

PLANO CITY COUNCIL

WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M. ON JUNE 8, 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 | | |
| | B. Structure and Assets of the Arts of Collin County Commission | Wetherbee | 5 min. |
| II. | Potential Litigation | Wetherbee | 5 min. |
| | A. Catherine Nwamadi Claim | | |
| III. | Economic Development | Muehlenbeck | 10 min. |
| | A. Discuss a financial offer or other incentive to a business prospect to locate, stay, or expand in Plano and consider any commercial and financial information from the business prospect. | | |

PRELIMINARY OPEN MEETING

- | | | | |
|------|---|-----------------|---------|
| I. | Consideration and action resulting from Executive Session discussion: | Council | 5 min. |
| II. | Arts of Collin County Quarterly Report | Mike Simpson | 15 min. |
| III. | DART Report | Loretta Ellerbe | 10 min. |

IV.	Legislative Update	Glasscock/Turner	15 min.
V.	City Council Appointments to Various Committees and Organizations	Zucco	5 min.
VI.	Council items for discussion/action on future agendas	Council	5 min.
VII.	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: June 8, 2009

CALL TO ORDER: 7:00 p.m.

INVOCATION: Reverend Bryan Stamper
Grace Presbyterian Church

PLEDGE OF ALLEGIANCE: Representatives of Boys & Girls Club
of Collin County Plano

ITEM NO.	EXPLANATION	ACTION TAKEN
(a)	<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>Presentation: Special Recognition Plaques in Appreciation of Outgoing Mayor Pat Evans and Council Members Scott Johnson and Sally Magnuson</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>May 26, 2009</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>Approval of Expenditures</u></p> <p>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</p> <p>(b) CSP No. 2009-67-C for the Avenue “N” Radio Communication Tower to EasTex Tower, Inc., in the amount of \$107,432 and authorizing the City Manager to execute all necessary documents.</p> <p>(c) Bid No. 2009-116-B for 2008-09 Screening Wall Panel Replacement Project to Ratliff Hardscape, LTD in the amount of \$296,890. This project involves the replacement of thin wall, screening wall panels at various locations across the City.</p> <p>(d) Bid No. 2009-117-B for 2008-2009 Arterial Concrete Pavement Rehabilitation Project – Los Rios Boulevard and Jupiter Road to Hencie International, Inc. in the amount of \$268,250. This project involves the repair of arterial concrete pavement on Los Rios Boulevard between Country Club Drive and Park Boulevard and on Jupiter Road between Park Boulevard and Summit Road.</p> <p>Purchase from an Existing Contract</p> <p>(e) To approve the purchase of Traffic Control, Enforcement & Signal Preemption Equipment, including Installation, Set-up, and Programming in the amount of \$187,320 from Consolidated Traffic Controls, Inc., through an existing contract/agreement with the Houston-Galveston Area Council (HGAC), and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. PE-05-09)</p> <p>Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)</p> <p>(f) To approve an Engineering Contract by and between the City of Plano and Brown & Gay Engineers, Inc., in the amount of \$173,786 for design of Park Estates Water Rehabilitation, and authorizing the City Manager to execute all necessary documents.</p> <p><u>Adoption of Resolutions</u></p> <p>(g) To designate the Director of Parks and Recreation to act for and on behalf of the City of Plano in seeking participation in the Collin County Parks and Open Space Project Funding Assistance Program; certifying that the City of Plano is eligible to receive such financial assistance; certifying that matching funds from the County program will be used to construct Bluebonnet Trail East which shall be dedicated for public park and recreational uses; and providing an effective date.</p> <p>(h) To authorize continued participation with the Steering Committee of Cities Served by Oncor; and authorizing the payment of 10 cents per capita to the Steering Committee to fund regulatory and related activities related to Oncor Electric Delivery and providing an effective date.</p> <p>(i) To approve and authorize the refunds of property tax overpayments; and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(j)	To approve the terms and conditions of a Software Support Agreement Renewal by and between Tritech Software Systems and the City of Plano, Texas for Computer Aided Dispatch System; authorizing its execution by the City Manager; and providing an effective date.	
(k)	To ratify the termination of a contract by and between Hisaw and Associates General Contractors, Inc., and the City of Plano for the Plano Centre Storage Expansion; approving its execution by the City Manager; and providing an effective date.	
(l)	To approve the terms and conditions of an Advance Funding Agreement for projects using funds held in the State Highway 121 Sub-Account – City Street Development – Off System Projects; authorizing its execution by the City Manager; and providing an effective date.	
	<p><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></p> <p><u>Public Hearing Items: Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The presiding officer may extend these times as deemed necessary.</u></p> <p><u>Non-Public Hearing Items: The Presiding Officer may permit limited public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order cards are received until the cumulative time is exhausted.</u></p>	
(1)	<p>Public Hearing and consideration of an Ordinance in Zoning Case 2008-74 to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and Subsection 3.102 (Day Care Centers) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, regarding Day Care Centers; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: City of Plano</p>	
(2)	<p>Public Hearing and consideration of an Ordinance in Zoning Case 2009-08 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development 109-Retail/General Office on 14.8± acres located at the southwest corner of Park Boulevard and Alma Drive in the City of Plano, Collin County, Texas, to revise the concept plan to increase the lot size; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Racetrac Petroleum, Inc.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(3)	<p>Public Hearing and consideration of an Ordinance in Zoning Case 2009-09 to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Section 6.200 (Board of Adjustments) of Article 6 (Procedures and Administration) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to amend regulations for household care facilities, rehabilitation care facilities, and boarding houses; establish definitions for household, boarding houses, and permitted uses and standards; and to establish a process for reasonable accommodation of housing for persons with disabilities; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: City of Plano</p>	
(4)	<p>Public Hearing and consideration of an Ordinance to repeal in its entirety Ordinance No. 97-8-7; codified as Section 19-21, Rules and Regulations Adopted, of Article II (Design and Construction) of Chapter 19 (Streets and Sidewalks) of the Code of Ordinances of the City of Plano; adopting minimum standards to be followed in the development of streets, thoroughfares, sidewalks, and appurtenances within the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: City of Plano</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>	



