

PLANO CITY COUNCIL

WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M. ON FEBRUARY 23, 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 | 5 min. |
| | A. Respond to questions and receive legal advice on agenda items | | |
| II. | Litigation | Wetherbee | 10 min. |
| | A. Animal Guardians of American and David Wacaser v. City of Plano and Jamey Cantrell | | |
| | B. American Community Newspapers, L.C. d/b/a Star Community Newspapers v. City of Plano | | |
| III. | Economic Development | Muehlenbeck | 15 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.	Arts of Collin County Quarterly Report	Mike Simpson	15 min.
III.	Mobility Report	Lloyd Neal	10 min.
IV.	DART Report	Faye Wilkins	10 min.
V.	Comprehensive Monthly Financial Report	Denise Tacke	10 min.
VI.	Presentation of Fire Department Art Project T-Shirts	Drotman-Esparza-Eubanks	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.



CITY COUNCIL

1520 AVENUE K

DATE: February 23, 2009

CALL TO ORDER: 7:00 p.m.

INVOCATION: Pastor Jack Schneider
St. Paul Lutheran Church

PLEDGE OF ALLEGIANCE: Brownie Troop 3064
Wells Elementary School

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: "Larry Kenneth McDavid Day"</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> <p><u>Approval of Minutes</u></p> <p>(a) February 17, 2009</p> <p><u>Approval of Expenditures</u></p> <p>(b) CSP No. 2009-41-B for total base proposal for the construction of the Animal Shelter Addition in the amount of \$1,640,000 to Hisaw and Associates General Contractors, Inc.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)</p> <p>(c) To approve a contract made and entered into by and between the City of Plano and the Board of Trustees of the Plano Independent School District and Sharon Rowe, the Elections Administrator of Collin County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City's May 9, 2009, General and/or Special Election in the estimated amount of \$28,938.</p> <p>(d) To approve a Service Agreement by and between the City of Plano and Verizon to upgrade the existing SONET Ring bandwidth capabilities in the amount of \$117,362 and authorizing the City Manager to execute all necessary documents. (Bid No. B021-03)</p> <p>Approval of Change Order</p> <p>(e) To Santos Construction Company, Inc., increasing the contract by \$78,528 for the 2008-2009 Arterial Concrete Pavement Rehabilitation Project, Parker Road – Preston Road to Dallas North Toll Road, Project No. 5942, Change Order No. 1, Bid No. 2008-226-B.</p> <p><u>Adoption of Resolutions</u></p> <p>(f) To appoint William J. Roberts and Scott M. Seidel to serve for two year terms as investigators as required by Section 2-104 of the Code of Conduct of the City of Plano; and providing an effective date.</p> <p>(g) To approve the settlement of the lawsuit styled American Community Newspapers, LLC d/b/a Star Community Newspapers v. The City of Plano, Cause No. 08-40259 in the United States Court of Appeals for the Fifth Circuit and any other ancillary proceedings related to the appeal; authorizing the City Manager to execute any and all documents necessary to settle such lawsuit; and providing an effective date.</p> <p><u>Adoption of Ordinances</u></p> <p>(h) To call a Special Election to be held within the City on May 9, 2009, for the purpose of authorizing General Obligation Bonds and revoking certain prior voted bond authorization; making provisions for the conduct of the election and other provisions incident and related to the purpose of this ordinance; and providing an effective date.</p> <p>(i) To amend Section 13-9(b) of Chapter 13 Municipal Court of the Code of Ordinances of the City of Plano providing for a new juvenile case manager fee; providing a repealer clause, a savings clause, a severability clause; and providing an effective date.</p> <p><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></p>	



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

February 19, 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 two matters of litigation. Under Item III, potential economic development prospects may be discussed.

The Preliminary Open Meeting will begin with an update from Mike Simpson regarding the Arts of Collin County. We will then hear the Mobility Report from Lloyd Neal, the DART Report from Faye Wilkins and the Comprehensive Monthly Financial Report from Denise Tacke. In conclusion, we will view a presentation from various staff members regarding the Fire Department Art Project T-shirts.

I look forward to seeing you on Monday.

Sincerely yours,

Thomas H. Muehlenbeck

POM Item II

Arts of Collin County Quarterly Report

Mike Simpson



Transportation Engineering Division

Transportation Mobility / Safety Report

January 2009

- Traffic Signals
 - ✓ **Provided 208 Level Of Service summaries to the Texas Transportation Institute for use in their Integrated Corridor Management (ICM) study.**
 - ✓ **Adjusted signal timing in response to NTTA temporary construction closure of the eastbound on-ramp at SH-121 @ Custer.**
 - ✓ **Parker Road at K Avenue / P Avenue - Turned on pedestrian traffic signals**
 - Ohio Drive @ SH 121 - Design new traffic signal (**90%** completed)
 - Parkwood Blvd @ Windhaven Prkwy – Design new traffic signal (**70%** 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:
 - ✓ **Parkwood Boulevard (Spring Creek Prkwy to Windhaven Prkwy) – Roadway scheduled to open by end of February '09. Speed ordinance prepared for City Council consideration**
 - ✓ **Headquarters Drive (w/o Legacy Drive) – Speed ordinance prepared for City Council consideration.**
 - ✓ **Completed 12 volume/speed studies**
 - Annual Traffic Safety Report – **50%** completed
 - HAL/HARS 2008-2009 project list – **35%** completed
 - City-wide Speed Zone Survey Project: (**60%** completed)
 - Reviewed **27** temporary traffic control plans for utility work in city right-of-way
 - Speed trailer deployment
 - **Columbia Place between Park Boulevard and 15th Street.**
 - **Creekstone Drive between Aladdin Drive and Window Rock Drive.**
 - **USA Drive between Custer Road and Red River Drive.**

- PISD/FISD
 - Anderson Elementary School (Independence Prkwy @ Oakland Hills Drive) – Request to remove existing school zone; Study completed. **Removal recommended. Waiting on FISD response to recommendation**
 - Andrews Elementary School (Scenic Drive @ Sutherland Lane) - Request for All-Way Stop; Study in progress
 - Clark High School (Spring Creek Parkway @ Eagle Pass) - Request for pedestrian signals; Study in progress

- ✓ **Christie Elementary - Request to modify No Left Turn sign exiting the driveway, to exempt school uses from the restriction, and to install a Do Not Block Driveway sign on Rainier Road – Request denied.**
 - 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.
 - Hightower Elementary School (Tulane Drive @ Decator Drive) – Request for pedestrian signals; **Request denied**
 - ✓ **Jackson Elementary: Request for No Parking signs, crosswalks, and removal of existing No Parking signs on streets abutting the school (Jackson Drive, Colchester Drive, Jomar Drive) – Review 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.
 - McCall Elementary
 - Request to modify the time restriction for No Left Turn signs on Cloverhaven Way at the school driveway – Review in progress.
 - Request for crosswalks across Cloverhaven Way – To be discussed at the next PISD safety meeting.
 - Request to allow parking on Cloverhaven Way – Study in progress.
 - Meadows Elementary School (Rigsbee Drive) Request to extend school zone hours – **Request denied.**
 - Rice Middle School (Independence Parkway @ Russell Creek Drive)
 - Request to extend school speed zone hours; Study in progress
 - **Request to evaluate pick-up/drop-off operations. The principal is considering closing the internal circular drive. Review in progress.**
 - Taylor Elementary School (Independence Prkwy @ Ridge Creek Lane) – Request to evaluate use of existing school crossing; **Study completed. Recommend removal**
 - Thomas Elementary School (Montana Trail) - Request for one-way traffic flow during school zone hours; **Request denied.**
- Safe Streets Program (SSP)
 - ✓ ***Pebble Vale Drive – Qualification study failed to meet minimum criteria***
 - ✓ ***Chinaberry Drive – Qualification restudy failed to meet minimum criteria***
 - ✓ ***Sutherland Lane (Scenic Drive to Homestead Lane) – Project combined with current project on Harrisburg Lane***
 - ✓ ***Wesson Drive (Savage Drive to Walters Drive) - Waiver request approved by P&Z***

Participating Neighborhoods Active in the Program

- 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 **2/26/09**.

- Mission Ridge from Parker to Matterhorn (**installation pending**)
 - Oklahoma Avenue – Petition process underway
 - Old Orchard Drive - Qualification study pending
 - Old Pond Drive: : Permanent Plan Installation pending
 - Pebble Vale Drive – Qualification study **failed to meet minimum criteria**
 - Robinson Road: **Public meeting held 2/5/09**
 - Royal Oaks Drive: ballot packets to be mailed **2/09**
 - Russell Creek Drive (East of Independence Parkway): Public meeting held **2/12/09**
 - Scenic Drive – Qualification study pending
 - 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: **Revised petition being sent to sponsor**
- Long Range Planning:
 - Attended monthly DRMC, RTC, TAC, STTC, and ITE meetings
 - Develop structure for Division Laser Fiche filing system (**70% completed**)

POM IV

DART Report

Faye Wilkins

COMPREHENSIVE MONTHLY
FINANCE REPORT

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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 Hotel/Motel Report** provides a summary of Hotel/Motel tax collections during the previous fiscal quarter, as well as comparisons and analyses of tax receipts and occupancy data from the two fiscal years preceding.

We would like to acknowledge those responsible for this report: Allison Friloux 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
972-941-7135

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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.

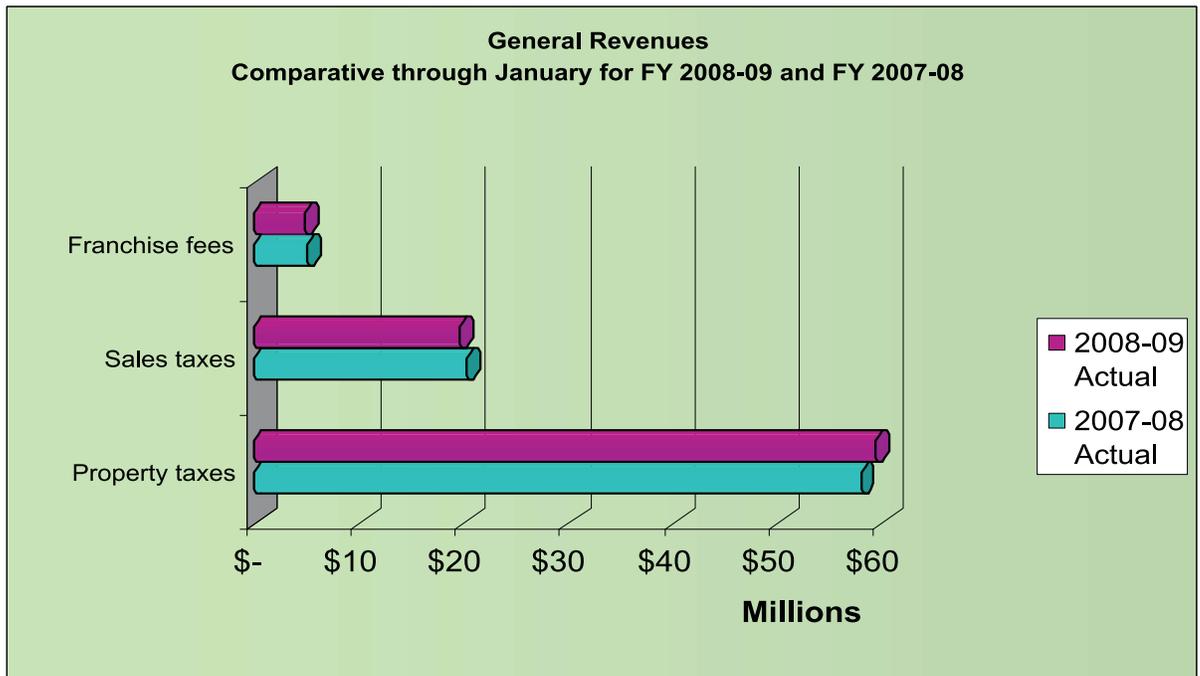
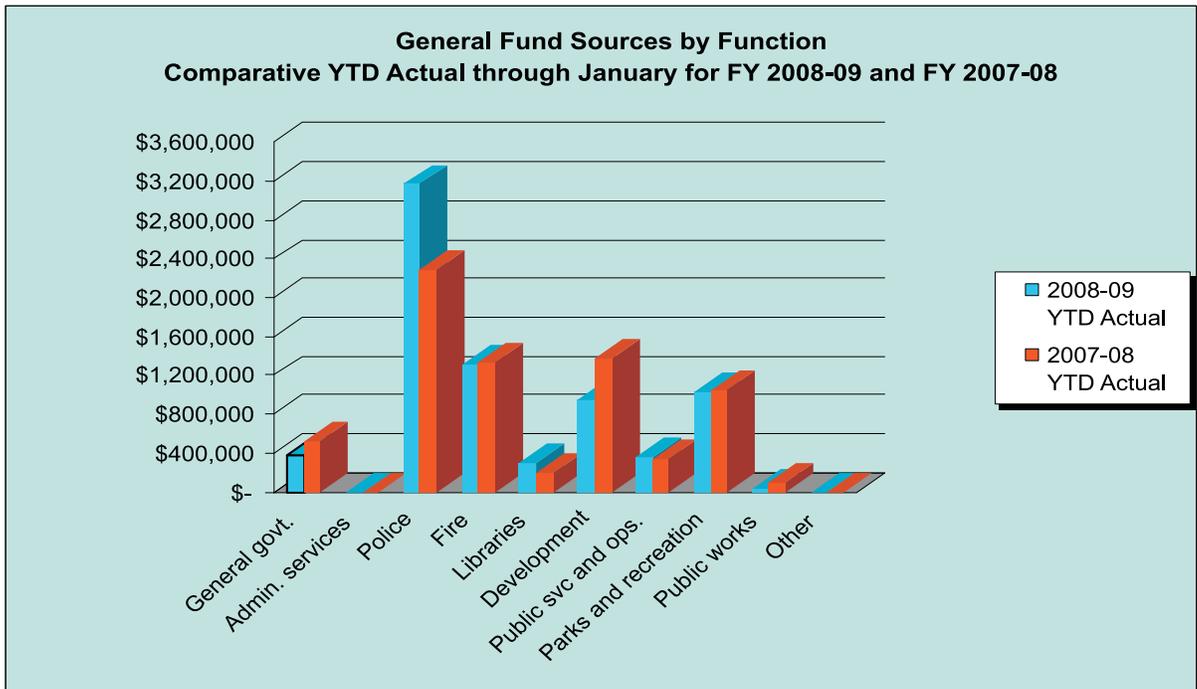


REPORT NOTES JANUARY, 2009

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.

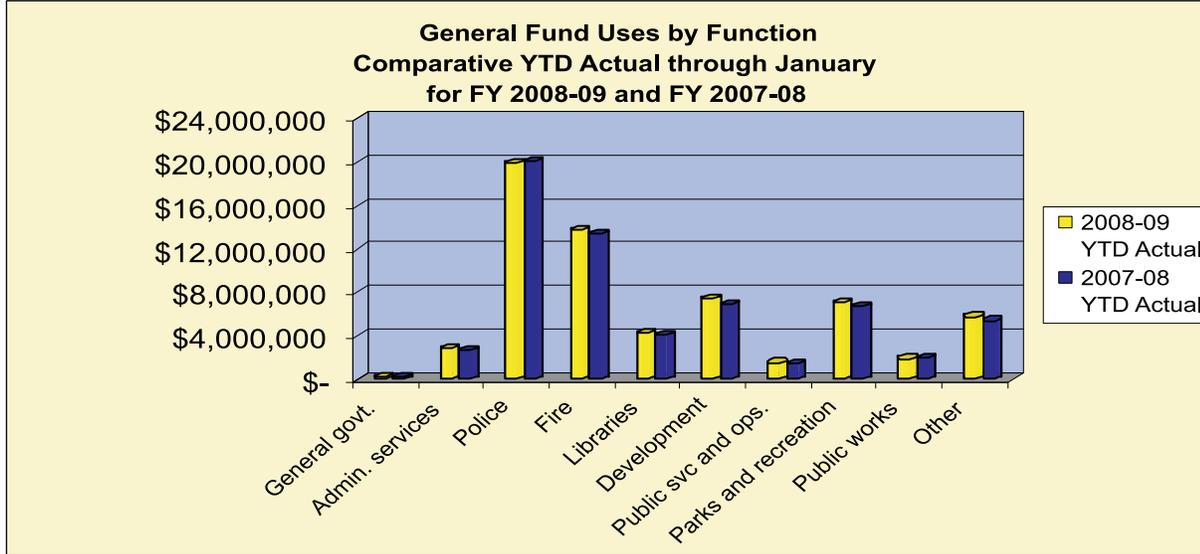
The information in this section compares year to date activity in the current fiscal year to the same time period in prior year. Please note that beginning fund balances in all funds are subject to final audit adjustments.

HIGHLIGHTS OF GENERAL FUND VARIANCES



REPORT NOTES CONTINUED

JANUARY, 2009



General Government

- Contractual services for class instruction paid and encumbered through the Professional Development Center increased over prior year by \$65,683 due to timing of orders placed.
- Due to a lower than expected completion rate, estimated tuition reimbursement payments in fall 2008 decreased by \$36,871. Those funds will carry over to fund tuition requests in the winter, spring and summer sessions that would otherwise have gone unfunded.

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 \$32,789 due to additional testing and increased fees.
- Fees associated with the audit of the City's financial statements increased over prior year by \$5,250 due to increased fees.
- The Human Resources department decreased costs for consulting services pertaining to the 457 deferred compensation plan by \$19,451 due to timing of purchase orders placed. The current contract will complete in February 2009 at which a new contract will be in effect through February 2012.

Police

- Court fines and forfeitures increased year to date over prior year in the amount of \$752,947. 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 \$151,480 when compared to prior year.
- False alarm revenue increased \$48,139 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.
- Personal services increased \$232,704 over prior year primarily due to increased pay and benefit related costs over last fiscal year. The increase in salary expenditures increased over prior year by \$679,534 due to increased pay and benefit related costs over prior year. Additionally, funding for the City's Section 115 Trust as required by Governmental Accounting Standards Board Statement No. 45, Accounting and Financial Reporting by Employers for Postemployment Benefits other than Pensions began in December 2008 costing \$260,280. These increases are offset by a decrease of \$174,323 for lower retiree and termination payouts as compared to prior year.
- Expenditures and encumbrances for ammunition increased over prior year by \$120,170 as these purchases are made on an as needed basis.

REPORT NOTES CONTINUED

JANUARY, 2009

- The Police department experienced a decrease of \$197,431 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 2008, claims expenses were allocated to using departments.
- Municipal garage charges to maintain police fleet decreased over prior year by \$54,055 primarily attributed to lower fuel rates. Additionally, new procedures are in place addressing fuel conservation measures.
- The Police department spent \$9,660 for criminal and traffic law publications in the prior year which are purchased every other year.
- In the prior fiscal year, the Police department purchased vehicular radio modems costing \$14,581.
- Radio purchases decreased over prior year by \$19,113. These purchases are made on an as needed basis.
- Purchases and encumbrances for four mobile data computers occurred in prior year costing \$29,654.
- Training costs for police personnel decreased \$55,865. The amount budgeted in the current year is 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.
- Funds for a new television server were spent prior year totaling \$13,350 to provide the ability to stream, record and tune 8 analog television programs simultaneously. This is utilized for any media coverage pertaining to the Plano Police Department to be recorded.

Fire

- Ambulance service revenues decreased \$23,746 as compared to the previous year due to a decline in collections from patients as opposed to insurance, Medicare or Medicaid. Additionally, the volume of transports has decreased as compared to prior year.
- Personal services increased \$647,015 over prior year primarily due to increased pay and benefit related costs over last fiscal year.
- Funds used to purchase fire hoses have been spent in the current year resulting in an increase over prior year by \$47,107.
- The Fire department experienced a decrease of \$89,069 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 2008 claims expenses were allocated to using departments.
- Municipal garage charges to maintain fire fleet decreased over prior year by \$32,320 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 \$82,421 due to timing of vehicles received and placed into service.
- Expenditures and encumbrances for medical and surgical supplies decreased over prior year by \$48,369. These purchases are made on an as needed basis.
- A new Toyota Prius and cargo trailer were purchased in prior year costing \$21,698 and \$10,905, respectively.
- 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 \$18,149. The budgeted amount is comparable to prior year's original budget.
- Training costs and encumbrances decreased over prior fiscal year by \$21,394 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 spent funds in the prior year of \$34,994 for a new project that provides video conferencing capability.

Libraries

- Revenues received from Collin County Community College and the City of Allen for shared maintenance costs have increased \$85,819. Due to a change in automation systems in fiscal year 2007, included maintenance costs were accounted for in the Spoles Library Fund until August 2008. Fiscal

REPORT NOTES CONTINUED

JANUARY, 2009

year 2008 maintenance costs were absorbed in the General Fund to cover periods covering August 2008-August 2009.

- The libraries installed 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 for other self-check machines and security gates is \$16,407 while prior year maintenance costs were \$50,611.
- Storage cabinets to house microfilm at the libraries were purchased in the current year costing \$84,604.
- Expenditures and encumbrances for non-print media increased over prior year by \$54,073 due to a change in departmental ordering processes. Book purchases increased over prior year by \$33,883 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

- Revenues generated from issuance of building permits have decreased over prior fiscal year by \$130,057 attributed to the overall decrease in new residential and commercial construction, alterations, remodels and interior finish outs.
- Engineering inspection revenues decreased \$158,655 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 \$38,300. These services are directly tied to the decreased amount of construction occurring within the city.
- Revenues generated from issuance of plumbing permits have decreased over prior fiscal year by \$17,517 attributed to the overall decrease in new residential and commercial construction, as well as a decrease in commercial and residential alterations, remodels and interior finish outs requiring plumbing.
- Construction of a new carport and installation of fencing at the Facilities Maintenance location occurred this fiscal year costing \$45,001.
- Facilities Maintenance has experienced an increase over prior year in payments for electric services in the amount of \$329,371. 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 \$153,461 due to the addition of the Tom Muehlenbeck Center and Occupational Resource Center facilities.
- The Safe Streets Program experienced a decrease of \$112,827 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.
- Five new Ford Escape vehicles are added to the Engineering fleet in the current year at a cost of \$89,420.
- Two new cargo vans were added to the Facilities Maintenance department fleet in the prior year costing \$57,398.

Public Services and Operations

- Child safety fees have increased over prior year by \$13,639 due to increased school zone violations in the current year.
- Personal services increased \$124,826 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 \$11,576 as compared to last year. Additionally, membership fees designated for equipment replacement decreased \$59,505.
- Parks and Recreation athletic field user fees decreased over prior year by \$81,228 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.

REPORT NOTES CONTINUED

JANUARY, 2009

- Swim memberships increased \$19,034 over prior year as a result of increased attendance at Tom Muehlenbeck Center.
- The Parks and Recreation departments received reimbursements of \$17,618 in insurance and damage receipts due to City fleet being involved in accidents. This is a decrease of \$14,243 as compared to prior fiscal year.
- Personal services increased \$387,340 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, which the City leases from Plano Independent School District (PISD), had water damage on the first floor. 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.
- The Park Administration department purchased 10 new laptops in the current year costing \$12,794.
- Purchases and encumbrances of chemicals for trim and playing turf increased over prior year by \$59,081 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 decreased over prior year by \$105,969 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 spent and 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.

Public Works

- The Public Works functioning departments received \$13,779 from the Property Liability Loss Fund for damages to City property. This represents a \$47,208 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 \$83,714 due to a decrease in volume of projects as compared to prior year.
- Concrete purchases in the Streets department decreased over prior year by \$13,138 as a result of other funding sources absorbing the costs.

Other

- Payments for retiree health insurance increased over prior year by \$17,762 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 \$33,522 due to increased funding. The current year's budget is \$137,403 higher than the prior year.
- Electric payment increases of \$118,047 are attributed to rate changes. Beginning in February 2009, the City's Aggregation Power Project Inc. rates will decrease as a result of a new contract.
- Expenditures for interdepartmental water billings increased \$128,963 due to increased consumption as a result of less rainfall in the current fiscal year.
- Technology services charges increased over prior year by \$380,732 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 \$1,411,313 over prior year primarily attributed to an increase in existing property values.

REPORT NOTES CONTINUED

JANUARY, 2009

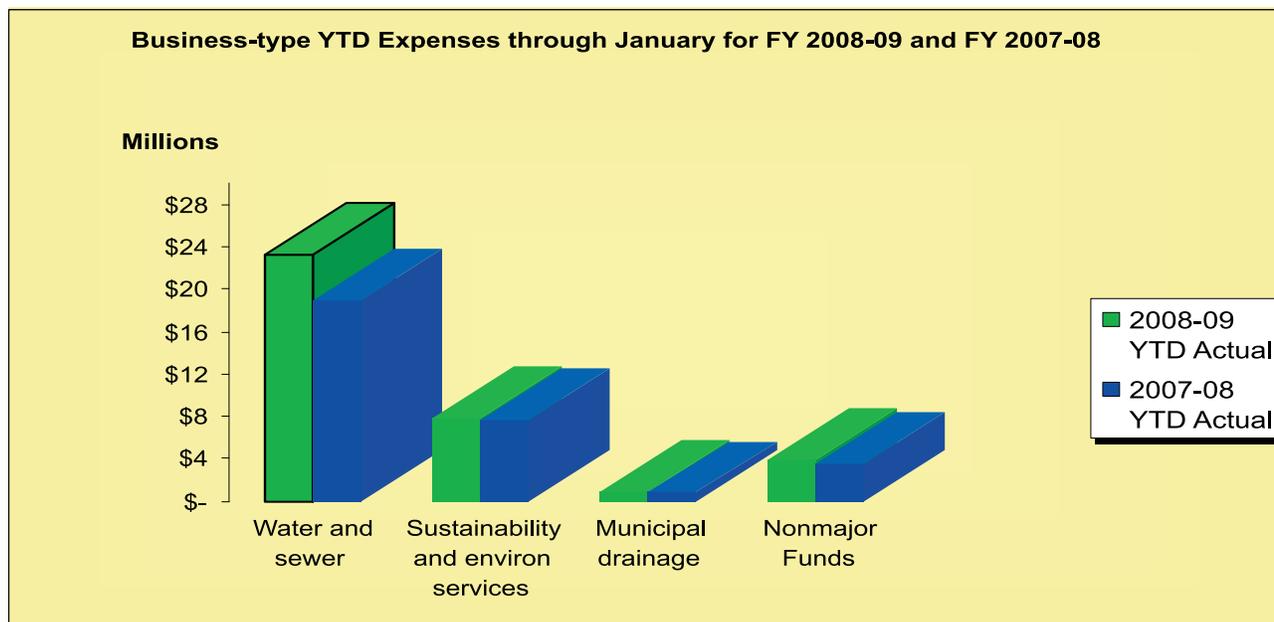
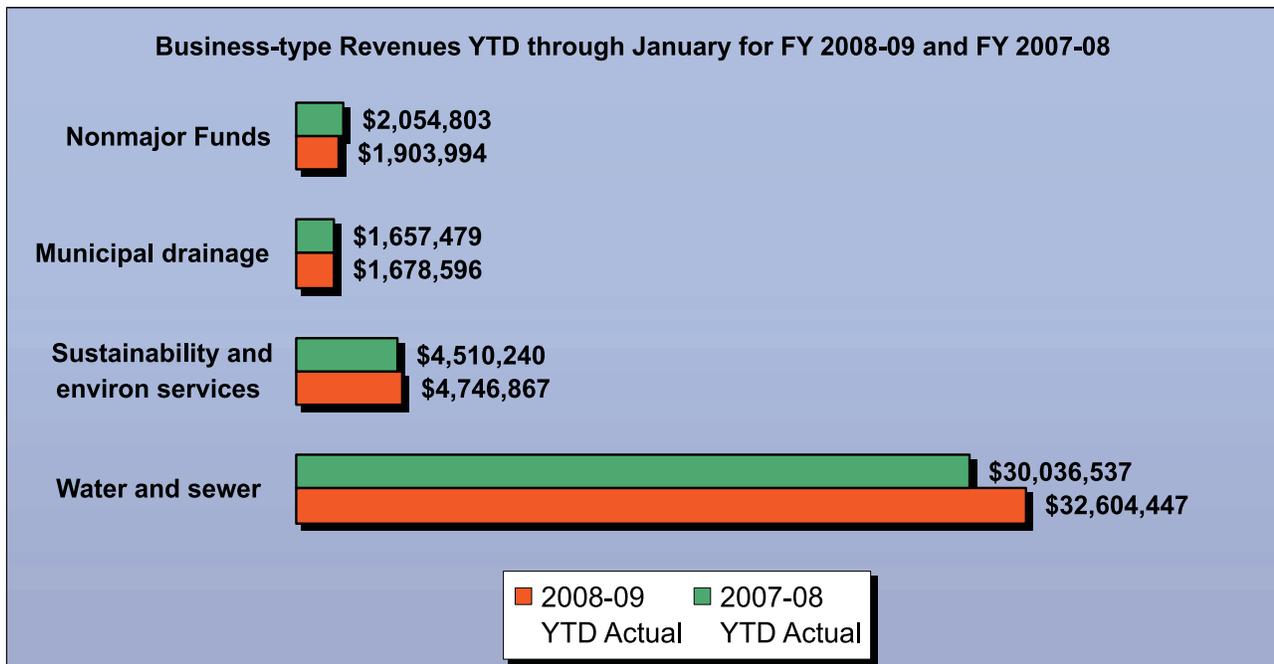
Sales Tax Revenues

- Sales tax revenues decreased over prior year by \$665,330 as a result of the declining economy. Additionally, there is a year to date favorable audit adjustment of \$52,296 in the current period compared to a \$135,331 unfavorable adjustment in the same period of the prior year. When comparing the cash received in the months of January 2009 and January 2008, a decrease of 17.1% is noted in sales tax revenues.

Franchise Fee Revenues

- Electric franchise fee revenues increased \$62,803 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 decreased \$246,651 in the current year due to a decrease in traditional land line phone service. The City does not collect franchise fees from digital and cellular users.

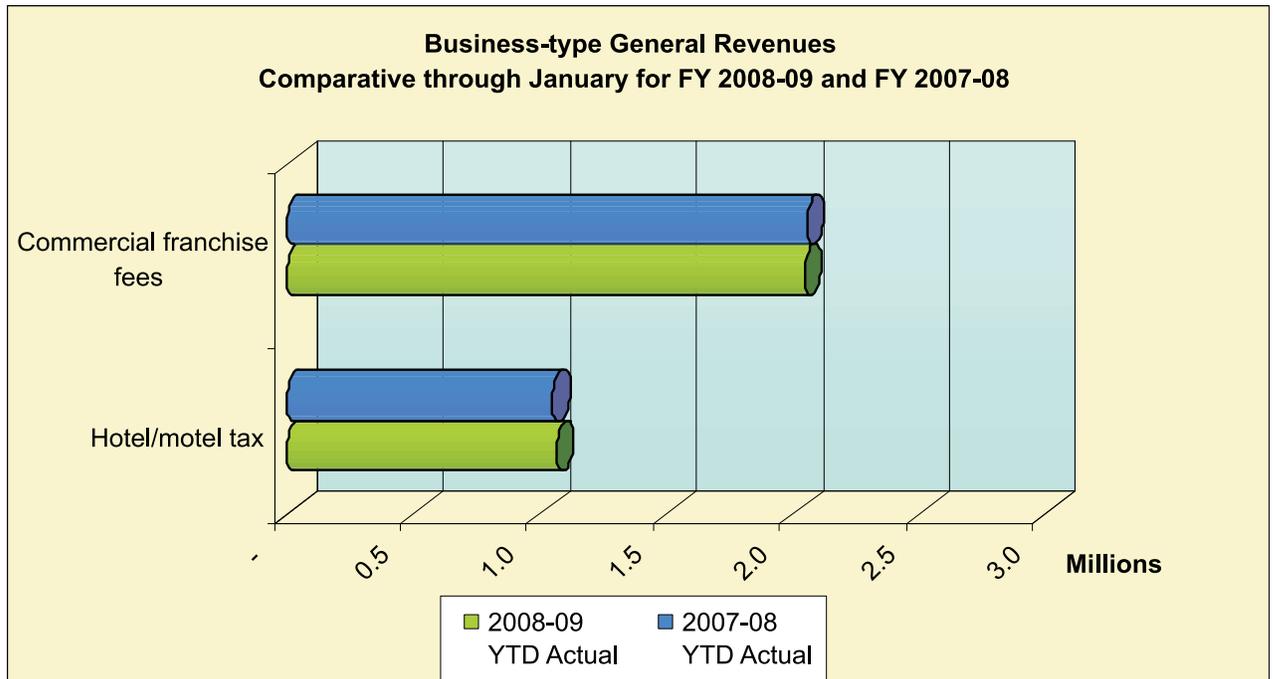
HIGHLIGHTS OF BUSINESS-TYPE VARIANCES



REPORT NOTES CONTINUED

JANUARY, 2009

HIGHLIGHTS OF BUSINESS-TYPE VARIANCES CONT.



