Modification, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or, in his absence, an Executive Director, shall be authorized to execute it on behalf of the City of Plano.

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

Section I. The terms and conditions of the Second Modification, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things approved.

Section II. The City Manager, or in his absence, an Executive Director, is hereby authorized to execute the Second Modification and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Second Modification.

Section III. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the ____ day of _____, 2009.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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THE STATE OF TEXAS	§	<u>Second Modification of Contract</u>
	§	<u>By and Between City of Plano</u>
	§	<u>And Able Communications, Inc.</u>
COUNTY OF COLLIN	§	

THIS Second Modification of Agreement (hereinafter "Second Modification") is made and entered into on this the _____ day of _____, 2009, by and between **ABLE COMMUNICATIONS, INC.** a Texas corporation, (hereinafter "Contractor") and the **CITY OF PLANO, TEXAS**, a home rule municipal corporation (hereinafter "City"), acting by and through its City Manager or his designee.

WITNESSETH:

WHEREAS, City and Contractor entered into an Agreement on August 27th, 2007 (hereinafter "Agreement") for voice and data wiring services (hereinafter "Services"); and

WHEREAS, City and Contractor entered into a First Modification of Contract on November 17, 2008; and

WHEREAS, City and Contractor desire to further amend said Agreement in certain respects as set forth in this Second Modification.

NOW THEREFORE, the Agreement is incorporated herein as if written word for word. Except as provided below, all other terms and conditions of the Agreement shall remain unchanged and shall remain in full force and effect. In the event of any conflict or inconsistency between the provisions set forth in this Second Modification and the Agreement, priority of interpretation shall be in the following order: Second Modification, First Modification, Agreement.

IN CONSIDERATION of the foregoing, and for other good and valuable consideration, the parties agree as follows:

I.

Beginning on the effective date of this Second Modification and continuing through the remaining term of the Agreement, section IV. Payment is hereby amended to read in its entirety as follows:

"Payments hereunder shall be made to Contractor following city's acceptance of the work and within thirty (30) days of receiving

Exhibit "A" to Resolution No. _____

Contractor's invoice for the products and services delivered. Total annual compensation under this contract shall not exceed the sum of **FOUR HUNDRED FORTY-EIGHT THOUSAND AND 00/100 DOLLARS (\$448,000.00)**.

Contractor recognizes that this Contract shall commence upon the effective date herein and continue in full force and effect until termination in accordance with its provisions. Contractor and City herein recognize that the continuation of any contract after the close of any given fiscal year of the City of Plano, which fiscal year ends on September 30th of each year, shall be subject to Plano City Council approval. In the event that the Plano City Council does not approve the appropriation of funds for this contract, the Contract shall terminate at the end of the fiscal year for which funds were appropriated and the parties shall have no further obligations hereunder."

IN WITNESS WHEREOF, this Second Modification is effective on the date first written above.

**ABLE COMMUNICATIONS, INC., a
Texas corporation**

By: _____
Name: _____
Title: _____

Date: _____

CITY OF PLANO, TEXAS

BY: _____
Thomas H. Muehlenbeck
CITY MANAGER

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY

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Exhibit "A" to Resolution No. _____

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2009, by _____, _____ of **ABLE COMMUNICATIONS, INC.**, a Texas corporation, on behalf of said corporation.

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, 2009, by **THOMAS H. MUEHLENBECK**, City Manager of the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of said corporation.

Notary Public, State of Texas



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Council Meeting Date:	1/26/09		Reviewed by Legal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Department:	Finance		Initials	Date
Department Head	Denise Tacke		Executive Director	
Dept Signature:			City Manager	
Agenda Coordinator (include phone #):		Brianna Alvarado 7333		

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT OTHER

CAPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE CITY OF PLANO'S PARTICIPATION IN "TEXPOOL", A PUBLIC FUNDS INVESTMENT POOL; DESIGNATING AUTHORIZED REPRESENTATIVES AND INVESTMENT OFFICERS; AND PROVIDING AN EFFECTIVE DATE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2009	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(S):

COMMENTS: This resolution is adding the new Treasurer to Texpool our public funds investing pool.

SUMMARY OF ITEM

This resolution is adding the new Treasurer to Texpool our public funds investing pool.

List of Supporting Documents:
Resolution

Other Departments, Boards, Commissions or Agencies

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE CITY OF PLANO'S PARTICIPATION IN "TEXPOOL", A PUBLIC FUNDS INVESTMENT POOL; DESIGNATING AUTHORIZED REPRESENTATIVES AND INVESTMENT OFFICERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Plano, Texas ("Participant"), is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool/TexPool *Prime*"), a public funds investment pool, was created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

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

Section I. The individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool/TexPool *Prime* and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

Section II. An Authorized Representative of the Participant may be deleted by a written instrument signed by all remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool/TexPool *Prime* account or (2) is no longer employed by the Participant.

Section III. The Participant may be amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant.

Section IV. The following officers, officials or employees of the City of Plano are hereby designated as "Authorized Representatives" with full power and authority to: transmit funds for investment in TexPool/TexPool *Prime*, deposit money and withdraw money from the City of Plano's TexPool account from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds of the City of Plano:

Signature: _____

Printed Name: Thomas H. Muehlenbeck

Title: City Manager

Signature: Denise Tacke

Printed Name: Denise Tacke

Title: Director of Finance

Signature: Brianna Alvarado

Printed Name: Brianna Alvarado

Title: Treasury Analyst

Signature: Mary Reese

Printed Name: Mary Reese

Title: Controller

Signature: Myra Conklin

Printed Name: Myra Conklin

Title: Treasurer

In accordance with TexPool procedures, an Authorized Representative shall promptly notify TexPool in writing of any changes in who is serving as Authorized Representatives.

Section V: This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this 26th day of January, 2009.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget <i>CS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/26/09	Reviewed by Legal <i>PM</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	FINANCE		Initials	Date
Department Head	Denise Tacke <i>DT</i>	Executive Director		
Dept Signature:		City Manager	<i>PM</i>	1/16/09
Agenda Coordinator (include phone #):		Katherine Crumbley - 7479 <i>KAC</i>		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, REVIEWING AND APPROVING THE CITY'S WRITTEN PUBLIC FUNDS INVESTMENT POLICY; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2009	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: No fiscal impact				
SUMMARY OF ITEM				
Annual Approval of Public Funds Investment Policy in Accordance with Section 5, Chapter 2256 of the Texas Government Code				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Resolution, Public Funds Investment Policy				

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, REVIEWING AND APPROVING THE CITY'S WRITTEN PUBLIC FUNDS INVESTMENT POLICY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2256.005(e) of the Texas Government Code requires the governing body of an investing entity to adopt a written investment policy regarding the investment of its funds and funds under its control and to review said written investment policy on an annual basis; and,

WHEREAS, on August 25, 2008, by Resolution No. 2008-8-11(R), the City Council approved and adopted a written Investment Policy for the City of Plano regarding investment of public funds; and,

WHEREAS, the City Council has been presented the existing and duly approved Public Funds Investment Policy which contains investment strategies, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and,

WHEREAS, the City Council has reviewed the Public Funds Investment Policy attached hereto as Exhibit "A" and the investment strategies contained therein and finds that it is consistent with prudent fiscal policy.

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

Section I. The City Council of the City of Plano, Texas, has reviewed the Public Funds Investment Policy attached hereto as Exhibit "A" and the investment strategies contained therein.

Section II. The Public Funds Investment Policy as contained in Exhibit "A" attached hereto shall remain the official policy of the City of Plano regarding investment of public funds.

Section III. This Resolution shall become effective immediately upon its passage.

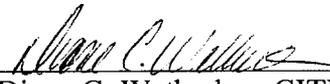
DULY PASSED AND APPROVED this the 26th day of January, 2009.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY

City of Plano Investment Policy

The City of Plano (the "City") is required under the Public Funds Investment Act (the "PFIA") Chapter 2256, Texas Government Code, to adopt a written investment policy. The City is required to comply with the Investment Policy as approved by the City Council.

Statement of Intent

It is the Policy of the City to invest funds in a manner, which will insure maximum security and provide for the daily cash flow demands of the City, and conform to all State and local statutes governing the investment of public funds.

Scope

This Investment Policy applies to all financial assets of the City, except certain trust and pension funds contractually invested by outside managers, e.g. Retirement/Pension, and Employee Deferred Compensation.

All funds are accounted for in the City's Comprehensive Annual Financial Report.

Prudence

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by Investment Officers shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. The Investment Officers, acting in accordance with written procedures and the Investment Policy, and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported immediately upon knowledge of the deviation and appropriate action is taken to control adverse developments.

Investment Officers shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction that might impair public confidence in the City's ability to govern effectively.

Objectives

The primary objectives of the City's investment activities shall be as follows:

1. Safety of principal is the foremost objective of the City's investment program. Investment transactions of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that actual losses on individual securities do not exceed the income generated from the remainder of the portfolio.
2. The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that can be reasonably anticipated.
3. The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio.

Delegation Of Authority

City employees authorized to engage in investment transactions and authorized as Investment Officers are the City Manager, the Director of Finance, the Treasurer, the Controller, and the Treasury Analyst. Management responsibility for the investment program is delegated from the City Manager to the Director of Finance who shall establish written procedures for the operation of the investment program consistent with this Investment Policy. Investment procedures should include reference to the following: safekeeping agreements, repurchase agreements, wire transfer agreements, collateral agreements, depository service contracts and agreements, broker/dealer selection criteria, and security bidding and purchase processes. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Policy and the procedures established by the Director of Finance. The Director of Finance shall be responsible for routine authorization of investments and the Controller shall be responsible for proper accounting of investments in order to maintain appropriate internal controls. The Director of Finance shall establish a system of controls to regulate the activities of subordinates.

Ethics And Conflict Of Interest

Investment Officers involved in the investment process who have a personal business relationship with a business organization offering to engage in an investment transaction with the City shall submit a statement disclosing that personal business interest to the City Council and the Texas Ethics Commission. An Investment Officer who is related within the second degree of affinity or consanguinity to an individual seeking to sell an investment to the City shall submit a statement disclosing that relationship to the City Council and the Texas Ethics Commission. A personal business relationship with a business organization is defined as 1) owning 10 percent or more of the voting stock or shares of the business organization or owning \$5,000 or more of the fair market value of the business organization; 2) receiving funds from the business organization exceeding 10 percent of gross income for the previous year; or

3) acquiring from the business organization during the previous year investments with a book value of \$2,500 or more for a personal account.

Compliance Audit

As part of the annual audit, the independent auditor must formally review internal controls, compliance with the Policy, and the quarterly investment reports prepared to comply with the PFIA, and report the results of that review to the City Council as part of its regular audit report.

Depository Selection

A qualified depository shall be selected through the City's professional services contract process in compliance with state bidding requirements, and shall include a formal Request For Proposal. The centralization of depository services is designed to maximize investment capabilities while minimizing service costs as well as staff time spent on activities such as reconciliation

The selection of a depository shall be based on the financial institution offering the most favorable terms and conditions at the best value, while adhering to the guidelines and provisions within the request for proposal. In selecting a depository, the City shall give consideration to the financial institution's credit characteristics, financial history, service capabilities, and costs for required services.

The City's depository contract shall be in compliance with State law. Specialized services may be contracted for by the City with another financial institution or company if the depository cannot provide such service or charges more for the same service with little or no appreciable benefit.

Authorized Securities Dealers

The Investment Committee will review and adopt annually a list of qualified securities dealers authorized to engage in investment transactions with the City. The City will provide any person offering to engage in an investment transaction with the City, including investment pools, with a copy of the City's Investment Policy.

A qualified representative of the business organization offering to engage in an investment transaction must execute a written statement acknowledging receipt and review of the Policy and a statement acknowledging that reasonable procedures and controls have been implemented to preclude investment transactions that are unauthorized by this Investment Policy except, to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards. All approved broker/dealer firms must submit a completed City Broker/Dealer Questionnaire, a written acknowledgment per above guidelines, an executed master repurchase agreement, if applicable, and a copy of current audited financial statements.

Investment Advisers

Investment Advisers shall adhere to the spirit, philosophy and specific term of the Investment Policy and shall invest within the same objectives. The Investment Officer shall establish criteria to evaluate Investment Advisers, including:

1. Adherence to the City's policies and strategies;
2. Investment strategy recommendations within accepted risk constraints;
3. Responsiveness to the City's request for services and information;
4. Understanding of the inherent fiduciary responsibility of investing public funds; and
5. Similarity in philosophy and strategy with the City's objectives.

Selected Investment Advisors must be registered under the Investment Advisers Act of 1940 or with the State Securities Board. A contract with an Investment Adviser may not be for a term longer than two years and any contract, renewal or extension must be approved by the City Council.

Authorized Investments

The City is authorized to invest in the following types of securities, as specified in the PFIA Eligible investments include the following:

1. obligations, including letters of credit, of the United States or its agencies and instrumentalities;
2. direct obligations of the State of Texas or its agencies and instrumentalities;
3. other obligations, the principal of and interest on which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities;
4. obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than A or its equivalent; 5. certificates of deposit, issued by a depository institution that has its main office or a branch office in this state, that are:
 - a) guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor; or the National Credit Union Share Insurance Fund, or its successor;
 - b) secured by obligations that are described by the PFIA, which are intended to include all direct federal agency or instrumentality issued mortgage backed securities that have a market value of not less than 102% of the principal amount of the certificates or in any other manner and amount provided by law for deposits of the

investing entities;

- c) issued by a depository institution that arranges for the deposit of funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the City, with the full amount of principal and accrued interest of each of the certificates of deposit insured by the Federal Deposit Insurance Corporation, or its successor; the depository institution selected by the City for the purchase of the certificates of deposit acts as custodian for the City with respect to the certificates of deposit issued for the City; and, at the same time that the funds are deposited and the certificates of deposit are issued for the account of the City, the issuing depository institution receives, from other federally insured depository institutions, wherever located, an amount equal to or greater than the amount of funds invested by the City through the depository institution issuing the certificates of deposit to the City;

7. fully collateralized repurchase agreements having a defined termination date, secured by obligations described by the PFIA, pledged to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the City, and is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state;

8. mutual funds

- a) a no-load money market mutual fund that is registered with and regulated by the Securities and Exchange Commission; has a dollar-weighted average stated maturity of 90 days or fewer; provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 or the Investment Company Act of 1940; and states in its investment objectives the maintenance of a stable net asset value of \$1.00 for each share; and the City owns 10% or less of the fund's total assets; or
- b) a no-load mutual fund that it is registered with the Securities and Exchange Commission; has an average weighted maturity of less than two years; is invested exclusively in obligations approved by Chapter 2256, sections 9 through 16; is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and conforms to the requirements set forth in Sections 2256.016 (b) and (c) relating to the eligibility of mutual funds to receive and invest funds of investing entities; with the following restrictions:
 - i) amount is limited to 15% of the City's monthly average fund

balance, excluding bond proceeds, reserves, and debt service funds;ii) is ineligible for investment of bond proceeds, reserves, and debt service funds; andiii) the City may not own more than 10% of the fund's total assets.