Phil Dyer
Mayor

Harry LaRosiliere
Mayor Pro Tem

Lee Dunlap
Deputy Mayor Pro Tem

Pat Miner
Place 1

Ben Harris
Place 2

Mabrie Jackson
Place 3

Lissa Smith
Place 4

Jean Callison
Place 7

Thomas H. Muehlenbeck
City Manager

June 4, 2009

Mayor Phil Dyer
City Council Members
City of Plano
Plano, TX 75074

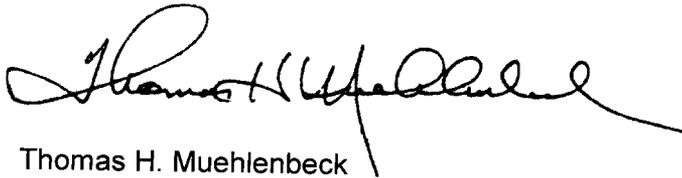
Honorable Mayor and City Council:

We will begin our meeting on Monday in Executive Session where we will receive legal advice from the City Attorney. Under Item II she will present potential litigation and under Item III, potential economic development prospects may be discussed.

The Preliminary Open Meeting will begin with the quarterly report on the Arts of Collin County presented by Mike Simpson and continue with the DART Report from Loretta Ellerbe. Item IV will be a legislative update from Deputy City Managers Glasscock and Turner and Item V will be Council appointments to various committees.

I look forward to seeing you on Monday.

Sincerely yours,



Thomas H. Muehlenbeck

ITEM II

ARTS OF COLLIN COUNTY QUARTERLY REPORT

MIKE SIMPSON

Plano Update



May 2009

DART Paid Parking Study

- SB 405 authorizing DART to charge for parking at selected stations has been signed by Governor and takes effect September 1, 2009.
- DART is evaluating the economic feasibility of paid parking at heavily utilized stations.
- The Parking Study results will be presented to Board this summer; Results will be shared with impacted member cities before finalizing policy.
- The DART Board must approve any recommendation for paid parking.