Water & Sewer

- Water and sewer revenues increased over prior year by \$1,709,658 and \$830,056, 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 \$37,726.
- 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 \$504,619 in the current year. The encumbered balance at January 31 was \$1,763,434.
- Payments to North Texas Municipal Water District (NTMWD) for wastewater and pre-treatment services and water usage have increased over prior fiscal year by \$1,257,082 and \$669,120, respectively, as these costs are based on contractual amounts.

Sustainability and Environmental Services

- Residential solid waste revenues are \$323,568 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 \$255,192 as compared to prior year due to a decline in the recycling market.
- Compost revenues are higher over prior year by \$74,847 primarily due to an increase in volume of products sold.
- Tipping fee revenues decreased over prior year by \$63,773 due to timing of collections from NTMWD.
- The Collections and Compost departments received reimbursements of \$103,277 in insurance and damage receipts due to City fleet being involved in accidents.
- Personal services increased \$157,318 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 \$49,145 for purchase of various types of landscape bags. This purchase is done on an as needed basis and no orders were placed at this point last fiscal year.
- Monthly payments to NTMWD increased \$296,721 over prior year as payments are based on contractual amounts.
- The contract with Otto Container Management has increased over prior year by \$118,300 primarily due to a fee increase.

REPORT NOTES CONTINUED

JANUARY, 2009

- A new John Deere front end loader was added to the Compost Operations department in the prior year costing \$290,242.

Municipal Drainage

- Personal services increased \$49,679 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 more costly projects occurring in the current year.
- Mowing services decreased \$28,250 due to timing of orders 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. Overall, corporations are decreasing their spending as a result of the downturn in the economy which is reducing catering and equipment rental revenues.
- 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 feasibility and market study. \$41,783 has been paid to an outside firm to conduct the study.
- 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 \$6,808.
- Personal services increased \$29,759 over prior year due to a retiree payout in January of the current year.

Recreation Revolving

- Revenues for recreational classes increased over prior year by \$44,522. Because the Tom Muehlenbeck Center opened in November 2007 an additional month of revenue has been collected from that facility in the current year.
- Costs for temporary employees increased over prior year by \$34,155 primarily as a result of increased swim programs at the Tom Muehlenbeck Center.
- Annual maintenance for the Parks and Recreation software package increased as compared to prior year by \$55,557 due to timing of payment. The maintenance was paid in January of the current year while in February of prior year.
- Encumbrances for printing services of the Leisure catalog have decreased over prior year by \$68,705 due to timing of orders placed.

Property Management

- Rental revenues are down \$9,158 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.



SECTION 1A

FINANCIAL SUMMARY

City of Plano

Comprehensive Monthly Finance Report



CITY OF PLANO, TEXAS
STATEMENT OF ACTIVITIES
FOR THE PERIOD ENDED JANUARY 31, 2009

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	\$ 284,410	21.2%	\$ 605,193	\$ 385,893	\$ (736,555)	\$ 101,483
Administrative services	8,397,977	2,810,658	33.5%	8,180	-	(8,389,797)	(2,810,658)
Police	63,108,862	19,908,382	31.5%	10,665,371	3,172,807	(52,443,491)	(16,735,576)
Fire	43,553,486	13,744,039	31.6%	4,297,480	1,305,505	(39,256,006)	(12,438,535)
Libraries	11,595,741	4,240,647	36.6%	511,398	294,642	(11,084,343)	(3,946,005)
Development	21,410,316	7,361,064	34.4%	4,093,712	938,348	(17,316,604)	(6,422,716)
Public services and operations	4,882,798	1,538,076	31.5%	1,195,111	352,717	(3,687,687)	(1,185,359)
Parks and recreation	22,875,261	7,034,078	30.7%	4,569,573	1,034,931	(18,305,688)	(5,999,147)
Public works	5,941,532	1,897,178	31.9%	41,000	25,516	(5,900,532)	(1,871,662)
Other	20,533,629	5,763,904	28.1%	470,635	-	(20,062,994)	(5,763,904)
Total General Fund	203,641,350	64,582,436	31.7%	26,457,653	7,510,358	(177,183,697)	(57,072,078)
Business-type Activities:							
Water and sewer	75,009,576	23,329,662	31.1%	112,748,390	32,604,447	\$ 37,738,814	\$ 9,274,785
Sustainability and environ services	21,686,469	7,883,708	36.3%	15,819,850	4,746,867	(5,876,619)	(3,136,841)
Municipal drainage	2,803,503	829,969	29.6%	4,928,110	1,678,596	2,124,607	848,627
Civic center	8,517,115	2,740,976	32.2%	2,698,452	688,824	(5,818,663)	(2,052,152)
Municipal golf course	894,751	309,044	34.5%	887,000	203,601	(7,751)	(105,443)
Property management	8,100	5,302	65.5%	39,431	11,055	31,331	5,753
Recreation revolving	3,083,787	762,491	24.7%	3,070,733	983,144	(13,054)	220,653
Downtown center development	46,785	47,918	102.4%	67,678	17,370	20,893	(30,548)
Total business-type activities	112,060,086	35,909,070	32.0%	140,259,644	40,933,904	(177,183,697)	(57,072,078)
Total	\$ 315,701,436	\$ 100,491,506		\$ 166,717,297	\$ 48,444,262		

General Fund	General Revenues	
	Budget	Actual
Property taxes	83,068,770	59,347,843
Sales taxes	57,417,708	19,609,579
Other taxes	1,336,194	270,825
Hotel/Motel tax	-	-
Franchise fees	21,745,842	4,850,705
Investment income	3,182,198	233,534
Total general revenues	166,750,712	84,312,486
Change in net assets	(10,432,985)	27,240,408
Net assets - beginning		44,741,546
Net assets - ending	\$ 71,981,954	\$ 365,510,888

General Fund	Business-type Activities	
	Budget	Actual
Water and sewer	37,738,814	9,274,785
Sustainability and environ services	(5,876,619)	(3,136,841)
Municipal drainage	2,124,607	848,627
Civic center	(5,818,663)	(2,052,152)
Municipal golf course	(7,751)	(105,443)
Property management	31,331	5,753
Recreation revolving	(13,054)	220,653
Downtown center development	20,893	(30,548)
Total business-type activities	28,199,558	5,024,834
Total	28,199,558	5,024,834

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

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>4 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:					
Ad valorem tax	2009	\$ 83,069,000	59,348,000	71.4%	214.33
	2008	77,467,000	57,937,000	74.8%	224.37
	2007	69,461,000	49,598,000	71.4%	214.21
Sales tax	2009	57,418,000	19,610,000	34.2%	102.46
	2008	61,181,000	20,275,000	33.1%	99.42
	2007	57,606,000	20,361,000	35.3%	106.04
Other revenue	2009	52,721,000	12,865,000	24.4%	73.21
	2008	48,069,000	13,093,000	27.2%	81.71
	2007	<u>46,259,000</u>	<u>16,000,000</u>	34.6%	103.76
TOTAL REVENUE	2009	193,208,000	91,823,000	47.5%	142.58
	2008	186,717,000	91,305,000	48.9%	146.70
	2007	<u>173,326,000</u>	<u>85,959,000</u>	49.6%	148.78
EXPENDITURES & ENCUMBRANCES:					
Current operating	2009	\$ 201,136,000	63,361,000	31.5%	94.50
	2008	199,162,000	62,104,000	31.2%	93.55
	2007	188,784,000	57,837,000	30.6%	91.91
Capital outlay	2009	2,505,000	1,221,000	48.7%	146.23
	2008	2,255,000	1,085,000	48.1%	144.35
	2007	<u>1,466,000</u>	<u>1,600,000</u>	109.1%	327.42
Total expenditures and encumbrances	2009	203,641,000	64,582,000	31.7%	95.14
	2008	201,417,000	63,189,000	31.4%	94.12
	2007	<u>190,250,000</u>	<u>59,437,000</u>	31.2%	93.72
Excess (deficiency) of revenues over (under) expenditures	2009	(10,433,000)	27,241,000	-	-
	2008	(14,700,000)	28,116,000	-	-
	2007	(16,924,000)	26,522,000	-	-
OTHER FINANCING SOURCES (USES)					
Transfers in	2009	17,635,000	7,992,000	45.3%	135.96
	2008	16,609,000	5,536,000	33.3%	99.99
	2007	16,397,000	5,466,000	33.3%	100.01
Transfers out	2009	(19,678,000)	(6,706,000)	34.1%	102.24
	2008	(21,947,000)	(7,432,000)	33.9%	101.59
	2007	<u>(21,055,000)</u>	<u>(7,189,000)</u>	34.1%	102.43
NET CHANGE IN FUND BALANCES	2009	(12,476,000)	28,527,000		
	2008	(20,038,000)	26,220,000		
	2007	(21,582,000)	24,799,000		
FUND BALANCES-BEGINNING	2009		44,742,000		
	2008		45,684,000		
	2007		<u>48,805,000</u>		
FUND BALANCES-ENDING JANUARY 31	2009		73,269,000		
	2008		71,904,000		
	2007		<u>73,604,000</u>		

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

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>4 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:					
Water and sewer revenue	2009	\$ 110,226,000	31,695,000	28.8%	86.26
	2008	96,340,000	29,161,000	30.3%	90.81
	2007	93,434,000	25,768,000	27.6%	82.74
Other fees and service charges	2009	2,572,000	932,000	36.2%	108.71
	2008	2,693,000	858,000	31.9%	95.58
	2007	<u>2,556,000</u>	<u>850,000</u>	33.3%	99.77
TOTAL REVENUE	2009	112,798,000	32,627,000	28.9%	86.78
	2008	99,033,000	30,019,000	30.3%	90.94
	2007	<u>95,990,000</u>	<u>26,618,000</u>	27.7%	83.19
EXPENSES & ENCUMBRANCES:					
Capital outlay	2009	-	84,000	-	-
	2008	1,245,000	109,000	8.8%	26.27
	2007	80,000	150,000	187.5%	562.50
Other expenses & encumbrances	2009	75,010,000	23,246,000	31.0%	92.97
	2008	66,174,000	18,925,000	28.6%	85.80
	2007	<u>63,810,000</u>	<u>19,061,000</u>	29.9%	89.61
Total expenses and encumbrances	2009	75,010,000	23,330,000	31.1%	93.31
	2008	67,419,000	19,034,000	28.2%	84.70
	2007	<u>63,890,000</u>	<u>19,211,000</u>	30.1%	90.21
Excess (deficiency) of revenues over (under) expenses	2009	37,788,000	9,297,000	-	-
	2008	31,614,000	10,985,000	-	-
	2007	32,100,000	7,407,000	-	-
TRANSFERS IN (OUT)					
Transfers in	2009	-	-	-	-
	2008	255,000	85,000	33.3%	100.00
	2007	268,000	89,000	33.2%	99.63
Transfers out	2009	(34,349,000)	(11,450,000)	33.3%	100.00
	2008	(30,889,000)	(10,296,000)	33.3%	100.00
	2007	<u>(30,208,000)</u>	<u>(10,079,000)</u>	33.4%	100.10
CHANGE IN NET ASSETS	2009	\$ 3,439,000	(2,153,000)		
	2008	980,000	774,000		
	2007	2,160,000	(2,583,000)		
TOTAL NET ASSETS-BEGINNING	2009		321,539,000		
	2008		315,706,000		
	2007		<u>324,871,000</u>		
TOTAL NET ASSETS-ENDING JANUARY 31	2009		319,386,000		
	2008		316,480,000		
	2007		<u>322,288,000</u>		

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

	<u>Fiscal</u> <u>Year</u>	<u>Annual</u> <u>Budget</u>	<u>4 Months</u> <u>Actual</u>	<u>Actual/</u> <u>Budget</u>	<u>Performance</u> <u>Index</u>
REVENUES:					
Commerical solid waste franchise	2009	\$ 6,497,000	2,046,000	31.5%	94.47
	2008	6,352,000	2,055,000	32.4%	97.06
	2007	5,901,000	1,853,000	31.4%	94.20
Refuse collection revenue	2009	13,317,000	4,251,000	31.9%	95.76
	2008	12,273,000	4,167,000	34.0%	101.86
	2007	12,078,000	3,915,000	32.4%	97.24
Other fees and service charges	2009	2,503,000	491,000	19.6%	58.85
	2008	2,100,000	351,000	16.7%	50.14
	2007	<u>1,545,000</u>	<u>272,000</u>	17.6%	52.82
TOTAL REVENUE	2009	22,317,000	6,788,000	30.4%	91.25
	2008	20,725,000	6,573,000	31.7%	95.15
	2007	<u>19,524,000</u>	<u>6,040,000</u>	30.9%	92.81
EXPENSES & ENCUMBRANCES:					
Capital outlay	2009	256,000	28,000	10.9%	32.81
	2008	142,000	345,000	243.0%	728.87
	2007	312,000	21,000	6.7%	20.19
Other expenses & encumbrances	2009	21,440,000	7,856,000	36.6%	109.93
	2008	19,969,000	7,325,000	36.7%	110.05
	2007	<u>18,531,000</u>	<u>6,776,000</u>	36.6%	109.70
Total expenses and encumbrances	2009	21,696,000	7,884,000	36.3%	109.02
	2008	20,111,000	7,670,000	38.1%	114.41
	2007	<u>18,843,000</u>	<u>6,797,000</u>	36.1%	108.22
Excess (deficiency) of revenues over (under) expenses	2009	621,000	(1,096,000)	-	-
	2008	614,000	(1,097,000)	-	-
	2007	681,000	(757,000)	-	-
TRANSFERS IN (OUT)					
Transfers in	2009	100,000	33,000	33.0%	99.00
	2008	100,000	33,000	33.0%	99.00
	2007	85,000	28,000	32.9%	98.82
Transfers out	2009	(1,224,000)	(408,000)	33.3%	100.00
	2008	(1,175,000)	(392,000)	33.4%	100.09
	2007	<u>(1,205,000)</u>	<u>(402,000)</u>	33.4%	100.08
CHANGE IN NET ASSETS	2009	\$ (503,000)	(1,471,000)		
	2008	(461,000)	(1,456,000)		
	2007	(439,000)	(1,131,000)		
TOTAL NET ASSETS-BEGINNING	2009		1,690,000		
	2008		2,308,000		
	2007		<u>1,759,000</u>		
TOTAL NET ASSETS-ENDING JANUARY 31	2009		219,000		
	2008		852,000		
	2007		<u>628,000</u>		

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

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>4 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:					
Fees and service charges	2009	\$ 4,928,000	1,676,000	34.0%	102.03
	2008	4,724,000	1,657,000	35.1%	105.23
	2007	4,700,000	1,625,000	34.6%	103.72
Miscellaneous revenue	2009	150,000	28,000	18.7%	56.00
	2008	125,000	73,000	58.4%	175.20
	2007	109,000	63,000	57.8%	173.39
TOTAL REVENUE	2009	5,078,000	1,704,000	33.6%	100.67
	2008	4,849,000	1,730,000	35.7%	107.03
	2007	4,809,000	1,688,000	35.1%	105.30
EXPENSES & ENCUMBRANCES:					
Capital outlay	2009	-	-	-	-
	2008	-	-	-	-
	2007	28,000	-	-	-
Other expenses & encumbrances	2009	2,804,000	830,000	29.6%	88.80
	2008	2,579,000	757,000	29.4%	88.06
	2007	2,682,000	726,000	27.1%	81.21
Total expenses and encumbrances	2009	2,804,000	830,000	29.6%	88.80
	2008	2,579,000	757,000	29.4%	88.06
	2007	2,710,000	726,000	26.8%	80.37
Excess (deficiency) of revenues over (under) expenses	2009	2,274,000	874,000	-	-
	2008	2,270,000	973,000	-	-
	2007	2,099,000	962,000	-	-
TRANSFERS OUT					
Operating transfers out	2009	(2,868,000)	(956,000)	33.3%	100.00
	2008	(2,711,000)	(904,000)	33.3%	100.04
	2007	(2,559,000)	(853,000)	33.3%	100.00
CHANGE IN NET ASSETS					
	2009	(594,000)	(82,000)		
	2008	(441,000)	69,000		
	2007	(460,000)	109,000		
TOTAL NET ASSETS-BEGINNING					
	2009		21,004,000		
	2008		21,106,000		
	2007		20,754,000		
TOTAL NET ASSETS-ENDING JANUARY 31					
	2009		20,922,000		
	2008		21,175,000		
	2007		20,863,000		

MONTHLY FINANCIAL SUMMARY REPORT
 THROUGH JANUARY 31 OF FISCAL YEARS 2009, 2008, AND 2007
 NON-MAJOR BUSINESS TYPE FUNDS

	Fiscal Year	Annual Budget	4 Months Actual	Actual/ Budget	Performance Index
REVENUES:					
Hotel/motel tax	2009	\$ 4,965,000	1,066,000	0.21	64.41
	2008	4,518,000	1,049,000	0.23	69.65
	2007	4,009,000	1,072,000	0.27	80.22
Other revenue	2009	6,974,000	1,939,000	27.8%	83.41
	2008	6,695,000	2,151,000	32.1%	96.39
	2007	6,324,000	1,884,000	29.8%	89.37
TOTAL REVENUE	2009	11,939,000	3,005,000	25.2%	75.51
	2008	11,213,000	3,200,000	28.5%	85.61
	2007	10,333,000	2,956,000	28.6%	85.82
EXPENSES & ENCUMBRANCES:					
Capital outlay	2009	-	59,000	-	-
	2008	81,000	99,000	122.2%	366.67
	2007	52,000	1,000	1.9%	5.77
Other expenses & encumbrances	2009	12,551,000	3,806,000	30.3%	90.97
	2008	11,659,000	3,442,000	29.5%	88.57
	2007	10,469,000	3,122,000	29.8%	89.46
Total expenses and encumbrances	2009	12,551,000	3,865,000	30.8%	92.38
	2008	11,740,000	3,541,000	30.2%	90.49
	2007	10,521,000	3,123,000	29.7%	89.05
Excess (deficiency) of Revenues over (under) expenses	2009	(612,000)	(860,000)	-	-
	2008	(527,000)	(341,000)	-	-
	2007	(188,000)	(167,000)	-	=
TRANSFERS OUT:					
Operating transfers out	2009	(1,446,000)	(482,000)	33.3%	100.00
	2008	(1,120,000)	(374,000)	33.4%	100.18
	2007	(671,000)	(223,000)	33.2%	99.70
CHANGE IN NET ASSETS	2009	(2,058,000)	(1,342,000)		
	2008	(1,647,000)	(715,000)		
	2007	(859,000)	(390,000)		
TOTAL NET ASSETS-BEGINNING	2009		13,062,000		
	2008		13,468,000		
	2007		12,926,000		
TOTAL NET ASSETS-ENDING JANUARY 31	2009		11,720,000		
	2008		12,753,000		
	2007		12,536,000		

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

	Fiscal Year	Annual Budget	4 Months Actual	Actual/ Budget	Performance Index
REVENUES:					
Miscellaneous revenue	2009	\$ 310,000	77,000	24.8%	74.52
	2008	185,000	149,000	80.5%	241.62
	2007	-	47,000	-	-
EXPENSES & ENCUMBRANCES					
Personal services	2009	559,000	176,000	31.5%	94.45
	2008	551,000	169,000	30.7%	92.01
	2007	529,000	166,000	31.4%	94.14
Materials and supplies	2009	23,000	7,000	30.4%	91.30
	2008	24,000	26,000	108.3%	325.00
	2007	26,000	21,000	80.8%	242.31
Contractual / professional and other	2009	5,487,000	1,521,000	27.7%	83.16
	2008	6,275,000	150,000	2.4%	7.17
	2007	6,276,000	61,000	1.0%	2.92
Capital outlay	2009	-	-	-	-
	2008	-	-	-	-
	2007	-	7,000	-	-
Total Expenses and Encumbrances	2009	6,069,000	1,704,000	28.1%	84.23
	2008	6,850,000	345,000	5.0%	15.11
	2007	6,831,000	255,000	3.7%	11.20
Excess (Deficiency) of Revenues Over (Under) Expenses	2009	(5,759,000)	(1,627,000)	-	-
	2008	(6,665,000)	(196,000)	-	-
	2007	(6,831,000)	(208,000)	-	-
TRANSFERS IN					
Operating transfers in	2009	6,069,000	2,023,000	33.3%	100.00
	2008	6,850,000	2,283,000	33.3%	99.99
	2007	6,831,000	2,277,000	33.3%	100.00
CHANGE IN NET ASSETS					
	2009	310,000	396,000		
	2008	185,000	2,087,000		
	2007	-	2,069,000		
TOTAL NET ASSETS-BEGINNING					
	2009		12,256,000		
	2008		6,941,000		
	2007		1,030,000		
TOTAL NET ASSETS-ENDING JANUARY 31					
	2009		12,652,000		
	2008		9,028,000		
	2007		3,099,000		

EQUITY IN TREASURY POOL

JANUARY 2009

FUND NO.	FUND NAME	CASH	EQUITY IN TREASURY POOL	TOTAL 1/31/09	TOTAL 10/1/08	TOTAL 1/31/08
GENERAL FUND:						
01	General	\$ 23,000	67,609,000	67,632,000	41,732,000	66,103,000
77	Payroll	-	2,073,000	2,073,000	1,949,000	1,996,000
24	City Store	-	-	-	10,000	9,000
		23,000	69,682,000	69,705,000	43,691,000	68,108,000
DEBT SERVICE FUND:						
03	G.O. Debt Service	-	32,491,000	32,491,000	5,484,000	32,652,000
		-	32,491,000	32,491,000	5,484,000	32,652,000
CAPITAL PROJECTS:						
22	Recreation Center Facilities	-	583,000	583,000	579,000	532,000
23	Street Enhancement	-	1,639,000	1,639,000	1,629,000	1,533,000
25	1991 Police & Courts Facility	-	1,151,000	1,151,000	1,260,000	1,682,000
27	1991 Library Facility	-	870,000	870,000	864,000	648,000
28	1991 Fire Facility	-	2,291,000	2,291,000	2,276,000	1,977,000
29	Technology Improvements	-	750,000	750,000	746,000	256,000
31	Municipal Facilities	-	444,000	444,000	441,000	422,000
32	Park Improvements	-	5,771,000	5,771,000	5,735,000	4,818,000
33	Street & Drainage Improvement	-	6,165,000	6,165,000	4,779,000	2,576,000
35	Capital Reserve	-	37,789,000	37,789,000	39,463,000	38,563,000
38	DART L.A.P.	-	765,000	765,000	761,000	745,000
39	Spring Creekwalk	-	24,000	24,000	23,000	23,000
52	Park Service Areas	-	5,661,000	5,661,000	5,804,000	5,770,000
53	Creative & Performing Arts	-	2,199,000	2,199,000	2,185,000	2,043,000
54	Animal Control Facilities	-	338,000	338,000	336,000	254,000
59	Service Center	-	131,000	131,000	131,000	128,000
60	Joint Use Facilities	-	632,000	632,000	628,000	582,000
85	Public Arts	-	117,000	117,000	116,000	100,000
110	G.O. Bond Clearing - 1999	-	324,000	324,000	343,000	409,000
190	G.O. Bond Clearing - 2000	-	3,655,000	3,655,000	3,641,000	3,704,000
230	Tax Notes Clearing - 2001	-	1,109,000	1,109,000	1,343,000	1,419,000
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	-	129,000	129,000	137,000	1,053,000
310	G.O. Bond Refund/Clearing - 2005	-	-	-	-	1,017,000
093	G.O. Bond Clearing - 2006	-	-	-	-	964,000
089	C.O. Bond Clearing - 2006	-	168,000	168,000	269,000	377,000
102	G.O. Bond Clearing - 2007	-	4,838,000	4,838,000	9,664,000	20,911,000
105	Tax Notes Clearing - 2007	-	1,000	1,000	555,000	6,722,000
082	G.O. Bond Clearing - 2008	-	26,491,000	26,491,000	34,778,000	-
083	Tax Notes Clearing - 2008	-	15,599,000	15,599,000	17,207,000	-
		-	119,877,000	119,877,000	136,033,000	99,574,000
ENTERPRISE FUNDS:						
26	Municipal Drainage CIP	-	283,000	283,000	281,000	240,000
34	Sewer CIP	-	8,928,000	8,928,000	8,134,000	7,479,000
36	Water CIP	-	6,732,000	6,732,000	5,531,000	5,137,000
37	Downtown Center Development	-	117,000	117,000	119,000	98,000
41	Water & Sewer - Operating	450,000	1,062,000	1,512,000	3,228,000	(3,678,000)
42	Water & Sewer - Debt Service	-	944,000	944,000	207,000	1,361,000
43	Municipal Drainage - Debt Service	-	3,616,000	3,616,000	3,288,000	3,155,000
44	W & S Impact Fees Clearing	-	3,822,000	3,822,000	3,293,000	2,894,000
45	Sustainability & Environmental Services	-	(810,000)	(810,000)	777,000	(142,000)
46	Convention & Tourism	10,000	3,515,000	3,525,000	4,248,000	3,784,000
81	Friends of Plano Centre	-	4,000	4,000	4,000	4,000
47	Municipal Drainage	-	4,217,000	4,217,000	4,348,000	4,341,000
48	Municipal Golf Course	-	12,000	12,000	139,000	82,000
49	Property Management	-	452,000	452,000	440,000	406,000
51	Recreation Revolving	-	1,037,000	1,037,000	1,412,000	1,014,000
104	Municipal Drain Bond Clearing-1996	-	-	-	180,000	176,000
320	Municipal Drain Rev Bond Clearing - 2005	-	-	-	152,000	301,000
094	Municipal Drain Rev Bond Clearing - 2006	-	-	-	164,000	997,000
330	Municipal Drain Rev Bond Clearing - 2007	-	1,970,000	1,970,000	2,604,000	2,965,000
340	Municipal Drain Rev Bond Clearing - 2008	-	2,104,000	2,104,000	2,091,000	-
		460,000	38,005,000	38,465,000	40,640,000	30,614,000

EQUITY IN TREASURY POOL

JANUARY 2009

FUND NO.	FUND NAME	CASH	EQUITY IN TREASURY POOL	TOTAL 1/31/09	TOTAL 10/1/08	TOTAL 1/31/08
SPECIAL REVENUE FUNDS:						
2	Sproles Library	-	185,000	185,000	185,000	331,000
4	TIF-Mall	-	(4,731,000)	(4,731,000)	-	50,000
5	TIF-East Side	-	3,554,000	3,554,000	6,002,000	7,793,000
11	LLEBG-Police Grant	-	40,000	40,000	26,000	120,000
12	Criminal Investigation	-	1,075,000	1,075,000	989,000	943,000
13	Grant	-	(252,000)	(252,000)	(69,000)	(621,000)
14	Wireline Fees	-	442,000	442,000	399,000	349,000
15	Judicial Efficiency	-	118,000	118,000	118,000	118,000
16	Industrial	-	18,000	18,000	18,000	18,000
17	Intergovernmental	-	449,000	449,000	370,000	587,000
18	Government Access/CATV	-	387,000	387,000	431,000	667,000
19	Teen Court Program	-	49,000	49,000	46,000	45,000
20	Municipal Courts Technology	-	1,591,000	1,591,000	1,538,000	1,427,000
55	Municipal Court-Building Security Fees	-	1,320,000	1,320,000	1,328,000	1,265,000
56	911 Reserve Fund	-	8,885,000	8,885,000	8,462,000	7,560,000
57	State Library Grants	-	(8,000)	(8,000)	(53,000)	23,000
67	Disaster Relief	-	1,136,000	1,136,000	1,114,000	1,161,000
68	Animal Shelter Donations	-	202,000	202,000	180,000	141,000
73	Memorial Library	-	403,000	403,000	378,000	280,000
86	Juvenile Case Manager	-	175,000	175,000	167,000	138,000
87	Traffic Safety	-	1,478,000	1,478,000	1,213,000	787,000
88	Child Safety	-	924,000	924,000	827,000	789,000
		-	17,440,000	17,440,000	23,669,000	23,971,000
INTERNAL SERVICE FUNDS:						
6	Public Safety Technology	-	1,971,000	1,971,000	1,718,000	1,621,000
9	Technology Infrastructure	-	(9,000)	(9,000)	(108,000)	4,158,000
58	PC Replacement	-	1,951,000	1,951,000	2,024,000	1,589,000
61	Equipment Maintenance	-	410,000	410,000	(4,201,000)	(5,131,000)
62	Information Technology	-	3,732,000	3,732,000	3,261,000	(62,000)
63	Office Services	-	(25,000)	(25,000)	(277,000)	(297,000)
64	Warehouse	-	31,000	31,000	238,000	186,000
65	Property/Liability Loss	-	4,487,000	4,487,000	5,629,000	8,254,000
66	Technology Services	-	7,250,000	7,250,000	12,786,000	11,585,000
71	Equipment Replacement	-	12,043,000	12,043,000	9,898,000	12,665,000
78	Health Claims	-	7,723,000	7,723,000	7,943,000	29,496,000
79	Parkway Service Ctr. Expansion	-	(28,000)	(28,000)	(28,000)	(29,000)
		-	39,536,000	39,536,000	38,883,000	64,035,000
FIDUCIARY FUNDS:						
7	Unclaimed Property	-	58,000	58,000	57,000	55,000
8	Library Training Lab	-	7,000	7,000	5,000	7,000
69	Collin County Seized Assets	-	271,000	271,000	263,000	291,000
74	Developers' Escrow	-	3,612,000	3,612,000	4,185,000	4,106,000
75	Plano Economic Development Trust	-	634,000	634,000	683,000	693,000
76	Economic Development	-	12,147,000	12,147,000	11,727,000	8,462,000
84	Rebate	-	1,464,000	1,464,000	1,017,000	1,047,000
		-	18,193,000	18,193,000	17,937,000	14,661,000
TOTAL		\$ 483,000	335,224,000	335,707,000	306,337,000	333,615,000
		CASH	TRUST INVESTMENTS	TOTAL 1/31/09	TOTAL 10/1/08	TOTAL 1/31/08
TRUST FUNDS						
72	Retirement Security Plan	-	61,612,000	61,612,000	70,000	70,008,000
91	115 Trust	-	21,953,000	21,953,000	23,000,000	-
TOTAL TRUST FUNDS		\$ -	83,565,000	83,565,000	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 January 31, 2009 the Treasury Pool, including an adjustment to Fair Value as required by GASB 31, consisted of the following:

Cash	28,456,000
Local Government Investment Pool	213,921,000
Texas Daily	55,040,000
Federal Securities	6,937,000
Certificates of Deposit	30,500,000
Fair Value Adjustment	204,000
Interest Receivable	166,000
	<u>335,224,000</u>