9. eligible investment pools that invest in instruments and follow practices allowed by current law as defined in the PFIA provided that:
- a) investment in the particular pool has been authorized by the City Council;
 - b) the pool shall have furnished the Investment Officer an offering circular containing the information required by the PFIA;
 - c) the pool shall furnish to the Investment Officer investment transaction confirmations with respect to all investments made with it;
 - d) The pool shall furnish to the Investment Officer monthly reports that contain the information required by the PFIA;
 - e) the pool's investment objectives shall be to maintain a stable net asset value of one dollar (\$1) and may have a weighted average maturity no greater than 90 days;
 - f) whose investment philosophy and strategy are consistent with this Policy and the City's ongoing strategy; and
 - g) the pool provides evidence of credit rating no lower than "AAA" or "AAA-m" by at least one nationally recognized credit rating service.

Unauthorized Investments

The City's authorized investment alternatives are more restrictive than those allowed by State law. Not all investments authorized by State Law are authorized by this Policy. The City prohibits investments in all collateralized mortgage obligations. State law specifically prohibits investment in the following investment securities:

1. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pay no principal;
2. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
3. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.

The City is not required to liquidate investments that were authorized investments at the time of purchase. The City will take prudent measures to liquidate any investment that loses its required minimum rating.

Investment Strategy

The City intends to maintain a consolidated portfolio in which all funds under the City's control, as specified in this Policy, are pooled for investment purposes. One of the fund's primary objectives is to insure that anticipated cash flows are matched with investment maturities. Both short and longer-term maturities are laddered to meet general operating, capital project and debt service expenditures, based on known and projected cash flows.

Another primary objective of the fund is the preservation and safety of principal by insuring that all securities are of a sufficiently high quality and duration so as to limit exposure to credit and market risks. The portfolio should therefore experience minimal volatility during varying economic cycles. Securities of all types are purchased with the intention of holding until maturity.

Other objectives include maintaining liquidity, including the ability to reasonably meet unanticipated needs by purchasing securities with an active secondary/resale market. Diversification is maintained in order to minimize possible credit risk in a specific security type.

The final objective of obtaining a market rate of return while considering risk constraints and cash flow needs, is much less important than safety of principal and liquidity. The majority of investments are limited to low risk securities earning an equitable rate of return relative to the amount of risk.

Competitive Selection of Investment Instruments

Before an Investment Officer invests any surplus funds, a competitive "quote" process shall be conducted. If a specific maturity date is required either for cash flow purposes or for conformance to maturity guidelines, offerings will be requested for instruments that meet the maturity requirement. If no specific maturity is required, the best value available within the time constraints of the Investment Policy will be selected. Offers will be requested from financial institutions and Authorized Securities Dealers for various investment alternatives with regard to term and instrument. The current interest rates of other approved investment alternatives will be considered. Documentation of the competitive process will be retained in the investment file.

Collateralization

In order to anticipate market changes and provide a level of security for all funds, collateralization is required for all City funds held in the depository as available funds, in certificates of deposit, and for repurchase agreements. With the exception of deposits secured with irrevocable letters of credit at 100% of amount, the collateralization level will be 102% of market value of principal and accrued interest. Evidence of the pledged collateral shall be maintained by the Director of Finance, or a third party financial institution. Collateral shall be reviewed at least monthly to assure that the market value of the pledged securities is adequate. If upon review, the collateral is found to be of inadequate value, the City will notify the pledging financial institution to immediately provide additional collateral.

The City shall accept only the following as collateral:

1. FDIC insurance coverage;
2. A Bond, Bill, Certificate of Indebtedness, or Treasury Note of the United States, or other evidence of indebtedness of the United States that is guaranteed as to principal and interest by the United States;
3. Obligations, the principal and interest on which, are unconditionally guaranteed or insured by the State of Texas;
4. A Bond of the State of Texas or a county, city or other political subdivision of the State of Texas having been rated at no less than "A" or its equivalent by a nationally recognized rating agency with a remaining maturity of ten years or less;
5. Obligations of the United States' agencies and instrumentalities, limited to the FHLB, FNMA, FFCB and FHLMC; or
6. A letter of credit issued to the City by the Federal Home Loan Bank.

Collateral will be held by an independent third party with whom the entity will sign a custodial agreement. Safekeeping receipts must be supplied to the City and must be retained. All collateral shall be subject to inspection and audit by the Director of Finance or the City's independent auditors.

Additional collateral may be pledged as required, released when it is not needed, and substituted, if necessary, with the written consent of the Director of Finance, or an authorized Investment Officer. Any financial institution requesting substitution must contact the Director of Finance for approval and settlement. The substituted security's value will be calculated and substitution approved if its value is equal to or greater than the required security level. The Director of Finance or designated Investment Officer must provide a written notification of the decision to the bank or the safekeeping agent holding the security prior to any security release. Substitution is allowable for all transactions, but should be limited, if possible, to minimize potential administrative problems and transfer expense.

Safekeeping And Custody

All security transactions entered into by the City, with the exception of certificates of deposit, investment pools, and mutual funds, shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by a third party safekeeping agent

designated by the Investment Officer and Director of Finance. Safekeeping receipts and clearance documents will be required for all securities purchased by the City and held in safekeeping by an authorized third party.

Diversification

The City will diversify the portfolio at all times to ensure the reduction of risk while still maintaining reasonable rates of return, and to ensure a certain degree of liquidity. The City will diversify its investments by security type in the following manner:

With the exception of United States Treasury securities and authorized pools, no more than 50% of the total investment portfolio will be invested in a single security type. (Such as FNMA, FHLB, FHLMC, CD's at one institution, etc.)

Risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, limitation of average and final maturity, and avoidance of over-concentration of specific instruments.

Risk to liquidity due to cash flow complications shall be controlled by maintaining minimum bank, investment pool, and money market mutual fund balances.

Maximum Maturities

To the extent possible, the City will attempt to match its anticipated cash flow requirements with maturing investments. The City will not directly invest in securities maturing more than five years from the date of purchase. The portfolio's maximum average dollar-weighted maturity will be one year based on the stated maturity date of the investment.

Performance Standards

The investment portfolio will be designed to obtain a market average rate of return during unpredictable budgetary and economic cycles at the local and federal levels, taking into account the City's investment risk constraints and cash flow needs.

The City's investment strategy is primarily passive. Given this strategy, the basis, or benchmark, used by the Investment Officer to determine whether market yields are being achieved shall be the 3 month or 6 month Treasury Bill or 1 or 2 year Treasury Note, whichever is closest to the weighted average maturity of the portfolio.

Reporting

Monthly Reporting. The Director of Finance is responsible for providing monthly information on investment activity in the Comprehensive Monthly Finance Report, to include the size of the portfolio, the distribution by maturity, the distribution by market sector, interest income earned during the current month and fiscal year to date, and the current portfolio yield.

Quarterly Reporting. The Director of Finance shall submit a signed quarterly investment report, jointly prepared and signed by all Investment Officers, that summarizes current market conditions, economic developments and anticipated investment conditions. The report shall summarize investment strategies employed in the most recent quarter, and describe the portfolio in terms of investment securities, maturities, risk characteristics, and shall explain the total investment return for the quarter.

The quarterly investment report shall provide a status of the current investment portfolio and transactions made over the last quarter. The report will be provided to the City Manager and City Council and include the following:

1. A listing of individual securities held at the end of the reporting period;
2. Unrealized gains or losses resulting from appreciation or depreciation by listing the beginning and ending book and market value of securities for the period. Market price is the net selling price of securities as quoted by a recognized market pricing source quoted on the valuation date;
3. Additions and changes to the market value during the period and fully accrued interest for the reporting period;
4. Average weighted yield to maturity of the portfolio of City investments as compared to applicable benchmark;
5. Listing of investments by maturity date and by type of asset;
6. The percentage of the total portfolio that each type of investment represents;
7. A statement of compliance of the City's investment portfolio with State law and the investment strategy and Policy approved by the City Council

Market Pricing

Market Value of the investment portfolio will be calculated monthly. Pricing information will come from Bloomberg, IDC, or any other source deemed reliable by the Director of Finance. If the price of a particular security is not available from any of these sources, the price may be estimated by analyzing similar securities' market values.

Training

The Director of Finance, the Treasurer and any other authorized Investment Officer must attend at least one training session relative to their responsibilities under the PFIA within twelve months after taking office or assuming duties from an independent source approved by the Investment Committee. In addition, each must receive not less than 10 hours of instruction every two years relating to investment responsibilities from an independent source approved by the Investment Committee

Internal Controls

The Director of Finance is responsible for establishing appropriate internal controls.

The Investment Officers are responsible for executing investment transactions and the Accounting division is responsible for preparation of general ledger journal entries based on documentation prepared by the Investment Officers.

Investment Policy Review And Adoption

The City's Investment Policy shall be reviewed periodically by the Investment Committee and revised and recommended for Council approval, when necessary. In addition, the Policy must be reviewed not less than annually by the City Council. This review will include adoption of a written resolution stating that the Council has reviewed the Investment Policy and investment strategies and include any changes made to the Policy or strategies.

Investment Committee

An Investment Committee comprised of the City Manager, Director of Finance, and the Investment Officer(s) will meet on a quarterly basis. In addition to monthly and quarterly reporting to City Council, the Director of Finance will present a brief report of pertinent investment activities to the Investment Committee.

The primary objective of the Committee will be to review general strategies and policies, monitor investment program results, select independent training sources, and authorize securities dealers.

City of Plano Investment Policy

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The City of Plano (the "City") is required under the Public Funds Investment Act (the "PFIA") Chapter 2256, Texas Government Code, to adopt a written investment policy. The City is required to comply with the Investment Policy as approved by the City Council.

Statement Of Intent

It is the Policy of the City , to invest funds in a manner, which will insure maximum security and provide for the daily cash flow demands of the City, and conform to all State and local statutes governing the investment of public funds.

Scope

This Investment Policy applies to all financial assets of the City, except certain trust and pension funds contractually invested by outside managers, e.g. Retirement/Pension, and Employee Deferred Compensation.

All funds are accounted for in the City's Comprehensive Annual Financial Report.

Prudence

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by Investment Officers shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. The Investment Officers, acting in accordance with written procedures and the Investment Policy, and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported immediately upon knowledge of the deviation and appropriate action is taken to control adverse developments.

Investment Officers shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction that might impair public confidence in the City's ability to govern effectively.

Objectives

The primary objectives of the City's investment activities shall be as follows:

1. Safety of principal is the foremost objective of the City's investment program. Investment transactions of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that actual losses on individual securities do not exceed the income generated from the remainder of the portfolio.

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- 2. The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that can be reasonably anticipated.
- 3. The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio.

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Delegation Of Authority

City employees authorized to engage in investment transactions and authorized as Investment Officers are the City Manager, the Director of Finance, the Treasurer, the Controller, and the Treasury Analyst. Management responsibility for the investment program is delegated from the City Manager to the Director of Finance, who shall establish written procedures for the operation of the investment program consistent with this Investment Policy. Investment procedures should include reference to the following: safekeeping agreements, repurchase agreements, wire transfer agreements, collateral agreements, depository service contracts and agreements, broker/dealer selection criteria, and security bidding and purchase processes. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Policy and the procedures established by the Director of Finance. The Director of Finance shall be responsible for routine authorization of investments and the Controller shall be responsible for proper accounting of investments in order to maintain appropriate internal controls. The Director of Finance shall establish a system of controls to regulate the activities of subordinates.

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Ethics And Conflict Of Interest

Investment Officers involved in the investment process who have a personal business relationship with a business organization offering to engage in an investment transaction with the City, shall submit a statement disclosing that personal business interest to the City Council and the Texas Ethics Commission. An Investment Officer who is related within the second degree of affinity or consanguinity to an individual seeking to sell an investment to the City, shall submit a statement disclosing that relationship to the City Council and the Texas Ethics Commission. A personal business relationship with a business organization is defined as 1) owning 10 percent or more of the voting stock or shares of the business organization or owning \$5,000 or more of the fair market value of the business organization; 2) receiving funds from the business organization exceeding 10 percent of gross income for the previous year; or 3) acquiring from the business organization during the previous year investments with a book value of \$2,500 or more for a personal account.

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Compliance Audit

As part of the annual audit, the independent auditor must formally review internal controls, compliance with the Policy, and the quarterly investment reports prepared to comply with the PFIA, and report the results of that review to the City Council as part of its regular audit report.

Depository Selection

A qualified depository shall be selected through the City's professional services contract process in compliance with state bidding requirements, and shall include a formal Request For Proposal. The centralization of depository services is designed to maximize investment capabilities while minimizing service costs as well as staff time spent on activities such as reconciliation.

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The selection of a depository shall be based on the financial institution offering the most favorable terms and conditions at the best value, while adhering to the guidelines and provisions within the request for proposal. In selecting a depository, the City shall give consideration to the financial institution's credit characteristics, financial history, service capabilities, and costs for required services.

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The City's depository contract shall be in compliance with State law, Specialized services may be contracted for by the City with another financial institution or company if the depository cannot provide such service or charges more for the same service with little or no appreciable benefit.

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Authorized Securities Dealers

The Investment Committee will review and adopt annually a list of qualified securities dealers authorized to engage in investment transactions with the City. The City will provide any person offering to engage in an investment transaction with the City, including investment pools, with a copy of the City's Investment Policy.

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A qualified representative of the business organization offering to engage in an investment transaction must execute a written statement acknowledging receipt and review of the Policy and a statement acknowledging that reasonable procedures and controls have been implemented to preclude investment transactions that are unauthorized by this Investment Policy except, to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards. All approved broker/dealer firms must submit a completed City Broker/Dealer Questionnaire, a written acknowledgment per above guidelines, an executed master repurchase agreement, if applicable, and a copy of current audited financial statements.

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Investment Advisers

Investment Advisers shall adhere to the spirit, philosophy and specific term of the Investment Policy and shall invest within the same objectives. The Investment Officer shall establish criteria to evaluate Investment Advisers, including:

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1. Adherence to the City's policies and strategies;
2. Investment strategy recommendations within accepted risk constraints;
3. Responsiveness to the City's request for services and information;
4. Understanding of the inherent fiduciary responsibility of investing public funds; and
5. Similarity in philosophy and strategy with the City's objectives.

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Selected Investment Advisors must be registered under the Investment Advisers Act of 1940 or with the State Securities Board. A contract with an Investment Adviser may not be for a term longer than two years and any contract, renewal or extension must be approved by the City Council.