Northwest Plano Park & Ride

- **8/07: DART requested \$8.5M from Regional Toll Road funding (Collin County portion), \$4.2M DART local match for land, total project cost is \$12.7M**
- **9/08: RTC approved the funding plan as requested by DART**
- **5/09: Final RTC funding commitment is pending TxDOT approval and subsequent executed funding agreement between DART and TxDOT**

Single Ride Fares: Bus, LRT

Category	Now	9/09	10/10
Single Local	\$1.50	\$1.75	\$1.75
Single Express Zone 1	\$2.50	\$2.50	\$3.50
Single Reduced	\$0.75	\$0.85	\$0.85
Paratransit	\$2.75	\$3.00*	\$3.00

Fare changes would occur in two phases: the first in September 2009, and the second in October 2010

* Paratransit fare change occurs October 1st



Day Passes: Bus, LRT

Category	Now	9/09	10/10
Day Pass Local	\$3.00	\$4.00	\$4.00
Day Pass Express Zone 1	\$5.00	\$5.00	\$7.00
Day Pass Reduced	\$1.50	\$2.00	\$2.00



Fare Changes: Commuter Rail

Category	Now	Proposed	10/10
Single 1 Zone	\$1.50	\$2.50	\$3.50
Single 2 Zone	\$2.50	\$3.75	\$5.00
Monthly 1 Zone	\$50	\$75	\$100
Monthly 2 Zone	\$80	\$105	\$120