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

Health Claims Fund	FY 08-09 October- November	FY 07-08 October- November	2 Month Variance Favorable (Unfavorable)	FY 08-09 December	FY 07-08 December	1 month Variance Favorable (Unfavorable)	FY 08-09 January	FY 07-08 January	1 month Variance Favorable (Unfavorable)	FY 08-09 Total	FY 07-08 Total	Year to Date Variance Favorable (Unfavorable)
Revenues												
Employees Health Ins. Contributions	\$ 500,000	\$ 394,000	106,000	\$ 266,000	\$ 249,000	17,000	\$ 267,000	\$ 252,000	15,000	\$ 1,033,000	\$ 895,000	\$ 138,000
Employers Health Ins. Contributions	3,084,000	3,502,000	(418,000)	1,577,000	1,531,000	46,000	1,578,000	1,540,000	38,000	6,239,000	6,573,000	(334,000)
Contributions for Retirees	117,000	104,000	13,000	68,000	50,000	18,000	45,000	59,000	(14,000)	230,000	213,000	17,000
Cobra Insurance Receipts	16,000	9,000	7,000	3,000	4,000	(1,000)	-	8,000	(8,000)	19,000	21,000	(2,000)
Retiree Insurance Receipts	55,000	56,000	(1,000)	66,000	61,000	5,000	47,000	40,000	7,000	168,000	157,000	11,000
Plano Housing Authority	-	-	-	-	-	-	-	-	-	-	-	-
Employer Contribution-OPEB	-	-	-	556,000	-	556,000	555,000	-	555,000	1,111,000	-	1,111,000
Interest	29,000	296,000	(267,000)	13,000	114,000	(101,000)	8,000	73,000	(65,000)	50,000	483,000	(433,000)
Total Revenues	3,801,000	4,361,000	(560,000)	2,549,000	2,009,000	540,000	2,500,000	1,972,000	528,000	8,850,000	8,342,000	508,000
Transfers Out												
Transfers Out	-	-	-	-	-	-	670,000	-	(670,000)	670,000	-	(670,000)
Expenses												
Insurance	232,000	238,000	6,000	116,000	119,000	3,000	79,000	114,000	35,000	427,000	471,000	44,000
Contracts- Professional Svc.	44,000	10,000	(34,000)	64,000	8,000	(56,000)	6,000	49,000	43,000	114,000	67,000	(47,000)
Contracts- Other	187,000	161,000	(26,000)	96,000	77,000	(19,000)	93,000	76,000	(17,000)	376,000	314,000	(62,000)
Health Claims Paid Reinsurance	(2,000)	(118,000)	(116,000)	(4,000)	(14,000)	(10,000)	(27,000)	(211,000)	(184,000)	(33,000)	(343,000)	(310,000)
Health Claims - Prescription	519,000	536,000	17,000	280,000	287,000	7,000	295,000	214,000	(81,000)	1,094,000	1,037,000	(57,000)
Health Claims Paid -UHC	3,001,000	2,025,000	(976,000)	1,880,000	1,069,000	(811,000)	1,499,000	1,427,000	(72,000)	6,380,000	4,521,000	(1,859,000)
Cobra Insurance Paid	1,000	1,000	-	-	-	-	1,000	1,000	-	2,000	2,000	-
Retiree Insurance Paid	13,000	21,000	8,000	7,000	10,000	3,000	7,000	14,000	7,000	27,000	45,000	18,000
Retiree Insurance Paid- Medicare	63,000	-	(63,000)	8,000	-	(8,000)	35,000	25,000	(10,000)	106,000	25,000	(81,000)
Plano Housing Authority	-	-	-	-	-	-	-	-	-	-	-	-
Total Expenses	4,058,000	2,874,000	(1,184,000)	2,447,000	1,556,000	(891,000)	1,988,000	1,709,000	(279,000)	8,493,000	6,139,000	(2,354,000)
Net increase (decrease)	\$ (257,000)	\$ 1,487,000	(1,744,000)	102,000	453,000	(351,000)	(158,000)	263,000	(421,000)	\$ (313,000)	\$ 2,203,000	(2,516,000)
Health Claims Fund Balance - Cumulative	\$ 3,723,000	\$ 25,541,000	(21,818,000)	\$ 3,825,000	\$ 25,994,000	(22,169,000)	\$ 3,667,000	\$ 26,257,000	(22,590,000)			

ANALYSIS OF PROPERTY LIABILITY LOSS FUND THROUGH JANUARY 31 OF FISCAL YEARS 2009, 2008, & 2007

PROPERTY LIABILITY LOSS FUND	Fiscal Year 2009	Fiscal Year 2008	Fiscal Year 2007
Claims Paid per General Ledger	\$ 705,000	241,000	343,000
Net Judgments/Damages/Attorney Fees	335,000	236,000	266,000
Total Expenses	\$ 1,040,000	477,000	609,000

CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
JANUARY 31, 2009

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 03/10	6,800	90% 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 03/09	1,011 800	All street pavement is done. Contractor is waiting for Oncor and Verizon 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>	07/10 06/11	1,954	Engineering design has started.
CIP 71126	<u>15th STREET AND MISCELLANEOUS DRAINAGE IMPROVEMENTS</u>	03/08 03/09	1,385	Work on Alma and on Ohio is near completion. Sidewalk and driveway work on 15 th west of Alma still to be done.
CIP Collin 31383	<u>ALMA – Spicewood to Rowlett Creek</u>	01/09 08/09	810 400	Pre-construction meeting was held and notice to proceed was issued to the contractor on January 21 st .
CIP 71101	<u>ALMA & PARKER DRAINAGE</u>	05/09 11/09	962	Design is proceeding. Plans have been reviewed by City staff and returned to the consultant.
CIP 37854	<u>BAFFIN BAY AND MORTON VALE</u>	05/09 11/09	700	Final plans have been submitted and are in review by City staff.
CIP Collin 31384	<u>CHAPARRAL – Avenue K to East City Limits</u>	06/09 01/10	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	Work to begin November 1 st .
CIP Collin 37847	<u>COMMUNICATIONS PARKWAY – Parker to Spring Creek Parkway</u>	02/09 11/09	1,670 1,075	Notice to proceed with construction issued January 29 th .
CIP Collin 32495	<u>COMMUNICATIONS PARKWAY – Spring Creek to Tennyson</u>	09/09 09/10	2,860 850	Final plans have been reviewed by City staff and will be returned to the consultant in the near future. 404 Environmental issue being evaluated. Right of way negotiations underway.
CIP 68921	<u>CUSTER GROUND STORAGE TANKS</u>	11/08 06/09	3,530	The two tanks have been removed.
CIP Collin 31389	<u>INDEPENDENCE – McDermott to SH 121</u>	02/09 09/09	800 800	Preconstruction meeting held February 4 th .
CIP 31442	<u>INTERSECTION IMPROVEMENTS – Coit at Legacy</u>	02/09 09/09	514	ROW acquisition is complete. Utility adjustments are delaying construction start.

CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
JANUARY 31, 2009

45 Funding Category	Project Description Name: To: From:	Construction Start (Est.) Complete (Est.)	Total Project Budget (thousands)	Comments:
CIP TxDOT 31439	<u>INTERSECTION IMPROVEMENTS— Jupiter/Plano Parkway</u>	09/08 04/09	473 400	Franchise utility conflicts are slowing the work progress.
CIP 37849	<u>INTERSECTION IMPROVEMENTS – Jupiter, Park, Parker and Independence</u>	06/09 12/09	600	Final plans are complete for the original contract. Another location (left turn on Ohio at SH121) has been added to the project for design and construction. Project bidding will be delayed until after the new location is designed and right of way acquisition is complete.
CIP TxDOT 31441	<u>INTERSECTION IMPROVEMENTS – Preston and Legacy</u>	06/09 01/10	154 2,250	95% engineering plans have been submitted to TXDOT. May letting.
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 TANK REPAINT</u>	11/08 06/09	1,034	Work in progress on Jupiter. Interior paint work is finished.
CIP 48817	<u>MAPLESHADE LIFT STATION</u>	01/09 12/09	4,223	Work has started on lift station.
CIP 31416	<u>MARSH LANE – Parker Road South</u>	05/09 11/09	405	Engineering design is underway.
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>	05/09 10/09	500	Construction plans to construct intersection are being reviewed.
CIP 37756	<u>MEADOWS ADDITION</u>		1,829	Design consultant was given his notice to proceed in January.
CIP 37825 68912	<u>P AVENUE, 18TH STREET & BELLE VIEW ADDITION</u>	06/09 03/10	800	90% plans are being reviewed by staff.
CIP Collin 31405 68967	<u>PARKER ROAD – K Avenue to Raton Lane</u>	07/07 03/09	1,948 2,162	Roadway reconstruction is complete. Pavement repairs are underway from Raton to Jupiter. Landscaping remains to be done.
CIP Collin 31449	<u>PARKWOOD BOULEVARD - Park Boulevard to Spring Creek Parkway</u>	01/08 03/09	2,800 2,200	All main lane paving is completed.
CIP 31407	<u>PLANO PARKWAY WIDENING – Midway to West City Limits</u>	06/09 03/10	1,200	Plano Parkway will be widened from four to six lanes and the intersection at Marsh Lane will be improved. Plans are final. Waiting for funding from Denton County

CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
JANUARY 31, 2009

Funding Category	Project Description Name: To: From:	Construction Start (Est.) Complete (Est.)	Total Project Budget (thousands)	Comments:
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.
CIP TxDOT 37753	<u>RAILROAD CROSSINGS – Quiet Zones</u>	09/08 08/09	1,097 100	Pre-construction meeting held August 29 th . Waiting to get DART permit for waterline at Park Vista.
CIP Collin 31411	<u>RASOR BOULEVARD - Ohio to SH 121</u>	06/09 03/10	1,274 2,450	100% plans are being reviewed by staff. Project is being held for funding agreement.
CIP Collin 31190	<u>RIDGEVIEW – Independence to Coit</u>	06/09 02/10	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 began in January, approximately 30% complete.
CIP 68919	<u>SHILOH PUMP STATION</u>	11/09 05/10	1,500	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 have been submitted to TXDOT and are awaiting comments.
CIP 31456 68180	<u>SPRINGBROOK – Quill to Janwood</u>	01/08 09/09	1,028	Notice to proceed with construction was issued January 13 th and work is underway.
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. Preliminary plans have been submitted and are in review by City staff.
CIP 31222	<u>WESTWOOD – Janwood to 15th Street</u>		1,120	Design consultant will be given his notice to proceed in February.
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	1,640	Six proposals received, two below funding authority are being evaluated. Expect award February 23rd.
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. Negotiating scope of services with architect.
41-725	<u>ENVIRONMENTAL EDUCATION BUILDING</u>	04/09 04/10	1,400	100% package complete – final review of drawings underway; final estimate \$1.8M; three deductive alternates identified total \$115K. Projected advertisement February 18 th .

CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
JANUARY 31, 2009

Funding Category	Project Description Name: To: From:	Construction Start (Est.) Complete (Est.)	Total Project Budget (thousands)	Comments:
CIP 10211	<u>FIRE STATION 12/LOGISTICS FACILITY & Emergency Operations Center</u>	06/08 08/09	11,000	Under construction – 65% complete.
CIP 10213	<u>FIRE STATION 13</u>	TBD	4,256	Design is complete. Project on hold pending approval of additional funding.
CIP 10214	<u>FIRE STATION 4</u>	TBD	2,189	Requested proposal for design of expansion that will include training elements.
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. Preparing contract with architect to repackage Visitor Center - expect to be on Council agenda March 9 th . Bid date TBD.
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. Project on hold until bids open on the OPP&NP Visitors Center, and the results of the '09 Bond Election are known.
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 in progress.
CIP 22342	<u>BLUEBONNET TRAIL EXTENSION (EAST)</u>	On hold	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 02/09	1,669	Construction of trail from White Rock Creek to Shady Brook Trail (Midway Road) within Spring Creek Parkway right of way is substantially complete.
CIP 28852 53307	<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 is in progress.
CIP 22333	<u>CHISHOLM TRAIL IMPROVEMENTS</u>	06/09 12/09	2,000	Design is 50% complete for improvements, including restroom, directional signage, lighting, bridge improvements, erosion improvements and extension of trail on west side of Spring Creek under 15 th Street to the mall ring road.
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).
CIP 22328	<u>COTTONWOOD CREEK GREENBELT IMPROVEMENTS</u>	12/08 03/09	236	Addition of shelter, playground equipment and shade structure. Contract awarded. Work is in progress.

CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
JANUARY 31, 2009

Funding Category	Project Description Name: To: From:	Construction Start (Est.) Complete (Est.)	Total Project Budget (thousands)	Comments:
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). Plans are 95% complete.
CIP 12122	<u>LEACH PROPERTY TRAIL ADDITION</u>	TBD	TBD	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 10005 22342	<u>LEGACY GREENBELT ADDITION – North</u>	05/09 12/09	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 04/09	255	Trees and irrigation on Emerald Coast Drive, Parkwood Boulevard and Plano Parkway from K to Alma. Irrigation is complete and trees and landscape installation is underway. Construction is 75% 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 is in progress. All tree planting is scheduled to be complete in March.
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 complete. Parking lot construction is in progress. Trail construction is in progress. Project 58% complete overall.
CIP 22328	<u>PARK & SIDEWALK IMPROVEMENTS</u>	07/08 04/09	250	Tree planting, irrigation renovations and sidewalk improvements at Arrowhead, Caddo, Hackberry and Westwood Parks are 60% 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.
CIP 53368	<u>PARK POND RESTORATION</u>	07/09 12/09	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.

CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
JANUARY 31, 2009

Funding Category	Project Description Name: To: From:	Construction Start (Est.) To: Complete (Est.)	Total Project Budget (thousands)	Comments:
CIP 28818	<u>PECAN HOLLOW GOLF COURSE RENOVATION</u>	10/10 10/11	7,800	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. Design contract being negotiated at this time.
CIP 53357	<u>2008 TRAIL IMPROVEMENTS (Repairs)</u>	12/08 07/09	1,235	Project includes repair and replacement of existing recreational trails. Contract awarded on October 13 th . Trail improvements at Bob Woodruff Park are complete. The project is moving on to work on Bluebonnet Trail. 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 ACQUISITION</u>	2009	TBD	Surveying of proposed acquisition is complete. Updated appraisals are in progress. Acquisition is anticipated to be complete in 2009. Funding for development is being requested through the 2009 Bond Program.
Public Works				
CIP 51130	<u>2007/2008 ARTERIAL AND RESIDENTIAL CONCRETE PAVEMENT REHABILITATION – Various Locations (Requirements Contract)</u>	09/08 12/08	404	Contractor completed 3,928 SY of arterial pavement repairs on Jupiter Road between Summit and 190, Plano Parkway between Independence and Custer and on Park Blvd between Independence and Coit. Contractor also completed 717 SY of pavement repair on Garden Hill Drive.
CIP 51131	<u>2008 – 2009 ARTERIAL CONCRETE PAVEMENT REHABILITATION – Legacy Drive between Preston Road and SH121.</u>	11/08 03/09	293	Contractor started work on the project at the beginning of the month in the east bound lanes of Legacy Drive between SH 121 and Dallas North Tollroad. Contractor completed 533 SY of pavement repairs.
CIP 51131	<u>2008-2009 ARTERIAL CONCRETE PAVEMENT REHABILITATION – Parker Road – Preston to Dallas North Toll Road</u>	11/08 03/09	437	Contractor started work on at the beginning of the month and has completed 50% of the work between Willow Bend Drive and Dallas North Tollroad. Contractor completed 3,241 SY of 8” paving during the month. No pumping base was found. A change order is being processed to increase the amount of 8” paving repair. As work progressed additional pavement started breaking down and needed to be fixed while we are working in the area.

CURRENT CAPITAL IMPROVEMENT PROJECTS
STATUS REPORT
JANUARY 31, 2009

Funding Category	Project Description Name: To: From:	Construction Start (Est.) Complete (Est.)	Total Project Budget (thousands)	Comments:
CIP 51131	<u>2007/2008 ARTERIAL CONCRETE PAVEMENT REHABILITATION – Parker Road, Pleasant Valley Trail, Country Place Drive</u>	07/08 02/09	818	Contractor completed repairs on Parker Road between Coit and Preston Road during the month. 11,086 SY of pavement repairs were done on Parker Road between Independence and Preston, PI easant Valley between Custer Road and Spring Creek Parkway. 3015 SY of pavement was repaired on Country Place between Park and Parker.
CIP 51134	<u>2007/2008 RESIDENTIAL & ARTERIAL PAVEMENT UNDERSEALING & RAISING (Requirements Contract)</u>	12/07 12/09	1,660	Uretek USA completed 26 residential locations, using 5 22,178 lbs. of foam to raise and underseal 21,550 SF of street pavement (1.03 lbs/SF). Contractor also did work on Ohio Drive between Old Shepard and Plano Parkway around recent pavement repairs.
CIP 51118	<u>2007-2008 RESIDENTIAL CONCRETE PAVEMENT REHAB - Zone I8</u>	5/08 2/09	719	Contractor continued work in Zone I8 during the month with 4231 SY of Street paving and 8074 SY of Alley paving repaired. A second change order is being processed for additional alley repairs in the Zone.
CIP 51118	<u>2007/2008 RESIDENTIAL CONCRETE PAVEMENT REHAB – Zone L5</u>	09/08 01/09	786	Contractor completed 10,256 SY of street paving and 2,124 SY of alley paving during the month. A change order is being processed for additional street repairs. As work progressed additional failing pavement was found that needed to be repaired while we are working in the area. 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	<u>2007/2008 RESIDENTIAL CONCRETE PAVEMENT REHAB – Zone Q3</u>	05/08 11/08	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. Project was finalized during the month.
CIP 51118	<u>2008-2009 RESIDENTIAL CONCRETE PAVEMENT REHAB – Zones G7 & G8</u>	04/09	500	Field data has been collected and bid document is being prepared for street and alley repairs in the area bounded by Spring Creek Parkway, Preston Road, Hedgcoxe Road and Coit Road
CIP 51118	<u>2008-2009 RESIDENTIAL CONCRETE PAVEMENT REHAB – Zone I4</u>	04/09	2,000	Field data has been collected and bid document is being prepared to work in Zone I4, which is the residential area bounded by Coit Road, Park Boulevard, Independence Parkway and Parker Road.
CIP 48861	<u>2006 SANITARY SEWER REHAB REQUIREMENTS</u>	03/08 11/08	1,992	Contractor completed all work on work on the Contract with lining of 19,965 LF of 8", 3,276 LF of 10", 1,148 LF of 15", 1,000 LF of 18" and 366 laterals replaced.
CIP 51128	<u>2007/2008 SIDEWALK CONSTRUCTION</u>	12/08 04/09	316	Inventory is being conducted to identify locations to install concrete sidewalk at various locations in the City.

CURRENT CAPITAL IMPROVEMENT PROJECTS
 STATUS REPORT
 JANUARY 31, 2009

Funding Category	Project Description Name: To: From:	Construction Start (Est.) Complete (Est.)	Total Project Budget (thousands)	Comments:
CIP 51142	<u>SPLIT TRAIL DRIVE ASPHALT OVERLAY</u>	10/08 12/09	180	Project will be moved to the next bond program. Current funding is not high enough to stabilize and repave this section of roadway.



SECTION 2

ECONOMIC ANALYSIS

City of Plano

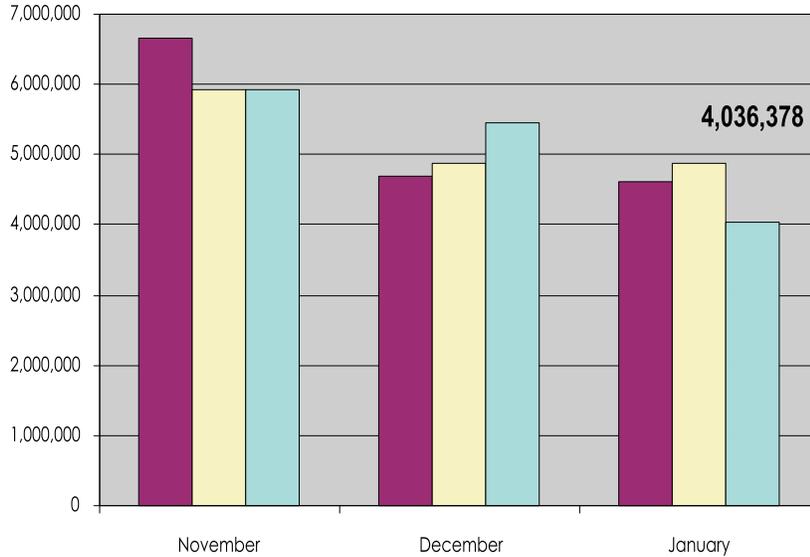
Comprehensive Monthly Finance Report



ECONOMIC ANALYSIS

Sales tax allocation of \$4,036,378 was remitted to the City of Plano in the month of January 2009. This amount represents an decrease of .17% compared to the amount received in January 2008.

SALES TAX
FIGURE I



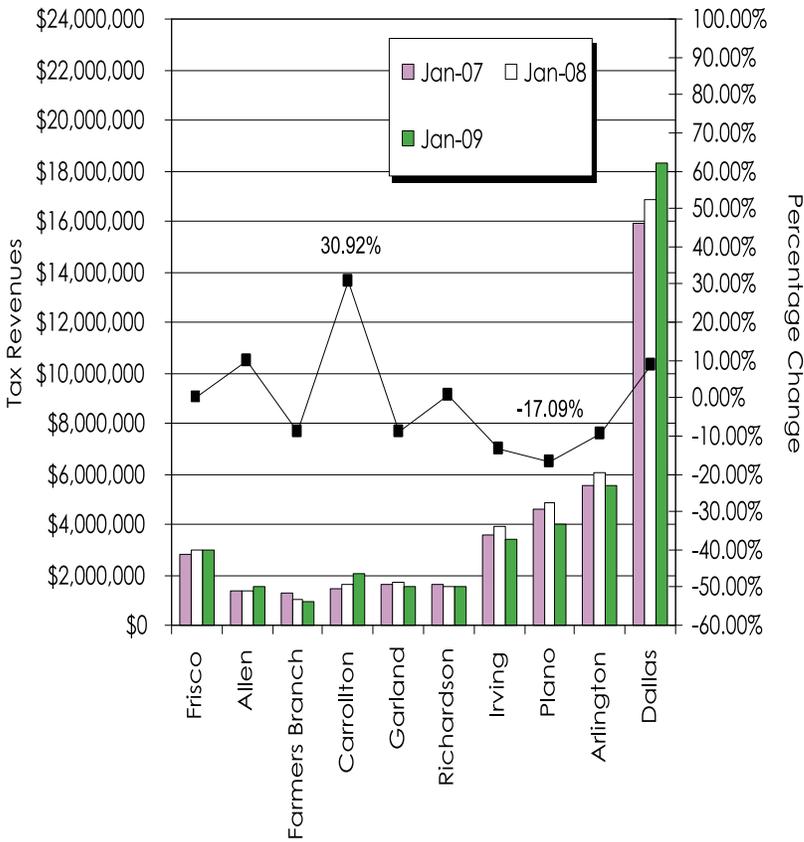
Sales tax revenue is generated from the 1% tax on applicable business activity within the City. These taxes were collected by businesses filing monthly returns, reported in December to the State, and received in January by the City of Plano.

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

Figure II data not available until 2/20/2009

ECONOMIC ANALYSIS

Figure III shows sales tax allocations in the months of January 2007, January 2008 and January 2009 for the City of Plano and nine area cities. Each of the cities shown has a sales tax rate of 1%,

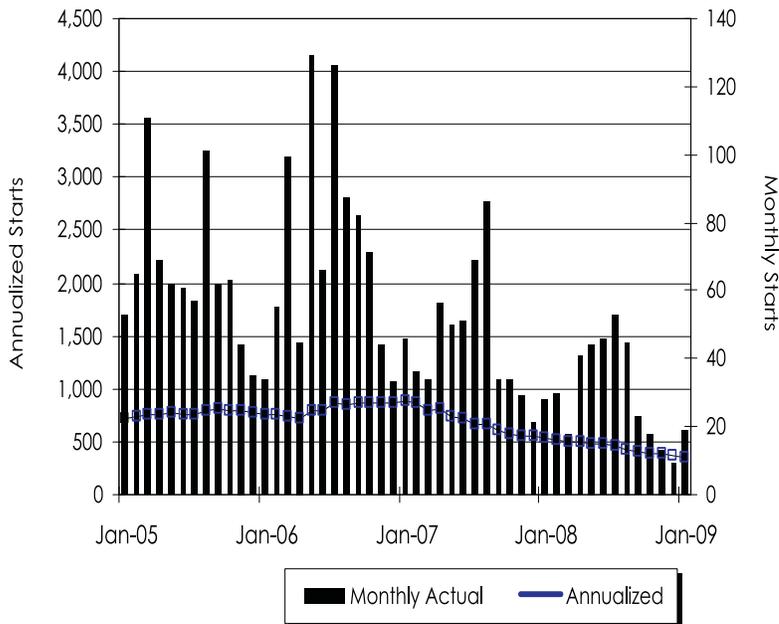


except for the cities of Allen and Frisco, which have a 2% rate, but distribute half of the amount shown in the graph to 4A and 4B development corporations within their respective cities, and the City of Arlington which has a 1.75% sales tax rate with .25% dedicated to road maintenance and .50% for funding of the Dallas Cowboys Complex Development Project. In the month of January the City of Plano received \$4,036,378 from this 1% tax.

The percentage change in sales tax allocations for the area cities, comparing January 2008 to January 2009, ranged from 30.92% for the City of Carrollton to -17.09% for the City of Plano.

SINGLE FAMILY HOUSING STARTS

FIGURE IV



In January 2009, a total of 19 actual single-family housing permits, representing a value of \$4,093,734, were issued. This value represents a 44.76% decrease from the same period a year ago. Annualized single-family housing starts of 359 represent a value of \$81,124,909.

Figure IV above shows actual single-family housing starts versus annualized housing starts for January 2005 through January 2009.

ECONOMIC ANALYSIS

YIELD CURVE

FIGURE V

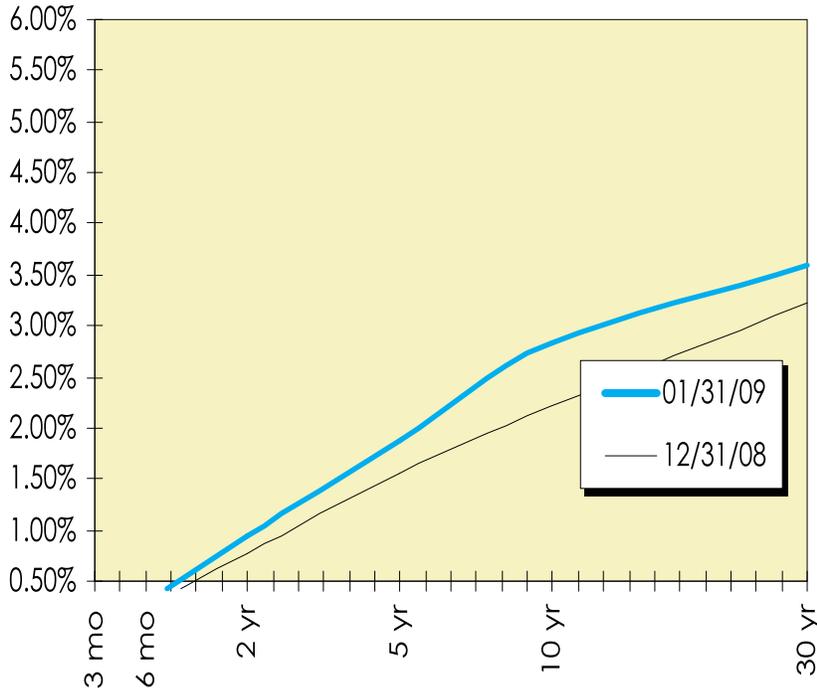


Figure V, left, shows the U.S. Treasury yield curve for January 31, 2009 in comparison to December 31, 2008. Of the reported treasury yields, the yield curve represents an increase in all the treasuries for the month of January, 2009.

UNEMPLOYMENT RATES UNADJUSTED RATE COMPARISON FIGURE VI*

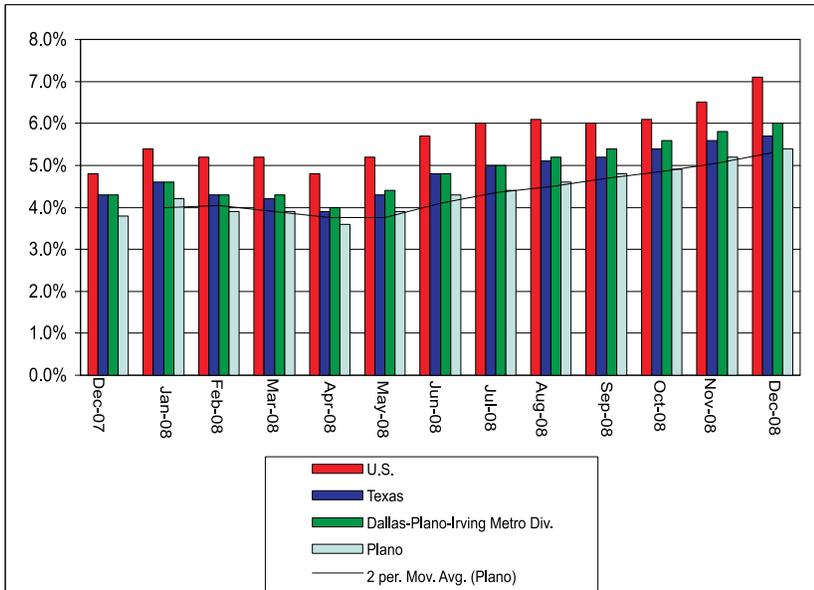
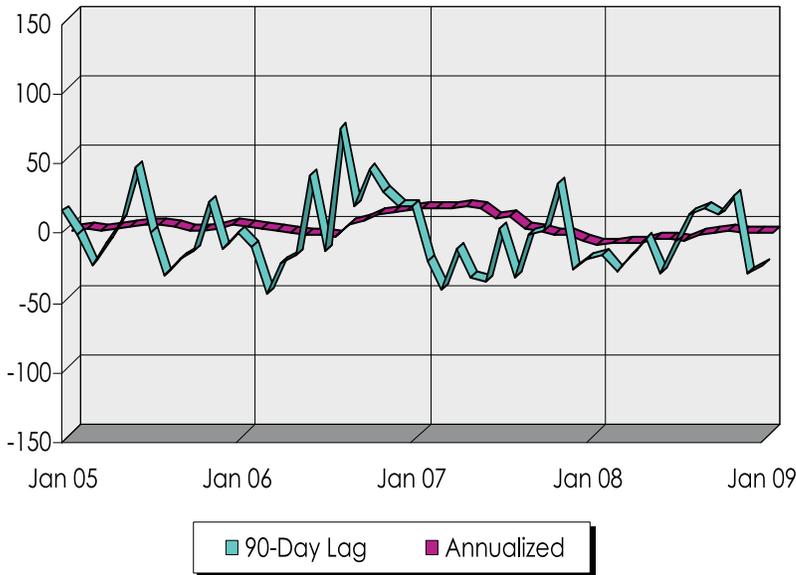


Figure VI shows unadjusted unemployment rates based on the BLS U.S. City Average, and LAUS estimates for the State of Texas, the Dallas-Plano-Irving Metropolitan Division and the City of Plano from December 2007 to December 2008.