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Authorized Investments

The City is authorized to invest in the following types of securities, as specified in the PFIA. Eligible investments include the following:

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1. obligations, including letters of credit, of the United States or its agencies and instrumentalities;

2. direct obligations of the State of Texas or its agencies and instrumentalities;

3. other obligations, the principal of and interest on which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities;

4. obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than A or its equivalent; 5. certificates of deposit, issued by a depository institution that has its main office or a branch office in this state, that are:

- a) guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor; or the National Credit Union Share Insurance Fund, or its successor;
- b) secured by obligations that are described by the PFIA, which are intended to include all direct federal agency or instrumentality issued mortgage backed securities that have a market value of not less than 102% of the principal amount of the certificates or in any other manner and amount provided by law for deposits of the investing entities;
- c) issued by a depository institution that arranges for the deposit of funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the City, with the full amount of principal and accrued interest of each of the certificates of deposit insured by the Federal Deposit Insurance Corporation, or its successor; the depository institution selected by the City for the purchase of the certificates of deposit acts as custodian for the City with respect to the certificates of deposit issued for the City; and, at the same time that the funds are deposited and the certificates of deposit are issued for the account of the City, the issuing depository institution receives, from other federally insured depository institutions, wherever located, an amount equal to or greater than the amount of funds invested by the City through the depository institution issuing the certificates of deposit to the City;

7. fully collateralized repurchase agreements having a defined termination date, secured by obligations described by the PFIA, pledged to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the City, and is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state;

8. mutual funds

- a) a no-load money market mutual fund that is registered with and regulated by

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<#>10 year or less stated final maturity date¶
<#>cannot be either an Interest-Only or Principle-Only CMO¶
<#>cannot be an inverse floater¶
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<#>is rated not less than A-1, P-1, or the equivalent by at least two nationally recognized credit rating agencies; or¶
<#>is rated at least A-1, P-1, or the equivalent by at least one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state thereof;¶

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the Securities and Exchange Commission; has a dollar-weighted average stated maturity of 90 days or fewer; provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 or the Investment Company Act of 1940; and states in its investment objectives the maintenance of a stable net asset value of \$1.00 for each share; and the City owns 10% or less of the fund's total assets; or

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b) a no-load mutual fund that it is registered with the Securities and Exchange Commission; has an average weighted maturity of less than two years; is invested exclusively in obligations approved by Chapter 2256, sections 9 through 16; is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and conforms to the requirements set forth in Sections 2256.016 (b) and (c) relating to the eligibility of mutual funds to receive and invest funds of investing entities; with the following restrictions:

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j) amount is limited to 15% of the City's monthly average fund balance, excluding bond proceeds, reserves, and debt service funds;ji) is ineligible for investment of bond proceeds, reserves, and debt service funds; andjii) the City may not own more than 10% of the fund's total assets.

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9. eligible investment pools that invest in instruments and follow practices allowed by current law as defined in the PFIA provided that:

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- a) investment in the particular pool has been authorized by the City Council;
- b) the pool shall have furnished the Investment Officer an offering circular containing the information required by the PFIA;
- c) the pool shall furnish to the Investment Officer investment transaction confirmations with respect to all investments made with it;
- d) The pool shall furnish to the Investment Officer monthly reports that contain the information required by the PFIA;
- e) the pool's investment objectives shall be to maintain a stable net asset value of one dollar (\$1) and may have a weighted average maturity no greater than 90 days;
- f) whose investment philosophy and strategy are consistent with this Policy and the City's ongoing strategy; and
- g) the pool provides evidence of credit rating no lower than "AAA" or "AAA-m" by at least one nationally recognized credit rating service.

Unauthorized Investments

Deleted: any other type of securities as allowed under Section 2256, Sections 9 through 16, Texas Government Code.

The City's authorized investment alternatives are more restrictive than those allowed by State law. Not all investments authorized by State Law are authorized by this Policy. The City prohibits investments in all collateralized mortgage obligations. State law specifically prohibits investment in the following investment securities:

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1. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pay no principal;
2. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
3. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.

The City is not required to liquidate investments that were authorized investments at the time of purchase. The City will take prudent measures to liquidate any investment that loses its required minimum rating.

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Other objectives include maintaining liquidity, including the ability to reasonably meet unanticipated needs by purchasing securities with an active secondary/resale market. Diversification is maintained in order to minimize possible credit risk in a specific security type.

The final objective of obtaining a market rate of return while considering risk constraints and cash flow needs, is much less important than safety of principal and liquidity. The majority of investments are limited to low risk securities earning an equitable rate of return relative to the amount of risk.

Competitive Selection of Investment Instruments

Before an Investment Officer invests any surplus funds, a competitive "quote" process shall be conducted. If a specific maturity date is required either for cash flow purposes or for conformance to maturity guidelines, offerings will be requested for instruments that meet the maturity requirement. If no specific maturity is required, the best value available within the time constraints of the Investment Policy will be selected. Offers will be requested from financial institutions and Authorized Securities Dealers for various investment alternatives with regard to term and instrument. The current interest rates of other approved investment alternatives will be considered. Documentation of the competitive process will be retained in the investment file.

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Collateralization

In order to anticipate market changes and provide a level of security for all funds, collateralization is required for all City funds held in the depository as available funds, in certificates of deposit, and for repurchase agreements. With the exception of deposits secured with irrevocable letters of credit at 100% of amount, the collateralization level will be 102% of market value of principal and accrued interest. Evidence of the pledged collateral shall be maintained by the Director of Finance, or a third party financial institution. Collateral shall be reviewed at least monthly to assure that the market value of the pledged securities is adequate. If upon review, the collateral is found to be of inadequate value, the City will notify the pledging financial institution to immediately provide additional collateral.

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The City shall accept only the following as collateral:

1. FDIC insurance coverage;
2. A Bond, Bill, Certificate of Indebtedness, or Treasury Note of the United States, or other evidence of indebtedness of the United States that is guaranteed as to principal and interest by the United States;
3. Obligations, the principal and interest on which, are unconditionally guaranteed or insured by the State of Texas;
4. A Bond of the State of Texas or a county, city or other political subdivision of the State of Texas having been rated at no less than "A" or its equivalent by a nationally recognized rating agency with a remaining maturity of ten years or less;
5. Obligations of the United States' agencies and instrumentalities, limited to the FHLB, FNMA, FFCB and FHLMC; or
6. A letter of credit issued to the City by the Federal Home Loan Bank.

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Collateral will be held by an independent third party with whom the entity will sign a custodial agreement. Safekeeping receipts must be supplied to the City and must be retained. All collateral shall be subject to inspection and audit by the Director of Finance or the City's independent auditors.

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Additional collateral may be pledged as required, released when it is not needed, and substituted, if necessary, with the written consent of the Director of Finance, or an authorized Investment Officer. Any financial institution requesting substitution must contact the Director of Finance for approval and settlement. The substituted security's value will be calculated and substitution approved if its value is equal to or greater than the required security level. The Director of Finance or designated Investment Officer must provide a written notification of the decision to the bank or the safekeeping agent holding the security prior to any security release. Substitution is allowable for all transactions, but should be limited, if possible, to minimize potential administrative problems and transfer expense.

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Safekeeping And Custody

All security transactions entered into by the City, with the exception of certificates of deposit, investment pools, and mutual funds, shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by a third party safekeeping agent, designated by the Investment Officer and Director of Finance. Safekeeping receipts and clearance documents will be required for all securities purchased by the City, and held in safekeeping by an authorized third party.

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Diversification

The City, will diversify the portfolio at all times to ensure the reduction of risk while still maintaining reasonable rates of return, and to ensure a certain degree of liquidity. The City, will diversify its investments by security type in the following manner:

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With the exception of United States Treasury securities and authorized pools, no more than 50% of the total investment portfolio will be invested in a single security type. (Such as FNMA, FHLB, FHLMC, CD's at one institution, etc.)

Risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, limitation of average and final maturity, and avoidance of over-concentration of specific instruments.

Risk to liquidity due to cash flow complications shall be controlled by maintaining minimum bank, investment pool, and money market mutual fund balances.

Maximum Maturities

To the extent possible, the City, will attempt to match its anticipated cash flow requirements with maturing investments. The City will not directly invest in securities maturing more than five years from the date of purchase. The portfolio's maximum average dollar-weighted maturity will be one year, based on the stated maturity date of the investment.

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Performance Standards

The investment portfolio will be designed to obtain a market average rate of return during unpredictable budgetary and economic cycles at the local and federal levels, taking into account the City's investment risk constraints and cash flow needs.

The City's investment strategy is primarily passive. Given this strategy, the basis, or benchmark, used by the Investment Officer to determine whether market yields are being achieved shall be the 3 month or 6 month Treasury Bill or 1 or 2 year Treasury Note, whichever is closest to the weighted average maturity of the portfolio.

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Reporting

Monthly Reporting. The Director of Finance is responsible for providing monthly information on investment activity in the Comprehensive Monthly Finance Report, to include the size of the portfolio, the distribution by maturity, the distribution by market sector, interest income earned during the current month and fiscal year to date, and the current portfolio yield.

Deleted: The Investment Officer will provide all additional reporting information as required by Section 2256.023 of the Texas Government Code.

Quarterly Reporting. The Director of Finance shall submit a signed quarterly investment report, jointly prepared and signed by all Investment Officers, that summarizes current market conditions, economic developments and anticipated investment conditions. The report shall summarize investment strategies employed in the most recent quarter, and describe the portfolio in terms of investment securities, maturities, risk characteristics, and shall explain the total investment return for the quarter.

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The quarterly investment report shall provide a status of the current investment portfolio and transactions made over the last quarter. The report will be provided to the City Manager and City Council and include the following:

1. A listing of individual securities held at the end of the reporting period;
2. Unrealized gains or losses resulting from appreciation or depreciation by listing the beginning and ending book and market value of securities for the period. Market price is the net selling price of securities as quoted by a recognized market pricing source quoted on the valuation date;
3. Additions and changes to the market value during the period and fully accrued interest for the reporting period;
4. Average weighted yield to maturity of the portfolio of City investments as compared to applicable benchmark;
5. Listing of investments by maturity date and by type of asset;
6. The percentage of the total portfolio that each type of investment represents;
7. A statement of compliance of the City's investment portfolio with State law and the investment strategy and Policy approved by the City Council

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Market Pricing

Market Value of the investment portfolio will be calculated monthly. Pricing information will come from Bloomberg, IDC, or any other source deemed reliable by the Director of Finance. If the price of a particular security is not available from any of these sources, the price may be estimated by analyzing similar securities' market values.

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Training

The Director of Finance, the Treasurer and any other authorized Investment Officer must attend at least one training session relative to their responsibilities under the PFIA within twelve months after taking office or assuming duties from an independent source approved by the Investment Committee. In addition, each must receive not less than 10 hours of instruction every two years relating to investment responsibilities from an independent source approved by the Investment Committee.

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Internal Controls

The Director of Finance is responsible for establishing appropriate internal controls. The Investment Officers are responsible for executing investment transactions and the Accounting division is responsible for preparation of general ledger journal entries based on documentation prepared by the Investment Officers.

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Investment Policy Review And Adoption

The City's Investment Policy shall be reviewed periodically by the Investment Committee and revised and recommended for Council approval, when necessary. In addition, the Policy must be reviewed not less than annually by the City Council. This review will include adoption of a written resolution stating that the Council has reviewed the Investment Policy and investment strategies and include any changes made to the Policy or strategies.

Investment Committee

An Investment Committee comprised of the City Manager, Director of Finance, and the Investment Officer(s) will meet on a quarterly basis. In addition to monthly and quarterly reporting to City Council, the Director of Finance will present a brief report of pertinent investment activities to the Investment Committee.

The primary objective of the Committee will be to review general strategies and policies, monitor investment program results, select independent training sources, and authorize securities dealers.

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 The Investment Policy shall be adopted by resolution of the City Council. The Policy shall be reviewed for effectiveness on an annual basis by the Investment Committee and any modifications will be recommended for approval to the City Council. Whether or not changes are recommended, the City Council must approve the Investment Policy by resolution on an annual basis.

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GLOSSARY ¶
 ¶
ASKED: The price at which securities are offered. ¶
 ¶
BANKERS' ACCEPTANCE (BA): A draft or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer. ¶
 ¶
BID: The price offered for securities. ¶
 ¶
BOOK VALUE: Original acquisition cost of an investment plus or minus the accrued amortization or accretion. ¶
 ¶
BROKER: A broker brings buyers and sellers together for a commission paid by the initiator of the transaction or by both sides; in contrast to a "principal" or a "dealer," he does not own or take a position in the security. In the money market, brokers are active in markets in which banks buy and sell money and in interdealer markets. ¶
 ¶
CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable. ¶
 ¶
COLLATERAL: Securities, evidence of deposit or other pr ¶ 2

6. commercial paper with a stated maturity of 270 days or fewer from the date of its issuance and:

is rated not less than A-1, P-1, or the equivalent by at least two nationally recognized credit rating agencies; or

is rated at least A-1, P-1, or the equivalent by at least one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state thereof;

Investment Policy Review

The Investment Policy shall be adopted by resolution of the City Council. The Policy shall be reviewed for effectiveness on an annual basis by the Investment Committee and any modifications will be recommended for approval to the City Council. Whether or not changes are recommended, the City Council must approve the Investment Policy by resolution on an annual basis.

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GLOSSARY

ASKED: The price at which securities are offered.

BANKERS' ACCEPTANCE (BA): A draft or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

BID: The price offered for securities.

BOOK VALUE: Original acquisition cost of an investment plus or minus the accrued amortization or accretion

BROKER: A broker brings buyers and sellers together for a commission paid by the initiator of the transaction or by both sides; in contrast to a "principal" or a "dealer," he does not own or take a position in the security. In the money market, brokers are active in markets in which banks buy and sell money and in interdealer markets.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

COLLATERAL: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COLLATERALIZED MORTGAGE OBLIGATION (CMO): Mortgage-backed security that separates mortgage pools into short, medium, and long-term portions. Depending on individual needs, an investor can select a CMO of an appropriate duration.

COMMERCIAL PAPER: Short-term, unsecured promissory notes issued by corporations to finance short-term credit needs. Commercial paper is usually sold on a discount basis and has a maturity at the time of issuance not exceeding nine months.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR): The official report for the City of Plano. It includes five combined statements and basic financial statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

COUPON: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

CUSIP: A unique security identification number assigned to securities maintained and transferred on the Federal Reserve book-entry system.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DEBENTURE: A bond secured only by the general credit of the issuer.

DELIVERY VERSUS PAYMENT: Delivery of securities with an exchange of money for the

DEPOSITORY: The bank, credit union, or savings association selected by a municipality to provide depository services. Under Texas State statute, "bank" means a state bank or a national bank domiciled in this state; "credit union" means a state credit union or federal credit union domiciled in this state; and "depository services" means the receipt and disbursement of funds by a depository in accordance with the terms of a depository services contract.

DISCOUNT SECURITIES: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, e.g., U.S. Treasury bills.

DISCOUNT: The difference between the cost price of a security and its value at maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

DIVERSIFICATION: Investment in a number of different security issues for the purpose of spreading and reducing the risks inherent in all investing.

FARM CREDIT SYSTEM: Created by Congress in 1916, this nationwide system of banks and associations provides mortgage loans, credit and related services to farmers, rural homeowners and agricultural and rural cooperatives.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to \$100,000 per deposit.

FEDERAL FUNDS RATE: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANK SYSTEM: Created in 1932, this system consists of 12 regional banks, which are owned by private member institutions and regulated by the Federal Housing Finance Board. Functioning as a credit reserve system, the system facilitates extension of credit

through its owner-members in order to provide access to housing and to improve the quality of

communities. Federal Home Loan Bank issues are joint and several obligations of the 12 Federal Home Loan Banks.

FEDERAL HOME LOAN MORTGAGE CORPORATION (FHLMC) OR FREDDIE MAC: A stockholder-owned corporation established by Congress in 1970 to provide a continuous flow of

funds to mortgage lenders, primarily through developing and maintaining an active nationwide secondary market in conventional residential mortgages, Freddie Mac purchases a large volume of conventional residential mortgages and uses them to collateralize mortgage-backed securities. Freddie Mac is a publicly held corporation whose stock trades on the New York Stock Exchange.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA) OR FANNIE MAE: FNMA, like GNMA, was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development, HUD. It is the largest single provider of residential mortgage funds in the United States. Fannie Mae is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

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FEDERAL OPEN MARKET COMMITTEE (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

GOVERNMENT AGENCY ISSUES: Debt securities issued by government-sponsored enterprises, federal agencies, and international institutions. Such securities are not direct obligations of the Treasury and involve government sponsorship or guarantees.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA OR GINNIE MAE): Securities guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by FHA, VA or FMHM mortgages. The term pass-through is often used to describe Ginnie Maes.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

LOCAL GOVERNMENT INVESTMENT POOL (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of a state managed pool, or other qualifying pool(s) that meet state statute criteria, for investment and reinvestment.