Light Rail Expansion through 2018

**Northwest Corridor
2010**

**Rowlett Corridor
2012**

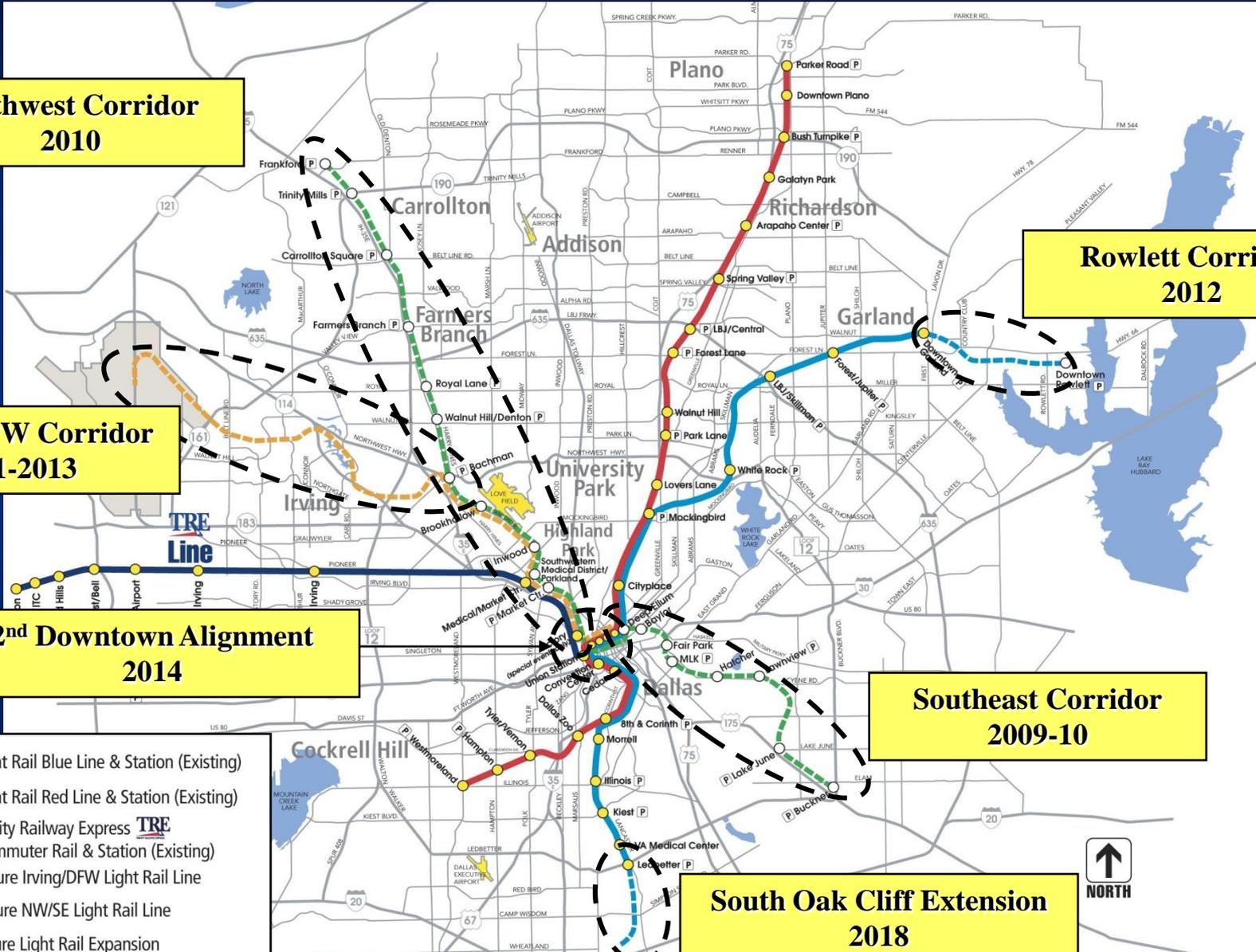
**Irving/DFW Corridor
2011-2013**

**2nd Downtown Alignment
2014**

**Southeast Corridor
2009-10**

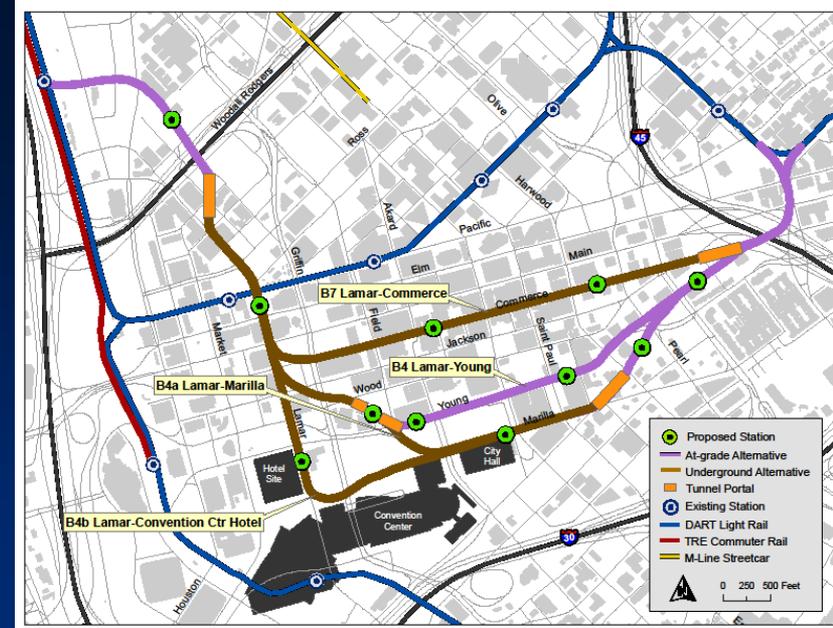
**South Oak Cliff Extension
2018**

-  Light Rail Blue Line & Station (Existing)
-  Light Rail Red Line & Station (Existing)
-  Trinity Railway Express **TRE** Commuter Rail & Station (Existing)
-  Future Irving/DFW Light Rail Line
-  Future NW/SE Light Rail Line
-  Future Light Rail Expansion



Second CBD Alignment

- Alternatives Analysis/ Environmental Impact Statement underway
- Four alternatives remain
- DART Board recommendation anticipated in June