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

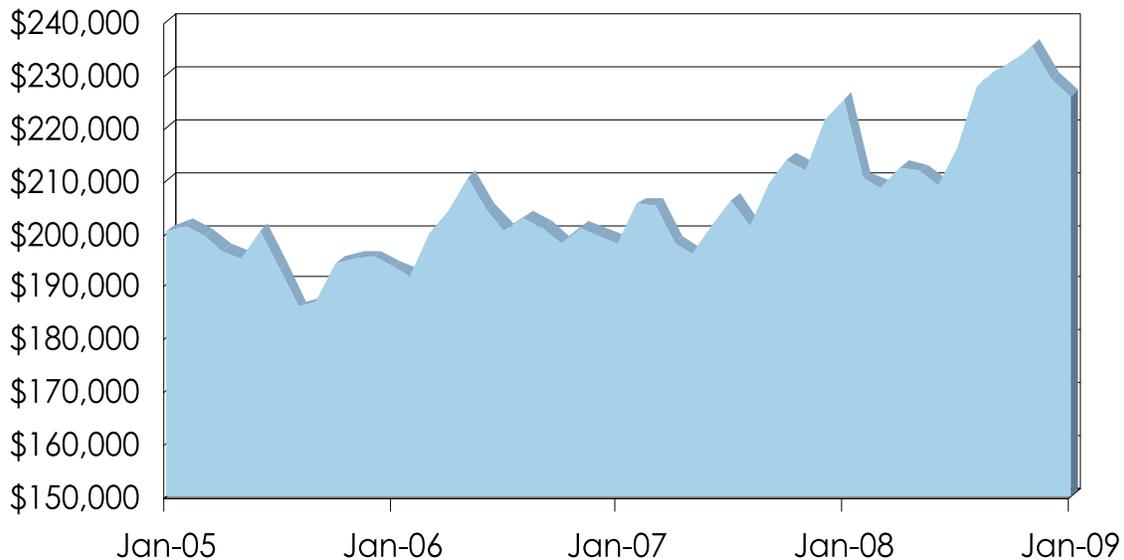
HOUSING ABSORPTION
90-DAY LAG FROM PERMIT DATE
FIGURE VII



For the current month, the 90-day lag is -24 homes, meaning that in October 2008 there were 24 less housing starts than new refuse customers in January 2009. 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 .14% to \$225,975 when compared to January 2008.

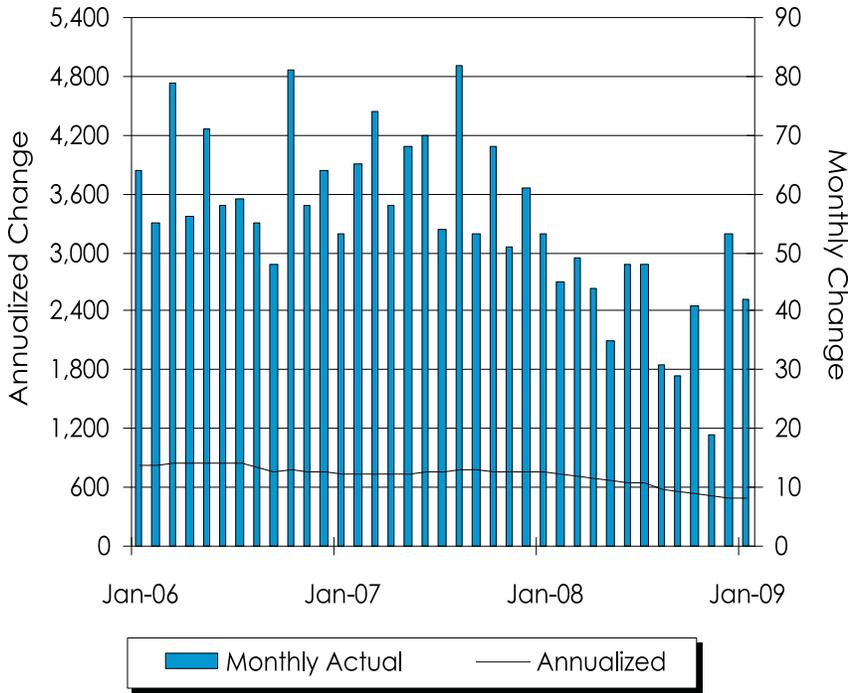
SINGLE-FAMILY NEW HOME VALUE
FIGURE VIII



ECONOMIC ANALYSIS

REFUSE COLLECTIONS ACCOUNTS NET GAINS/LOSSES

Figure IX

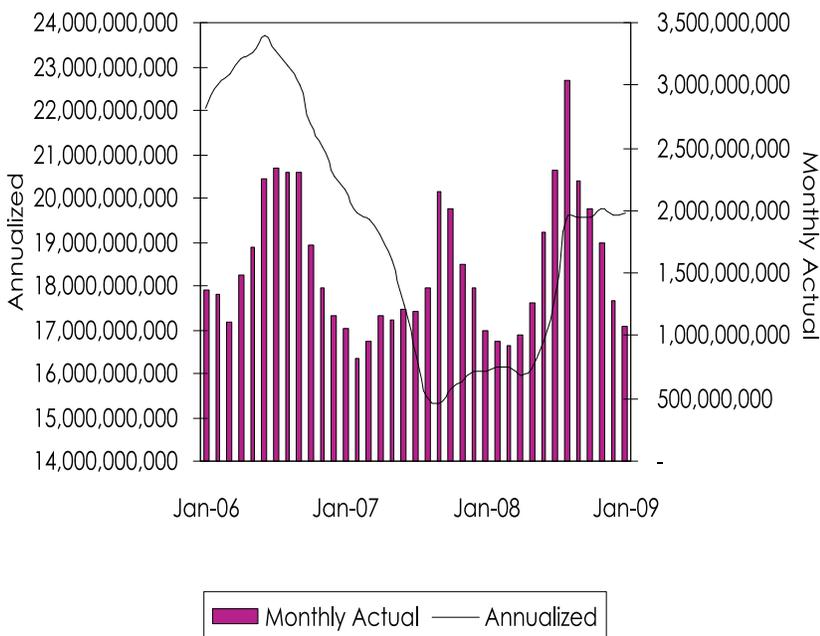


In January, net new refuse collection accounts totaled 42, in comparison to 53 new accounts in January of 2008. This change represents a 20.75% decrease on a year-to-year basis. Annualized new refuse accounts totaled 484 showing a decrease of 273, or a -36.06% change when compared to the same time last year.

Figure IX shows actual versus annualized new refuse collection accounts.

LOCAL WATER CONSUMPTION (GALLONS)

FIGURE X



In January, the City of Plano pumped 1,383,585,000 gallons of water from the North Texas Municipal Water District (NTMWD). Consumption was 1,069,607,000 gallons among 78,342 billed water accounts while billed sewer accounts numbered 74,705. The minimum daily water pumpage was 36,568,000 gallons, which occurred on Tuesday, January 27th. Maximum daily pumpage was 55,568,000 gallons and occurred on Friday, January 23rd. This month's average daily pumpage was 44,632,000 gallons.

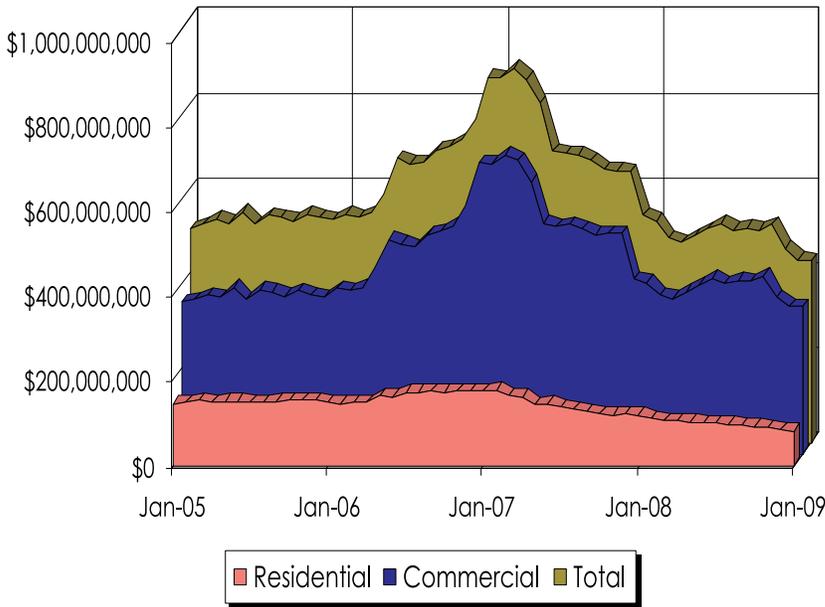
Figure X shows the monthly actual and annualized average for local water consumption.

ECONOMIC ANALYSIS

In January 2009 a total of 54 new construction permits were issued, for properties valued at \$28,482,802. This includes 19 single-family residences, 1 parking garage, 5 other, 18 commercial additions/alterations, 10 interior finish-outs, and 1 demolition. There were 8 permits issued for pools/spas.

ANNUALIZED BUILDING PERMIT VALUES

FIGURE XI



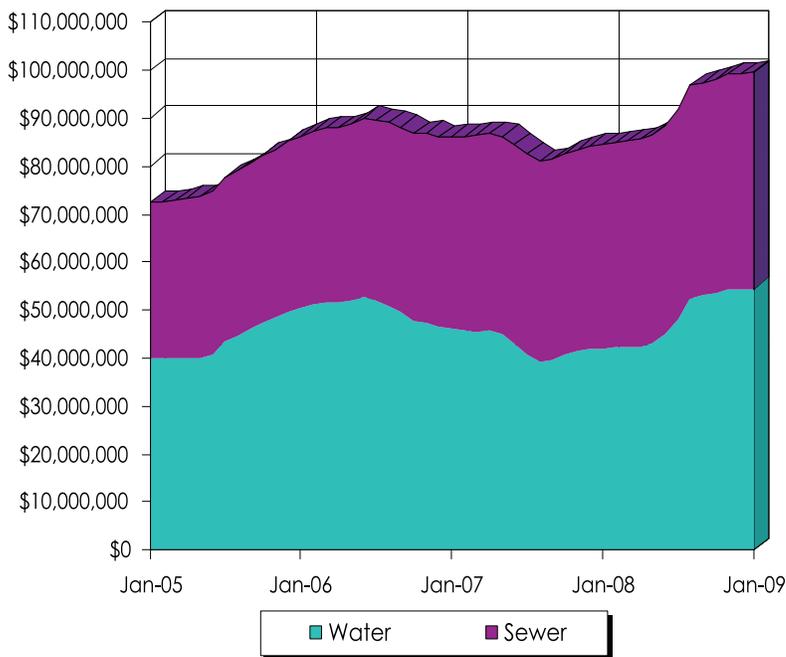
The overall annualized value was \$426,341,125, down 18.33% from the same period a year ago. The annualized value of new residential construction decreased to a value of \$81,124,909, down 31.91% from a year ago. The annualized value of new commercial construction decreased 14.31% to \$345,216,216.*

* 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 January were \$2,915,656 and \$3,765,309, representing an increase of 5.37% and an increase of 5.83% respectively, compared to January 2008

ANNUALIZED WATER & SEWER BILLINGS

FIGURE XII



revenues. The aggregate water and sewer accounts netted \$6,680,965 for an increase of 5.63%.

January consumption brought annualized revenue of \$54,353,599 for water and \$45,245,855 for sewer, totaling \$99,599,454. This total represents an increase of 18.09% compared to last year's annualized revenue.

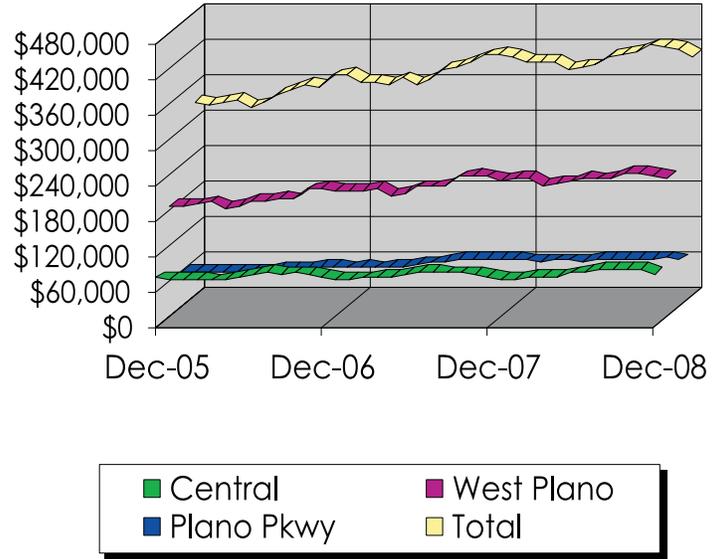
Figure XII represents the annualized billing history of water and sewer revenues for January 2005 through January 2009.

ECONOMIC ANALYSIS

December revenue from hotel/motel occupancy tax was \$329,842. This represents an increase of \$6,791 or 2.10% compared to December 2007. The average monthly revenue for the past six months (see graph) was \$403,011, an increase of 2.30% from the previous year's average. The six-month average for the Central area increased to \$90,424, the West Plano average increased to \$234,728, and the Plano Pkwy average decreased to \$77,859 from the prior year.

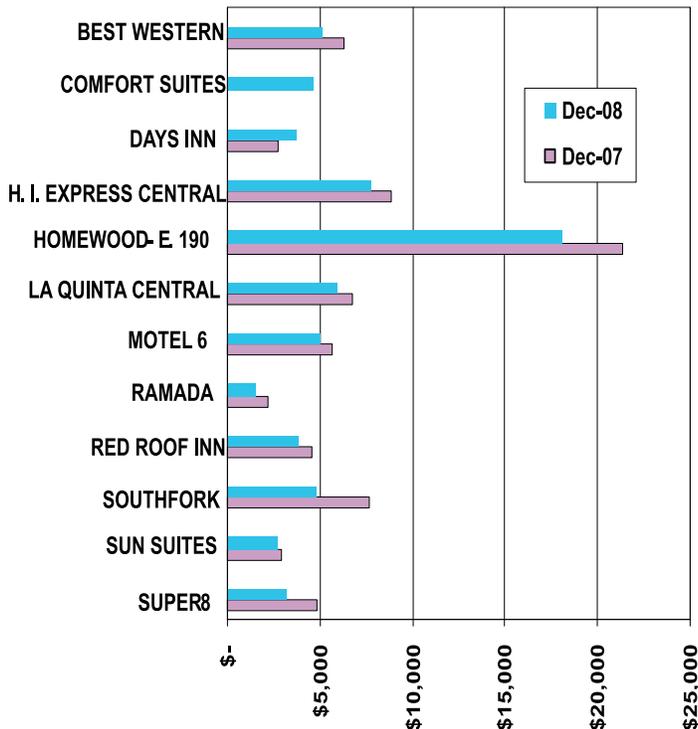
¹This amount will not always equal the hotel/motel taxes reported in the financial section. The economic report is based on the amount of taxes earned during a month, while the financial report indicates when the City received the tax.

HOTEL/MOTEL OCCUPANCY TAX

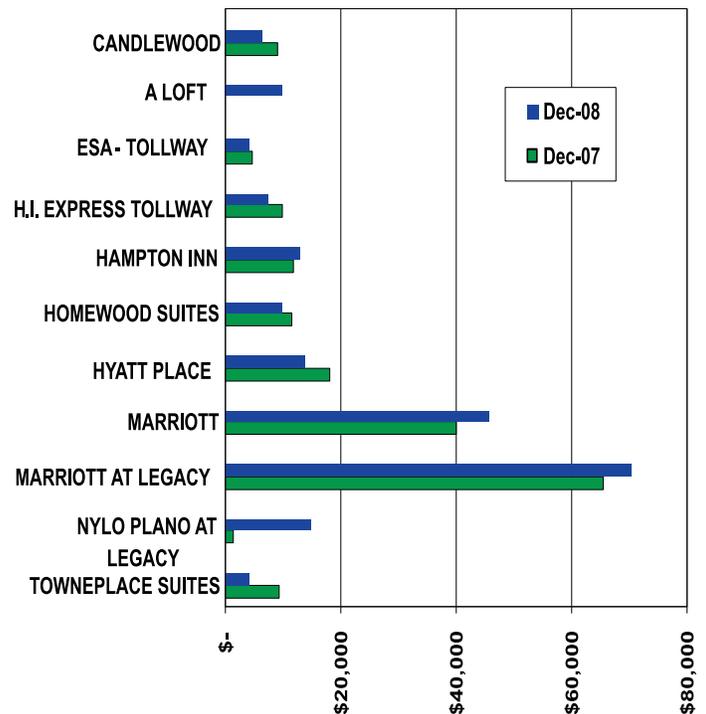


Figures XIV, XV and XVI show the actual occupancy tax revenue received from each hotel/motel in Plano for December 2008 compared to the revenue received in December 2007.

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



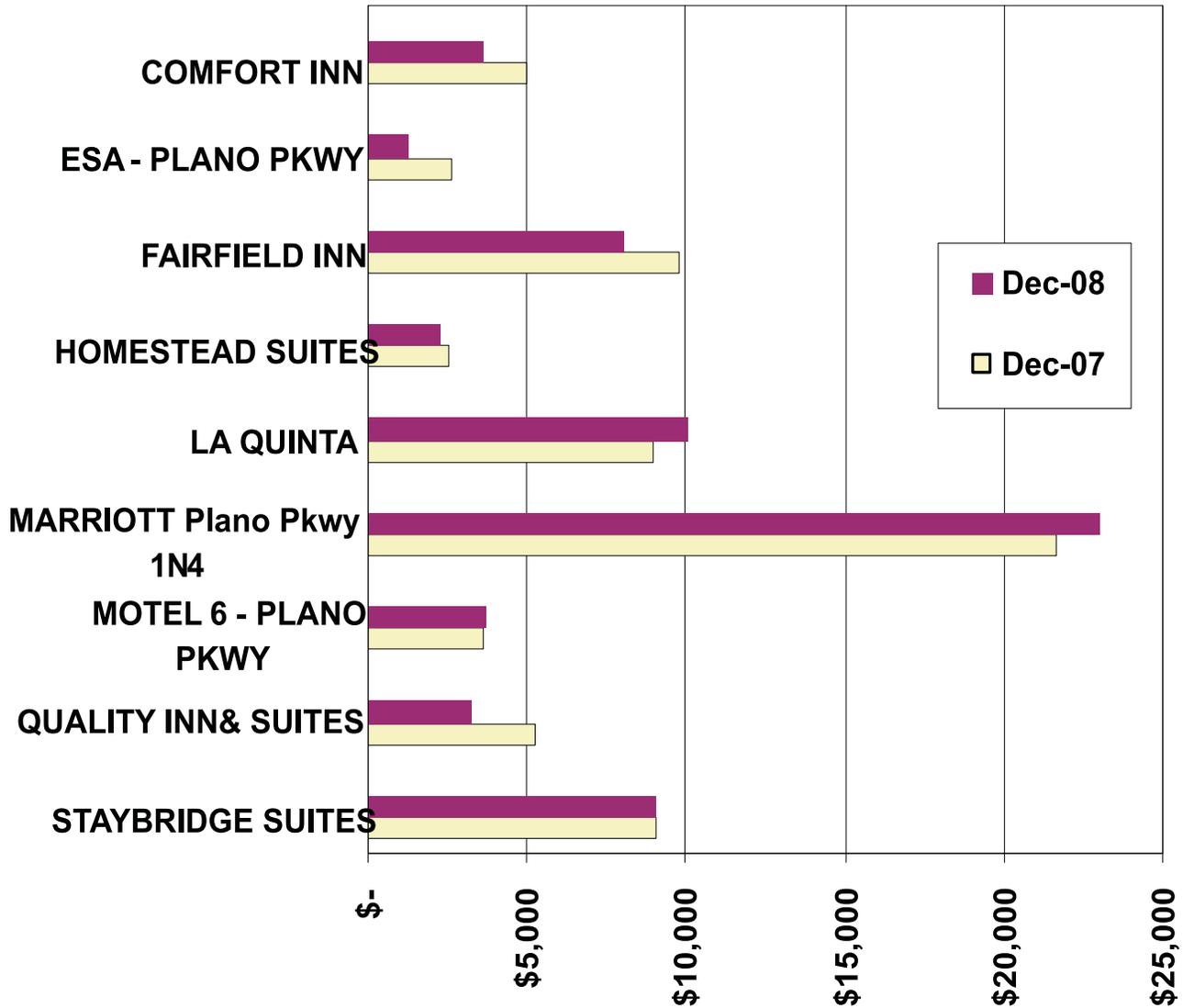
HOTEL/MOTEL OCCUPANCY TAX
MONTHLY COMPARISON BY HOTEL - WEST PLANO
FIGURE XV



*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



*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

JANUARY, 2009

Interest Received during January totaled \$347,218 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 increased throughout the month of January, starting at .71% and ending at 0.80%.

As of January 31, a total of \$338 million was invested in the Treasury Fund. Of this amount, \$52.5 million was General Obligation Bond Funds, \$4.0 million was Municipal Drainage Revenue Bond Funds, and \$281.5 million was in the remaining funds.

Metrics	Current Month Actual	Fiscal YTD	Prior Fiscal YTD	Prior Fiscal Year Total
Funds Invested ¹	\$ 13,500,000	\$ 40,500,000	\$ 46,750,000	\$ 219,706,000
Interest Received ²	\$ 469,230	\$ 1,478,414	\$ 4,469,414	\$ 12,660,107
Weighted Average Maturity (in days) ³	98			
Modified Duration ⁴	0.1028			
Average 2-Year T-Note Yield ⁵	0.80%			

* 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 2009 to 2008.

Month-to-Month Comparison

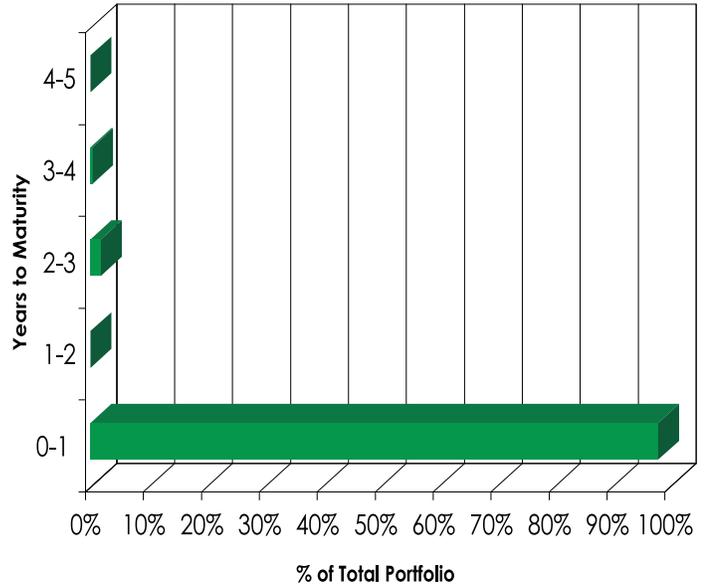
Metrics	Dec-08	Jan-09	Difference
Portfolio Holding Period Yield	1.49%	1.09%	-0.40% (-41 Basis Points)
Average 2-Year T-Note Yield	0.71%	0.80%	+0.09% (+9 Basis Points)

INVESTMENT REPORT

Portfolio Maturity Schedule

Figure I

Years to Maturity*	Book Value	% Total
0-1	\$ 330,566,661	97.93%
1-2	0	0.00%
2-3	5,997,557	1.78%
3-4	1,000,000	0.30%
4-5	0	0.00%
Total	\$ 337,564,218	100.00%

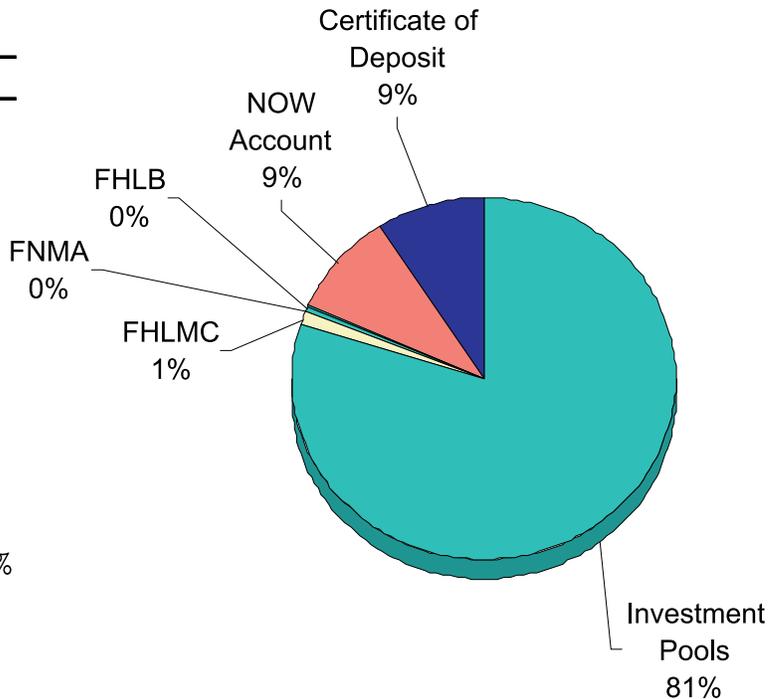


*Does not take into consideration callable issues that can, if called, significantly shorten the Weighted Average Maturity.

Portfolio Diversification

Figure II

Type	Book Value	% Total
Investment Pools	\$ 268,958,935	79.68%
Commercial Paper	0	0.00%
FHLMC	5,000,000	1.48%
FNMA	997,557	0.30%
FFCB	0	0.00%
FHLB	1,000,000	0.30%
NOW Account	31,107,725	9.22%
Certificate of Deposit	30,500,000	9.04%
Total	\$ 337,564,218	100.00%



INVESTMENT REPORT

Allocated Interest/Fund Balances January 2009

Fund	Beginning Fund Balance	Allocated Interest		Ending Fund Balance	% of Total
	1/31/2009	Current Month	Fiscal Y-T-D	1/31/2009	
General	67,547,137	61,661	230,815	67,608,798	20.22%
G. O. Debt Services	32,462,485	28,146	70,698	32,490,631	9.72%
Street & Drainage Improvements	6,158,032	6,693	37,903	6,164,725	1.84%
Sewer CIP	8,918,269	9,501	53,168	8,927,771	2.67%
Capital Reserve	37,748,178	40,857	243,064	37,789,035	11.30%
Water & Sewer Operating	1,057,844	4,029	22,420	1,061,872	0.32%
Water & Sewer Debt Service	942,891	926	2,564	943,816	0.28%
W & S Impact Fees Clearing	3,818,086	4,082	22,474	3,822,167	1.14%
Park Service Area Fees	5,655,197	6,203	36,795	5,661,400	1.69%
Property/ Liability Loss	4,481,880	4,908	32,469	4,486,788	1.34%
Information Services	7,239,062	10,562	75,934	7,249,624	2.17%
Equipment Replacement	12,029,847	12,741	50,490	12,042,588	3.60%
Developer's Escrow	3,607,821	4,089	25,783	3,611,909	1.08%
G. O. Bond Funds	52,496,048	59,453	388,024	52,555,501	15.72%
Municipal Drainage Bond Clearing	4,069,682	4,778	29,697	4,074,460	1.22%
Other	85,749,312	88,589	503,333	85,837,902	25.67%
Total	333,981,770	347,218	1,825,632	334,328,988	100%

Footnote: All City funds not restricted or held in trust are included in the Treasury Pool. As of January 31, 2009 allocated interest to these funds may include an adjustment to fair value as required by GASB 31

Portfolio Statistics

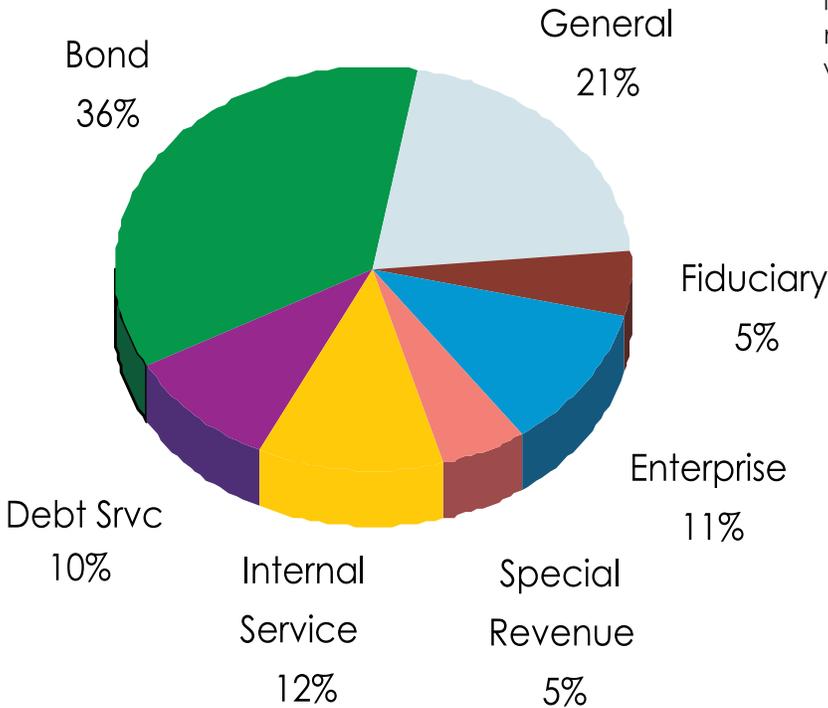
Month	Total Invested (End of Month)	Portfolio Yield	# of		Weighted Ave. Mat. (Days)	# of Securities
			# of Securities Purchased*	Maturities/ Sold/ Called		
August, 2007	\$ 313,753,294	4.81%	3	5	301	107
September, 2007	\$ 280,309,772	4.69%	4	13	352	98
October, 2007	\$ 271,402,209	4.65%	9	9	372	98
November, 2007	\$ 267,523,757	4.50%	0	13	336	85
December, 2007	\$ 296,692,760	4.38%	5	5	330	85
January, 2008	\$ 331,413,637	3.89%	0	7	271	78
February, 2008	\$ 355,278,178	3.74%	0	47	201	31
March, 2008	\$ 386,936,505	3.15%	2	6	185	27
April, 2008	\$ 381,286,506	2.74%	1	5	139	23
May, 2008	\$ 372,129,934	2.87%	3	1	154	25
June, 2008	\$ 359,631,853	2.80%	3	10	89	18
July, 2008	\$ 336,029,216	2.83%	5	4	114	19
August, 2008	\$ 335,093,919	2.69%	7	6	119	20
September, 2008	\$ 300,699,562	2.55%	1	5	104	16
October, 2008	\$ 288,885,757	2.73%	1	4	266	13
November, 2008	\$ 283,603,783	1.90%	1	5	82	9
December, 2008	\$ 309,132,350	1.49%	2	2	67	9
January, 2009	\$ 337,564,218	1.09%	7	3	98	13

*Does not include investment pool purchases or changes in NOW account balances.