MARK-TO-MARKET: The practice of valuing a portfolio or security on a regular scheduled basis (e.g. daily, weekly, monthly, quarterly), according to market value.

MARKET VALUE: The current face or par value of an investment multiplied by the net selling price of the security as quoted by a recognized market pricing source quoted on the valuation date.

MATURITY: The date upon which the bond principal or stated value of an investment becomes due

Exhibit "A" to Resolution No. _____ (.R)

and payable in full to the bondholder.

MONEY MARKET: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

MUTUAL FUNDS: Mutual fund providers are investment companies that sell shares to investors, offering investors diversification and professional portfolio management. Prices fluctuate with the performance of the fund. Money market mutual funds invest in short-term securities such as treasury bills, bank CD's and commercial paper.

OPEN MARKET OPERATIONS: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

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PAC BANDS OR RANGES: A range of constant PSA (Public Securities Association) prepayment speeds defined by a minimum and maximum under which the PAC scheduled prepayment will remain unchanged. There can be multiple levels of PACs in a REMIC, each having successively narrower PAC bands. The widest band PACs are primary PACs, the next are secondary or tertiary PACs.

PAC: Planned Amortization Class (PAC) tranches provide investors with scheduled payments (PAC Schedule) over a range of prepayment speeds (PAC band or range). PAC tranches typically are combined with companion tranches that reduce the risk of prepayments varying from a constant speed or range.

PAR: The value of a security as expressed on its face ("face value") without consideration of a discount or premium.

PORTFOLIO: Collection of securities held by an investor.

POSITIVE YIELD CURVE: A condition where interest rates are higher on long-term debt securities than on short-term debt securities of the same quality.

PREMIUM: The price that a security demands over its PAR. This is the difference between the price of a bond and its value at maturity (PAR) when the price is higher than the maturity. It is the opposite of discount.

PRIMARY DEALER: A group of government securities dealers that submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker-dealers, banks, and a few unregulated firms.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the state, (these-called legal list). In other states, the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

PSA PREPAYMENT SPEEDS: Prepayments on mortgage loans commonly are expressed relative to a prepayment standard or model. The model used for REMICs generally is the Public Securities Association's standard prepayment model (PSA). This model represents an assumed rate of

prepayment each month of the then outstanding principal balance of a pool of new mortgage loans.

QUALIFIED REPRESENTATIVE: A person who holds a position with a business organization, who is authorized to act on behalf of the business organization, and who is one of the following: A) for a business organization doing business that is regulated by or registered with a securities commission, a person who is registered under the rules of the National Association of Securities Dealers; B) for a state or federal bank, savings bank, or state or federal credit union, a member of the loan committee for the bank or branch of the bank or a person authorized by corporate resolution to act on behalf of and bind the banking institution; or C) for an investment pool, the person authorized by the elected official or board with authority to administer the activities of the investment pool to sign the written instrument on behalf of the investment pool.

RATE OF RETURN: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

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RATING: A formal opinion by an outside professional service on the credit reputation of an issuer and the investment quality of its securities. This opinion is expressed in letter values (e.g. AAA,

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REMIC: A real estate mortgage investment conduit is a multiple-class security backed by MBS

(Mortgage-Backed Securities) and formed as a trust, corporation, partnership, or segregated pool of assets, that elects to be treated as a REMIC for federal tax purposes. Fannie Mae REMICs are

formed as trusts.

REPURCHASE AGREEMENT (REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use REPOs extensively to finance their positions.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities owned by the City are safekept. Securities are recorded in the customer's name and are inaccessible to anyone else. Collateral to secure repurchase agreements is also safekept, usually at the same financial institution.

SEC RULE 15C3-1: See uniform net capital rule.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES & EXCHANGE COMMISSION: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

STUDENT LOAN MARKETING ASSOCIATION (SALLIE MAE): A government-sponsored entity created by the Higher Education Act of 1965 to provide liquidity for private lenders (banks, savings and loan, associations, educational institutions, state agencies and other lenders), Sallie Mae participates in the Federal Guaranteed Student Loan Program, and is owned by its stockholders and its shares trade on the New York Stock Exchange.

TENNESSEE VALLEY AUTHORITY: A wholly owned corporation of the United States government, the TVA was established in 1933 to develop the resources of the Tennessee Valley region in order to strengthen the regional and national economy and the national defense. TVA securities represent obligations of TVA, payable solely from TVA's net power proceeds, and are neither obligations of nor guaranteed by the United States. TVA is currently authorized to issue debt up to \$30 billion. Under this authorization, TVA also may obtain advances from the Treasury of up to \$150 million.

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY BOND: Long-term U.S. Treasury securities having initial maturities of more than ten years.

TREASURY NOTES: Intermediate term coupon bearing U.S. Treasury securities having initial maturities of from one to ten years.

U.S. GOVERNMENT SECURITIES: Various types of marketable securities issued by the U.S. Treasury, including bills, notes, and bonds. Such securities are direct obligations of the U.S. government and differ mainly in the length of their maturity. Treasury bills, the most frequently

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issued marketable government security, have a maturity of up to one year and are issued on a discount basis.

WEIGHTED-AVERAGE LIFE: The weighted-average life refers to the average amount of time that will elapse from the date of a security's issuance until each dollar of principal is repaid to the investor. The weighted-average life of each class of REMIC is influenced by, among other factors,

the rate at which principal, both scheduled and unscheduled, is paid on the mortgage loans underlying the MBS (Mortgage-Backed Securities) that back the REMIC.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as non-member broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called *net capital rule* and *net capital ratio*. Indebtedness covers all money owed to a firm, including margin loans and ' commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

YIELD: The rate of annual income return on an investment, expressed as a percentage. Income yield is obtained by dividing the current dollar income by the current market price for the security. Net yield or yield to maturity is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

ZERO-COUPON SECURITY: A security that makes no periodic interest payments but instead is

sold at a deep discount from its face value. Because zero-coupon bondholders do not receive interest payments, these bonds are the most volatile of all fixed-income securities.

Exhibit "A" to Resolution No. _____ (.R)

securities.

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	1/26/09	Reviewed by Legal <i>SS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering	Initiated	Date	
Department Head	Alan L. Upchurch	Executive Director	<i>[Signature]</i> 1/16/09	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i> 1/16/09	
Agenda Coordinator (include phone #):		Irene Pegues (7198) <i>[Signature]</i>		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, approving a legislative position on Rail North Texas, a primary rail program with supplemental roadway improvements and the creation of a Transportation Funding Area for the purpose of levying taxes or fees in order to generate revenue to fund rail and supplemental roadway improvements; authorizing the City Manager, or in his absence an Executive Director, to effectuate such position.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget				
Encumbered/Expended Amount				
This Item				
BALANCE				
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
This resolution indicates Plano support of the RTC's Rail North Texas initiative.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
N/A		N/A		

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING A LEGISLATIVE POSITION ON RAIL NORTH TEXAS, A PRIMARY RAIL PROGRAM WITH SUPPLEMENTAL ROADWAY IMPROVEMENTS AND THE CREATION OF A TRANSPORTATION FUNDING AREA FOR THE PURPOSE OF LEVYING TAXES OR FEES IN ORDER TO GENERATE REVENUE TO FUND RAIL AND SUPPLEMENTAL ROADWAY IMPROVEMENTS; AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR, TO EFFECTUATE SUCH POSITION.

WHEREAS, the North Central Texas Council of Governments is designated as the Metropolitan Planning Organization for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law; and

WHEREAS, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be the regional forum for cooperative decisions; and

WHEREAS, the Regional Transportation Council has advocated for additional transportation funding and flexibility for over 10 years, with a special focus on identifying additional funding to construct and operate a seamless regional rail system for the past five years; and

WHEREAS, the Rail North Texas effort has been a bottom-up process to include local elected officials, business leaders, the public, and State legislators and has resulted in a specific legislative proposal; and

WHEREAS, the Regional Transportation Council has adopted a Resolution declaring its intention to seek legislative authority to create a Transportation Funding Area for the purpose of levying taxes or fees in order to generate revenue to fund rail and supplemental roadway improvements; stating its continued support of the principles contained in the three existing transportation authorities' "Joint Recommendation for Regional Rail in North Central Texas", stating its opposition to the creation of any new transportation authorities or transportation providers within the Dallas-Fort Worth region; and declaring its support of a district-wise local voter option for creation of a transportation district, as set forth in Attachment 1 hereof; and

WHEREAS, the City of Plano agrees with and will benefit from the positions expressed by the Regional Transportation Council's Resolution.

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

Section I. The City of Plano approves the Regional Transportation Council's intention to seek legislative authority to create a Transportation Funding Area for the purpose of levying taxes or fees in order to generate revenue to fund rail and supplemental roadway improvements.

Section II. The City of Plano continues to support the principles contained in the three transportation authorities' "Joint Recommendation for Regional Rail in North Central Texas." This rail initiative will be constructed by existing transportation providers.

Section III. The City of Plano does not support the creation of any new transportation authorities or transportation providers within the Dallas-Fort Worth region.

Section IV. The City of Plano supports the specific proposal outlined in Attachment 1 hereof.

Section V. The City of Plano supports the Regional Transportation Council's desire to implement a "transportation funding area" for the sole purpose of implementing rail and supplemental roadway improvements.

Section VI. This Resolution will be transmitted to the North Central Texas Council of Governments, local governments, partner organizations, and other interested parties with a request to support transportation as the region's highest legislative priority for the 81st Texas legislature and a request to endorse this resolution.

Section VII. The City Manager, or in his absence an Executive Director, is hereby authorized to execute any documents necessary to effectuate such position on behalf of the City of Plano.

Section VIII. This Resolution shall take effect immediately following its adoption.

DULY PASSED AND APPROVED the _____ day of _____, 2009.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ATTACHMENT 1

District-wide Local Voter Option Outline – December 11, 2008 Version

The bill shall authorize the eight Transportation Management Areas within Texas to form a Transportation Funding Area (TFA). The purpose of the TFA is to levy fees and taxes to generate revenue necessary to fund identified metropolitan area mobility needs.

The metropolitan planning organization (MPO) policy making body may establish a TFA by a two thirds vote of its members following a public hearing.

The boundary of the metropolitan planning area shall be the boundary of the TFA. If the metropolitan planning area boundary changes, the boundary of the TFA changes identically and simultaneously. If the metropolitan planning area boundary splits a county and the commissioners court of that county resolves that the entire county be included in the TFA, then the TFA boundary shall expand to include the entire county.

The TFA shall be governed by a board of directors. The board of directors of the TFA shall be the MPO policy making body, unless the MPO policy making body elects not to serve as the TFA board of directors, in which case it may establish an alternative board of directors. At least two thirds of the membership of any alternative board of directors shall consist of local elected officials of cities and counties within the TFA.

The bill shall authorize a TFA to:

- Levy fees and taxes subject to voter approval
- Issue debt
- Fund operations, maintenance, capital and debt service expenses for passenger rail, transit, roadways and freight rail
- Contract with transportation authorities or transportation providers to provide mobility services and implement projects

The TFA shall use revenue generated from fees and taxes in a particular county to fund mobility needs in that county. The TFA may levy the following fees and taxes if approved by voters at an election on a date authorized by statute:

- A vehicle registration fee, not to exceed \$150 per vehicle per year
- A motor fuels excise tax, not to exceed \$0.10 per gallon
- A mileage fee, not to exceed \$0.01 per vehicle mile driven
- A property tax, not to exceed \$0.05 per \$100 appraised value
- A driver's license fee, not to exceed \$50
- New resident impact (vehicle registration), not to exceed \$250

ATTACHMENT 1

For purposes of this bill, "subarea" will mean the geographical area of a county being represented by city and county elected officials and the public located within that county geographical area. The TFA shall use the established process and criteria of the MPO in identifying mobility needs and selecting projects to fund, using the following protocol:

- The MPO issues a call for projects
- Cities, counties, and transportation authorities within the TFA submit projects
- The MPO evaluates and ranks projects on a subarea basis. Subarea roundtables of elected officials and technical staff provide input on project rankings and the taxes and fees needed to meet the highest ranked project needs
- The MPO develops a ballot specific to each subarea within the MPO listing the highest ranked projects and recommended fees and taxes to generate revenue to fund the projects, correlating projects on the sample ballot to estimated revenues generated by fees and taxes levied on a subarea basis so that the fee and tax revenue generated in a particular county funds projects in that county
- On a date authorized by the legislature, the TFA shall submit all ballots for voter approval.

Ballot language adopted by the MPO policy board shall list:

- the value of the bonds to be issued
- each tax or fee to be levied,
- the rate of each tax or fee to be levied,
- the month and year in which the tax or fee levy shall begin,
- the transportation operations, maintenance and capital projects to be funded,
- the sources of revenue that will cease when capital projects are completed, and
- the estimated time frame for the implementation of each project.

The vote results shall be tabulated on a county basis. Fees and taxes will be levied only in a county in which a majority vote is cast in favor of the projects, fees and taxes listed on the ballot.

The bill shall indemnify metropolitan areas: Metropolitan planning areas shall not be penalized in terms of losing traditional transportation funding by virtue of their establishing a TFA and their voters agreeing to pay additional transportation taxes or fees. TxDOT shall not reduce any allocation of traditional transportation funding to any of its districts by virtue of a district being in a metropolitan planning area that establishes a TFA and levies additional transportation taxes or fees.

ATTACHMENT 1

Implementation of this legislation within the Dallas-Fort Worth region will be as follows¹:

The primary focus of the TFA created will be to finance the design, construction, operations, and maintenance of passenger rail. Roadway improvements will be considered on a supplemental basis and to create equity for municipalities that are members of a transportation authority.

The TFA will convene as the Regional Transportation Council and will initiate special meetings at least once a quarter to hear public comments on projects, taxes, or fees. These meetings shall be properly advertised. A subcommittee of the MPO policy making body will be created for the transportation authorities and transportation providers to monitor implementation and funding issues and coordinate system development.

The TFA will not issue debt. Any necessary debt will be issued by transportation authorities and transportation providers.

This bill will be implemented in accordance with Regional Transportation Council Resolution Updated R08-11 and Attachments 1-5.