ITEM IV LEGISLATIVE UPDATE

GLASSCOCK/TURNER

COUNCIL LIAISONS TO BOARDS AND COMMISSIONS

- Animal Shelter Advisory Committee – Mabrie Jackson and Pat Miner
- Arts of Collin County Commission Board of Directors – Sally Magnuson and Mabrie Jackson
- Board of Adjustment – Scott Johnson and Lee Dunlap
- Building Standards Commission – Scott Johnson and Lee Dunlap
- Civil Service Commission - City Manager Thomas Muehlenbeck
- Collin County Appraisal District Board – Sally Magnuson
- Community Relations Commission - Mayor Pro Tem Jean Callison,
Deputy Mayor Pro Tem Harry LaRosiliere and Sally Magnuson
- Cultural Affairs Commission – Mayor Pro Tem Jean Callison,
Deputy Mayor Pro Tem Harry LaRosiliere and Sally Magnuson
- DART Board of Directors – Loretta Ellerbe
- Heritage Commission – Sally Magnuson and Lee Dunlap
- Library Advisory Board - Deputy Mayor Pro Tem Harry LaRosiliere and Lee Dunlap
- North Texas Municipal Water District Board – Scott Johnson and Mabrie Jackson
- Parks and Recreation Planning Board – Lee Dunlap and Pat Miner
- Planning and Zoning Commission – Deputy Mayor Pro Tem Harry LaRosiliere and Scott Johnson
- Plano Housing Authority – Mayor Pro Tem Jean Callison and Pat Miner
- Public Art Committee – Deputy Mayor Pro Tem Harry LaRosiliere and Sally Magnuson
- Retirement Security Plan Committee – City Manager Thomas Muehlenbeck
- Self Sufficiency Committee – Lee Dunlap and Mabrie Jackson
- Senior Citizens Advisory Board – Mayor Pro Tem Jean Callison and Scott Johnson
- Tax Increment Financing Reinvestment Zone No. 1 Board – Scott Johnson
- Tax Increment Financing Reinvestment Zone No. 2 Board – Deputy Mayor Pro Tem Harry LaRosiliere

CITY COUNCIL APPOINTMENTS TO VARIOUS COMMITTEES AND ORGANIZATIONS

Arts of Collin County Mayors Committee - Mayor Evans

Collin County Mayors Committee – Mayor Evans

Council of Governments - Texas Clean Air Steering Committee – Sally Magnuson

Dallas Regional Mobility Coalition - Mayor Evans

Designation of Official North Central Texas Council of Governments
Voting Representative - Mayor Evans

Economic Development Board - Mayor Evans and City Manager Muehlenbeck

Fire Team USA – Sally Magnuson

Memorial Day Committee – Lee Dunlap

Metroplex Mayors Committee - Mayor Evans

North Texas Commission – Mabrie Jackson

North Texas Housing Coalition – Pat Miner

Regional Committee on Child Predator Legislation – Mayor Pro Tem Jean Callison and Mabrie Jackson

Regional Transportation Council – NCTCOG – Lee Dunlap and Mayor Evans (backup)

TML & Other Legislative Action - Mayor Evans and other Council Members as appropriate

CITY COUNCIL COMMITTEES

Board and Commission Review Committee – Mayor Pro Tem Jean Callison and Deputy Mayor Pro Tem Harry LaRosiliere

Community Finance – Deputy Mayor Pro Tem Harry LaRosiliere and Scott Johnson

Joint PISD/Council Committee – Mayor Pro Tem Jean Callison and Sally Magnuson

ADHOC/ROUNDTABLES/TASK FORCES

2010 Census Complete Count Committee – Mayor Pro Tem Jean Callison and Pat Miner

Multi-Cultural Outreach Roundtable – Deputy Mayor Pro Tem Harry LaRosiliere, Scott Johnson and Pat Miner

Discussion/Action Items for Future Council Agendas

June 10 – City Council Retreat

June 22

Mobility Report
Comprehensive Monthly Financial Report

July 3 – City Recognized Holiday for Independence Day

July 11 – Oak Point Park and Nature Preserve Grand Opening, 9 a.m. (Date Change)

July 27

Mobility Report
DART Report
Comprehensive Monthly Financial Report
Board/Commission Reappointments

July 29

2009-10 Budget Presentation

August 10

Public Hearing on Operating Budget and CIP

August 15 – City Council Budget Worksession

August 22 – Boards and Commissions Reception, BITR, 2 p.m.

August 24

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

August 27 – Boards and Commissions Reception, PSA StarCenter, 6 p.m.

September 7 – Labor Day Holiday

September 13 – 17, ICMA Conference, Montreal

September 10 – District 4 Roundtable, PSA StarCenter, 7 p.m.