INVESTMENT REPORT

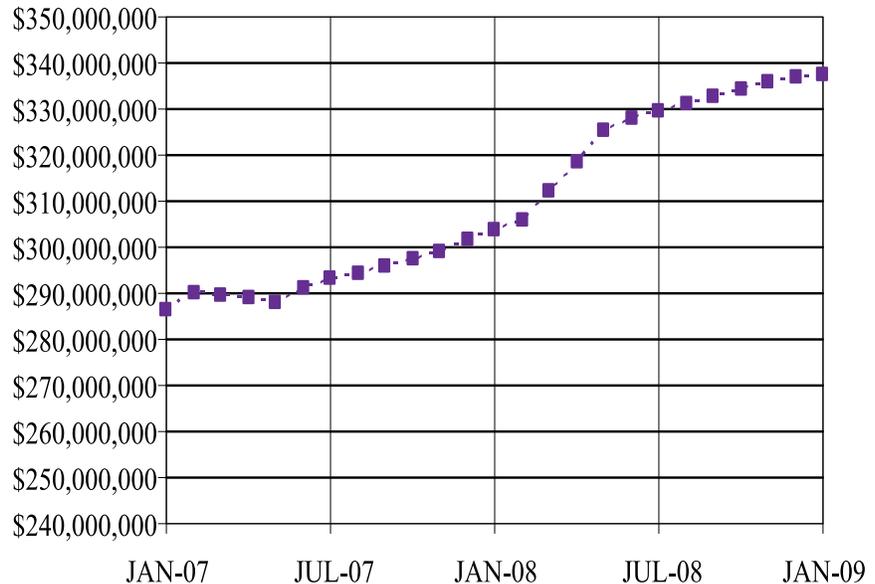
Equity in Treasure Pool
By Major Category
Figure IV

Figure IV shows a breakdown of the various sources of funds for the City's Treasury Pool as of January 31, 2009. The largest category is the Bond Fund in the amount of \$119.9 million. Closest behind is the General Fund with a total of \$69.7 million, and the Internal Service Fund with \$39.5 million.



Annualized Average Portfolio
Figure V

The annualized average portfolio for January 31, 2009 was \$337,189,315. This is an increase of \$33,564,733 when compared to the January 2008 average of \$303,642,582.





SECTION 4

QUARTERLY HOTEL/MOTEL REPORT

City of Plano

Comprehensive Monthly Finance Report



HOTEL/MOTEL OCCUPANCY TAX REVENUE REPORT

Comparative Quarterly Statistics Quarter Ending 12/31/08 Table I

	2006-07 First	2006-07 Second	2006-07 Third	2006-07 Fourth	2007-08 First	2007-08 Second	2007-08 Third	2007-08 Fourth	2008-09 First
Quarterly Total (Actual)*	\$1,103,627	\$1,097,905	\$1,195,761	\$1,240,115	\$1,123,539	\$1,174,333	\$1,231,418	\$1,292,456	\$1,111,115
Number of Rooms	3,696	3,687	3,798	3,798	3,972	3,972	4,048	4,048	4,184
Average Daily Occupancy	2,542	2,427	2,596	2,534	2,368	2,254	2,575	2,524	2,201
Actual Revenue per Room	\$299	\$298	\$315	\$327	\$283	\$296	\$304	\$319	\$266
Annualized Revenue	\$4,204,812	\$2,201,532	\$3,397,293	\$4,637,408	\$4,657,321	\$4,733,749	\$4,769,406	\$4,821,747	\$4,809,322
Average Room Rate	\$87	\$89	\$87	\$92	\$90	\$93	\$86	\$90	\$90
Average Occupancy Rate	60.55%	59.24%	63.09%	60.92%	56.08%	56.11%	64.43%	63.02%	54.24%

QUARTERLY HOTEL/MOTEL TAX REVENUE

Total tax receipts of \$1,111,115 were received for the 3 months ending December 31, 2008. The number of rooms available in Plano increased by 136 rooms in the first quarter of fiscal year 2008-09 due to the addition of a new hotel. Occupancy tax revenues increased by 1.76% when compared to the first quarter of fiscal year 2007-2008.

Table I contains the actual quarterly occupancy tax revenue and data for the first quarter of fiscal year 2006-07 through the first quarter of fiscal year 2008-09.

* Quarterly totals may be adjusted at a later date for exemption audit payments.

Comparative Quarterly Statistics

Quarter Ending 12/31/08

Table II

First Quarter 2009

	First Quarter 2009				Second Quarter							
	2006-07	Percent Change	2007-08	Percent Change	2008-09	Percent Change	2005-06	Percent Change	2006-07	Percent Change	2007-08	Percent Change
Ramada	\$ 5,782	-32.13%	\$ 7,616	31.73%	\$ 6,562	-13.85%	\$ 7,088	35.19%	\$ 6,025	-15.00%	\$ 6,937	15.12%
Harvey House	\$ 39,730	-6.48%	\$ 34,176	-13.98%	\$ 30,565	-10.57%	\$ 37,354	33.98%	\$ 43,503	16.46%	\$ 33,471	-23.06%
H. I. Express Central	\$ 41,893	4.82%	\$ 38,261	-8.67%	\$ 32,157	-15.95%	\$ 38,547	38.24%	\$ 46,368	20.29%	\$ 38,459	-17.06%
La Quinta Central	\$ 21,351	-5.63%	\$ 20,792	-2.62%	\$ 19,976	-3.92%	\$ 22,604	49.82%	\$ 19,825	-12.29%	\$ 22,046	11.21%
Marriott	\$ 117,760	29.28%	\$ 127,430	8.21%	\$ 133,668	4.90%	\$ 98,592	30.03%	\$ 110,630	12.21%	\$ 109,489	-1.03%
MARRIOTT Plano Pkwy 1N4	\$ 65,084	13.18%	\$ 65,942	1.32%	\$ 68,228	3.47%	\$ 58,805	15.05%	\$ 68,339	16.21%	\$ 55,890	-18.22%
Motel 6	\$ 17,342	0.69%	\$ 17,712	2.13%	\$ 14,789	-16.50%	\$ 16,059	2.89%	\$ 14,753	-8.13%	\$ 18,195	23.33%
Motel 6 - Plano Pkwy	\$ 12,381	16.03%	\$ 11,580	-6.47%	\$ 12,124	4.70%	\$ 8,499	33.16%	\$ 11,642	36.98%	\$ 11,150	-4.23%
Comfort Inn	\$ 13,331	8.13%	\$ 16,431	23.25%	\$ 13,401	-18.44%	\$ 13,179	18.02%	\$ 11,554	-12.33%	\$ 14,195	22.86%
Comfort Suites	\$ -	0.00%	\$ -	0.00%	\$ 18,980	0.00%	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Best Western	\$ 19,901	-5.44%	\$ 23,110	16.13%	\$ 22,844	-1.15%	\$ 20,018	23.96%	\$ 22,719	13.50%	\$ 24,312	7.01%
Super 8	\$ 11,726	10.67%	\$ 14,016	19.53%	\$ 11,209	-20.03%	\$ 11,002	32.77%	\$ 10,787	-1.95%	\$ 12,843	19.06%
Hampton Inn	\$ 45,564	10.88%	\$ 45,800	0.52%	\$ 47,238	3.14%	\$ 44,725	24.52%	\$ 52,106	16.50%	\$ 51,218	-1.70%
Mainstay Suites	\$ 11,054	-17.93%	\$ 10,218	-7.56%	\$ 8,677	-15.08%	\$ 15,413	36.51%	\$ 11,216	-27.23%	\$ 12,406	10.61%
Red Roof Inn	\$ 13,514	-5.65%	\$ 13,517	0.02%	\$ 12,282	-9.14%	\$ 9,923	-11.10%	\$ 14,463	45.74%	\$ 15,473	6.99%
Days Inn	\$ 9,282	-4.75%	\$ 9,136	-1.57%	\$ 11,454	25.37%	\$ 8,985	23.58%	\$ 9,400	4.62%	\$ 10,918	16.15%
Fairfield Inn	\$ 35,550	32.49%	\$ 37,245	4.77%	\$ 32,420	-12.96%	\$ 31,762	24.55%	\$ 38,770	22.06%	\$ 39,259	1.26%
Baymont Inn & Suites	\$ 5,075	14.93%	\$ 19,004	274.50%	\$ 12,993	-31.63%	\$ 4,368	29.17%	\$ 13,307	204.62%	\$ 13,854	4.11%
Homewood	\$ 41,658	20.93%	\$ 43,671	4.83%	\$ 38,626	-11.55%	\$ 41,953	19.23%	\$ 45,285	7.94%	\$ 38,781	-14.36%
La Quinta	\$ 41,235	5.38%	\$ 35,572	-13.73%	\$ 35,231	-0.96%	\$ 41,272	23.35%	\$ 42,939	4.04%	\$ 36,865	-14.15%
ESA - Plano Pkwy	\$ 7,832	13.04%	\$ 7,328	-6.44%	\$ 4,177	-43.00%	\$ 7,812	-14.59%	\$ 10,519	34.66%	\$ 9,300	-11.59%
Hyatt Place	\$ 38,780	-2.64%	\$ 63,717	64.30%	\$ 54,258	-14.85%	\$ 42,295	10.46%	\$ 47,204	11.61%	\$ 66,461	40.80%
Candlewood	\$ 24,799	-3.12%	\$ 31,795	28.21%	\$ 22,012	-30.77%	\$ 30,094	19.36%	\$ 34,652	15.15%	\$ 29,874	-13.79%
Sun Suites	\$ 13,333	17.14%	\$ 9,233	-30.75%	\$ 10,440	13.07%	\$ 12,562	42.66%	\$ 12,583	0.16%	\$ 11,686	-7.13%
ESA - Tollway	\$ 17,755	34.39%	\$ 18,798	5.88%	\$ 17,091	-9.08%	\$ 13,615	-3.61%	\$ 22,500	65.26%	\$ 21,316	-5.26%
TownePlace Suites	\$ 36,493	30.68%	\$ 35,251	-3.40%	\$ 15,563	-55.85%	\$ 32,938	54.43%	\$ 39,740	20.65%	\$ 36,023	-9.35%
H.I. Express Tollway	\$ 33,048	14.47%	\$ 35,066	6.10%	\$ 29,531	-15.79%	\$ 32,161	22.73%	\$ 35,857	11.49%	\$ 36,124	0.74%
Marriott at Legacy	\$ 314,789	12.14%	\$ 240,694	-23.54%	\$ 228,597	-5.03%	\$ 239,670	17.50%	\$ 242,957	1.37%	\$ 254,537	4.77%
Homewood - E. 190	\$ 47,584	1.03%	\$ 58,743	23.45%	\$ 54,210	-7.72%	\$ 49,876	13.96%	\$ 57,401	15.09%	\$ 60,263	4.98%
Staybridge Suites	\$ -	0.00%	\$ -	0.00%	\$ 37,217	n/a	\$ -	0.00%	\$ 862	0.00%	\$ 36,395	n/a
NYLO Plano at Legacy	\$ -	0.00%	\$ -	0.00%	\$ 54,597	n/a	\$ -	0.00%	\$ -	0.00%	\$ 46,594	%
ALOFT	\$ -	0.00%	\$ -	0.00%	\$ 14,495	n/a	\$ -	0.00%	\$ -	0.00%	\$ -	n/a
Quarter Total	\$ 1,103,627	33.78%	\$ 1,091,854	-1.07%	\$ 1,111,115	1.76%	\$ 991,173	16.83%	\$ 1,097,905	10.77%	\$ 1,174,333	6.96%
Y-T-D Revenues	\$ 1,103,627	33.78%	\$ 1,091,854	-1.07%	\$ 1,111,115	1.76%	\$ 2,094,800	15.19%	\$ 2,189,759	4.53%	\$ 2,285,448	4.37%

Third Quarter

	Third Quarter				Fourth Quarter							
	2005-06	Percent Change	2006-07	Percent Change	2007-08	Percent Change	2005-06	Percent Change	2006-07	Percent Change	2007-08	Percent Change
Ramada	\$ 7,635	-0.06%	\$ 7,806	2.25%	\$ 8,289	6.19%	\$ 8,310	-16.15%	\$ 7,344	-11.62%	\$ 9,689	31.93%
Southfork	\$ 48,739	30.07%	\$ 50,076	2.74%	\$ 42,149	-15.83%	\$ 43,932	-2.37%	\$ 41,720	-5.03%	\$ 38,945	-6.65%
H. I. Express Central	\$ 45,456	35.87%	\$ 45,807	0.77%	\$ 42,238	-7.79%	\$ 42,178	17.53%	\$ 36,698	-12.99%	\$ 40,660	10.80%
La Quinta Central	\$ 25,426	-22.72%	\$ 20,132	-20.82%	\$ 25,843	28.37%	\$ 25,077	10.69%	\$ 23,195	-7.50%	\$ 23,935	3.19%
Marriott	\$ 91,563	20.08%	\$ 99,301	8.45%	\$ 116,117	16.93%	\$ 118,782	23.04%	\$ 116,609	-1.83%	\$ 108,326	-7.10%
MARRIOTT Plano Pkwy 1N4	\$ 48,899	2.68%	\$ 58,292	19.21%	\$ 63,359	8.69%	\$ 65,150	13.74%	\$ 64,538	-0.94%	\$ 53,111	-17.71%
Motel 6	\$ 21,278	19.09%	\$ 19,623	-7.78%	\$ 21,007	7.06%	\$ 20,208	3.07%	\$ 18,907	-6.44%	\$ 19,463	2.94%
Motel 6 - Plano Pkwy	\$ 11,508	37.91%	\$ 12,811	11.32%	\$ 12,271	-4.21%	\$ 12,664	24.22%	\$ 13,784	8.84%	\$ 14,671	6.44%
Comfort Inn	\$ 14,840	5.10%	\$ 15,905	7.18%	\$ 13,156	-17.29%	\$ 14,419	22.15%	\$ 15,534	7.73%	\$ 12,999	-16.32%
Comfort Suites	\$ -	0.00%	\$ -	0.00%	\$ 5,282	0.00%	\$ -	0.00%	\$ -	0.00%	\$ 17,732	0.00%
Best Western	\$ 25,376	33.61%	\$ 28,295	11.50%	\$ 25,472	-9.98%	\$ 23,866	5.24%	\$ 26,565	11.31%	\$ 24,765	-6.78%
Super 8	\$ 11,124	3.74%	\$ 12,831	15.35%	\$ 14,900	16.12%	\$ 13,725	10.17%	\$ 13,493	-1.69%	\$ 16,173	19.86%
Hampton Inn	\$ 50,974	29.55%	\$ 57,374	12.56%	\$ 51,076	-10.98%	\$ 47,645	14.69%	\$ 49,227	3.32%	\$ 47,694	-3.11%
Homestead Suites	\$ 15,721	9.40%	\$ 12,693	-19.26%	\$ 13,762	8.42%	\$ 15,397	16.10%	\$ 13,872	-9.91%	\$ 11,614	-16.27%
Red Roof Inn	\$ 13,813	1.26%	\$ 16,016	15.94%	\$ 13,457	-15.98%	\$ 12,293	-15.99%	\$ 10,801	-12.14%	\$ 14,516	34.39%
Days Inn	\$ 11,835	38.82%	\$ 11,644	-1.61%	\$ 13,746	18.06%	\$ 12,260	34.44%	\$ 10,607	-13.48%	\$ 15,038	41.77%
Fairfield Inn	\$ 35,679	24.38%	\$ 40,126	12.46%	\$ 37,276	-7.10%	\$ 33,890	21.68%	\$ 36,869	8.79%	\$ 39,220	6.38%
Baymont Inn & Suites	\$ 4,791	-4.03%	\$ 22,375	367.06%	\$ 15,336	-31.46%	\$ 3,201	-31.14%	\$ 16,411	412.67%	\$ 18,485	12.64%
Homewood Suites	\$ 44,144	13.29%	\$ 50,048	13.37%	\$ 44,784	-10.52%	\$ 43,522	5.11%	\$ 45,006	3.41%	\$ 41,161	-8.54%
La Quinta	\$ 46,458	10.40%	\$ 36,407	-21.63%	\$ 31,383	-13.80%	\$ 45,567	13.84%	\$ 37,914	-16.79%	\$ 44,262	16.74%
ESA - Plano Pkwy	\$ 4,049	-53.48%	\$ 10,421	157.34%	\$ 9,438	-9.43%	\$ 8,076	-6.36%	\$ 8,905	10.27%	\$ 7,840	-11.96%
Hyatt Place	\$ 32,760	-18.72%	\$ 58,353	78.12%	\$ 67,275	15.29%	\$ 26,047	-37.80%	\$ 59,934	130.10%	\$ 62,866	4.89%
Candlewood	\$ 29,925	32.35%	\$ 34,106	13.97%	\$ 28,009	-17.88%	\$ 27,934	6.02%	\$ 34,792	24.55%	\$ 26,856	-22.81%
Sun Suites	\$ 14,012	22.43%	\$ 12,376	-11.68%	\$ 14,068	13.67%	\$ 14,536	12.74%	\$ 11,807	-18.77%	\$ 14,777	25.16%
ESA - Tollway	\$ 23,800	17.22%	\$ 26,921	13.11%	\$ 23,261	-13.59%	\$ 23,410	19.11%	\$ 24,943	6.55%	\$ 21,081	-15.48%
TownePlace Suites	\$ 35,197	36.08%	\$ 42,080	19.56%	\$ 33,075	-21.40%	\$ 43,803	26.28%	\$ 36,017	-17.78%	\$ 17,342	-51.85%
H.I. Express Tollway	\$ 36,372	26.41%	\$ 41,907	15.22%	\$ 39,406	-5.97%	\$ 35,548	21.02%	\$ 36,950	3.94%	\$ 33,050	-10.55%
Marriott at Legacy	\$ 243,679	20.60%	\$ 270,467	10.99%	\$ 247,598	-8.46%	\$ 231,066	15.01%	\$ 333,259	44.23%	\$ 322,269	-3.30%
Homewood - E. 190	\$ 55,721	14.57%	\$ 62,683	12.49%	\$ 65,653	4.74%	\$ 46,736	2.97%	\$ 61,377	31.33%	\$ 61,384	0.01%
Staybridge Suites	\$ -	0.00%	\$ 18,887	0.00%	\$ 34,370	81.98%	\$ -	0.00%	\$ 33,039	0.00%	\$ 40,482	22.53%
NYLO Plano at Legacy	\$ -	0.00%	\$ -	0.00%	\$ 58,362	n/a	\$ -	0.00%	\$ -	0.00%	\$ 72,049	n/a
ALOFT	\$ -	0.00%	\$ -	0.00%	\$ -	n/a	\$ -	0.00%	\$ -	0.00%	\$ -	n/a
Quarter Total	\$ 1,050,773	17.73%	\$ 1,195,761	13.80%	\$ 1,231,418	2.98%	\$ 1,059,239	11.92%	\$ 1,240,115	17.08%	\$ 1,292,456	4.22%
Y-T-D Revenues	\$ 3,145,573	23.79%	\$ 3,385,521	7.63%	\$ 3,516,866	3.88%	\$ 4,204,813	13.68%	\$ 4,625,636	10.01%	\$ 4,809,322	3.97%

* Fiscal Year Basis. Extended Stay - Plano Parkway and Amerisuites closed approximately half it's available rooms for remodeling in the third quarter of fiscal year 2005-06, resulting in substantial percentage decreases in occupancy tax remitted when compared to the same period in the prior fiscal year. Amerisuites rebranded as Hyatt Place in May 2007. Staybridge Suites opened March 19, 2007. NYLO Plano at Legacy opened December 18, 2007.

POM VI Presentation of Fire Department Art Project T-Shirts Drotman – Esparza - Eubanks

Discussion/Action Items for Future Council Agendas

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

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

March 9

March 10 – Public Art Dedication, Fire Administration, 4 p.m.

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 25 – Fire Department Appreciation Picnic, Bob Woodruff Park, 12 – 5 p.m.

April 27

Mobility Report

DART Report

Comprehensive Monthly Financial Report

May 7 – COP Employee of the Year Rotary Luncheon

May 11

May 18

Canvass

May 26

ACC Report (Quarterly)

Mobility Report

DART Report

Comprehensive Monthly Financial Report

June 4 – District 3 Roundtable, PSA StarCenter, 7 p.m.

June 8

June 10 – City Council Retreat

June 22

Mobility Report

DART Report

Comprehensive Monthly Financial Report

September 10 – 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:	2/23/09	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager's Office		Initials	Date
Department Head	Tom Muehlenbeck	Assistant City Manager		
Dept Signature:		Deputy City Manager		
		City Manager	<i>[Signature]</i>	2/17/09
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: "Larry Kenneth McDavid Day"				
FINANCIAL SUMMARY				
<input 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
February 17, 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, Deputy City Manager
Bruce Glasscock, Deputy City Manager
Rod Hogan, Deputy City Manager
Mark Israelson, Assistant City Manager
LaShon Ross, Assistant City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Evans called the meeting to order at 5:11 p.m., Tuesday, February 17, 2009, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Deputy Mayor Pro Tem LaRosiliere. 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, and to discuss Economic Development, Section 551.087 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 6:04 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.

Discussion and Direction Regarding 2010 Census Complete Count Committee

Long Range Planning Manager Zimmerman reviewed information regarding the establishment of a 2010 Complete Count Committee and its role as a partner with the Census Bureau. He spoke to the importance of accuracy in the count as it determines the number of elected officials and is a major factor in funding. Mr. Zimmerman spoke to Staff's efforts in assembling a broad base of members, development of a strategic framework and funding in the amount of \$30,000 over the next 15-16 months.

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Mr. Zimmerman spoke to the need for flexibility and the recommendation that Mayor Evans form the committee as a task force, appoint a chair and vice chair and Council liaisons and further direct Staff to continue recruiting members. He responded to Mayor Evans that service for members would extend from February 2009 into May of 2010, and spoke to formation of at least four sub-committees and meeting times. He advised that the Council Subcommittee (Mayor Pro Tem Callison and Council Member Miner) recommend Thomas Martin from Collin County Community College as Chair and Leticia Martinez of St. Elizabeth Seaton Church as Vice chair and spoke to the ability to add members up to a maximum of twenty-four.

Mayor Evans spoke to the wide range of those volunteering and appointed Mayor Pro Tem Callison and Council Member Miner as Council liaisons. The Council expressed a consensus to move forward with this approach.

Discussion and Direction Regarding Water & Sewer Rate

Budget and Research Director Rhodes-Whitley spoke to notification received in July 2008 that the North Texas Municipal Water District (NTMWD) was increasing rates on water by 9%, waste water by 18% and Upper East Fork Interceptor by 24% and advised regarding the decision to conduct a *Cost of Service Study*. She spoke regarding delays in securing a consultant and to increased water sales and a NTMWD credit postponing the need for an increase in rates. Ms. Rhodes-Whitley spoke to the item being a pass-through of costs from the district and review by the Finance Subcommittee. She advised that a typical residential customer would see a \$10.58 increase (based on 10,000 gallons) and a commercial customer \$48.52 (based on 50,000 gallons) and to Plano being mid-level as compared to other municipalities. Ms. Rhodes-Whitley advised that there is an item for Council consideration on the regular agenda and that rates would be effective March 1, 2009.

Discussion and Direction Regarding 2009 Bond Referendum

Budget and Research Director Rhodes spoke to information provided to Council regarding a proposed bond election and scheduling consideration of an order for the February 23, 2009 meeting. She spoke to determining projects, dollar amounts and priorities. City Attorney Wetherbee stated that the bond counsel has advised that propositions are written in a broad way to allow flexibility as projects are funded. She responded to Council Member Jackson that items are listed as generally envisioned and not included as an attachment to the ordinance. Ms. Rhodes-Whitley spoke to the current recommendation of \$128.6 with changes removing a fiber infrastructure build-out project and scaling back of Parks and Recreation requests. She spoke to \$11.3 million for Public Safety including engine/fire apparatus, renovation of existing stations, Fire Station 13 and video surveillance of City buildings; \$8 million for a Technology Services Facility; \$1.8 million for Library Facilities; \$48.7 million for Park Improvements; \$24.1 million for Recreation Centers; and to receiving \$88.8 million worth of street projects with \$54.1 million coming from outside sources resulting in a net expense of \$34.8 million.

Ms. Rhodes-Whitley spoke to the tax rate impact for \$100 million of new debt being 1.4 cents for issuance and 1.5 cents for operation/maintenance with cost of \$58.29/year for an average home. She advised that if all recommended authority were approved, the cost would be \$66.41 per household and spoke to this impact occurring should revenues decline and projects move forward.

a-j

Ms. Rhodes-Whitley spoke to existing debt decreasing to rate of 1.5 cents (from 2 cents) due to better than expected rates on the bond sales. She advised regarding the cost of hiring firefighters and reviewed key dates. She responded to Mayor Pro Tem Callison, stating that the referendum would be average in size and City Manager Muehlenbeck spoke to the choices provided. He spoke to utilizing Capital Reserve monies for slab replacements and bond funds for all-inclusive street replacements. Council Member Jackson stated concern regarding the timing of the referendum and the impact of the economy on Plano's citizens and Council Member Miner spoke to the impact should homeowners be unable to pay their taxes. Council Member Johnson spoke to receiving authority with spending dependent on circumstances and to the impact should Fire Station #13 be delayed. Mr. Muehlenbeck spoke to costs should the election be delayed, matching funds available for streets, and Council Member Magnuson spoke to a delay costing more in the long run. Fire Chief Esparza spoke regarding the ISO rating review being postponed, a possible insurance rate increase of 1% for residential properties should the rating change and Mr. Muehlenbeck spoke to a possible drop of two levels. Chief Esparza spoke to retaining the ISO 1 rating by displaying a good faith effort in moving forward. He advised regarding the delays in responding to areas west of the Dallas North Tollway and the need for Fire Station #13.

Council Member Miner spoke to the possibility of considering a more focused referendum. Mr. Muehlenbeck advised regarding items related to Public Safety including the Technology Services Facility, improvements needed to library facilities, and obligations related to the Carpenter Park Recreation Center. Mayor Evans spoke to the growing senior population and renovation of the aquatic center. Mayor Pro Tem Callison spoke to citizens making the final decision.

Council Member Magnuson recommended an order of propositions: Public Safety Improvements, Technology Services Facility, Street Improvements, Library Facilities, Parks and Recreation Improvements and Recreation Centers to which Council Members Johnson and Miner concurred. Mr. Muehlenbeck advised that Public Safety and Technology Services Facility cannot be combined even though they are closely related and responded to Council Member Dunlap, stating that if both were not approved, some General Fund monies would be needed. He spoke to possible setbacks on other items, advising that a future Council could bring them back. Mr. Dunlap spoke to the importance of providing the choices to citizens. Council Member Magnuson spoke to the referendum authorizing the ability to sell bonds as necessary and as warranted. Council Member Jackson spoke regarding the timing and Ms. Wetherbee spoke to the propositions providing a "roadmap" to determine funding for each. Ms. Rhodes-Whitley advised that Staff would prepare an ordinance calling the election and provide information regarding future presentations.

Nothing further was discussed. Remaining items were considered during the Regular Meeting. Mayor Evans adjourned the Preliminary Meeting directly into the Regular Meeting at 7:01 p.m.

Pat Evans, MAYOR

ATTEST

Diane Zucco, City Secretary

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PLANO CITY COUNCIL
February 17, 2009

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Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor Evans convened the Council directly into the Regular Session from the Preliminary Open Meeting on Tuesday, February 17, 2009, at 7:01 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Deputy Mayor Pro Tem LaRosiliere.

The invocation was led by Deacon Mike Seibold with St. Elizabeth Ann Seton Catholic Church and The Pledge of Allegiance was led by Brownie Troop 8859 from Harrington Elementary School.

Mayor Evans recognized Fallon Cole – 2008 Texas Junior Pre-Teen Cover Girl and administered oaths of office to incoming board/commission members.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AND REGULAR AGENDA

Staff requested that Consent Agenda Items “Q,” an ordinance to repeal Ordinance No. 2003-4-18, which set fees for Animal Services; and repealing Ordinance No. 2008-11-15, entitled “Health Categories and Fees”; and replacing both with this ordinance, to be entitled “Health Categories and Fees”; and “R,” an ordinance to repeal Ordinance Nos. 94-12-16, 96-8-7, 99-8-11 codified as Chapter 4, Animal Regulations, Code of Ordinances of the City of Plano and adopting a new Chapter 4, Animal Regulations be removed for individual consideration.

Q - H

CONSENT AGENDA

Upon a motion made by Council Member Miner and seconded by Council Member Johnson, the Council voted 7-0 to approve and adopt all remaining items on the consent agenda as recommended and as follows:

Approval of Minutes

January 26, 2009 [Consent Agenda Item (A)]

Approval of Expenditures

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

CSP No. 2009-27-C for Security Control System Upgrade and Maintenance for the Robinson Justice Center and Police Building in the amount of \$704,500 to Redhawk, a UTC Fire & Security Company, for the security upgrade and an estimated annual amount of \$13,000 for maintenance, for a first year total of \$717,500 and authorizing the City Manager to execute all necessary documents. This will establish an annual fixed price contract with three optional one-year renewals for the maintenance. [Consent Agenda Item (B)] (See Exhibit "A")

Purchase from an Existing Contract

To approve the purchase of one Caterpillar Backhoe Loader (416E) in the amount of \$66,950 from Holt Cat through an existing contract/agreement with Texas Association School Buyboard Purchase Program, and authorizing the City Manager to execute all necessary documents. (#268-07) [Consent Agenda Item (C)]

To authorize the purchase of CommVault Email Archiving Solution for eDiscovery, in the amount of \$165,573 from Dell, through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-890) [Consent Agenda Item (D)]

Contract Modification

To approve and authorize Contract Modification No. 2 with Carter & Burgess, Inc. for additions and deletions in Architectural Services in conjunction with improvements to Oak Point Park and Nature Preserve resulting in a net reduction in the contract amount by \$73,351 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract modifications. [Consent Agenda Item (E)]

Approval of Change Order

To Hencie International, Inc., increasing the contract by \$32,507 for the 2007-2008 Residential Concrete Pavement Rehabilitation Project, Zone I8, Project No. 5890, Change Order No. 2, Bid No. 2008-95-B. This change order is for additional alley repairs. [Consent Agenda Item (F)]

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To Jerusalem Corporation, increasing the contract by \$82,675 for the 2007-2008 Residential Concrete Pavement Rehabilitation Project, Zone L5, Project No. 5936, Change Order No. 1, Bid No. 2008-205-B. This change order is for additional street pavement repairs due to the drought/wet conditions and shrinkage/swelling of the base soil under the street pavement. [Consent Agenda Item (G)]

Adoption of Resolutions

Resolution No. 2009-2-1(R): To approve the terms and conditions of a Second Modification of Contract by and between Otto Container Management, L.L.C. and the City of Plano, Texas for maintenance, repair, replacement and distribution of roll out trash and recyclable carts; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2009-2-2(R): To approve the terms and conditions of an Agreement by and between the City of Plano and the Presbyterian Plano Diagnostics Surgery Center for the use of the Allen/Frisco/Plano Trunked Radio System by PPCDS; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (I)]

Resolution No. 2009-2-3(R): To approve the Investment Portfolio Summary for the quarter ending December 31, 2008 prepared by Valley View Consulting, L.L.C.; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2009-2-4(R): To approve the terms and conditions of an Amended Economic Development Incentive Agreement by and between the City of Plano, Texas and Diodes Incorporated, a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2009-2-5(R): To approve the terms and conditions of an Amended Agreement by and between the City of Plano, Texas, the County of Collin, Texas, and Diodes Incorporated, a Delaware corporation, and providing for a real and business personal property tax abatement, and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2009-2-6(R): To approve the terms and conditions of a Real Estate Contract by and between Preston Legacy Holdings, L.P., and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2009-2-7(R): To authorize outside employment with Southern Methodist University for the City Attorney, Diane Wetherbee; and providing an effective date. [Consent Agenda Item (N)]

Resolution No. 2009-2-8(R): To authorize the City Manager to enter into a Joint Election Agreement with the Plano Independent School District and Frisco Independent School District for the purpose of conducting a joint election on May 9, 2009; and providing an effective date. [Consent Agenda Item (O)]

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Adoption of Ordinances

Ordinance No. 2009-2-9: To order an election to be held on May 9, 2009 for the purpose of electing four (4) members of Council, Place No. 2 (District 2), Place No. 4 (District 4), Place No. 6 (Mayor), and Place No. 8, to the City Council to hold office for a period of three years; designating locations of polling places; ordering notices of election to be given as prescribed by law in connection with such election; and providing an effective date. [Consent Agenda Item (P)]

Ordinance No. 2009-2-10: To amend Ordinance 2008-12-4, currently codified as Chapter Six, Article XIII, Irrigation Systems, to amend the regulations including listed and approved devices, a correct filing date of reports and requirement of freeze sensors for installation on irrigation systems within the city limits of the City; and providing a repealer clause, a severability clause, a penalty clause, a publication clause and an effective date. [Consent Agenda Item (S)]

Ordinance No. 2009-2-11: To amend the City's ordinances providing for the issuance of City of Plano, Texas, General Obligation Bonds, Series 2007, General Obligation Bonds, Series 2008 and General Obligation Bonds, Series 2009; and providing an effective date. [Consent Agenda Item (T)]

Ordinance No. 2009-2-12: To amend Section 12-74(b) of Chapter 12 (Traffic Code) of the Code of Ordinances to establish prima facie maximum speed limits for motor vehicles operating upon certain sections of Headquarters Drive and Parkwood Boulevard within the corporate limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. [Consent Agenda Item (U)]

END OF CONSENT

Ordinance No. 2009-2-13: To repeal Ordinance Nos. 94-12-16, 96-8-7, 99-8-11 codified as Chapter 4, Animal Regulations, Code of Ordinances of the City of Plano and adopting a new Chapter 4, Animal Regulations, Code of Ordinances of the City of Plano incorporating updates to State law and adding provisions regulating: sterilization; multiple pets; pet identification through microchips; certain businesses which deal with animals; and, the use of tethers; providing a repealer clause, a severability clause; a penalty clause; a savings clause; providing an effective date; and providing for publication. [Consent Agenda Item (R)]

Director of Health Collins spoke to the request representing the first revision to the Animal Ordinance in over ten years and being necessitated by changes in the environment, population and experiences in animal services. Animal Shelter Advisory Committee Vice Chair Dubrow spoke to collaborative efforts over the last 4-5 years, ordinances provided from other cities and states for review, addressing emergency services such as those experienced during Hurricane Katrina, open meetings providing for citizen input/comment, and addressing dangerous dogs through specific incidents rather than by breed.