¹ This process is modeled after the Regional Toll Revenue Funding Initiative.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget <i>C.S.</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 1/26/2009		Reviewed by Legal <i>[Signature]</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Finance		Initials	Date	
Department Head	Denise Tacke <i>[Signature]</i>		Executive Director		
Dept Signature:			City Manager <i>[Signature]</i> 1/23/09		
Agenda Coordinator (include phone #): Katherine Crumbley X7479 <i>[Signature]</i>					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BY AND BETWEEN THE CITY OF PLANO, TEXAS AND BEAR TRANSPORTATION SERVICES, LP, A DELAWARE LIMITED PARTNERSHIP; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR: 2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	0	12,391,869		12,391,869	
Amount Approved by Council	0	-311,900	-2,476,750	-2,788,650	
This Item	0	-624,000	0	-624,000	
BALANCE	0	11,455,969	-2,476,750	8,979,219	
FUND(S): ECONOMIC DEVELOPMENT INCENTIVE FUND					
COMMENTS: Strategic Plan Goal: Providing economic development incentives relates to the City's Goal of Diverse Business Center					
SUMMARY OF ITEM					
A request from Bear Transportation Services for an Economic Development incentive to relocate its business and commercial activities to the City, thereby generating additional local sales tax revenues and increasing ad valorem tax values to the City. Bear Transportation agrees to occupy not less than 54,000 square feet and expand the area of occupancy to 80,000 by 5/1/2011. They agree to retain, transfer or create 290 full time jobs and increase that number to 480 by 5/1/2012.					
List of Supporting Documents:					
Economic Development Incentive Agreement					

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BY AND BETWEEN THE CITY OF PLANO, TEXAS AND BEAR TRANSPORTATION SERVICES, LP, A DELAWARE LIMITED PARTNERSHIP; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented a proposed Economic Development Incentive Agreement By and Between the City of Plano, Texas and Bear Transportation Services, LP, a Delaware Limited Partnership, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and,

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or, in his absence, an Executive Director, shall be authorized to execute it on behalf of the City of Plano.

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

Section I. The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things approved.

Section II. The City Manager, or in his absence, an Executive Director, is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Agreement.

Section III. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 26th day of January, 2009.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

This Economic Development Incentive Agreement ("Agreement") is made by and between the City of Plano, Texas (the "City"), and Bear Transportation Services, LP, a Delaware limited partnership, acting by and through its respective authorized officers and representatives.

WITNESSETH:

WHEREAS, Bear Transportation Services, LP, (hereinafter referred to as the "Company") is a transportation service company; and

WHEREAS, the Company has advised the City that a contributing factor that would induce the Company to relocate its business and commercial activities to the City, thereby generating additional local sales tax revenues and increasing ad valorem tax values for the City, would be an agreement by the City to provide an economic development grant to the Company; and

WHEREAS, the Company agrees to occupy by May 1, 2009 not less than 54,000 square feet of commercial space located at 5340 Legacy Drive, Plano, Texas 75024, (the "Property") for the full term of this Agreement; expand the area of occupancy on the Property by May 1, 2011 to a total of 80,000 square feet; retain, transfer or create 290 Job Equivalents, as hereafter defined, on the Property by May 1, 2009; to increase the number of Job Equivalents on the Property to a total of 350 Job Equivalents by May 1, 2010, 420 Job Equivalents by May 1, 2011, and 480 Job Equivalents by May 1, 2012; and maintain those positions for the full term of this Agreement; and

WHEREAS, the retention, creation or transfer of 480 Job Equivalents at the Property within the City will promote economic development, stimulate commercial activity and enhance the tax base and economic vitality of the City; and

WHEREAS, the City has adopted programs for promoting economic development; and

WHEREAS, the City is authorized by TEX. LOC. GOV'T CODE §380.001 *et seq.* to provide economic development grants to promote local economic development and to stimulate business and commercial activity in the City; and

WHEREAS, the City has determined that making an economic development grant to the Company in accordance with the terms and conditions set forth in this Agreement will further the objectives of the City, will benefit the City and the City's inhabitants and will promote local economic development and stimulate business and commercial activity in the City;

NOW THEREFORE, in consideration of the foregoing and the premises, mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, hereby covenant and agree as follows:

**Article I
Definitions**

For purposes of this Agreement, each of the following terms shall have the meaning set forth herein unless the context clearly indicates otherwise:

“Commencement Date” shall mean the earlier of the date of occupancy of the Property by the Company or May 1, 2009, whichever occurs first.

“Effective Date” shall mean the last date on which all of the parties hereto have executed this Agreement.

“Event of Force Majeure” shall mean any contingency or cause beyond the reasonable control of a party including, without limitation, acts of God or the public enemy, war, riot, civil commotion, insurrection, government or de facto governmental action (unless caused by the intentionally wrongful acts or omissions of the party), fires, explosions or floods, strikes, slowdowns or work stoppages any of which event(s) directly impact the Company’s operations in the City.

“Job Equivalent” shall mean one or more Company job positions located at the Property which individually or when combined total 2080 hours (inclusive of holidays, vacation and sick leave) annually.

**Article II
Term**

The term of this Agreement shall begin on the Commencement Date and continue until April 30, 2016, unless sooner terminated as provided herein.

**Article III
Obligations of Company**

In consideration for the grant of public funds as set forth in Section 4.01 below, the Company agrees to the following:

- (a) Occupy not less than 54,000 square feet of commercial space on the Property on or before May 1, 2009;
- (b) Occupy a total of not less than 80,000 square feet of commercial space on the Property on or before May 1, 2011;

- (c) Retain, create or transfer 290 Job Equivalents to the Property on or before May 1, 2009;
- (d) Retain, create or transfer a total of not less than 350 Job Equivalents to the Property on or before May 1, 2010;
- (e) Retain, create or transfer a total of not less than 420 Job Equivalents to the Property on or before May 1, 2011;
- (f) Retain, create or transfer a total of not less than 480 Job Equivalents to the Property on or before May 1, 2012;
- (g) Maintain those Job Equivalents for the full term of this Agreement; and
- (h) Use reasonable efforts to place all Company-managed hotel room nights, related to the Company's business activities, at facilities located in the City of Plano.

Article IV Economic Development Grant

4.01 **Grant.** The City agrees to provide the Company a one-time cash grant of up to Four Hundred Eighty Thousand Dollars (\$480,000.00) for the transfer or creation of up to 480 Job Equivalents on the Property as set forth in Article III above. The City will also provide the Company with a one-time cash grant of One Hundred Forty Four Thousand Dollars (\$144,000.00) for relocation expenses. The Company agrees to maintain the 480 Job Equivalents throughout the term of this Agreement as provided in Article III above and Sections 4.03 below.

4.02 **Grant Payments.** Except as otherwise indicated, the grant payment for relocation expenses of One Hundred Forty Four Thousand Dollars (\$144,000.00) and the pro-rata payment of Two Hundred and Ninety Thousand Dollars (\$290,000.00) for the initial 290 Job Equivalents on the Property shall be made within thirty (30) days after the Company verifies to the City on the Initial Certification attached hereto as Exhibit "A" that the Company has met its initial obligations as set forth in Article III (a) and (c) above. Additional pro-rata grant payments will be made within thirty (30) days after the Company certifies to the City that the Company has met its subsequent obligations as set forth in Article III (b), (d), (e) and (f) above.

4.03 **Refunds.**

(a) In the event the Company allows Job Equivalents at the Property to fall below the number of Job Equivalents for which they have received grant payments for 180 consecutive days during the term of this Agreement, not the result of an Event of Force Majeure, the Company shall refund to the City an amount equal to One Thousand Dollars (\$1,000.00) for each lost Job Equivalent. For the purposes of determining whether the City is due a refund under this section, the Company's Chief Financial Officer shall certify to the City by January 31, 2010 and by January 31 of each year thereafter during the term of this agreement the actual number of Job Equivalents at the Property for the preceding calendar year using the Certificate Form attached as Exhibit "B". All refunds under this Agreement shall be due within 30 days of written

demand for payment. Notwithstanding the foregoing, the Company shall never be required to refund to the City, in the aggregate, any amount in excess of the total grant amount set forth in Section 4.01.

(b) In the event the Company, at any time during the term of this Agreement, is convicted of a violation under 8 U.S.C. Section 1324a(f) regarding the unlawful employment of undocumented workers, it shall reimburse the City all grant funds paid pursuant to this Agreement together with interest charged from the date of payment of the funds at the statutory rate for delinquent taxes as determined by V.T.C.A., Tax Code § 33.01, but without the addition of penalty. Repayment of grant funds and interest shall be due not later than 120 days after the date the City notifies the Company of the conviction.

Article V Termination

5.01 This Agreement terminates upon any one or more of the following:

- (a) By mutual written agreement of the parties;
- (b) Upon expiration of the term of this Agreement;
- (c) By either party upon written notice to the other, if the other party defaults or breaches any of the terms or conditions of this Agreement and such default or breach is not cured within thirty (30) days after written notice thereof (provided that such 30 day period shall be extended if the default is of a nature that cannot reasonably be cured within such 30 day period and further provided that the remedy is being diligently pursued); and
- (d) By either party upon written notice to the other if any subsequent federal or state legislation or any decision of a court of competent jurisdiction declares or renders this Agreement invalid, illegal or unenforceable, provided, that such termination notice shall set forth an explanation of the terminating party's basis for termination under this subsection (d).

5.02 **Effect of Termination**. The rights, responsibilities and liabilities of the parties under this Agreement shall be extinguished upon the applicable effective date of termination of this Agreement, except for any obligations that accrue prior to such termination or as otherwise provided herein. All rights and obligations set forth above in this Section 5.02 shall survive the termination of this Agreement.

Article VI Miscellaneous

6.01 **Binding Agreement**. The terms and conditions of this Agreement are binding upon the successors and permitted assigns of the parties. This Agreement may not be assigned without the express written consent of the non-assigning party, except that the Company may assign this Agreement without obtaining the City's consent (a) to one of its affiliates, or (b) to

any person or entity that directly or indirectly acquires, through merger, sale of stock, purchase or otherwise, all or substantially all of the assets of the Company.

6.02 **No Joint Venture.** It is acknowledged and agreed by the parties that the terms of this Agreement are not intended to and shall not be deemed to create a partnership or joint venture among the parties. Neither party shall have any authority to act on behalf of the other party under any circumstances by virtue of this Agreement.

6.03 **Authorization.** Each party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement.

6.04 **Notice.** Any notice required or permitted to be delivered hereunder shall be deemed received three (3) days thereafter sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the party at the address set forth below (or such other address as such party may subsequently designate in writing) or on the day actually received if sent by courier or otherwise hand delivered.

If intended for the City:
City of Plano, Texas
Attention: Thomas H. Muehlenbeck
City Manager
1520 Avenue K
P.O. Box 860358
Plano, TX 75086-0358

With a copy to:
City of Plano, Texas
Attention: Diane Wetherbee
City Attorney
1520 Avenue K
P. O. Box 860358
Plano, TX 75086-0358

If intended for the Company:
Bear Transportation Services, LP
Attention: Bruce Deelaney
Chief Financial Officer
5340 Legacy Drive
Plano, Texas 75024
With cc to: General Counsel

6.05 **Entire Agreement.** This Agreement is the entire Agreement between the parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written Agreement between the parties that in any manner relates to the subject matter of this Agreement.

6.06 **Governing Law.** This Agreement shall be governed and construed in accordance with the laws of the State of Texas, without giving effect to any conflicts of law rule or principle that might result in the application of the laws of another jurisdiction. Venue for any action concerning this Agreement, the transactions contemplated hereby or the liabilities or obligations imposed hereunder shall be in the State District Court of Collin County, Texas.

6.07 **Amendment.** This Agreement may only be amended by the mutual written agreement of the parties.

6.08 **Legal Construction.** In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

6.09 **Recitals.** The recitals to this Agreement are incorporated herein.

6.10 **Counterparts.** This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

6.11 **Survival of Covenants.** Any of the representations, warranties, covenants, and obligations of the parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

6.12 **Dispute Resolution.** Any controversy or claim arising from or relating to this Agreement, or a breach thereof shall be subject to non-binding mediation, as a condition precedent to the institution of legal or equitable proceedings by any party. The parties shall endeavor to resolve their claims by mediation that, unless the parties mutually agree otherwise, shall be in accordance with the American Arbitration Association's Commercial Mediation Rules in effect at the time of mediation. Request for mediation shall be filed concurrently with the other party. Mediation shall proceed in advance of legal or equitable proceedings, which shall be stayed pending mediation for a period of sixty (60) days from the date of filing for mediation, unless stayed for a longer period of time by agreement of the parties. The party requesting the mediation shall bear all costs related to the mediation. The mediation shall be held in Collin County, Texas, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any Court having jurisdiction thereof.

EXECUTED on this _____ day of _____, 2008.

ATTEST:

CITY OF PLANO, TEXAS, a home rule
municipal corporation

Diane Zucco, CITY SECRETARY

By: _____
Thomas H. Muehlenbeck

APPROVED AS TO FORM:

CITY MANAGER

Diane C. Wetherbee, CITY ATTORNEY

ATTEST:

BEAR TRANSPORTATION SERVICES,
LP., a Delaware limited partnership

By: _____
Name:
Title:

EXHIBIT "A"

INITIAL CERTIFICATE OF COMPLIANCE

I hereby certify that BEAR TRANSPORTATION SERVICES, LP has occupied not less than 54,000 square feet of commercial space on the Property and has retained, transferred or added 290 new Job Equivalent positions to the Property. BEAR TRANSPORTATION SERVICES, LP is in compliance with subsections (a) and (c) of Article III of the Agreement to Resolution No. _____(R) as of _____, and is entitled to receive payment under the terms of that Agreement.

ATTEST:

BEAR TRANSPORTATION SERVICES,
LP, a Delaware limited partnership

By: _____
Name:
Title:

Date

NOTE:

This Certificate of Compliance should be mailed to:

City of Plano
Finance Department
P.O. Box 860358
Plano, Texas 75086-0358

EXHIBIT "B"

ANNUAL CERTIFICATE OF COMPLIANCE

I hereby certify that BEAR TRANSPORTATION SERVICES, LP, is in compliance with each applicable term as set forth in Article III of the Agreement to Resolution No. _____(R) as of _____. The term of the Agreement is May 1, 2009 through April 30, 2016. "The number of new, transferred or retained Job Equivalents, calculated as set forth in the Agreement, and maintained pursuant to the Agreement since its inception has not fallen below _____ for more than 180 consecutive days and is _____ as of the date of this Certificate of Compliance." If the number herein reported is below the number required to be maintained pursuant the Agreement, I certify that the City of Plano has been refunded the appropriate amount as required by Section 4.03 of the Agreement. This form is due on January 31 of each year this Agreement is in force.

ATTEST:

BEAR TRANSPORTATION SERVICES,
LP, a Delaware limited partnership

By: _____
Name:
Title:

Date

NOTE:

This Certificate of Compliance should be mailed to:

City of Plano
Finance Department
P.O. Box 860358
Plano, Texas 75086-0358



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 1/26/09		Reviewed by Legal <i>fm</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Planning		Initials	Date	
Department Head	Phyllis M. Jarrell		<i>[Signature]</i>	1/16/09	
Dept Signature:	<i>P. Jarrell</i>	Executive Director	<i>[Signature]</i>	1/16/09	
Agenda Coordinator (include phone #):		T. Stuckey, ext. 7156			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER PUBLIC HEARING					
CAPTION					
Public Hearing and Consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2008-68 - Request to rezone 58.4± acres located at the southwest corner of Preston Road and Spring Creek Parkway from Planned Development-447-Retail/Multifamily Residence-2 to Planned Development-Retail. Zoned Planned Development-447-Retail/Multifamily Residence-2. Applicant: City of Plano.					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	0	0	0	0	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	0	0	0	
BALANCE	0	0	0	0	
FUND(S):					
COMMENTS:					
SUMMARY OF ITEM					
See attached memo.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Letter of Appeal					
2nd Vice Chair Report					

January 12, 2009

MEMO

TO: Thomas H. Muehlenbeck, City Manager
Frank F. Turner, Executive Director

FROM: Tina M. Firgens, Senior Planner 

SUBJECT: Summary of Item for Zoning Case 2008-68

The Planning & Zoning Commission denied this zoning petition at its November 3, 2008 meeting by a vote of 4-2. A report from the Commission's 2nd Vice Chair outlining the Commission's action is included with this agenda item.