September 14

City Council Adopts Budget, CIP and sets Tax Rate

September 28

Mobility Report

DART Report

Comprehensive Monthly Financial Report

October 12

October 13 – National Night Out

October 21-23, TML Conference, Ft. Worth

October 26

Mobility Report

DART Report

Comprehensive Monthly Financial Report

November 9

November 10 – 14, NLC, San Antonio

November 23

ACC Report (Quarterly)

Mobility Report

DART Report

Comprehensive Monthly Financial Report

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

December 14

December 22

Mobility Report

DART Report

Comprehensive Monthly Financial Report



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: 6/8/09			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>	5/27/09
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					
Presentation: Special Recognition Plaques in Appreciation of Outgoing Mayor Pat Evans and Council Members Scott Johnson and Sally Magnuson					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	0	0	0	0	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	0	0	0	
BALANCE	0	0	0	0	
FUND(s):					
COMMENTS:					
SUMMARY OF ITEM					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
May 26, 2009**

COUNCIL MEMBERS

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

Designation of Mayor Pro Tem and Deputy Mayor Pro Tem

Harry LaRosiliere, Mayor Pro Tem
Lee Dunlap, Deputy Mayor Pro Tem

STAFF

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

Mayor Dyer called the meeting to order at 5:13 p.m., Tuesday, May 26, 2009, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Mayor Dyer 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 Personnel, Section 551.074; and 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 Dyer reconvened the meeting back into the Preliminary Open Meeting at 5:45 p.m. in the Council Chambers where the following matters were discussed:

Consideration and Action Resulting From Executive Session

Personnel: Mayor Pro Tem and Deputy Mayor Pro Tem

Upon a motion made by Council Member Callison and seconded by Council Member Miner the Council voted 8-0 to appoint Council Member LaRosiliere as Mayor Pro Tem and Council Member Dunlap as Deputy Mayor Pro Tem.

a-1

Asset Management Program - GHD Consulting, Inc.

Wayne Francisco of GHD Consulting, Inc. spoke to asset management as a strategic and systematic application of practices applied to the infrastructure of the City (water distribution, wastewater collection, and stormwater systems, parks/recreation, and facilities) to minimize costs of acquisition, operation and maintenance and to improve and renew assets. He spoke to increasing costs as the City approaches build-out and to the impact of economics. Mr. Francisco advised the Council of the recommendation to implement the action plan including three full-time positions and the alternative which would focus on data and involve one full-time position.

Public Works Director/City Engineer Upchurch spoke to constraints on the budget but expressed interest in practicing approaches detailed in the process. Mayor Dyer spoke to the importance of maintaining infrastructure and facilities and requested the information be kept available for future use. The Council concurred to receive the report and place implementation on hold until resources allow.

Mobility Report

Transportation Engineering Manager Neal spoke to traffic signal construction at Ohio Drive/S.H. 121, a temporary four-way stop at McDermott Road and Robinson Road during intersection reconstruction and impact on the location, signal design at Parkwood Boulevard and Windhaven Road and cooperation with the Plano Independent School District to address safety issues. He responded to Council Member Jackson regarding the progress of the Michigan Left-Turn lane and parking issues at Carlisle Elementary. Mr. Neal responded to Deputy Mayor Pro Tem Dunlap regarding the Dallas North Tollway/S.H. 190 intersection improvements advising that they are on hold until card readers are established and Mr. Dunlap requested an update on ramp locations. Mr. Neal provided information on determining speed limits on roadways through the City and advised that a speed limit survey report will be presented to the Council later in the year. The Council requested information on the Michigan Left-Turn lane be posed on the City's web site.

Comprehensive Monthly Financial Report

Director of Finance Tacke spoke to an increase in actual General Revenue and Water/Sewer Funds although the percentages of budget as compared to last year are down. She spoke to declines in Civic Center and Sustainability revenue and increases in General Fund and Water/Sewer expenditures. Ms. Tacke spoke to the downward trend in sales tax collection, increase in unemployment rates, and the low level of single-family housing starts. She advised that Staff is working to diversify the portfolio and City Manager Muehlenbeck spoke to a decline in hotel/motel taxes and its impact on providing funding.

A-2

Mesh Network Presentation

Director of Technology Services Stephens spoke to implementing a City-wide network to be used by Public Safety and other departments. He reviewed coverage, spoke to an October completion, possible cooperative efforts with the school district and benefits to citizens. Mr. Stephens spoke to the network being for City-use only and Deputy Mayor Pro Tem Dunlap requested the introductory video be placed on the web site.