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Ordinance No. 2009-2-13 (cont'd)

Animal Services Manager Cantrell spoke to inviting public comment during meetings, and to average pet owners or breeders experiencing no more or less restrictions than under current regulations. He spoke to there being no change in the definition of commercial breeders, adding limitations for the number of pets and to working on behalf of all citizens of the City. Mr. Cantrell advised that there are no major changes in the ordinance and no mandatory spaying/neutering or micro chipping.

Donna Ewing stated opposition to the ordinance and spoke to experiences provided through shows/trials in the area and training conducted at Bob Woodruff Park. Citizen of the City Mary Stabile requested delay of the item to provide time for further research into areas such as the requirement to spay/neuter four-month old animals. She responded to Council Member Jackson regarding the immaturity of animals at this age and the possible impact on those looking to purchase a dog. Mr. Cantrell spoke to the restriction being in place for animals being sold and four months as the time to vaccinate against rabies, microchip and sterilize as endorsed by the American Veterinarian Association, American Animal Hospital Association and taught at universities. He spoke to traditions associated with sterilization and studies on both sides of the issue. Mr. Cantrell responded to Council Member Jackson that four months was chosen to closely mirror rabies requirements and to it being easier to place a younger animal. He advised regarding issues related to identifying a four month old versus a five month old puppy and stated that definitions for commercial breeders have not changed and there would be no effect on dog shows if sponsored. Mr. Cantrell responded to Mayor Pro Tem Callison, stating that those animals given away or sold prior to four months do not have to be spayed/neutered and the frustration of neighbors when there are a large number of animals in a residence.

Citizen of the City VerJean Lunenschloss requested the item be pulled, spoke to the differences between a shelter and a responsible breeder, the difficulty in evaluating an animal in four months, and the need to wait two years to determine an animal's potential. Citizen of the City Judy Cerney spoke to changes affecting owners/breeders and urged a vote in opposition. She spoke to bone structure that does not develop until dogs are older, hip dysphasia issues and the differences between shelters and breeders. Citizen of the City Carolyn Kobut spoke in opposition and to participation in various groups and the investment in time and money in animals. Citizen of the City Jon Jacobson spoke to concerns of those who foster animals. Richard A. Caldwell, of Lavon, Texas spoke to hobby breeding offering high-quality pets and issues for breeders.

Mr. Cantrell responded to Council Member Magnuson stating that fostering would not be affected, puppies/kittens do not count towards a limit of 10 per home, and the availability of a multi-pet permit. He spoke to requirements for commercial breeders as similar to those of the shelter itself, restrictions allowing no more than one litter at a time and to revenues if everyone complied with current regulations (\$1.2 million). Mr. Cantrell spoke to 94% of pets being unregistered, the difficulty in keeping track of animals that are exempted from sterilization for 2.5 years, and those unable to sell an entire litter bringing the remainder to the shelter.

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Ordinance No. 2009-2-13 (cont'd)

Mr. Cantrell advised that information is not used to track the number of animals per household. Judy Cerney responded to Mayor Evans that it takes two years to determine if a dog is suitable for breeding and requested an opportunity to express concerns of breeders and clarify language. VerJean Lunenschloss advised Mayor Evans that while there may be some issue with Section 4.200 *Inhumane treatment of animals* as related to pure-bred breeders, there is no major disagreement with this section, Section 4-500 *Permit required for multiple pets*, or Article VIII *Animal Businesses*. Mayor Evans spoke to agreement on Section 4-300 *Nuisances*. Ms. Lunenschloss stated that with regard to Section 4-809 *Private Animal Sales* there maybe some question as to definitions of non-commercial/commercial breeders and kennels that may need to be addressed. Mayor Evans requested that Staff, Council Liaisons, Chair of the Animal Shelter Advisory Committee, Ms. Lunenschloss and an individual of her choosing meet to bring forward recommendation and information on Section 4-809.

Upon a motion made by Mayor Pro Tem Callison and seconded by Council Member Magnuson, the Council voted 7-0 to repeal Ordinance Nos. 94-12-16, 96-8-7, 99-8-11 codified as Chapter 4, Animal Regulations, Code of Ordinances of the City of Plano and adopting a new Chapter 4, Animal Regulations, Code of Ordinances of the City of Plano incorporating updates to State law and adding provisions regulating: sterilization; multiple pets; pet identification through microchips; certain businesses which deal with animals; and, the use of tethers; as recommended excluding Section 4-809; providing a repealer clause, a severability clause; a penalty clause; a savings clause; providing an effective date; and providing for publication; and further to adopt Ordinance No. 2009-2-13 as revised.

Ordinance No. 2009-2-14: To repeal Ordinance No. 2003-4-18, which set fees for Animal Services; and repealing Ordinance No. 2008-11-15, entitled "Health Categories and Fees"; and replacing both with this ordinance, to be entitled "Health Categories and Fees" to provide for the addition of Animal Services fees; providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (Q)]

Upon a motion made by Council Member Magnuson and seconded by Council Member Jackson, the Council voted 7-0 to repeal Ordinance No. 2003-4-18, which set fees for Animal Services; and repealing Ordinance No. 2008-11-15, entitled "Health Categories and Fees"; and replacing both with this ordinance, to be entitled "Health Categories and Fees" to provide for the addition of Animal Services fees; providing a repealer clause, a severability clause, and an effective date and further to adopt Ordinance No. 2009-2-14.

Ordinance 2009-2-15: To amend specific sections of Ordinance No. 2008-1-9 codified as Sections 21-135, 21-136 and 21-147, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, to reflect the new rates and increase the fee schedules for water and sewer services effective March 1, 2009, and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Regular Agenda Item (1)]

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Ordinance 2009-2-15 (cont'd)

Upon a motion made by Council Member Magnuson and seconded by Council Member Johnson, the Council voted 7-0 to amend specific sections of Ordinance No. 2008-1-9 codified as Sections 21-135, 21-136 and 21-147, of Article IV, Service Charges Generally, of Chapter 21, Utilities, of the Code of Ordinances of the City of Plano, to reflect the new rates and increase the fee schedules for water and sewer services effective March 1, 2009, and providing a repealer clause, a severability clause, a savings clause, and an effective date; and further to adopt Ordinance 2009-2-15.

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

Ordinance 2009-2-16: 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. (Second Reading, First Reading approved January 12, 2009) [Regular Agenda Item (2)]

Commercial Recycling Supervisor Day responded to City Manager Muehlenbeck advising that expedient handling of calls is a factor in the positive feedback received for this program.

Upon a motion made by Mayor Pro Tem Callison and seconded by Council Member Johnson, the Council voted 6-0 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; and further to adopt Ordinance 2009-2-16.

Council Member Magnuson resumed her place at the bench.

Resolution No. 2009-2-17(R): To approve the Investment Portfolio Summary for the quarter ending September 30, 2008 prepared by Valley View Consulting, L.L.C.; and providing an effective date. [Regular Agenda Item (3)]

Director of Finance Tacke advised that for compliance with the Public Funds Investment Act the City must prepare quarterly portfolio summaries and provide an annual report.

Q-10

Resolution No. 2009-2-17(R) (cont'd)

Susan Anderson of Valley View Consulting LLC, advised that this report coincides with the City's fiscal year end, spoke to inclusion of a strategy statement, focusing on the end book value being lower than the end market value, diversity in the portfolio, average yield and comparison to benchmarks. She responded to Council Member Johnson regarding inflows and outflows of the account, and information provided regarding the treasury yield and Standard and Poor's 500. Ms. Anderson spoke to a recommendation that Staff ladder accounts to lock in some longer term rates and provide diversity and spoke to the conservative management of the portfolio.

Upon a motion made by Council Member Miner and seconded by Council Member Johnson, the Council voted 7-0 to approve the Investment Portfolio Summary for the quarter ending September 30, 2008 prepared by Valley View Consulting, L.L.C.; and providing an effective date; and further to adopt Resolution No. 2009-2-17(R).

Resolution No. 2009-2-18(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Interphase Corporation, a Texas corporation; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (4)]

Director of Finance Tacke advised that the company is currently headquartered in Plano; agrees to occupy 22,228 square feet of space for a term of five years; maintain 42 jobs throughout the agreement; and has an estimated annual payroll of \$5 million. She advised that the grant is in the amount of \$42,000 and responded to Council Member Dunlap stating that the real property value is \$88,000 and the business personal property value is \$528,500.

Upon a motion made by Council Member Magnuson and seconded by Council Member Dunlap, the Council voted 7-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Interphase Corporation, a Texas corporation; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2009-2-18(R).

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

Resolution No. 2009-2-19(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Robot Entertainment, Inc., a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (5)]

Director of Finance Tacke advised that the company is relocating headquarters to Plano; agrees to occupy not less than 14,500 square feet of office space; retain, create or transfer 45 jobs by March 31, 2009 and will increase to 50 by December 31, 2010; has an anticipated annual payroll of \$4.25 million; and term of the lease is six years. She advised that the grant is in the amount of \$45,000 initially up to \$50,000 with five additional positions and responded to Council Member Dunlap stating that the real property value is \$500,000 and the business personal property value is \$500,000.

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Resolution No. 2009-2-17(R) (cont'd)

Upon a motion made by Council Member Miner and seconded by Council Member Dunlap, the Council voted 6-0 to approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas and Robot Entertainment, Inc., a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2009-2-19(R).

Council Member Jackson resumed her place at the bench.

Public Hearing and adoption of Ordinance No. 2009-2-20 to amend the Comprehensive Plan originally adopted by Resolution No. 86-11-22(R) to include a Mixed-use Policy Statement with guidelines for reviewing zoning requests for mixed-use projects; providing procedures approving the utilization of said policy statement by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date. Applicant: City of Plano [Regular Agenda Item (6)]

Senior Planner Perry advised that the purpose of the Policy Statement is to provide additional guidance for mixed-use development in Plano including location, site attributes, expected benefits and key characteristics and stated that if adopted, it will become part of the Comprehensive Plan. She spoke to the project as a part of the work program of the Planning and Zoning Commission who conducted research and discussed key elements and who recommend approval as submitted. Ms. Perry advised that the statement notes potential benefits, identifies possible areas for development, provides guidelines. She spoke to use of the policy as a guide and not an exact prescription and offered examples where the intent may be met.

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 Council Member Miner and seconded by Council Member Magnuson the Council voted 7-0 to amend the Comprehensive Plan originally adopted by Resolution No. 86-11-22(R) to include a Mixed-use Policy Statement with guidelines for reviewing zoning requests for mixed-use projects; providing procedures approving the utilization of said policy statement by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas as recommended by the Planning and Zoning Commission; and providing an effective date; and further to adopt Ordinance No. 2009-2-20.

Council items for discussion/action on future agendas

No items were discussed.

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There being no further discussion, Mayor Evans adjourned the meeting at 8:59 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary

A-13



**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: 2/17/2009		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	<i>[Signature]</i>	2/6/09	
Agenda Coordinator (include phone #): Dianna Wike x5512					
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 EXISTING CONTRACT					
CAPTION					
Award/Rejection of Competitive Sealed Proposal No 2009-27-C for Security Control System Upgrade and Maintenance for the Robinson Justice Center and Police Building in the amount of \$704,500.00 for the security upgrade and an estimated annual amount of \$13,000 for maintenance, for a first year total of \$717,500.00, and authorizing the City Manager or his designee to execute all necessary documents.					
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	219,900	1,455,015	30,000	1,704,915	
Encumbered/Expended Amount	-219,900	-295,813	0	-515,713	
This Item	0	-717,500	0	-717,500	
BALANCE	0	441,702	30,000	471,702	
FUND(s): CAPITAL RESERVE & GENERAL FUND					
COMMENTS: Funds are included in the 2008-09 Capital Reserve and Facilities Maintenance Department Budget. This item, in the amount of \$717,500 will leave a current year balance of \$441,702 for the Robinson Justice Center project and other facilities maintenance agreements.					
STRATEGIC PLAN GOAL: Security system upgrades and maintenance relate to the City's Goal of Service Excellence.					
SUMMARY OF ITEM					
(Annual Contract with Renewals)					
Staff recommends the Competitive Sealed Proposal of Red Hawk, A UTC Fire & Security Company, in the amount of \$704,500.00 for the security upgrade and an estimated annual amount of \$13,000 for maintenance, for a first year total amount of \$717,500.00, be accepted as the best value, and conditioned upon timely execution of any necessary contract documents. This will upgrade the Security Control System for the Robinson Justice Center and Police Building and establish an annual fixed price contract, with three optional one-year renewals for the Maintenance thereof.					
List of Supporting Documents: CSP Recap		Other Departments, Boards, Commissions or Agencies			

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b-1



**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:	2/23/09	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Engineering	Initials	Date	
Department Head	Alan b. Upchurch	Executive Director	2/16/09	
Dept Signature:	<i>Alan Upchurch</i>	City Manager	2/16/09	
Agenda Coordinator (include phone #):		Irene Pegues (7198)	Project No. 5703	
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 competitive sealed proposal to Hisaw and Associates General Contractors, Inc., in the amount of \$1,640,000 for total base proposal for the construction of the Animal Shelter Addition (Bid No. 2009-41-B).				
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		322,330	1,951,934	0
Encumbered/Expended Amount		-322,330	-188,999	0
This Item		0	-1,640,000	0
BALANCE		0	122,935	0
FUND(S): ANIMAL CONTROL FACILITIES CIP & CAPITAL RESERVE				
COMMENTS: Funds are included in the 2008-09 Animal Control Facilities CIP and Capital Reserve. This item, in the amount of \$1,640,000, will leave a current year balance of \$122,935 for the Animal Shelter projects.				
STRATEGIC PLAN GOAL: Additions to the Animal Shelter relate to the City's Goals Premier City in which to Live and Service Excellence.				
SUMMARY OF ITEM				
Staff recommends the Competitive Sealed Proposal of Hisaw and Associates General Contractors, Inc., in the amount of \$1,640,000.00 for the Animal Shelter Addition, be accepted as the best value, and conditioned upon timely execution of any necessary contract documents.				
Published project range was \$1.4-\$2.0 million.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Competitive Sealed Proposal Recap			N/A	
Location Map				

CITY OF PLANO

CSP NO. 2009-41-B FOR ANIMAL SHELTER ADDITION – PROJECT NO. 5703 CSP RECAP

CSP opening Date/Time: January 20, 2009 @ 3:00 PM

Number of Vendors Notified: 1211

Vendors Submitting “No Bids”: 0

<u>Number of Proposals Submitted:</u>	6	<u>Total Weighted Score</u>
Hisaw & Associates General Contractors, Inc.		4.01
J. C. Commercial, Inc.		3.87

Number of Proposals Not Evaluated – Over Budget: 4

Allshall Construction Co. Inc.
Mart, Inc.
Piazza Construction Ltd
Reeves Construction Services, Inc.

Proposals Evaluated Non-Responsive to Specification: 0

Recommended Vendor(s):

Hisaw & Associates General Contractors, Inc.

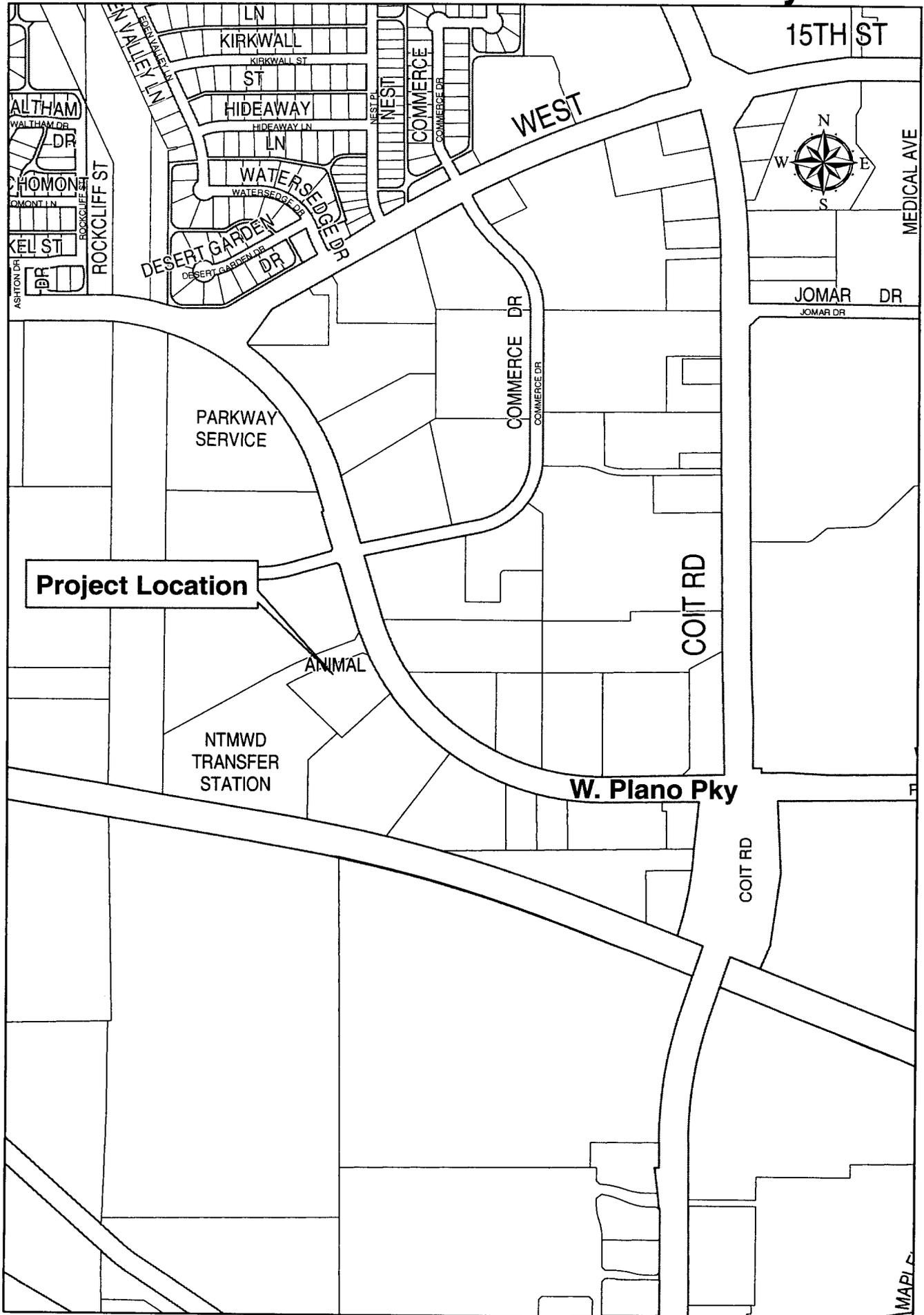
Dianna Wike

February 6, 2009

Dianna Wike, Senior Buyer

Date

Animal Shelter - 4028 W. Plano Pky



LOCATION MAP



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY			Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	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:		02-23-09	Reviewed by Legal <i>WU</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	City Secretary			Initials	Date
Department Head	Di Zucco		Executive Director		
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	<i>2/16/09</i>
Agenda Coordinator (include phone #):		Di Zucco			
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					
A contract made and entered into by and between the City of Plano and the Board of Trustees of the Plano Independent School District and Sharon Rowe, the Elections Administrator of Collin County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City's May 9, 2009, General and/or Special Election in the estimated amount of \$28,938.					
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	51,730		51,730
Encumbered/Expended Amount			-30		-30
This Item		0	-28,938		-28,938
BALANCE		0	22,762		22,762
FUND(S): GENERAL FUND					
Comments: Funds are included in the 2008-09 City Secretary Budget for an election to be held on May 9, 2009. The balance of \$22,762 will be used for any unanticipated election costs.					
Strategic Plan Goal: General/Bond Elections relate to the City's Goal of "Service Excellence."					
SUMMARY OF ITEM					
To approve a contract with the Collin County Election Administrator for the City of Plano General and/or Special Elections on May 9, 2009.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		

May 9, 2009

**Joint General and/or Special Election
Contract for Election Services by and
Between Collin County Elections
Administrator, City of Plano and
Plano Independent School District**

May 9, 2009
Joint General and/or Special Election

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II.....Duties and Services of City and School District
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IV.....Cost of Election
V.....Joint Election Agreement
VI.....General Provisions

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Exhibit A.....Early Voting Schedule and Locations
Exhibit B.....Election Day Polling Locations
Exhibit C.....Cost of Services
Exhibit D.....Joint Election Agreement
Exhibit E.....Affidavit of No Prohibited Interest

**THE STATE OF TEXAS
COUNTY OF COLLIN
CITY – SCHOOL PLANO**

§

**CONTRACT FOR
ELECTION SERVICES**

BY THE TERMS OF THIS CONTRACT made and entered into by and between the CITY OF PLANO, hereinafter referred to as the "CITY," and the BOARD OF TRUSTEES OF THE PLANO INDEPENDENT SCHOOL DISTRICT, hereinafter referred to as the "SCHOOL DISTRICT," and SHARON ROWE, Elections Administrator of Collin County, Texas, hereinafter referred to as "Contracting Officer," pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, agree to the following particulars in regard to coordination, supervision and running of the City and School District's May 9, 2009 Joint General and/or Special Election and a City Runoff Election, if necessary, on June 13, 2009. An additional cost estimate, early voting calendar, and election day polling place schedule will be prepared should a Runoff Election be necessary.

THIS AGREEMENT is entered into in consideration of the mutual covenants and promises hereinafter set out. IT IS AGREED AS FOLLOWS:

I. DUTIES AND SERVICES OF CONTRACTING OFFICER. The Contracting Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:

A. The Contracting Officer shall arrange for appointment, notification (including writ of election), training and compensation of all presiding judges, alternate judges, the judge of the Central Counting Station and judge of the Early Voting Balloting Board.

a. The Contracting Officer shall be responsible for notification of each Election Day and Early Voting presiding judge and alternate judge of his or her appointment. The recommendations of the City and the School District will be the accepted guidelines to have four clerks secured to work in each polling place. The presiding election judge of each polling place, however, will use his/her discretion to determine when additional manpower is needed during peak voting hours. The Contracting Officer will provide records to identify the need for additional workers to the City and the School District only in the event of the need to have an excess of

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four workers, at the conclusion of Early Voting and Election Day. The Contracting Officer will determine the number of clerks to work in the Central Counting Station and the number of clerks to work on the balloting board. Election judges shall be secured by the Contracting Officer with the approval of the City and the School District.

b. Election judges shall attend the Contracting Officer's school of instruction (Elections Seminar) to be held Wednesday, May 6, 2009, at the Collin County 380 Courts Bldg., Central Jury Room, 1800 N. Graves St., McKinney, TX at 2:00 PM.

c. Election judges shall be responsible for picking up from and returning election supplies to the county election warehouse located at 2010 Redbud Blvd., Suite 102, McKinney. Total compensation for both pickup and delivery of supplies will be \$25.00, per Election Judge.

d. The Contracting Officer shall compensate each election judge and worker. Each judge shall receive \$12.00 per hour for services rendered. Each alternate judge and clerk shall receive \$10.00 per hour for services rendered. Overtime will be paid to each person working over 40 hours per work week.

B. The Contracting Officer shall procure, prepare, and distribute voting machines, election kits and election supplies.

a. The Contracting Officer shall secure election kits which include the legal documentation required to hold an election and all supplies including locks, pens, magic markers, etc.

b. The Contracting Officer shall secure all tables, chairs, and legal documentation required to run the central counting station.

c. The Contracting Officer shall provide all lists of registered voters from all applicable counties for use on Election Day and for the early voting period required by law. The Election Day list of registered voters

shall be arranged in alphabetical order by polling place, in lieu of alphabetical order by registered voter in each precinct for each polling place.

d. The Contracting Officer shall procure and arrange for the distribution of all election equipment and supplies required to hold an election.

1. Equipment includes the rental of voting machines, ADA compliance headphones and keypads (1 per site), transfer cases, voting signs and tote boxes.

2. Supplies include smart cards, sample ballots, early voting mail ballots, pens, tape, markers, etc.

C. The Contracting Officer, Sharon Rowe, shall be appointed the Early Voting Clerk by the City and the School District.

a. The Contracting Officer shall supervise and conduct Early Voting by mail and in person and shall secure personnel to serve as Early Voting Deputies.

b. Early Voting by personal appearance for the City and School District's May 9, 2009, Joint General and/or Special Election shall be conducted during the time period and at the locations listed in Exhibit "A" attached and incorporated by reference into this contract.

c. All applications for an Early Voting mail ballot shall be received and processed by the Collin County Elections Administration Office, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069.

1. Application for mail ballots erroneously mailed to the City or School District shall immediately be faxed to the Contracting Officer for timely processing. The original application shall then be forwarded to the Contracting Officer for proper retention.

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2. All Federal Post Card Applicants (FPCA) will be sent a mail ballot. No postage is required.

d. All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be prepared for count by the Early Voting Ballot Board in accordance with Chapter 87.000 of the Texas Election Code. The presiding judge of this Board shall be appointed by the Contracting Officer.

D. The Contracting Officer shall arrange for the use of all Election Day polling places. The City and School District shall assume the responsibility of remitting the cost of all employee services each deems required to provide access, provide security or provide custodial services for the polling locations. The Election Day polling locations are listed in Exhibit "B" attached and incorporated by reference into this contract.

E. The Contracting Officer shall be responsible for establishing and operating the Central Counting Station to receive and tabulate the voted ballots in accordance with Chapter 127.000 of the Election Code and of this Contract. The Counting Station Manager and the Central Count Judge shall be Sharon Rowe. The Tabulation Supervisor shall be Patty Seals.

a. The tabulation supervisor shall prepare, test and run the county's tabulation system in accordance with statutory requirements and county policies, under the supervision of the Contracting Officer.

b. The Public Logic and Accuracy Test of the electronic voting system shall be conducted. Confirmation of these tests and their results shall be maintained for the mandatory time frame following the election, and in the event of litigation, during the pendency of the litigation.

c. Election night reports will be available to the City and School District at the Central Counting Station on election night. Provisional ballots will be tabulated after election night in accordance with law.

d. The Contracting Officer shall prepare the unofficial canvass report after all precincts have been counted, and will provide a copy of the

unofficial canvass to the City and School District as soon as possible after all returns have been tallied.

e. The Contracting Officer shall be appointed the custodian of the voted ballots and shall retain all election material for a period of 22 months following the election, including any runoff.

1. Pending no litigation and as prescribed by law, the voted ballots shall be shredded 22 months after the final election.

2. The City and School District can obtain the list of registered voters from the Elections Administration Office after this retention period. Pending no litigation and if the City or School District does not request the lists, the Contracting Officer shall destroy them.

f. The Contracting Officer shall conduct a manual count as prescribed by Section 127.201 of the Texas Election Code and submit a written report to the City and School District in a timely manner. The Secretary of State may waive this requirement. If applicable, a written report shall be submitted to the Secretary of State as required by Section 127.201(e) of the aforementioned code.

II. DUTIES AND SERVICES OF THE CITY AND SCHOOL DISTRICT. The City and School District shall assume the following responsibilities:

A. The City and School District shall prepare the election orders, resolutions, notices, justice department submissions, official canvass and other pertinent documents for adoption by the appropriate office or body. The City and School District assumes the responsibility of posting all notices and likewise promoting the schedules for Early Voting and Election Day.

B. The City and School District shall provide the Contracting Officer with an updated map and street index of their jurisdiction in an electronic or printed format as soon as possible but no later than Friday, March 20, 2009.

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C. The City and School District shall procure and provide the Contracting Officer with the ballot layout and Spanish interpretation in an electronic format.

a. The City and School District shall deliver to the Contracting Officer as soon as possible, but no later than Tuesday, March 10, 2009, the official wording for the City and School District's May 9, 2009, Joint General and/or Special Election.

b. The City and School District shall approve the "blue line" ballot format prior to the final printing.

D. The City and School District shall post the publication of election notice by the proper methods with the proper media.

E. The City and School District shall prepare and submit to the U. S. Department of Justice under the Federal Voting Rights Act of 1965, any required submissions on voting changes.

F. The City and School District shall compensate the Contracting Officer for any additional verified cost incurred in the process of running this election or for a manual count this election may require, consistent with charges and hourly rates for required services shown on Exhibit "C" attached and incorporated.

G. The City and School District shall pay the Contracting Officer 90% of the estimated cost to run the said election prior to Friday, March 27, 2009. The Contracting Officer shall place the funds in a "contract fund" as prescribed by Section 31.100 of the Texas Election Code. The Deposit should be delivered within the mandatory time frame to:

**Collin County Treasury
ATTN: Pam Dugger
200 S. McDonald, Suite 310
McKinney, Texas 75069**

H. The City and School District shall pay the cost of conducting said election, less partial payment, including the 10% administrative fee, pursuant to the Texas Election Code, Section 31.100, within 30 days from the date of final billing.

III. AFFIDAVIT OF NO PROHIBITED INTEREST. Contracting Officer acknowledges and represents it is aware of all applicable laws, City Charter, and City Code of Conduct regarding prohibited interests and that the existence of a prohibited interest at any time will render the Contract voidable. Contracting Officer has executed the Affidavit of No Prohibited Interest, attached and incorporated by reference into this contract as Exhibit "E".

IV. COST OF SERVICES. See Exhibit "C."

V. JOINT ELECTION AGREEMENT. See Exhibit "D."

VI. GENERAL PROVISIONS.

A. Nothing contained in this contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the City and School District's May 9, 2009, Joint General and/or Special Election is to be filed or the place at which any function is to be carried out, or any nontransferable functions specified under Section 31.096 of the Texas Election Code.

B. Upon request, the Contracting Officer will provide copies of all invoices and other charges received in the process of running said election for the City and School District.