This zoning case is atypical in that the Planning & Zoning Commission originally initiated the zoning petition at the request of the property owner. The current planned development (PD) district includes a multi-family development with undivided "tenants in common" (TIC) ownership rights, and the property owner was unable to acquire the permission of all of the TIC participants to proceed with the zoning petition. The Zoning Ordinance requires the permission of all property owners to amend a PD district or approval by the Planning & Zoning Commission to remove a property from a PD. Therefore, the appeal will be presented with the "City of Plano" as the applicant on behalf of the property owner.

An affirmative vote of 3/4 of the City Council, or 6 of the 8 members, is required for approval of the zoning petition.

LSM LAND PARTNERS, L.P.

3131 CUSTER ROAD, SUITE 275

PLANO, TX 75075

972-964-6414 Office

972-964-9016 Fax

January 22, 2009

Tina Firgens
Senior Planner, City of Plano
1520 K. Avenue #250
Plano, TX 75074

Re: City of Plano Proposed Rezoning Request
Zoning Case No. 2008-68
Southwest Corner of Spring Creek Parkway and Preston Road
Plano, TX

Dear Ms. Firgens:

LSM Land Partners, L.P. is unfortunately in a position where we need to withdraw from the consideration of the Plano City Council on January 26, 2009, our proposed rezoning request for the above referenced 58 acres located at Spring Creek Parkway and Preston Road, Plano, TX. Due to market financing considerations, Appleseed has chosen to postpone their development plans for our site. As such the applicant does not want the City Council to unnecessarily utilize their time evaluating a component of the rezoning request that ultimately may not come to fruition. Thank you for your guidance and your support in this request.

Very truly yours,

LSM LAND PARTNERS, L.P.,
a Texas limited partnership

By: LSM Operating GP, L.L.C.,
a Texas limited liability company,
Its General Partner

By: LSM Holding Partners, L.P.,
a Texas limited partnership,
Its Manager

By: LSM Holding Partners GP, L.L.C.,
a Texas limited liability company,
Its General Partner

By: 
Name: Stephen J. DiNapoli
Title: Managing Member

RECEIVED

NOV 21 2008

PLANNING DEPT

LSM LAND PARTNERS, L.P.

3131 CUSTER ROAD, SUITE 275

PLANO, TX 75075

972-964-6414 Office

972-964-9016 Fax

November 21, 2008

Tina Firgens
Senior Planner, City of Plano
1520 K. Avenue #250
Plano, TX 75074

Re: City of Plano Zoning Case
Zoning Case No. 2008-68
Plano, TX

Dear Ms. Firgens:

LSM Land Partners, L.P., requests to appeal the Planning and Zoning Commission denial of Zoning Case 2008-68, as well as the companion concept plan, to the City Council. If possible, we request that the appeal be scheduled for consideration by the City Council during January 2009.

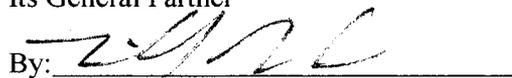
Very truly yours,

LSM LAND PARTNERS, L.P.,
a Texas limited partnership

By: LSM Operating GP, L.L.C.,
a Texas limited liability company,
Its General Partner

By: LSM Holding Partners, L.P.,
a Texas limited partnership,
Its Manager

By: LSM Holding Partners GP, L.L.C.,
a Texas limited liability company,
Its General Partner

By: 
Name: Michael Geisler
Title: Managing Member

**Recommendation of the
Planning & Zoning Commission
October 20 and November 3, 2008 Meetings
2nd Vice Chair Report**

Zoning Case 2008-68: Request to rezone 58.4± acres located at the southwest corner of Preston Road and Spring Creek Parkway from Planned Development-447-Retail/Multifamily Residence-2 to Planned Development-Retail.

Applicant: City of Plano as granted by the Planning and Zoning Commission in order to separate the subject property from the existing PD which includes a multi-family development with undivided “tenants in common” (TIC) ownership rights.

Staff Recommendation: Approval with the exception of allowing banner signs and with the Planning & Zoning Commission finding, based upon the TIA, that the thoroughfares can accommodate anticipated traffic volumes at an acceptable level of service.

Commission Action: First Vice Chair Norton made a motion to deny and Commissioner Caso seconded the motion, which passed 4-2. Chairman Duggan and Commissioner Coleman supported the denial. Second Vice Chair Armstrong and Commissioner Bulla voted in opposition to denial.

Comments made in favor of the application from the 10/20 and 11/3 meetings:

- Wrapping the public storage with 2 story retail would attractively screen the use. This technique is appropriate for a mixed use development.
- The uses – retail, restaurant, office and hotel - were appropriate for the location.
- Banner signs were seen as an attractive addition to mixed use developments.

Comments made in opposition to the application from the 10/20 and 11/3 meetings:

- Opposition to the mini warehouse/public storage use at the corner of Preston Road and Spring Creek Parkway.
- Concern that public storage is not compatible with the other uses proposed and would not contribute to the synergy necessary for a mixed use development.
- Unease with allowing 6 story construction at this location and with consideration of the proximity of residential development.
- Concern that second story retail is often not successful.

Additional Comments: Several concerns expressed at the October 20, 2008 meeting were addressed with additional language to update the PD. These issues included the position of the entrance towers, defining the architectural wrap of the storage use, height and square footage limitations for the storage, setbacks from existing residential and regulations to control the use of banner signs.

Respectfully submitted,
Maggie Armstrong, Second Vice Chair

DATE: November 4, 2008
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission *TD*
SUBJECT: Results of Planning & Zoning Commission Meeting of November 3, 2008

**AGENDA ITEM NO. 6A - PUBLIC HEARING
ZONING CASE 2008-68
APPLICANT: CITY OF PLANO**

Request to rezone 58.4± acres located at the southwest corner of Preston Road and Spring Creek Parkway **from** Planned Development-447-Retail/Multifamily Residence-2 **to** Planned Development-Retail. Zoned Planned Development-447-Retail/Multifamily Residence-2.

APPROVED: _____ **DENIED:** 4-2 **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 6

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(S) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for denial. The Commissioners voting in favor of the denial recommendation felt that mini-warehouse/public storage use was not an appropriate use for the subject property, and were concerned regarding the additional requested height for the mini-warehouse/public storage use and other uses proposed by the planned development.

TMF/dc

xc: Steve Dinapoli, LSM Center Partners, LP

CITY OF PLANO
PLANNING & ZONING COMMISSION

November 3, 2008

Agenda Item No. 6A

Public Hearing: Zoning Case 2008-68

Applicant: City of Plano

DESCRIPTION:

Request to rezone 58.4± acres located at the southwest corner of Preston Road and Spring Creek Parkway **from** Planned Development-447-Retail/Multifamily Residence-2 **to** Planned Development-Retail. Zoned Planned Development-447-Retail/Multifamily Residence-2.

HISTORY:

This item was tabled from the October 20, 2008, Planning & Zoning Commission meeting to the November 3, 2008, meeting and needs to be removed from the table.

The Commission tabled the proposed zoning request and requested additional information regarding:

- Providing more restrictive standards pertaining to the mini-warehouse/public storage use including maximum allowable square footage, maximum building height, and requiring the use to be wrapped or surrounded by other permitted uses within the district;
- Establishing a minimum building setback requirement from residential properties;
- Increasing the minimum setback from public right-of-way for the free-standing identification sign; and
- Providing banner signage regulations.

Since the October 20, 2008 meeting, the proposed planned development stipulations have been modified (refer to "Recommendation" section of report) to address the above stated items. The mini-warehouse/public storage standards have been changed to cap the use at 90,000 square feet and height to four stories (50 feet). Additionally, the revised standards require that a minimum of 70,000 square feet of retail, office, restaurant and other uses allowed by the district be contiguous with the mini-

warehouse/public storage use and all of the uses be located within a single building. The mini-warehouse/public storage use may not be visible from the east and north building elevations, while only a maximum of 50% of the use may be visible from the west and south building elevations.

The applicant is proposing a minimum 30 foot setback for buildings and parking structures from residential zoning districts. The freestanding identification signs shall be setback a minimum of 25 feet from public rights-of-way. Banner signage provisions are also included capping the banner signs at 17.5 square feet in area and allowing the signs to be attached to a maximum of 50% of the light standards within the parking lot or no more than two signs per acre based upon the platted lot size, whichever is less.

REMARKS:

This is a city-initiated zoning request and is a companion zoning case to Zoning Case 2008-70 on this same meeting agenda. Planned Development-447-Retail/Multifamily Residence-2 (PD-447-R/MF-2) applies to all of the property bounded by Spring Creek Parkway, Preston Road, and Bay Water Drive/Lorimar Drive.

The proposed rezoning is for the existing, partially developed, nonresidential property (Lakeside Market), as well as the undeveloped property, located at the southwest corner of Preston Road and Spring Creek Parkway. The majority property owner is requesting that the area of request be removed from the current PD-447-R/MF-2 zoning district and be rezoned to a new planned development zoning district. Given the fractured ownership within the existing PD-447-R/MF-2 district, the Planning & Zoning Commission at its August 18, 2008, meeting called a public hearing to consider a proposed rezoning for the area of request.

The current zoning is PD-447-R/MF-2. The Retail (R) district is intended to provide areas for neighborhood, local and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls, but not including wholesaling or warehousing. The Multifamily Residence-2 (MF-2) district is intended to accommodate condominiums and apartments at a density of 18 residential units per acre providing sufficient areas for usable open space and landscaping. A planned development (PD) district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off- and onsite conditions.

The requested zoning is Planned Development-Retail (PD-R). The proposed planned development (PD) district applies to the existing, partially developed nonresidential property (Lakeside Market), as well as the undeveloped property. The PD district proposes a variety of retail, restaurant, office, hotel and mini-warehouse/public storage uses by right. The PD also proposes to increase the maximum allowable building square footage (density), increase the maximum building height, modify parking requirements for mini-warehouse/public storage, and modify signage requirements. A

concept plan accompanies this rezoning request and is Agenda Item 6B on this same agenda. Also, attached under separate cover is a Traffic Impact Analysis submitted as a part of the rezoning petition.

This proposed rezoning request does not include the existing multifamily development on the east side of Bay Water Drive, 230± feet south of Spring Creek Parkway (Echelon at Lakeside). However, there is a companion zoning case (2008-70) pending for the existing multifamily development to rezone it from PD-447-R/MF-2 to MF-2.

Surrounding Land Use and Zoning

The area of the request is partially developed at the southern end of the property as nonresidential uses (retail, commercial, office, and restaurant) while the remaining northern portion of the property is undeveloped.

The adjacent property to the west is developed as multifamily residential and is currently zoned PD-447-R/MF-2; farther west across Lorimar Drive/Bay Water Drive, the properties are developed as single-family residential and are zoned Single-Family Residence-7 (SF-7), Planned Development-451-Single-Family Residence-7 (PD-451-SF-7), and Planned Development-48-Single-Family Residence-6 (PD-48-SF-6).

To the north, is undeveloped property and a multifamily residential development that are both zoned Commercial Employment (CE).

The properties to the east, across Preston Road, are a combination of existing retail/commercial uses and undeveloped land. The properties north of Nueces Drive are zoned Planned Development-176-Retail (PD-176-R) while the properties to the south of Nueces Drive are zoned Retail (R).

Lastly, the property to the south is developed as single-family residential and is zoned Planned Development-17-Single-Family Residence-6 (PD-17-SF-6).

Proposed Planned Development Stipulations

The requested zoning is PD-R. The property is divided into two tracts (Tract 1 and Tract 2) and the development stipulations proposed apply to both tracts unless otherwise noted as tract specific. There are two primary parts to this request: land use and design standards.

Land Use - The request proposes to change the underlying zoning from R and MF-2 to R only to allow for retail, restaurant, office, hotel, and mini-warehouse/public storage uses. Currently, all of these uses are allowed within the R district with exception that mini-warehouse/public storage is allowed subject to approval of a specific use permit. The request proposes to allow one mini-warehouse/public storage development only by right on the undeveloped land (Tract 2) and to prohibit mini-warehouse/public storage on the southern portion that is already predominantly developed (Tract 1).

Multifamily residential is an allowed use within the current zoning district, PD-447-R/MF-2, and is limited to 12 to 16 acres. The proposed PD-R zoning district does not allow multifamily residential for the area of request.

Design Standards - The request proposes to use the R district as a base zoning district with modifications to increase the maximum allowable building square footage (density), increase the maximum building height, modify parking requirements for mini-warehouse/public storage, and establish lot coverage and floor area ratio requirements. The request also seeks to amend signage regulations as required by the Preston Road Overlay District.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Community Commercial. The requested rezoning is in conformance with the Community Commercial land use designation.

Adequacy of Public Facilities - Water and sanitary sewer services are available for the existing developed portion of the subject property. Water is available for the undeveloped portion of the subject property; however, sanitary sewer will have to be extended to service the property.

Traffic Impact Analysis (TIA) - A TIA has been reviewed by the city's Transportation Engineering Division. The traffic modeling demonstrates that the proposed increase in density adds a negligible amount of traffic to nearby intersections. Following this staff report is a memo from Jeff Green, Senior Transportation Engineer, that summarizes his assessment of the TIA.

ISSUES:

Mini-warehouse/public storage:

Presently, PD-447-R/MF-2 allows mini-warehouse/public storage subject to approval of a specific use permit, with no limitation on the number of mini-warehouse/public storage developments that could be built. Although the applicant is proposing to prohibit this use within Tract 1, there is likely not sufficient property available in Tract 1 to accommodate this type of development. Tract 2, however, does have sufficient land area to accommodate this type of development. The applicant is requesting to allow only one mini-warehouse/public storage development by right. The applicant is willing to limit the access to individual units from the interior of the building so that individual units' overhead doors are not visible from surrounding properties and rights-of-way.

Maximum Allowable Building Area (Density):

The applicant proposes to increase the maximum allowable building area for the area of request from 500,000 total square feet to 927,000 total square feet. The maximum allowable building area is divided amongst the two tracts such that Tract 1 is limited to 269,000 square feet and Tract 2 is limited to 658,000 square feet of building area. The total requested density is less than the approximate 1,296,000 square feet allowed if the property were zoned as Retail only with no PD designation. A TIA was submitted to determine the potential traffic effects on nearby streets and intersections. The traffic modeling demonstrates that the proposed increase in density adds a negligible amount of traffic to nearby intersections.

Building Height:

The applicant is proposing to increase the maximum building height from two stories to six stories (105 feet) for Tract 2 only. However, buildings within 100 feet of residentially zoned properties shall have a maximum height of four stories (60 feet). The applicant is also proposing to exempt buildings from the residential slope setback requirements as required in the Zoning Ordinance. The requested height is less than what is allowed on other nonresidentially zoned properties at the intersection of Spring Creek Parkway and Preston Road which have unlimited height restrictions.

Signage:

The applicant is proposing signage regulations specific for the development to allow for urban signage combined with the suburban signage (i.e. typical retail shopping center signage) that is allowed within the Preston Road Overlay District with modifications. Examples of urban signage being requested include banners, A-frame signs, projecting signs, and kiosks. Suburban signage includes the typical wall signage on buildings, as well as the monument signage along streets that is found along the Preston Road corridor (pole signs are prohibited within the Preston Road corridor).

The applicant is requesting to be able to install two freestanding identification signs (one each on Preston Road and Spring Creek Parkway), with a maximum 35 foot tall height limit, to span the main driveway entrances to reflect the development name (i.e. Lakeside Market). The maximum allowable height for signs in the Preston Road corridor is eight feet. Given the additional height being requested for the two freestanding identification signs, the applicant is proposing to limit the amount of multipurpose and general business monument signage along Preston Road, Spring Creek Parkway, and Lorimar Drive/Bay Water Drive. The sign quantity limitations being proposed are generally consistent with what is allowed today in accordance with zoning requirements and may be further limited in the future depending upon the ultimate lot design.

Staff does not have a concern with the requested urban signage such as the A-frame signs, projecting signs, and kiosks. Given the size of the overall development, these signs will likely not be visible from nearby public rights-of-way. However, staff cannot support the requested banner signs. The applicant is requesting to be able to install banner signs on private property. The banner signs may be mounted to buildings, parking structures, and/or light standards. The applicant would like to be able to display artwork or a message that pertains to the district and prohibit commercial advertising on the banners. The banners would be limited to 17.5 square feet in size, provide a minimum 14 foot clearance above the paved surface, and be limited to 50% of the light standards on the property or a maximum of two banner signs per acre based upon the platted lot size, whichever is less.

The City Council appointed a Banner Sign Committee in 2004 to study and develop regulations pertaining to allowing banner signs throughout the city. Although sign standards were drafted, the committee did not agree to allow the signs due to concerns pertaining to enforcement of new regulations, the number and placement of banner signs, and the time limits for sign permits. Banner signs are presently allowed only in Planned Development-65-Central Business-1 (Legacy Town Center). The city also places banners on light standards in the public right-of-way.

Banner signs are typically considered appropriate within urban developments and are generally limited to streets and are not found in surface parking lots. Buildings are placed close to the streets, therefore limiting the available opportunities for banners within the street corridor. Additionally, urban mixed-use developments typically have very limited surface parking. Overall, banners are physically limited as to where they can be placed.

For suburban shopping centers, such as the existing Lakeside Market and many others throughout the city at typical major intersections, the overall public space is much larger. Buildings are pushed farther away from the streets with large parking lots between the buildings and public streets. If banners are allowed to be placed on light standards within parking lots, the area can become visually cluttered due to the potential quantity of banners than can be displayed. Given that the Banner Sign Committee did not recommend allowing banners in these settings, staff does not support the applicant's request.

SUMMARY:

The proposed rezoning request seeks to rezone 58.4± acres located at the southwest corner of Preston Road and Spring Creek Parkway **from** PD-447-R/MF-2 **to** PD-R. The PD district proposes a variety of retail, restaurant, office, hotel uses, as well as allowing for one mini-warehouse/public storage use by right on the undeveloped portion of the area of request. The PD also proposes to increase the maximum allowable building square footage (density), increase the maximum building height, modify parking requirements for mini-warehouse/public storage, and modify signage requirements. The requested zoning is consistent with the Comprehensive Plan, as well as being

compatible with nearby zoning districts at the intersection of Spring Creek Parkway and Preston Road. Staff supports the combination of urban and suburban signage with exception of the banner signs being proposed.

RECOMMENDATION:

Recommended for approval subject to:

1. Banner signs being prohibited within the proposed Planned Development-Retail ordinance; and
2. Planning & Zoning Commission finding, based upon the TIA, that the thoroughfares can accommodate anticipated traffic volumes at an acceptable level of service.

The request is for PD-R zoning with the following stipulations. (Additions since the October 20, 2008, Planning & Zoning Commission meeting are indicated in italicized and underlined text; deletions are indicated in strikethrough text.)

General Conditions for the Planned Development District:

1. The map attached hereto as Exhibit A (Zoning Exhibit) is hereby adopted as part of this ordinance.
2. The regulations within this planned development district shall apply to all properties within the district, unless otherwise specified for a particular tract as depicted on Exhibit A.

Specific Provisions of the Planned Development District:

1. Additional Permitted Uses:
 - a. One mini-warehouse/public storage development only shall be allowed by right on Tract 2 in accordance with the following:
 - i. Shall be part of a single building with multiple uses, of which a minimum 70,000 square feet shall be retail, office, restaurant, and/or other uses as allowed by the district (excluding mini-warehouse/public storage), and a maximum of 90,000 square feet may be mini-warehouse/public storage use.
 - ii. The mini-warehouse/public storage use must be contiguous with and wrapped by retail, office, restaurant, and/or other uses as allowed by the district (excluding mini-warehouse/public storage) as follows:

(a.) The entire east and north building elevations shall consist of retail, office, restaurant, and/or other uses (excluding mini-warehouse/public storage).

(b.) A minimum of 50% of the west and south building elevations shall consist of retail, office, restaurant, and/or other uses (excluding mini-warehouse/public storage).

iii. Maximum height shall be four stories (50 feet).

iv. Access to all storage units must be from the interior of the building.

b. Mini-warehouse/public storage developments are prohibited on Tract 1.

2. Area, Yard, and Bulk Requirements:

a. Maximum Allowable Building Area (excluding parking garages):

i. Tract 1 – 269,000 square feet.

ii. Tract 2 – 658,000 square feet.

b. Maximum Height:

i. Tract 1 – Two Stories (50 feet).

ii. Tract 2 – Maximum six stories (105 feet), except structures within 100 feet of residentially zoned properties shall have a maximum height of four stories (60 feet). Buildings and parking structures in Tract 2 are exempt from residential slope setback requirements in Subsections 3.511, 3.606, and 3.704; but shall have a minimum 30 foot setback from residential zoning districts.

c. Maximum Floor Area:

i. Tract 1 – 0.6:1. Parking structures shall be excluded in the FAR calculations.

ii. Tract 2 – 1:1. Parking structures shall be excluded in the FAR calculations.

d. Maximum Lot Coverage: 50%. Parking structures shall be excluded in the lot coverage calculations.

3. Parking:

- a. Mini-warehouse/public storage: One space per 3,000 square feet.
- b. Parking for all other uses shall be in accordance with Section 3.1100 (Off-Street Parking).

4. General Requirements/Other:

Pad sites (structures less than 5,000 square feet) shall be limited to one site per five acres.

5. Signage Regulations:

In addition to signs permitted by Section 3.1600 of the Zoning Ordinance and as amended by the Preston Road Overlay District (Section 4.500), the following additional signs and/or revised sign definitions and standards are permissible:

a. Freestanding Identification Signs

i. General

A maximum of two freestanding identification signs shall be permitted. One sign may be located along Spring Creek Parkway within Tract 2 and one sign may be located along Preston Road within Tract 1. The sign may be an architectural entry feature that spans the driveway entrance and the height shall be limited to maximum 35 feet.

ii. Size

Sign copy area shall be limited to maximum 150 square feet and shall span the driveway entrance only.

iii. Setbacks

Freestanding identification signs may be located within the required front yard setback; however, the signs shall be setback a minimum 25 feet from public right-of-way. ~~and are exempt from the requirement that they be located at least 30 feet from a property line and~~ The signs are exempt from the requirement that they be located at least 60 feet from a 60 foot distance separation requirement from general business signs.

b. Multipurpose Signs

Multipurpose signs shall be prohibited along Spring Creek Parkway and Preston Road.

c. General Business Signs

General business signs may be used and shall comply with the standards in Section 3.1600 as amended by the Preston Road Overlay District (Section 4.500). The maximum number of general business signs along Preston Road shall be ten, the maximum number of general business signs along Spring Creek Parkway shall be five, and the maximum number of general business signs along Lorimar Drive/Bay Water Drive shall be five.

d. Identification Sign

One identification sign is allowed at the southwest corner of Spring Creek Parkway and Preston Road only. The sign shall not exceed 100 square feet in sign copy area and the sign copy area may be incorporated into a masonry retaining wall.

e. Directional Signs

i. General

A directional sign is any noncommercial sign, which directs the public to various locations, for instance, but not limited to, retail, office, hotel or parking areas. A directional sign may be a freestanding sign, a wall sign, a projecting sign, or mounted to a vertical support. These signs shall not contain advertising and shall be specifically directional in nature.

ii. Size

A directional sign mounted to a vertical support shall not exceed 15 square feet and the maximum sign width is three feet wide. The bottom of the sign shall not fall below seven feet from the ground surface.

f. Directory Map

i. General

A directory map is a noncommercial map listing the occupants within a shopping center, retail district, office district, or commercial site. A directory map may be freestanding, mounted to a wall, mounted to a vertical support, or incorporated into a kiosk. A directory map is used to provide wayfinding information for pedestrians.

ii. Size

A directory map shall not exceed 28 square feet.

g. Sloping Roof Signs

i. General

A sloping roof sign sits at the base of a sloping roof structure/awning element and does not extend above the roofline of the structure or element.

ii. Size

Sloping roof sign height shall not exceed one-third of the height of the sloping roof seen in true elevation.

h. A-frame Signs

i. General

An A-frame sign is a self-supporting A-shaped sign with two visible sides that is located on or adjacent to a private sidewalk. The sign shall be sufficiently weighted or anchored.

ii. Size

The maximum square footage is eight square feet per sign face and the maximum sign height is four feet.

i. Projecting Signs

i. General

Projecting signs must keep a minimum clearance of eight feet above the sidewalk.

ii. Size

The horizontal portion of any projecting sign shall not be more than six feet six inches in length measured from the building face. The projecting sign shall not exceed 18 square feet per side.

j. Kiosks

i. General

Freestanding kiosk structures may be erected on individual lots. All accessibility and visibility requirements must be met. A maximum of eight freestanding kiosks may be installed within the zoning district; a maximum of four kiosks within Tract 1 and a maximum of four kiosks within Tract 2. Kiosks may display directory maps, artwork, or messages that pertain to the district or special events or be used for commercial advertising signs and/or merchandising sales.

ii. Size

Signage on kiosks may not exceed 60 square feet. For multiple-sided kiosks, the gross surface area of each side shall not exceed two times the allowable square footage divided by the number of sign faces.

k. Banner Signs

i. General

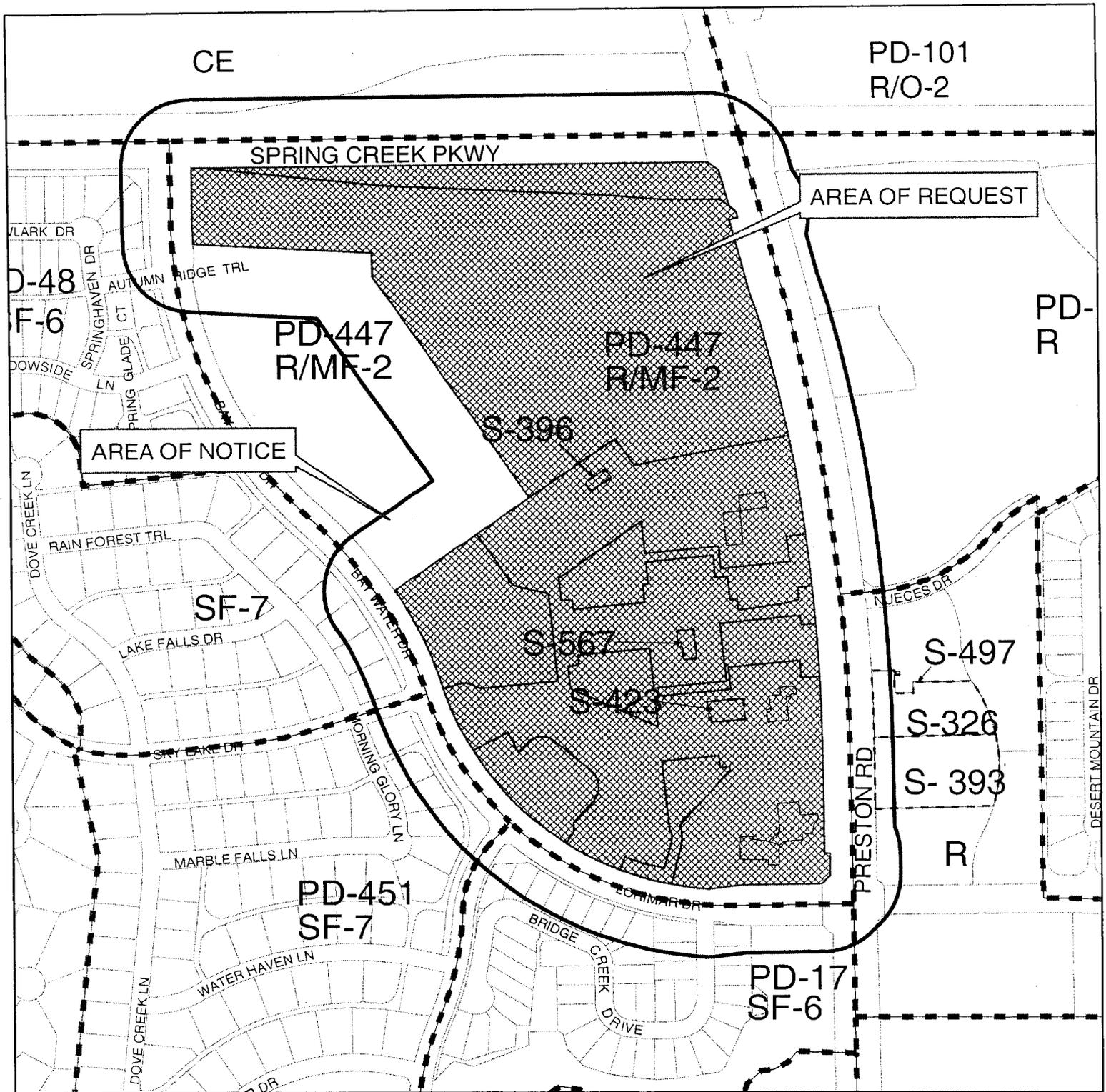
Banners may be mounted to a vertical support or attached to a building or parking deck. Banners which are mounted to a vertical support may be integrated onto light poles provided that the banners are anchored at two points to the light poles. Banners may display artwork or a message that pertains to the district or a special event but shall not be used for commercial advertising signs. Banners are prohibited within the public rights-of-way.

ii. Size

Banner signs shall not exceed 17.5 square feet in size and banners must provide minimum 14 foot clearance above the paved surface.

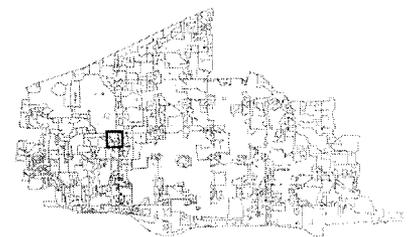
iii. Quantity

Banners may be installed on a maximum of 50% of the light standards in the parking lot, or at a rate of two banners per acre based on the platted lot size, whichever is less.