C. If the City and/or School District cancel their election pursuant to Section 2.053 of the Texas Election Code, the Contracting Officer shall be paid a contract preparation fee of \$75. An entity canceling an election will not be liable for any further costs incurred by the Contracting Officer in conducting the May 9, 2009, Joint General and/or Special Election. Any entity canceling an election will be reimbursed amounts paid under Section II., G., pro-rated to deduct any actual expenses incurred by the Contracting Officer as of the date of cancellation of the election. All actual shared costs incurred in the conduct of the election will be divided by the actual number of entities contracting with the Contracting Officer **and** holding a May 9, 2009, Joint General and/or Special Election.

D. The Contracting Officer shall file copies of this contract with the County Judge and the County Auditor of Collin County, Texas.

Contracting Officer

WITNESS BY MY HAND THIS THE ____ DAY OF _____ 2009.

Sharon Rowe
Elections Administrator
Collin County, Texas

City of Plano

WITNESS BY MY HAND THIS THE ____ DAY OF _____ 2009.

By: _____
Thomas H. Muehlenbeck, City Manager

Attest: _____
Diane Zucco, City Secretary



Approved As To Form

Plano Independent School District

WITNESS BY MY HAND THIS THE ____ DAY OF _____, 2009.

By: _____
Richard K. Matkin, CPA

Attest: _____
Karla Oliver, Executive Director

Exhibit "A"

MAY 9, 2009
JOINT GENERAL AND/OR SPECIAL ELECTION

City of Plano, Plano ISD/Frisco ISD
Early Voting Locations and Hours

Polling Place		Address		City		
Collin County Election Office (Main Early Voting Location)		2010 Redbud Blvd., #102		McKinney		
Carpenter Park Recreation Center		6701 Coit Rd.		Plano		
Christopher A. Parr Library		6200 Windhaven Parkway		Plano		
CCCC – Spring Creek Campus		2800 E. Spring Creek Parkway		Plano		
CCCC – Preston Ridge Campus		9700 Wade Blvd.		Frisco (no cost to City/PISD)		
Haggard Library		2501 Coit Road		Plano		
Harrington Library		1501 18 th Street		Plano		
Murphy Municipal Complex		206 N. Murphy Road		Murphy (no cost to City/FISD)		
Plano ISD Administration Center		2700 W. 15 th Street		Plano		
Renner Frankford Library		6400 Frankford Road		Dallas (no cost to City/FISD)		
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Apr 26</i>	<i>April 27</i>	<i>April 28</i>	<i>April 29</i>	<i>April 30</i>	<i>May 1</i>	<i>May 2</i>
	8am – 5pm	8am – 5pm	8am – 5pm	8am - 7pm	8am - 5pm	8am - 5pm
<i>May 3</i>	<i>May 4</i>	<i>May 5</i>	<i>May 6</i>	<i>May 7</i>	<i>May 8</i>	<i>May 9</i>
	7am – 7pm	7am – 7pm				7am – 7pm Election Day

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Exhibit "B"

MAY 9, 2009
JOINT GENERAL AND/OR SPECIAL ELECTION
Election Day Polling Locations

City of Plano & Plano ISD

Precincts	Location	Address	City
52, 61, 68, 103, 141	Armstrong Middle School	3805 Timberline Drive.	Plano
23, 46, 47, 50, 51, 152, 158	Bowman Middle School	2501 Jupiter Road	Plano
21, 54, 62, 66	Carpenter Middle School	1501 Cross Bend Road	Plano
109, 123, 226** (Denton Cty)	Christopher A. Parr Library	6200 Windhaven Pkwy.	Plano
15, 19, 53, 65, 70, 71	Haggard Middle School	2401 Westside Drive	Plano
58, 77, 91, 130	Hendrick Middle School	7400 Red River Drive	Plano
31, 32, 63, 76	Hughston Elementary School	2601 Cross Bend Road	Plano
64, 69	Schimelpfenig Middle School	2400 Maumelle Drive	Plano
28, 75, 105, 143	Shepton High School	5505 Plano Parkway	Plano
39, 85	Thomas Elementary School	6537 Blue Ridge Trail	Plano
26, 49, 67, 72, 138	Wilson Middle School	1001 Custer Road	Plano

**** CITY only**

Election Day Locations—City of Plano/PISD/FISD

Precincts	Location	Address	City
34, 107, 119, 121, 135, 139	Bethany Elementary School	2418 Micarta Drive	Plano
90, 116, 137	Brinker Elementary School	3800 John Clark Parkway	Plano
14, 81, 86, 89, 108, 112, 124	Robinson Middle School	6701 Preston Meadow Dr.	Plano

Exhibit "B"

Election Day Locations – Plano ISD

Precincts	Location	Address	City
48, 55	Aldridge Elementary School	720 Pleasant Valley Lane	Richardson
73, 88, 115	Bentwood Trail Presbyterian Church	6000 Bentwood Trail	Dallas
41, 60	Hickey Elementary School	4100 Coldwater Creek	Plano
94, 125, 144	Miller Elementary School	5651 Coventry Drive	Richardson
24, 84, 132	Mitchell Elementary School	4223 Briargrove Lane	Dallas
25, 159	Murphy Municipal Complex	206 N. Murphy Road	Murphy
74, 79, 142	Renner Frankford Library	6400 Frankford Road	Dallas
78, 110	Richardson Police Sub-Station	2003 E. Renner Road	Richardson
36, 104, 136	Rose Haggard Elementary School	17820 Campbell Road	Dallas

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EARLY VOTING

Number of Early Voting Locations
Workers each location

6
4

	Units	Cost PCTY	Units	Cost PCTY/PISD	Units	Cost PCTY/FISD	Units	Cost FISD/PISD/PCTY
EV Ballot Board	1	\$75.00	0	\$0.00	0	\$0.00	0	\$0.00
Mailed Ballot Kits	0	\$0.00	145	\$145.00	0	\$0.00	0	\$0.00
Postage for Ballots	0	\$0.00	50	\$29.00	5	\$2.90	0	\$0.00
Assemble EV Location	0	\$0.00	0	\$0.00	0	\$0.00	6	\$300.00
Total Judge Hours	0	\$0.00	0	\$0.00	0	\$0.00	420	\$5,040.00
Overtime Judge Hours	0	\$0.00	0	\$0.00	0	\$0.00	108	\$1,944.00
Total Alt. Judge & Clerk Hours	0	\$0.00	0	\$0.00	0	\$0.00	1260	\$12,600.00
Overtime Alt. Judge & Clerk Hours	0	\$0.00	0	\$0.00	0	\$0.00	270	\$4,050.00
Library Security	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
Pickup & Delivery of Supplies	0	\$0.00	0	\$0.00	0	\$0.00	6	\$150.00
Total		\$75.00		\$174.00		\$17.90		\$24,084.00
Number of Entities Sharing Costs	1		2		2		3	
SubTotal		\$75.00		\$87.00		\$8.95		\$8,028.00
Grand Total				\$8,198.95				

ELECTION DAY

Number of Election Day Locations
Workers each location

14
4

	Units	Cost PCTY	Units	Cost PCTY/PISD	Units	Cost PCTY/FISD	Units	Cost FISD/PISD/PCTY
Total Judge Hours	0	\$0.00	154	\$1,848.00	0	\$0.00	42	\$504.00
Total Alt. Judge & Clerk Hours	0	\$0.00	429	\$4,290.00	0	\$0.00	117	\$1,170.00
Church Rental	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
Election Day Technical Support	0	\$0.00	11	\$1,100.00	0	\$0.00	3	\$300.00
Pickup & Delivery of Supplies	0	\$0.00	11	\$275.00	0	\$0.00	3	\$75.00
Total		\$0.00		\$7,513.00		\$0.00		\$2,049.00
Number of Entities Sharing Costs	1		2		2		3	
SubTotal		\$0.00		\$3,756.50		\$0.00		\$683.00
Grand Total				\$4,439.50				

ADMINISTRATIVE EXPENSES

Number of Early Voting Locations
Number of Election Day Locations

6
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	Units	Cost PCTY	Units	Cost PCTY/PISD	Units	Cost PCTY/FISD	Units	Cost FISD/PISD/PCTY
Manual Recount Deposit	1	\$60.00	0	\$0.00	0	\$0.00	0	\$0.00
Process Pollworker Checks	0	\$0.00	44	\$66.00	0	\$0.00	36	\$54.00
Process Election Judge Notices	0	\$0.00	22	\$33.00	0	\$0.00	18	\$27.00
Total		\$60.00		\$99.00		\$0.00		\$81.00
Number of Entities Sharing Costs	1		2		2		3	
SubTotal		\$60.00		\$49.50		\$0.00		\$27.00
Grand Total				\$76.50				

TABULATION

Tabulation Network	\$4,000.00
Programming	\$2,050.00
Notice of Inspection/Tabulation Test	\$650.00
	<hr/>
Total	\$6,700.00
Number of Entities	30
	<hr/>
Total Per Entity	\$223.33

CENTRALIZED COSTS

Cost for Central Count Workers	\$2,250.00
FICA on Election Workers	\$4,000.00
Assemble EV Location	\$50.00
Early Voting Machines in McKinney (8)	\$1,600.00
L&A Testing of Equipment (8)	\$176.00
Early Voting Computer in McKinney	\$300.00
Early Voting Personnel in McKinney	\$3,500.00
Printer Labels for Early Voting in McKinney	\$85.00
Ballot Style Setup Fee & Delivery	\$230.00
County Overtime and Temporaries	\$25,000.00
FICA & Retirement for County Employees	\$3,000.00
	<hr/>
Total	\$40,191.00
Number of Entities	21
	<hr/>
Total Per Entity	\$1,913.86

Total for Tabulation & Centralized Costs

\$2,137.19

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SUMMARY OF COSTS FOR CITY OF PLANO

SUPPLY COST	\$1,002.37
EQUIPMENT RENTAL COST	\$10,453.00
EARLY VOTING	\$8,198.95
ELECTION DAY	\$4,439.50
ADMINISTRATIVE EXPENSES	\$76.50
TABULATION/CENTRALIZED COSTS	\$2,137.19
Total	\$26,307.51
10% Administrative Fee	<u>\$2,630.75</u>
Grand Total	\$28,938.26
90% Due County by 3/27/09	\$26,044.43

JOINT ELECTION AGREEMENT

The parties to this agreement are the City Council of the City of Plano (the City), the Board of Trustees of the Plano Independent School District (PISD) and the Board of Trustees of the Frisco Independent School District (FISD) known as the Schools, all of whom are governmental entities of the State of Texas, and are collectively referred to as "Parties," agree to holding a joint election and to allocate expenses for the joint election under the following terms and conditions:

The City and the Schools do hereby agree, pursuant to the provisions of the Texas Election Code, to hold a joint election for the General Elections of the PISD and FISD along with the General and anticipated Special Election of the City to be held on Saturday, May 9, 2009, for the purposes of establishing the terms and conditions for sharing expenses associated with the elections to be held in May 2009, and any runoff election that may be required. Each of these parties will contract individually with the Collin County Elections Administrator (Election Administrator) to perform various duties and responsibilities on their behalf and to be charged expenses in accordance with the terms of this Agreement.

The parties shall divide the expenses for the election(s) as follows:

1. The parties shall divide equally the expenses for all Collin County **early voting** locations utilized by the City with the following exceptions:
 - a. FISD shall be solely responsible for early voting expenses at Preston Ridge Campus of Collin County Community College and agrees that City ballots will be included at this location.
 - b. PISD shall be solely responsible for early voting expenses at Murphy Municipal Complex and Renner Frankford Library and agrees that City ballots will be included at these locations.
2. Each entity shall pay its pro-rata share of expenses for the three election day polling locations at Brinker Elementary School, Bethany Elementary School and Robinson Middle School and the remaining expenses for all other Collin County voter polling locations in the City shall be shared equally between the City and PISD.

Expenses. The term "expenses" includes polling location costs, election officials, supplies, ballots and any other and all necessary expenses for the election. Expenses unique to one entity shall be billed solely to that entity such as in the case of a runoff, recount, or other matter.

Tabulation and centralized costs shall be shared equally between the actual number of entities holding an election on May 9, 2009. Each entity shall be solely responsible for its fees incurred under this Agreement. Any dispute regarding the expenses shall be resolved by the parties affected.

Cancellation of Election. An entity canceling an election pursuant to Section 2.053 of the Texas Election Code will not be liable for costs incurred by the Elections Administrator in conducting the remaining May 9, 2009, Joint Elections; however, the entity will be liable to Collin County Elections Administrator for the contract preparation fee of \$75.00 .

APPROVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS in its meeting held the 17th day of February, 2009, and executed by its authorized representative.

By: Thomas H. Muehlenbeck
Thomas H. Muehlenbeck, City Manager

Attest: Diane Zucco
Diane Zucco, City Secretary

Approved as to form: Diane C. Wetherbee
Diane C. Wetherbee, City Attorney

APPROVED BY THE TRUSTEES OF THE FRISCO INDEPENDENT SCHOOL DISTRICT in its meeting held the 16th day of February, 2009, and executed by its authorized representative.

By: Dr. Rick Reedy
Dr. Rick Reedy, Superintendent

Attest: Dan Mossakowski
Dan Mossakowski, President
Board of Trustees

APPROVED BY THE TRUSTEES OF THE PLANO INDEPENDENT SCHOOL DISTRICT in its meeting held the 3RD day of FEBRUARY, 2009, and executed by its authorized representative.

By: Dr. Douglas W. Otto
Dr. Douglas W. Otto, Superintendent

Attest: Denise Gillespie
Denise Gillespie, Executive
Assistant to the Superintendent

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AFFIDAVIT OF NO PROHIBITED INTEREST

I, the undersigned declare and affirm that no person or officer of SHARON ROWE (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.

SHARON ROWE
Name of Contractor

By: Sharon Rowe
Signature

SHARON ROWE
Print Name

ELECTIONS ADMINISTRATOR
Title

2-4-09
Date

STATE OF Texas §
COUNTY OF Collin §
§

SUBSCRIBED AND SWORN TO before me this 5th day of February, 2009.



Patricia Jean Beals
Notary Public, State of Texas



**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:	2/23/09	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Technology Services		Initials	Date
Department Head	David Stephens	Assistant City Manager	<i>[Signature]</i>	2/16/09
Dept Signature:	<i>[Signature]</i>	Deputy City Manager	<i>[Signature]</i>	2-16-09
		City Manager	<i>[Signature]</i>	2/16/09
Agenda Coordinator (include phone #): Amy Powell Ext. 7342				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input checked="" type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Approval of a Service Agreement by and between the City of Plano and Verizon to upgrade the existing SONET Ring bandwidth capabilities, and authorizing the City Manager or his designee to execute all necessary documents. (Bid No. B021-03)				
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	1,574,260	0
Encumbered/Expended Amount			-534,460	0
This Item		0	-117,362	0
BALANCE		0	922,438	0
FUND(S): TECHNOLOGY SERVICES (066)				
COMMENTS: Expenditures for this item will be made in the Telecommunications Department within the approved budget appropriations. Remaining funds will be used for other voice line expenditures. STRATEGIC PLAN GOAL: Upgrading/increasing bandwidth capability relates to the City's Goal of "Service Excellence".				
SUMMARY OF ITEM				
Service Agreement by and between the City of Plano and Verizon to increase the bandwidth capabilities of our existing SONET Ring from an OC12 to an OC48 infrastructure. This agreement will provide the City with 4 times the bandwidth available today which will be needed to supply future projects, and includes the necessary bandwidth for the EOC and Fire 12 complex. This upgrade will increase the current monthly expenses by \$16,766. (Bid No. B021-03)				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Verizon Service Agreement, Memo				



To: David Stephens
From: Ed Jenkins
Subject: High Speed SONET Ring

Date: 02/10/2009

I recommend upgrading the current SONET ring that provides the backbone to the City of Plano from an OC12 to an OC48 infrastructure. The OC12 operates at 622 Megabit/Sec. and the OC48 operates at 2488 Megabit/Sec. The OC 48 has 4 times the bandwidth available and will provide enough bandwidth to supply future projects. This upgrade will also provide build out to the EOC and Fire Station 12. This will provide needed bandwidth for today and into the future.

The annual amount for the OC48 will be \$479,400.00. The term of the agreement is 5 years with early termination charges equaling 100% of agreed term to cover Verizon construction cost.

Edward Jenkins
Support Services Manager
City Of Plano



SERVICE AGREEMENT

(Intrastate ICB)

Routing Code: 5V

Customer Name	City of Plano ("Customer")	Main Billing Tel. No:	TBD
and address:	1117 E. 15 th Street, Plano, TX 75074	ICB Case No.	2008-465307

Services. Customer hereby requests and agrees to purchase from the Verizon company(ies) identified in the applicable Exhibit(s) ("Verizon") the services identified in Exhibit A attached to this Agreement, and in any Addendum expressly made a part hereof, and as further described in Verizon's applicable tariffs, (the "Services") for the service period stated in the Exhibit or Addendum applicable to such Service (the "Service Period"), subject to Verizon's receipt of any necessary regulatory and other governmental approvals required to provide the Services under the terms hereof. The Services will be provided under the terms of this Agreement to the Customer locations specified in the Exhibit(s) and Addenda attached to or made a part hereof.

Charges. Customer will pay the rates and charges set forth in the attached Exhibit(s) and in any Addendum made a part hereof, and shall also pay all applicable taxes, fees, and charges, including Federal End User Common Line Charges, charged pursuant to applicable law, regulations, or tariffs in connection with the Services. If Customer cancels or terminates this Agreement or any Services prior to expiration of the Service Period, Customer will promptly pay to Verizon termination charges as set forth in the applicable Exhibit(s) and Addendum(a). Any tariffed back billing limitations otherwise applicable to the Services shall not apply under this Agreement.

Notices. Notices under this Agreement shall be sent by first-class U.S. mail, postage prepaid, to Customer at the address specified above, and to Verizon at Verizon Business, Attn: Customer Service, 6415 Business Center Drive, Highlands Ranch, CO 80130. Notices shall be deemed effective five business days after such mailing.

Miscellaneous. (a) Neither party will disclose the terms of this Agreement to any other person without the prior written consent of the other party, except as may be necessary to comply with applicable law, regulation, or filing requirements. Either party may issue or permit issuance of a press release or other public statement concerning this Agreement provided its contents have been reviewed and agreed upon by the parties.

(b) In the event of a claim or dispute, the law and regulations of the jurisdiction in which Verizon provides to Customer the particular Service that is the subject of such claim or dispute shall apply. This Agreement and its provisions shall not be construed or interpreted for or against any party hereto because that party drafted or caused that party's legal representative to draft any of its provisions.

(c) No liability shall result from Service failures caused by fires, floods, severe weather, acts of government or third parties, strikes, labor disputes, inability to obtain necessary equipment or services, or other causes beyond such party's reasonable control.

(d) If any provision of this Agreement or the provision of any Service under the terms hereof is illegal, invalid, or otherwise prohibited under applicable law or regulation in any State or jurisdiction, or does not receive any governmental or regulatory approval required by law in any State or jurisdiction, then this Agreement shall be construed as if not containing such provision or requiring the provision of such invalid, illegal, prohibited, or unapproved Service in such State or jurisdiction.

(e) Verizon may assign or transfer part or all of this Agreement to any affiliate or successor to substantially all of its assets in the locations where Service is provided hereunder. Upon reasonable prior written notice to Verizon, Customer may assign or transfer this Agreement to any company that is the successor to substantially all of its assets, provided all charges for Services provided prior to such transfer or assignment are paid in full when due. Except as otherwise required by applicable law or regulation, all other attempted assignments shall be void without the prior written consent of the other party.

(f) Except as otherwise required by applicable law or regulation, the Services provided hereunder may not be resold by Customer.

Tariffs and Limitation of Liability. The terms and conditions that shall apply in connection with these Services, and the rights and liabilities of the parties, shall be as set forth herein and in all applicable tariffs now or hereafter filed with the applicable state regulatory commission and/or the Federal Communications Commission. In no event shall Verizon be liable for any special, indirect, incidental, or consequential damages arising in connection with this Agreement or the provision of any Services, whether claim is sought in contract, tort (including negligence), strict liability or otherwise. This Agreement (including the Exhibits attached hereto and any Addenda made a part hereof) and all applicable tariffs constitute the entire agreement between the parties and shall supersede all prior oral or written quotations, communications, negotiations, representations, understandings or agreements made by or to any employee, officer, or agent of any party on the subject matter hereof. This Agreement may not be modified or rescinded except by a writing signed by authorized representatives of each party.

AGREED AND ACCEPTED:
CITY OF PLANO (Customer)

VERIZONBUSINESS NETWORK SERVICES Inc. on behalf of the Verizon company(ies) identified in the applicable Exhibit(s)

By _____
Name/title _____
Date _____

By _____
Name/title _____
Date _____



Exhibit A

Verizon company name: GTE Southwest Incorporated dba Verizon Southwest (referred to in this Exhibit as "Verizon")
 State: Texas
 Customer name: City of Plano
 ICB Case No.: 2008-465307

Customer is currently under contract for the SNET Services pursuant to an agreement (Verizon ICB No. 2003-265275), which was effective on December 11, 2003. This new Agreement will replace and supersede the original agreement, as amended by Amendment Nos. 1 and 2, in its entirety. Upon the In-Service date of this Agreement, the original agreement shall be deemed to be terminated and no termination liability under the original agreement will be assessed with respect to this supersedure. Once this Agreement is in-service as described below, the changes to Service, Service quantity and applicable rates included herein will apply. In addition, when this Agreement is in-service, termination liability as specified herein will apply if Services or this Agreement are terminated prior to completion of the specified Service Period.

Customer must sign and date this Agreement on or before March 6, 2009, or the proposed Service arrangement and pricing will no longer be available.

1. **Services and Quantity Commitments.** Customer agrees to purchase the following Services from Verizon at the rates set forth below and in quantities set forth below for the Service Period identified below. Any other work, services or facilities required will be provided subject to prevailing tariff rates and charges, or if no tariff is applicable, under separate individual case basis agreement or formal amendment to this Agreement. Customer shall provide to Verizon at each Customer location suitable and secure space, with suitable environmental conditions and uninterruptible power supply, building entrance facilities and conduit, for placement of the facilities and equipment to be used by Verizon to provide such Service. The Service under this Agreement upgrades the Customer's existing SNET OC12 Service to the SNET E-IDSR OC48 Service describe herein.

<u>Service Item</u>	<u>Monthly Unit Rate</u>	<u>Non-recurring Charge / Unit</u>
Nodes:		
E-IDSR OC48 Central Office Node 1: Plano Main	\$3,545.08	\$0.00
E-IDSR OC48 Central Office Node 2: Plano West	\$3,545.08	\$0.00
E-IDSR OC48 Premise Node 1: 1501 18 th Street	\$2,450.00	\$0.00
E-IDSR OC48 Premise Node 2: 1520 K Avenue	\$3,545.08	\$0.00
E-IDSR OC48 Premise Node 3: 2501 Coit Road	\$2,445.00	\$0.00
E-IDSR OC48 Premise Node 4: 4200 W. Plano Parkway	\$3,545.08	\$0.00
E-IDSR OC48 Premise Node 5: 5024 Custer Road	\$2,450.00	\$0.00
E-IDSR OC48 Premise Node 6: 6200 Windhaven Parkway	\$2,492.00	\$0.00
E-IDSR OC48 Premise Node 7: 7501 Independence Parkway	\$2,686.00	\$0.00
E-IDSR OC48 Premise Node 8: 4101 W. Parker Road	\$3,545.08	\$0.00
EDSR Mileage: OC48 – 30 airline miles (ALM)	\$323.40 per ALM	\$0.00
Ports (two per rider):		
DS1/PRI Port, each	\$35.00	\$210.00
DS3 Port, each	\$115.00	\$425.00
10 MB Ethernet Port, each	\$200.00	\$425.00
GigE1 Port, each	\$230.00	\$425.00
GigE3 Port, each	\$345.00	\$425.00
GigE6 Port, each	\$455.00	\$425.00
GigE9 Port, each	\$535.00	\$425.00

2. **Effective Date/Regulatory Filing and Review.** This Agreement, and any subsequent amendment(s), shall be filed with the Public Utility Commission of Texas ("Commission") and becomes effective upon execution by the parties. Customer acknowledges that the Services cannot be provided until Verizon's Regulatory Affairs Department in Austin, Texas, has received a fully executed copy of this Agreement.



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3. Service or Term Period. Customer shall purchase such Services for a period of sixty (60) consecutive months from the in-service date. The in-service date shall be the date, after the effective date defined above, on which Verizon's provisioning has been completed and the Service is available for Customer's use.

4. Termination Charges. Except as provided by Section 5, if Customer cancels this Agreement in whole or in part or terminates any Services prior to the expiration of the Service Period, Customer shall pay to Verizon a termination charge equal to one-hundred percent (100%) of the applicable monthly rate for the terminated Service multiplied by the number of months remaining in the unexpired portion of the Service Period. Any such termination liability charge shall be due and payable in one lump sum within thirty (30) days of billing. If Customer terminates this Agreement subsequent to the execution of this Agreement by the Parties but prior to the in-service date, Customer shall pay to Verizon all costs incurred by Verizon for contract and service preparation. Termination charges will not apply if an exception contained in Verizon's applicable tariff applies.

5. Termination for Non-Appropriation or Verizon's Material Breach. Notwithstanding any provision of the Agreement to the contrary, Customer and Verizon agree that termination charges set forth in Section 4 will not apply in the event that the City Council for the City of Plano does not approve the appropriation of funds necessary to permit Customer to pay for this or similar optical networking telecommunications services for any subsequent fiscal year(s) of this Agreement after the initial fiscal year. The termination of the Agreement or the cancellation of any portion of the Service becomes effective at the end of the fiscal year for which funds were appropriated, and the parties shall have no further obligations hereunder, except as set forth below. An authorized representative of the Customer will provide Verizon thirty (30) days written notice regarding the non-appropriation of funds for optical networking telecommunication service.

In the event of Customer's termination for non-appropriation under this Section 5, Customer shall be required to pay Verizon a charge, relating to Verizon's recovery of embedded costs (including costs for Special Construction) of providing the Service, of eighteen thousand, one hundred fifty-two Dollars (\$18,152.00) multiplied by the number of months remaining in the unexpired portion of the Service Period. Any such cost recovery charge is due and payable in one lump sum within thirty (30) days of billing.

If Verizon materially breaches its obligations under this Agreement, Customer will provide Verizon written notice of any material deficiency. Verizon shall cure any such material deficiency with thirty (30) days, or within a period agreed upon by both parties. Customer may terminate the agreement without paying a termination charge if Verizon does not cure the material deficiency within the allotted time period.

6. Additional Provisions.

a. Conditions. The parties acknowledge that the rates and other terms of this Agreement are premised on Customer's commitments, unique network design requirements, and Customer's service mix, usage patterns and concentration, and other characteristics.

b. Service Continuation. (i) If, at the time of expiration of the Service Period, a new agreement or tariffed service arrangement with Verizon for the Services is not effective as defined above and Customer has not requested, in writing, disconnection of the Services, then the Services will be reverted to applicable tariff or other Commission-authorized rate(s) for the minimum service commitment period available. The applicable tariff or other Commission-authorized arrangement will govern the service arrangement prospectively, including rates, terms and conditions, which may include charges for termination prior to the end of the minimum tariff service commitment period. If there is no applicable tariff or other Commission-authorized service arrangement, then the Service will be subject to disconnection upon the expiration of the Service Period of this Agreement. If, upon expiration of the Service Period, there is a delay in reverting rates to the applicable tariff or other Commission-authorized rate(s), or in disconnecting the Services if no tariff or Commission-authorized service arrangement is available, the Service Period shall be deemed temporarily extended on a month-to-month basis until such reversion of rates or disconnection of Services is completed. In no event, however, will such temporary extension of the Service Period continue more than twelve months after the expiration of the initial Service Period.

(ii) If Customer indicates to Verizon in writing that it desires to negotiate a new contract or tariffed service arrangement to continue or replace the Services provided for herein, this Agreement shall automatically be extended for a period not to exceed 60 days from the end of the initial Service Period to allow the parties to finalize a new agreement or to transition to a tariffed service arrangement. Written notice must be provided by Customer at least 30 days prior to the end of the initial Service Period. For purposes of this paragraph only, written notice may be by facsimile or electronic mail.

c. Detariffing In the event any of the Services are hereafter detariffed, then the terms of the tariffs in effect immediately prior to such detariffing shall be deemed to be incorporated by reference and shall continue to apply to the provision of the Service to the same extent as such tariffs applied hereunder prior to such detariffing.

d. Facilities. Additional charges may be required if suitable facilities are not available to provide Services at any locations, or if any additional work, services, or quantities of Services are provided. In the event installation of additional network facilities is required to provide Services, Verizon will inform Customer of such applicable charges, and Verizon will install such facilities only upon mutual written agreement of the parties to such additional charges. If Customer does not agree to pay such additional charges, then this Agreement will be subject to termination by Verizon without application of the termination charges described above.



7. Locations. The Services shall be provided to Customer under the terms hereof at the following locations, all of which are in Verizon's in-franchise territory. Other Customer locations may be added to this Agreement only upon mutual written assent of the parties.

Verizon Plano Main Central Office, Plano, TX

Verizon Plano West Central Office, Plano, TX

1501 18th Street, Plano, TX

1520 K Avenue, Plano, TX

2501 Coit Road, Plano, TX

4200 W. Plano Parkway, Plano, TX

5024 Custer Road, Plano, TX

6200 Windhaven Parkway, Plano, TX

7501 Independence Parkway, Plano, TX

4101 W. Parker Road, Plano, TX





**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:	2/23/09		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Public Works Administration / David Falls		Initials	Date	
Department Head			Executive Director	2/13/09	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	
Agenda Coordinator (include phone #): Margie Stephens (X4104)					

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

CAPTION

To Santos Construction Company, Inc., increasing the contract by \$78,528.02 for the 2008 - 2009 Arterial Concrete Pavement Rehabilitation Project, Parker Road – Preston Road to Dallas North Toll Road, Project No. 5942, Change Order No. 1, Bid No. 2008-226 - B.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	2,506,850	4,314,150	2,300,000	9,121,000
Encumbered/Expended Amount	-2,506,850	-1,970,589	0	-4,477,439
This Item	0	-78,528	0	-78,528
BALANCE	0	2,265,033	2,300,000	4,565,033

FUND(s): CAPITAL RESERVE

COMMENTS: Funds are included in the 2008-09 Capital Reserve. This change order, in the amount of \$78,528, will leave a current year balance of \$2,265,033 for the Arterial Concrete Repair project.

STRATEGIC PLAN GOAL: Arterial concrete repair relates to the City's Goals of Safe, Efficient Travel and Premier City in which to Live.

SUMMARY OF ITEM

This change order is for additional concrete street pavement repairs on Parker Road between Preston Road and Dallas North Toll Road. As the contract progressed additional arterial pavement was found that needed repair between Willow Bend Drive and Dallas North Toll Road.

Staff recommends approval of Change Order No. 1. The total Contract will be \$516,193.02, which is a 17.94% increase of the original contract amount of \$437,665.00.

List of Supporting Documents: Change Order No. 1	Other Departments, Boards, Commissions or Agencies
---	--

CHANGE ORDER NO. 1

**2008-2009 ARTERIAL CONCRETE PAVEMENT REHAB
PARKER ROAD – PRESTON TO DALLAS NORTH TOLL ROAD
PROJECT NO. 5942
PURCHASE ORDER NO. 103639
CIP NO. 35 - 51131
BID NO. 2008 – 226 - 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 **SANTOS CONSTRUCTION COMPANY, INC** for the **2008-2009 ARTERIAL CONCRETE PAVEMENT REHAB PROJECT- PARKER ROAD – PRESTON TO DALLAS NORTH TOLL ROAD**, dated November 10, 2008.

B. DESCRIPTION OF CHANGE

The change order is for additional quantities of pavement repair between Willow Bend Drive and Dallas North Toll Road. As work progressed, additional areas of pavement breakdown were found that were not included in the original contract.

C. EFFECT OF CHANGE

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

<i>ITEM NO.</i>	<i>ITEM DESCRIPTION</i>	<i>ORIGINAL QUANTITY</i>	<i>REVISED QUANTITY</i>	<i>UNIT</i>	<i>UNIT PRICE</i>	<i>AMOUNT OF CHANGE</i>
100	Full Depth Saw Cut	7300	9000	LF	\$2.25	\$3,825.00
101	F/I Long & transverse Butt Joint	7,300	9,000	LF	\$2.25	\$3,825.00
103	R/D Existing Concrete Pavement	4,479	5,500	SY	\$11.00	\$11,231.00
105	F/I 8" Reinf Concrete Pavement	4,479	5,500	SY	\$54.62	\$55,767.02
106	F/I 6" Monolithic Curb	1,500	2,000	LF	\$3.00	\$1,500.00
111	Construction Barricading	1	1.17	LS	\$13,000.00	\$2,210.00
112	Erosion Control	1	1.17	LS	\$1,000.00	\$170.00
TOTAL:						\$78,528.02

Original Contract Amount	\$ 437,665.00
Contract Amount (Including Previous Change Orders)	\$ 437,665.00
Amount, Change Order No. 1	\$ 78,528.02
Revised Contract Amount	\$ 516,193.02
Total Percent Increase Including Previous Change Orders	17.94%

D. EFFECT OF CHANGE ON CONTRACT TIME

The work required under this change order will add 16 working day(s) to this project:

Original Contract Time	90 working days
Amount (Including Previous Change Orders)	90 working days
Amount, Change Order No.	16 working days
Revised Contract Time	106 working days
Total Percent Increase Including Previous Change Orders	17.78%

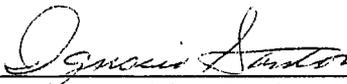
E. AGREEMENT

By the signatures below, duly authorized agents of the **CITY OF PLANO, TEXAS**, and **SANTOS CONSTRUCTION COMPANY, INC.**, do hereby agree to append this Change Order No. 1 to the original contract between themselves, dated November 10, 2008.

OWNER: CITY OF PLANO

**CONTRACTOR: SANTOS
CONSTRUCTION COMPANY, INC.**

By: _____
(signature)

By:  _____
(signature)

Print
Name: Thomas H. Muehlenbeck

Print
Name: Ignacio Santos

Print
Title: City Manage

Print
Title: President

Date: _____

Date: 2-4-09

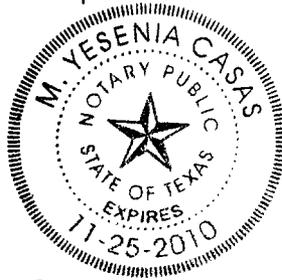
APPROVED AS TO FORM:

By: _____
Diane C. Wetherbee, City Attorney

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 4TH day of February, 2009, by **IGNACIO SANTOS, PRESIDENT** of **SANTOS CONSTRUCTION COMPANY, INC.**, a Texas corporation, on behalf of said corporation.



[Handwritten Signature]

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 municipal 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 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:	2/23/09	Reviewed by Legal <i>AW</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date
Department Head	Diane C. Wetherbee	Executive Director		
Dept Signature:	<i>Diane Wetherbee</i>	City Manager	<i>JM</i>	<i>2/16/09</i>
Agenda Coordinator (include phone #): Lynne Jones -7109				
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, appointing William J. Roberts and Scott M. Seidel to serve for two year terms as investigators as required by Section 2-104 of the Code of Conduct of the City of Plano; 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 provides for the appointment of two attorneys to serve as investigators in determining violations of the Code of Conduct of the City of Plano as required by Section 2-104 of the Code of Ordinances. The City Code of Conduct requires 4 independent attorneys be appointed so that they are available to serve as investigators when required for code of conduct violations. Two attorneys are appointed for a two year term every other year, and this Resolution will reappoint them for an additional two year term.				
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, APPOINTING WILLIAM J. ROBERTS AND SCOTT M. SEIDEL TO SERVE FOR TWO YEAR TERMS AS INVESTIGATORS AS REQUIRED BY SECTION 2-104 OF THE CODE OF CONDUCT OF THE CITY OF PLANO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Sec. 2-104 of the Code of Ordinances, the City Council shall appoint attorneys to serve as investigators in determining violations of the Code of Conduct of the City of Plano by a Councilmember; and

WHEREAS, William J. Roberts and Scott M. Seidel have agreed to serve as investigators for a two year period from February, 2009 to February, 2011.

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

Section I. William J. Roberts and Scott M. Seidel are hereby appointed by the City Council to serve as investigators in determining violations of the Code of Conduct of the City of Plano by a Councilmember.

Section II. This Resolution shall become effective immediately after 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 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:	2/23/09	Reviewed by Legal <i>A</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date
Department Head	Diane C. Wetherbee	Assistant City Manager		
Dept Signature:	<i>Diane C. Wetherbee</i>	Deputy City Manager		
		City Manager	<i>JAW</i>	<i>2/18/09</i>
Agenda Coordinator (include phone #):		Lynne Jones - 7109		
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 SETTLEMENT OF THE LAWSUIT STYLED AMERICAN COMMUNITY NEWSPAPERS, LLC d/b/a STAR COMMUNITY NEWSPAPERS V. THE CITY OF PLANO, CAUSE NO. 08-40259 IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT AND ANY OTHER ANCILLARY PROCEEDINGS RELATED TO THE APPEAL; AUTHORIZING THE CITY MANAGER OR HIS AUTHORIZED DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO SETTLE SUCH LAWSUIT; 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 approves the settlement of the above lawsuit pursuant to the terms and conditions of the settlement agreement entered into by the parties.				
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 THE SETTLEMENT OF THE LAWSUIT STYLED AMERICAN COMMUNITY NEWSPAPERS, LLC d/b/a STAR COMMUNITY NEWSPAPERS V. THE CITY OF PLANO, CAUSE NO. 08-40259 IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT AND ANY OTHER ANCILLARY PROCEEDINGS RELATED TO THE APPEAL; AUTHORIZING THE CITY MANAGER OR HIS AUTHORIZED DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO SETTLE SUCH LAWSUIT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there is pending in the United States Court of Appeals for the Fifth Circuit, a lawsuit styled American Community Newspapers, LLC d/b/a Star Community Newspapers v. The City of Plano, Cause No. 08-40259 ("Lawsuit"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, the parties agreed to settle this Lawsuit subject to approval of the City Council; and

WHEREAS, the City Council of the City of Plano hereby finds that it is in the public interest to accept this settlement offer and that the City Manager or his designee shall be authorized to execute any and all documents necessary to consummate the settlement.

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

Section I. City Council approves the settlement of this Lawsuit pursuant to the terms and conditions of the Settlement Agreement.

Section II. The City Manager or his designee is hereby authorized to execute any and all documents necessary to consummate the settlement.

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

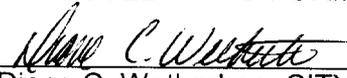
DULY PASSED AND APPROVED this the ____ day of _____, 2009.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") sets forth certain understandings and agreements reached by and between American Community Newspapers, LLC d/b/a Star Community Newspapers ("ACN") and the City of Plano ("Plano"). ACN and Plano are hereinafter collectively referred to as the "Parties." This Agreement becomes effective only if and when: (a) it is signed by all Parties; and (b) the court enters an order vacating the items discussed herein.

WHEREAS:

1. ACN filed a lawsuit styled *American Community Newspapers, LLC d/b/a Star Community Newspapers v. the City of Plano*, No. 4:06-cv-295 in the United States District Court for the Eastern District of Texas (the "Lawsuit") challenging the constitutionality of Sections 11-145(b) and 11-145(d) of Chapter 11 of Plano's Code of Ordinances relating to handbill solicitation on private property and to Chapter 1, relating to definitions of corporation and association responsibility. ACN's challenge to Chapter 11, § 11-145(b) was dropped during the pendency of the Lawsuit
2. Section 11-145(d) of the Chapter 11 of the Code of Ordinances reads as follows:

(d) It shall be unlawful for any person to distribute or cause to be distributed, deposited, placed, thrown, scattered or cast any handbill upon any residential property if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof card, not less than three (3) inches by four (4) inches in size bearing the words "no trespassing," "no peddlers," "no advertisements," "no solicitation," "no handbills," or any similar notice indicating in any manner that the occupants of such premises do not desire to have any such handbills left upon their premises. The letters on such cards shall be not less than two-thirds (2/3) of an inch in height.

3. At the time the Lawsuit was filed, Plano's Code of Ordinances §1-3 contained the following definition for the term "person":

The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals. Where criminal prosecution may lie, the officers of any corporation shall jointly and severally be subject to prosecution as being included within the term "person."

4. At the time the Lawsuit was filed, Plano's Code of Ordinances § 1-5, entitled "Responsibility for violation by firm, corporation or association," contained the following:

In case of a violation of any of the terms or provisions of this Code or other ordinance by any firm, corporation or association, the officers and agents actively in charge of the business of such firm, corporation or association shall be responsible for such violation and subject to prosecution therefor.

5. Prior to the time the Lawsuit was filed, Plano had filed charges for alleged violations of §11-145(d) against two ACN employees, an editorial page editor and a publisher, which had been voluntarily dismissed by Plano.
6. On January 8, 2007, Plano unilaterally enacted Ordinance No. 2007-1-6, which amended §1-5 of Plano's Code of Ordinances so that it reads as follows:

In case of a violation of any of the terms or provisions of this Code or other ordinance by any corporation or association, the officers and agents actively in charge of the business of such corporation, or association shall be responsible for such violation and subject to prosecution subject to the limitations set forth in Subchapter B of Chapter 7 of the Texas Penal Code, as the same may be amended from time to time.

Additionally, Ordinance No. 2007-1-6 additionally repealed all provisions of the Ordinances of the City of Plano, codified or uncodified, in conflict with the revised §1-5 of Plano's Code of Ordinances.

7. The Parties now desire to settle the Lawsuit in order to avoid the uncertainty, time and expense of litigation.

NOW THEREFORE, for and in consideration of the promises and other good and valuable consideration set forth herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Plano agrees that the § 11-145(d) of Plano's Code of Ordinances shall be enforced in a manner which is consistent with applicable law, including Chapter 7 of the Texas Penal Code's provisions governing Criminal Responsibility for the Conduct of Another, as that statute may be interpreted by the courts and amended from time to time. As a result, § 11-145(d) of Plano's Code of Ordinances may be enforced against

any person or entity who violates § 11-145(d) as well as any person or entity criminally responsible for the acts of another, as defined by the scope and limitations contained within Chapter 7 of the Texas Penal Code or other applicable law.

One example of this limitation is when a Person as defined by the Texas Penal Code (which is currently defined in Section 1.07 of the Texas Penal Code as "an individual, corporation or association") (hereinafter "Person") hires an independent contractor to deliver handbills and the independent contractor violates § 11-145(d) of Plano's Code of Ordinances. In that circumstance, if the Person was not complicit in the activity that constitutes a violation by the subcontractor, then Chapter 7 precludes enforcement against the Person. This example is not intended as an exclusive means of determining acts that incur criminal culpability for conduct of another under § 11-145(d), as currently enacted.

2. ACN and Plano agree, upon execution of this Agreement by ACN and final approval and execution of this Agreement by the City Council of the City of Plano, to take all steps that are reasonably necessary to obtain an order vacating the following orders entered in the Lawsuit: (a) Report and Recommendation of United States Magistrate Judge (Doc. 77); (b) Memorandum Adopting Report and Recommendation of the United States Magistrate Judge (Doc. 86); and (c) Final Judgment (Doc. 88) (these items are hereinafter collectively referred to as the "Orders").
3. In an attempt to obtain an order from the Court vacating the Orders, within three days after the date this Agreement is approved by the Plano City Council and is signed by all Parties, the Parties agree to sign and file in the Lawsuit the Joint Amended Motion for Relief from Judgment which is attached hereto as Exhibit "A." The Parties further agree to file such other and further motions and/or documents with the Court as needed to obtain an order from the Court vacating the Orders.
4. Notwithstanding anything contained in this Agreement to the contrary, this Agreement only becomes effective and binding on the Parties once it is signed by all Parties and once an order is entered in the Lawsuit that effectively vacates all of the Orders; the Parties further agree that should the Court decide not to vacate the Orders that this Agreement is null, void and of no force or effect. In the event that the Court decides not to vacate the Orders, then Plano also agrees that: (a) ACN can again present to the Court (by amended motion or otherwise) all motions that are pending at the time this Agreement is signed by any of the Parties; and (b) that any documents filed with the Court by ACN in an attempt to effectuate this Agreement will not and does not prejudice ACN's rights to pursue any matters, rights or remedies that it could have pursued prior to signing this Agreement.

5. If and only if the Court vacates the Orders, then in consideration of Plano's agreements above, ACN agrees to dismiss the Lawsuit with prejudice to its claim that § 11-145(d), as currently enacted, is unconstitutional on its face, as well as any and all claims, asserted or that could have been asserted by it in this Lawsuit, arising out of the acts referred to in recital paragraph 5, *supra*. Specifically, within three days of the Court's order vacating the Orders, the Plaintiff will file a Stipulation of Dismissal With Prejudice of said claims in accordance with the requirements of Federal Rule of Civil Procedure 41(a).
6. The parties agree and understand that each shall bear their respective court costs, out of pocket costs and expenses of any nature, and attorneys' fees incurred in the Lawsuit and in the preparation of this Agreement.
7. The Parties affirm that they have read and understand this Agreement, they recognize that it is a contract, and that it is binding upon the Parties, they are legally competent to sign the Agreement, and they do so intelligently, knowingly and voluntarily.
8. This Agreement is governed by and construed and enforced in accordance with Texas law, without reference to Texas' choice-of-law rules.
9. The persons signing below hereby represent and warrant that they are authorized and empowered to execute this Agreement on behalf of the party for which they are signing, and thereby to bind such party, and that the execution, delivery and performance of this Agreement is duly authorized by the party for which they are signing.
10. If at any time any provision (or any part of any provision) of this Agreement is for any reason held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability will not affect any other provision (or remaining part of the affected provision) of this Agreement, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision (or part thereof) had never been contained herein, but only to the extent it is invalid, illegal or unenforceable.
11. The Parties agree that this Agreement sets forth the entire agreement between the parties, and replaces all prior written and oral agreements or understandings between the Parties.

ACCEPTED:

American Community Newspapers, LLC d/b/a Star Community Newspapers

By: David Kosofsky
Printed Name and Title: David Kosofsky / CFO
Date: Feb. 18, 2009

The City of Plano

By: _____
Printed Name and Title: _____
Date: _____



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:	2/23/09	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	Assistant City Manager		
Dept Signature:	<i>Karen Rhodes-Whitley</i>	Deputy City Manager		
		City Manager	<i>JAW</i>	<i>7/18/09</i>
Agenda Coordinator (include phone #): Elizabeth Dorrance x7146				
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 COUNCIL OF THE CITY OF PLANO, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD WITHIN THE CITY ON MAY 9, 2009, FOR THE PURPOSE OF AUTHORIZING GENERAL OBLIGATION BONDS AND REVOKING CERTAIN PRIOR VOTED BOND AUTHORIZATION; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; 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: 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): N/A				
COMMENTS:				
SUMMARY OF ITEM				
This ordinance provides for a special election in May containing seven propositions for various public improvements, including construction and renovation of buildings, acquisition and enhancement of land, purchase of equipment, street improvements and revocation of previously authorized overpass authority.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD WITHIN THE CITY ON MAY 9, 2009, FOR THE PURPOSE OF AUTHORIZING GENERAL OBLIGATION BONDS AND REVOKING CERTAIN PRIOR VOTED BOND AUTHORIZATION; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City Plano, Texas (the "City") has determined that an election should be held in the City for the purpose of (i) submitting certain propositions for the issuance of general obligation bonds for the purposes stated in the listed propositions and (ii) submitting a proposition for the revocation of authority to issue certain bonds authorized pursuant to a bond election held in the City on May 5, 2001; and

WHEREAS, the City Council finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; therefore

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

Section 1. **Findings.** The statements contained in the preamble of this Ordinance are true and correct and are hereby adopted as findings of fact and as a part of the operative provisions hereof.

Section 2. **Election Ordered.** A special election (the "Election") shall be held in and throughout the City of Plano, Texas, on Saturday, May 9, 2009 (the "Election"), which date is a uniform election date as defined in the Texas Election Code, as amended (the "Code") and is not less than 62 days from the date of adoption of this Ordinance as required by the Code. At the Election the following propositions (the "Propositions") shall be submitted to the qualified voters of the City in accordance with law:

PROPOSITION NO. 1

"Shall the City Council of the City of Plano, Texas, be authorized to issue general obligation bonds of the City, in one or more series or issues, in the aggregate principal amount of \$11,368,000, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to pay the bonds as they mature, with the bonds of each series or issue, respectively, to mature serially in such installments as may be fixed by the City Council, the maximum maturity being not more than forty (40) years from their date, to be issued and sold at any price or prices and to bear interest at any rate or rates as shall be determined

within the discretion of the City Council at the time of issuance, for the purpose of providing funds for permanent public improvements, to wit: public safety improvements including constructing, purchasing and installing video surveillance improvements and constructing, improving, expanding, renovating, reconfiguring and equipping fire stations, including purchasing fire fighting vehicles and equipment?

PROPOSITION NO. 2

“Shall the City Council of the City of Plano, Texas, be authorized to issue general obligation bonds of the City, in one or more series or issues, in the aggregate principal amount of \$8,000,000, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to pay the bonds as they mature, with the bonds of each series or issue, respectively, to mature serially in such installments as may be fixed by the City Council, the maximum maturity being not more than forty (40) years from their date, to be issued and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council at the time of issuance, for the purpose of providing funds for permanent public improvements, to wit: improving, renovating, expanding, furnishing and equipping municipal facilities for technology services purposes?

PROPOSITION NO. 3

“Shall the City Council of the City of Plano, Texas, be authorized to issue general obligation bonds of the City, in one or more series or issues, in the aggregate principal amount of \$34,754,500, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to pay the bonds as they mature, with the bonds of each series or issue, respectively, to mature serially in such installments as may be fixed by the City Council, the maximum maturity being not more than forty (40) years from their date, to be issued and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council at the time of issuance, for the purpose of providing funds for permanent public improvements, to wit: developing, engineering, constructing, reconstructing, improving, repairing, extending, expanding and enhancing streets, thoroughfares, alleys, sidewalks, bridges, intersections, and other public ways, including participation in joint projects with federal, state and local public entities and agencies, computerized signalization and monitoring equipment and other traffic controls, grade separations, street lighting, noise abatements, necessary and related storm drainage facilities and improvements, and the acquisition of any needed rights-of-way therefor?

PROPOSITION NO. 4

“Shall the City Council of the City of Plano, Texas, be authorized to issue general obligation bonds of the City, in one or more series or issues, in the aggregate principal amount of \$1,750,000, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to pay the bonds as they mature, with the bonds of each series or issue, respectively, to mature serially in such installments as may be fixed by the City Council, the maximum maturity being not more than forty (40) years from their date, to be issued and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council at the time of issuance, for the purpose of providing funds for permanent public improvements, to wit: improving, renovating, expanding, furnishing and equipping library facilities?

PROPOSITION NO. 5

“Shall the City Council of the City of Plano, Texas, be authorized to issue general obligation bonds of the City, in one or more series or issues, in the aggregate principal amount of \$48,650,000, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to pay the bonds as they mature, with the bonds of each series or issue, respectively, to mature serially in such installments as may be fixed by the City Council, the maximum maturity being not more than forty (40) years from their date, to be issued and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council at the time of issuance, for the purpose of providing funds for permanent public improvements, to wit: renovating, constructing, developing, improving, expanding, furnishing, equipping and acquiring land and needed rights-of-way for park improvements and recreation facilities?

PROPOSITION NO. 6

“Shall the City Council of the City of Plano, Texas, be authorized to issue general obligation bonds of the City, in one or more series or issues, in the aggregate principal amount of \$24,100,000, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to pay the bonds as they mature, with the bonds of each series or issue, respectively, to mature serially in such installments as may be fixed by the City Council, the maximum maturity being not more than forty (40) years from their date, to be issued and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council at the time of issuance, for the purpose of providing funds for permanent public improvements, to wit: improving, renovating, expanding, furnishing and equipping recreation centers?

PROPOSITION NO. 7

“Shall the authority of the City Council of the City of Plano, Texas, to issue \$3,500,000 general obligation bonds of the City pursuant to Proposition No. 8 of the bond election held within the City on May 5, 2001, for the purpose of providing funds for permanent public improvements, to wit: developing, engineering, and constructing an overpass project to provide grade separation at the Preston Road and Legacy Drive intersection, related enhancements such as street lighting and landscaping, and the acquisition of any needed rights-of-way therefor, including participation with the State of Texas in such project, be revoked?

Section 3. Ballots and Propositions. (a) Voting at the Election, and early voting therefore, shall be by the use of lawfully approved voting systems and ballots.

(b) The preparation of the necessary equipment and the official ballots for the Election shall conform to the requirements of the Code so as to permit the electors to vote “FOR” or “AGAINST” the aforesaid Propositions which shall be set forth on the ballots substantially in the following form:

PROPOSITION NO. 1

THE ISSUANCE OF \$11,368,000 GENERAL OBLIGATION BONDS FOR PUBLIC SAFETY IMPROVEMENTS

PROPOSITION NO. 2

THE ISSUANCE OF \$8,000,000 GENERAL OBLIGATION BONDS FOR RENOVATIONS TO MUNICIPAL FACILITIES FOR TECHNOLOGY SERVICES PURPOSES

PROPOSITION NO. 3

THE ISSUANCE OF \$34,754,500 GENERAL OBLIGATION BONDS FOR STREET IMPROVEMENTS

PROPOSITION NO. 4

THE ISSUANCE OF \$1,750,000 GENERAL OBLIGATION BONDS FOR LIBRARY FACILITIES

PROPOSITION NO. 5

THE ISSUANCE OF \$48,650,000 GENERAL OBLIGATION BONDS FOR PARKS AND RECREATION IMPROVEMENTS

PROPOSITION NO. 6

THE ISSUANCE OF \$24,100,000 GENERAL OBLIGATION BONDS FOR RECREATION CENTERS

PROPOSITION NO. 7

THE REVOCATION OF \$3,500,000 GENERAL OBLIGATION BONDS FOR AN OVERPASS PROJECT TO PROVIDE GRADE SEPARATION AT PRESTON ROAD AND LEGACY DRIVE

Section 4. Compliance with Code. That the manner of conducting the Election must be in accordance with this ordinance, the Charter of the City and the laws of the State of Texas applicable to the holding of a bond election. The official ballots, together with such other election materials as are required by the Texas Election Code, must be printed in both English and Spanish languages and must contain such provisions, markings, and language as may be required by law.

Section 5. Persons Qualified to Vote. All resident qualified electors of the City shall be eligible to vote at the Election.

Section 6. Election Precincts, Voting Locations and Voting Hours on Election Day. The respective City election precincts (the "Election Precincts") for the Election shall consist of the territory within those Collin County election precincts and the Denton County election precinct which are located within the corporate limits of the City, and which bear the precinct numbers set forth in Exhibit A attached hereto and incorporated herein. The voting location for voting on Election Day for each Election Precinct shall be as set forth in Exhibit A. On Election Day the polls shall be open from 7:00 a.m. to 7:00 p.m.

Section 7. Early Voting Locations, Dates and Times. (a) Sharon Rowe, the Collin County Elections Administrator, is hereby appointed as Early Voting Clerk. Early voting by personal appearance for all election precincts shall be held at the locations, at the times and on the days set forth below:

Main Early Voting Location

Collin County Elections Department
2010 Redbud Boulevard
Suite 102
McKinney, Texas 75069

Temporary Branch Early Voting Locations

Carpenter Park Recreation Center	6701 Coit Road	Plano, TX 75024
Christopher A. Parr Library	6200 Windhaven Parkway	Plano, TX 75093
Collin County Community College - Preston Ridge Campus	9700 Wade Boulevard	Frisco, TX 75035
Collin County Community College - Spring Creek Campus	2800 E. Spring Creek Parkway	Plano, TX 75074
Haggard Library	2501 Coit Road	Plano, TX 75075
Harrington Library	1501 18 th Street	Plano, TX 75074
Murphy Municipal Complex	206 N. Murphy Road	Murphy, TX 75094
Plano Independent School District Administration Center	2700 West 15 th Street	Plano, TX 75075
Renner Frankford Library	6400 Frankford Road	Dallas, TX 75252

April 27, 2009 through April 29, 2009	8:00 a.m. – 5:00 p.m.
April 30, 2009	8:00 a.m. – 7:00 p.m.
May 1, 2009 and May 2, 2009	8:00 a.m. – 5:00 p.m.
May 4, 2009 and May 5, 2009	7:00 a.m. – 7:00 p.m.

(b) Applications for early voting by mail must be received no later than the close of business on Friday, May 1, 2009. Applications for ballot by mail shall be sent to:

Sharon Rowe, Elections Administrator
 Collin County Elections Department
 2010 Redbud Boulevard
 Suite 102
 McKinney, Texas, 75069

Section 8. Appointment of Election Officers. The Collin County Elections Administrator is directed to designate the members of the Early Voting Ballot Board and the presiding judge and alternate presiding judge for each of the polling places and such other officials as are necessary and appropriate to conduct the Election in accordance with the Code.

Section 9. Notice of Election. The City Secretary is hereby authorized and directed to give notice of this bond election by causing a notice containing a substantial copy of this Ordinance, in both English and Spanish, to be:

(a) posted at three (3) public places within the City and also at the City Hall not later than the 21st day prior to the date upon which the Election is to be held; and

(b) published on the same day in each of two (2) successive weeks in a newspaper of general circulation published within the City, the date of the first publication to be not less than

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fourteen (14) days prior to the date of the Election and one of the such dates of publication not being more than thirty (30) days prior to the date of the Election.

Section 10. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City Attorney and bond counsel are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein.

Section 11. Effective Date. This ordinance shall take effect immediately from and after its approval and adoption in accordance with the requirements of the Charter of the City.

PASSED, APPROVED AND EFFECTIVE THIS _____ day of _____, 2009.

Mayor
City of Plano, Texas

ATTEST:

City Secretary
City of Plano, Texas

[SEAL]

APPROVED AS TO FORM:

Diane C. Wetherbes

Diane C. Wetherbes, CITY ATTORNEY

EXHIBIT A

ELECTION PRECINCTS AND ELECTION DAY POLLING PLACES

COLLIN COUNTY ELECTION PRECINCTS	POLLING PLACE
52, 61, 68, 103 and 141;	Armstrong Middle School 3805 Timberline Drive, Plano, TX 75074
34, 107, 119, 121, 135 and 139;	Bethany Elementary School 2418 Micarta Drive, Plano, TX 75025
23, 46, 47, 50, 51, 152 and 158;	Bowman Middle School 2501 Jupiter Road, Plano, TX 75074
90, 116, and 137;	Brinker Elementary School 3800 John Clark Parkway, Plano, TX 75093
21, 54, 62 and 66;	Carpenter Middle School 1501 Cross Bend Road, Plano, TX 75023
109 and 123;	Christopher A. Parr Library 6200 Windhaven Parkway, Plano, TX 75093
15, 19, 53, 65, 70 and 71;	Haggard Middle School 2401 Westside Drive, Plano, TX 75075
58, 77 and 91;	Hendrick Middle School 7400 Red River Drive, Plano, TX 75025
31, 32, 63 and 76;	Hughston Elementary School 2601 Cross Bend Road, Plano, TX 75023
14, 81, 86, 89, 108, 112 and 124;	Robinson Middle School 6701 Preston Meadow Drive, Plano, TX 75024
64 and 69;	Schimelpfenig Middle School 2400 Maumelle Drive, Plano, TX 75023
28, 75, 105 and 143;	Shepton High School 5505 Plano Parkway, Plano, TX 75093
39 and 85;	Thomas Elementary School 6537 Blue Ridge Trail, Plano, TX 75023
26, 49, 67, 72 and 138.	Wilson Middle School 1001 Custer Road, Plano, TX 75075
DENTON COUNTY ELECTION PRECINCTS	POLLING PLACE
226	Christopher A. Parr Library 6200 Windhaven Parkway, Plano, TX 75093



**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: 2/23/09		Reviewed by Legal	<input checked="" type="checkbox"/> Yes <i>Desy</i>	<input type="checkbox"/> Not Applicable
Department:	Municipal Court			Initials
Department Head	Don Stevenson	Executive Director		Date
Dept Signature:	<i>Don Stevenson</i>	City Manager	<i>[Signature]</i>	<i>2/10/09</i>
Agenda Coordinator (include phone #): Don Stevenson x2495				
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 Section 13-9(b) of Chapter 13, Municipal Court of the Code of Ordinances of the City of Plano Providing For a New Juvenile Case Manager Fee; Providing a Repealer Clause, a Savings Clause; a Severability Clause; and Providing an Effective Date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2009	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	94,000	0
Encumbered/Expended Amount		0	0	0
This Item		0	120,000	120,000
BALANCE		0	214,000	214,000
FUND(S): MUNICIPAL COURT JUVENILE CASE MANAGER FUND				
COMMENTS: This item will add additional revenue to the Municipal court Juvenile Case Manager Fund for FY 2008-09 and future years budgets by increasing the Juvenile Case Manager Fee from \$2.00 to \$5.00 per conviction in the Municipal Court.				
SUMMARY OF ITEM				
This ordinance will increase the Juvenile Case Manager Fee to the maximum fee authorized by state law, Art. 102.0174, Code of Criminal Procedure. The fee will be assessed and collected from persons convicted of fine-only misdemeanor offenses in the Municipal Court. The fee can be used only to pay the salary and benefits of persons designated as Juvenile Case Managers in the Municipal Court.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
None		None		

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS AMENDING SECTION 13-9(b) OF CHAPTER 13. MUNICIPAL COURT OF THE CODE OF ORDINANCES OF THE CITY OF PLANO PROVIDING FOR A NEW JUVENILE CASE MANAGER FEE; PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE; A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2005-10-8 was adopted by the City Council of the City of Plano, Texas on October 10, 2005 and created a juvenile case manager fund which provided for the collection of a two dollar (\$2.00) court cost for any defendant convicted in the Plano Municipal Court of a misdemeanor offence that occurred on or after December 1, 2005; and

WHEREAS, the fee established by Ordinance No. 2005-10-8 was based on the number of municipal court cases filed in FY 2003-2004, however, over the past several years the number of filed municipal court cases has dropped significantly thereby reducing the anticipated revenues for the juvenile case manager fund; and

WHEREAS, the City Council deems it necessary and appropriate to amend Section 13-9 (b) of the Code of Ordinances to increase the juvenile case manager fee as a court cost from two dollars (\$2.00) to five dollars (\$5.00).

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

Section I. Section 13-9 (b) of Chapter 13 Municipal Court of the Code of Ordinances of the City of Plano is hereby amended to read in its entirety as follows:

“Sec. 13-9. Juvenile case manager fund.

(b) Any defendant convicted in the Municipal Court of the City of Plano of a misdemeanor offense that occurred on or after April 1, 2009, shall pay a five dollar (\$5.00) juvenile case manager fee as a cost of court. The term “convicted” under Art. 102.0174 of the Code of Criminal Procedure means:

- (1) A sentence is imposed on the defendant, or;
- (2) The defendant receives deferred disposition, including deferred proceedings under Article 45.052 or 45.053; or

(3) The defendant receives deferred adjudication in county court.”

Section II. All provisions of the 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 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. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provision of any Ordinances at the time of passage of this Ordinance.

Section IV. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or unconstitutionality of any other portion of this Ordinance.

Section V. This Ordinance 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