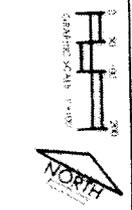
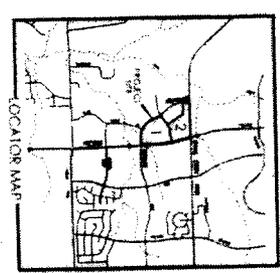
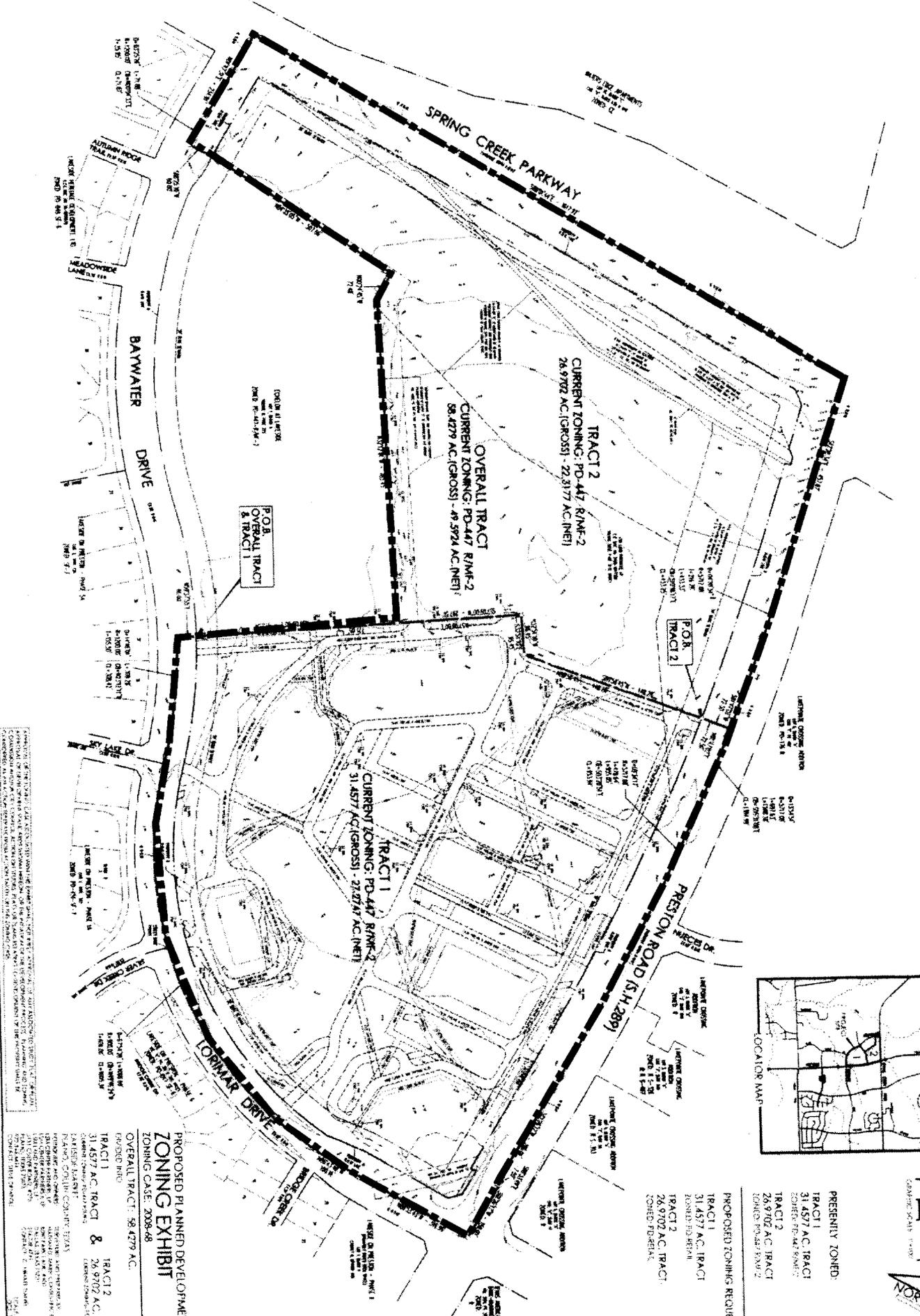


Zoning Case #: 2008-68

Existing Zoning: PLANNED DEVELOPMENT-447-RETAIL/MULTIFAMILY RESIDENCE-2/
PRESTON ROAD OVERLAY DISTRICT



2-19
○ 200' Notification Buffer



PRESENTLY ZONED:
 TRACT 1
 31.4577 AC. TRACT 1
 ZONED PD-MF-2
 TRACT 2
 26.9702 AC. TRACT 2
 ZONED PD-MF-2

PROPOSED ZONINGS REQUEST:
 TRACT 1
 31.4577 AC. TRACT 1
 ZONED PD-MF-2
 TRACT 2
 26.9702 AC. TRACT 2
 ZONED PD-MF-2

PROPOSED PLANNED DEVELOPMENT ZONING EXHIBIT
 ZONING CASE: 2008-08
 OVERALL TRACT: 58.4279 AC.
 TRACT 1
 31.4577 AC. TRACT 1
 TRACT 2
 26.9702 AC. TRACT 2

October 17, 2008

MEMO

To: Tom Elgin, Development Review Manager
From: Jeff Green, P.E., Senior Traffic Engineer *JG*
Subject: 31/TIA for Zoning Case 2008-68 (SWC of Preston Road at Spring Creek Parkway)

The subject tract is located south of Spring Creek Parkway and west of Preston Road. Traffic impacts for zoning cases are evaluated using the city's TransCAD travel forecasting computer model. Proposed possible land uses associated with a given zoning request are compared to assumed land uses for that area within the model dataset, and adjustments are made. The data is then used to generate a new traffic assignment for the entire city network. The volumes from that assignment represent "Proposed Traffic." The intersection levels of service from the proposed traffic are then compared to the levels of service from the base model conditions to determine the degree of impact a given request has on the assumed build out roadway system.

The proposed uses for the subject tract are quite similar to the land uses which were already assumed for this property, so the traffic volumes that result from the proposed traffic assignment were not significantly different from the base traffic assignment volumes. The trip generation projected by the proposed zoning adds negligible amount of trips that can be determined in the analysis. The traffic increase is 0.1% or less at all intersections evaluated within the study. No tangible, significant impacts to traffic are anticipated within the corridors.

All of the intersections in the study area were shown to operate at a Level of Service "D" or better under both existing and proposed traffic conditions, except for the Tennyson Parkway/Preston Road and Spring Creek Parkway/Preston Road intersections. The study shows projected levels of service "F" for Tennyson Parkway/Preston Road and projected levels of service "E" for Spring Creek Parkway/Preston Road under both base (existing) and proposed zoning conditions.

Based on the review of this study, staff agrees with the findings of the study which states that the development can be successfully incorporated into the surrounding roadway network. The site is near several major corridors, spreading the traffic load across many roadways and preventing significant impacts on any one roadway or intersection.

xc: Lloyd E. Neal, P.E., Transportation Division Manager
Tina Firgens, AICP, Senior Planner

SPRING CREEK PKWY

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 LSA CENTER PARTNERS, L.P. STATE OWNED
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TRACT 1 SITE AREA 22.977 ACRES
 ZONING PD-47-N/A-2
 TRACT 1, LOTS 18-6, BLOCK A, AREA 22.977 ACRES
 EXISTING AND PROPOSED USE: RETAIL OFFICE & RESTAURANTS
 ROAD, REVERTED SURVEY - ASST 89
 DATE OF PREPARATION 10/14/08

TRACT 2 SITE AREA 22.977 ACRES
 ZONING PD-47-N/A-2
 TRACT 2, LOTS 18-6, BLOCK A, AREA 22.977 ACRES
 EXISTING AND PROPOSED USE: RETAIL OFFICE, RESTAURANTS, HOTEL,
 PUBLIC STORAGE
 ROAD, REVERTED SURVEY - ASST 89
 DATE OF PREPARATION 10/14/08

LANDMARK ADOPTION

NO.	DATE	DESCRIPTION
1	10/14/08	ADOPTION OF THIS PLAN
5		

FOR REGULATORY AGENCY USE ONLY - DO NOT SCALE

LOT #	AREA (SQ. FT.)	AREA (ACRES)	PERCENTAGE OF TOTAL AREA	PROPOSED USE	EXISTING USE
1	1,234,567	0.028	0.12	Office	Office
2	2,345,678	0.054	0.23	Office	Office
3	3,456,789	0.079	0.34	Office	Office
4	4,567,890	0.104	0.45	Office	Office
5	5,678,901	0.129	0.56	Office	Office
6	6,789,012	0.154	0.67	Office	Office
7	7,890,123	0.179	0.78	Office	Office
8	8,901,234	0.204	0.89	Office	Office
9	9,012,345	0.209	0.90	Office	Office
10	10,123,456	0.234	1.00	Office	Office

TRACT 1

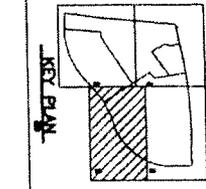
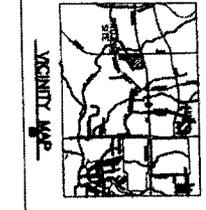
TRACT 2



NOTICE: REVISIONS TO THIS PLAN SHALL BE MADE BY A SEPARATE REVISION PLAN.
 SECTION 4.04.10 (b)

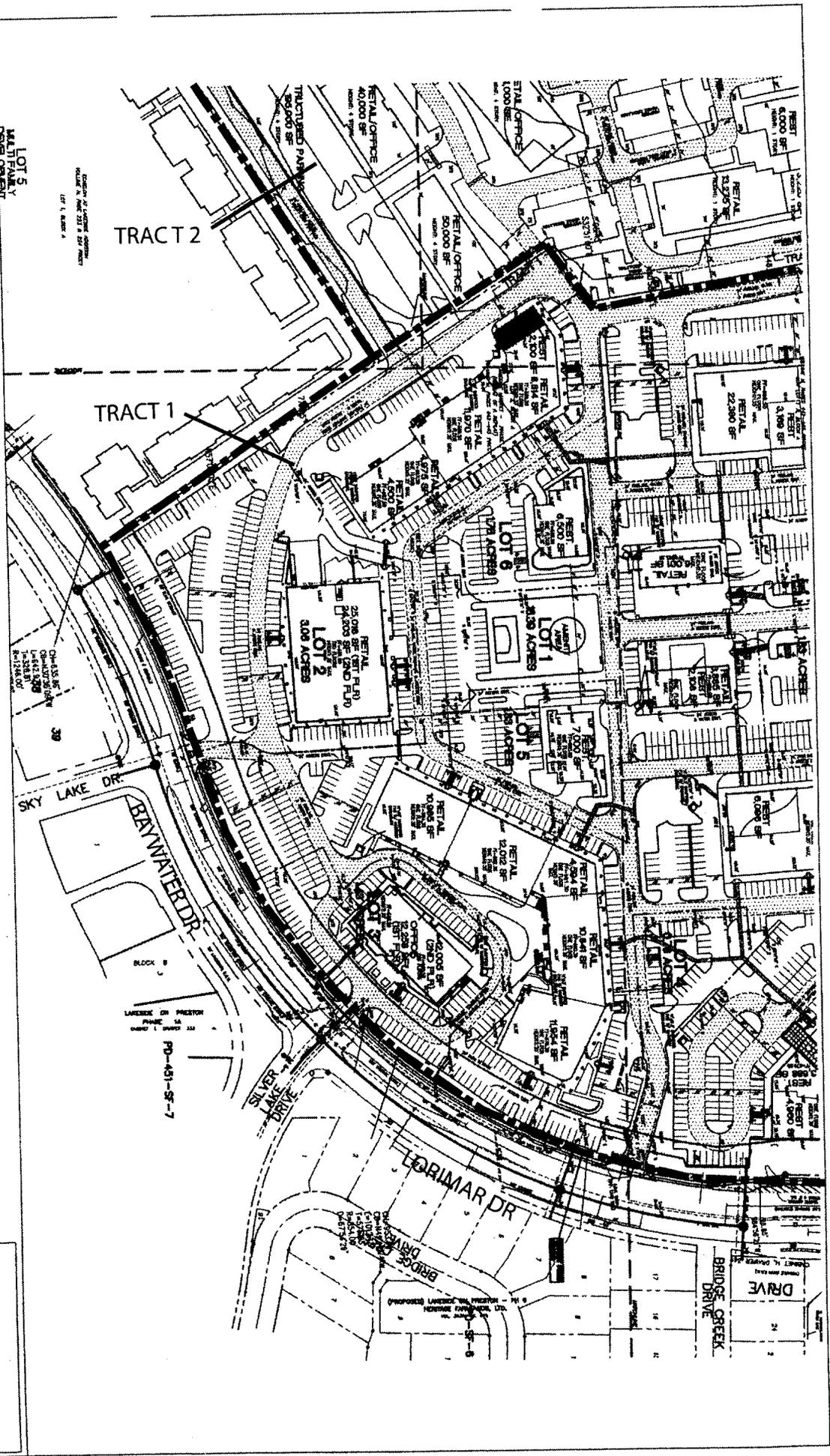
SCALE 1/8" = 1'-0"
 GOOD PLATTON & FARRELL ARCHITECTS
 2005 PAVANANT STREET, SUITE 200
 DALLAS, TEXAS 75201 F - 214.303.1912
 P - 214.303.1900

DESIGNER: LARRY L. LAMAR, L.P. AND LARRY L. LAMAR ARCHITECTS, L.P.
 1501 CENTER PARKWAY, SUITE 210
 PLANO, TEXAS 75075
 PHONE: (972) 944-9114



TRACT 1 SITE AREA: 27.27 ACRES
 ZONING PD-43-RB-3
 TRACT 1 LOTS 1-4, BLOCK A, AREA 27.27 ACRES
 DESIGN AND PROPOSED USE: RETAIL, OFFICE & RESTAURANTS
 DATE OF PREPARATION: 10/14/08

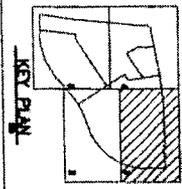
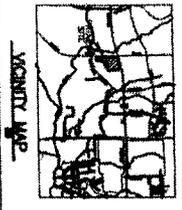
NO.	DESCRIPTION	DATE	BY	CHKD.
2	LANDSCAPE ARCHITECTURE			
5				



NOTE: THIS LAYOUT IS FOR PRELIMINARY PURPOSES ONLY. THE FINAL LAYOUT SHALL BE DETERMINED BY THE CITY ENGINEER AND THE COUNTY ENGINEER. ROAD FOR SECTION 4500 (1) (6).

SCALE 1/8" = 1'-0"
GOOD FULTON & FARNELL ARCHITECTS
 2000 FURNACE STREET, SUITE 200
 DALLAS, TEXAS 75214
 P - 214-350-1500 F - 214-350-1512

DESIGNER OF RECORD
 LISA LAND AND PARKING, L.P. AND LAM
 LISA LAND AND PARKING, L.P.
 1111 CENTER ROAD - SUITE 275
 PLANO, TEXAS 75075
 PH (972) 941-9414



TRACT 1 SITE AREA: 87.27 ACRES
 ZONING: PD-40-15000-2, APRIL 27, 2005
 TRACT 1, LOTS 1-10, 12-15, 17-22, 24-25
 FROM: BENTLEY SUBDIVISION - 1987, 98
 DATE OF REZONING: 10/14/08

LANDSCAPE ARCHITECT

DATE	REVISION
10/14/08	1
11/15/08	2
12/15/08	3
01/15/09	4
02/15/09	5