Council items for discussion/action on future agendas

Mayor Dyer requested Council Members provide board/commission liaison preferences to be considered on a future agenda.

Consent and Regular Agenda

Mayor Dyer requested Consent Agenda Item "N," To approve a Second Modification to the Agreement between the City of Plano and Redflex Traffic Systems, Inc. for the Photo Red Light Enforcement Program that establishes that the contract will expire on January 30, 2012 be removed for individual consideration.

Deputy Mayor Pro Tem Dunlap requested Consent Agenda Item "F," Bid No. 2009-105-B for Ridgeway Drive from Independence Parkway to Coit Road to Jim Bowman Construction Company, L.P. in the amount of \$890,177, be removed for individual consideration due to a possible conflict of interest.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:54 p.m.

Phil Dyer, Mayor

ATTEST

Diane Zucco, City Secretary

a-3

PLANO CITY COUNCIL

May 26, 2009

COUNCIL MEMBERS

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

STAFF

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

Mayor Dyer convened the Council into the Regular Session on Tuesday, May 26, 2009, at 7:11 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Pastor Charles Terry, Sr. with Greater New Birth Baptist Church. The Pledge of Allegiance was led by Boy Scout Troop 999 of Grace Presbyterian Church

Mayor Dyer presented a proclamation recognizing National Historic Preservation Month; and made presentations to the 2009 Outdoor Air Quality Poster Contest Winners and PISD Students Traveling to Plano's Sister City, Hsinchu, Taiwan.

Mayor Dyer administered an oath of office to incoming Cultural Affairs Commission member Allen B. Safir, OD.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Mayor Dyer requested that Consent Agenda Item "N" be removed for individual consideration.

Council Member Dunlap requested that Consent Agenda Item "F" be removed for individual consideration due to a possible conflict of interest.

a-4

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Jackson, the Council voted 8-0 to approve and adopt all remaining items on the agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")

May 11, 2009

May 18, 2009

Approval of Expenditures

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

CSP No. 2009-102-C for annual contract for Summer Arts Program to Art Centre of Plano in the estimated annual amount of \$57,000. This will establish an annual fixed price contract with three optional one-year renewals. (Consent Agenda Item "B") [See Exhibit (A)]

CSP No. 2009-94-C for an annual contract for Median and Right-of-Way Landscape Maintenance to VMC Landscape Services in the estimated annual amount of \$250,000. This will establish an annual fixed price contract with three optional one-year renewals. (Consent Agenda Item "C") [See Exhibit (B)]

Bid No. 2009-99-C for an annual contract for Concrete Mix to RediMix Concrete, LLC, a US Concrete Company in the estimated annual amount of \$257,100. This is for an annual contract with renewals. (Consent Agenda Item "D") [See Exhibit (C)]

Bid No. 2009-108-B for McDermott Road at Robinson Road Intersection Improvements to JRJ Paving, L.P. in the amount of \$301,335. The project consists of construction of paving improvements to complete the intersection of McDermott Road at Robinson Road to a median divided roadway on McDermott Road. (Consent Agenda Item "E") [See Exhibit (D)]

Bid No. 2009-113-B for the Mapleshade Sanitary Sewer and Force Main to W.R. Hodgson Co., LP, in the amount of \$1,268,929. The project consists of the construction of about 6,050 feet of 18-inch gravity sewer line and 2,000 feet of 18-inch force main along Mapleshade Drive, Ohio Drive and north of Mapleshade Drive to the Highlands Lift Station. This project will abandon three existing lift stations. (Consent Agenda Item "G") [See Exhibit (E)]

Purchase from an Existing Contract

To approve the purchase of Equipment Services Bay Area Painting in the amount of \$68,393 from Kellogg Brown and Root Services, Inc. through an existing contract/agreement with The Cooperative Purchasing Network (TCPN), and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R4895) (Consent Agenda Item "H")

To authorize the purchase and installation of Raritan Solution Software for server rooms in the amount of \$106,834 from M & A Technology, through an existing contract/agreement with The Cooperative Purchasing Network (TCPN) contract, and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R4721) (Consent Agenda Item "I")

a-5

To authorize the purchase of Telephone Hardware and Software for the Emergency Operations Center complex in the amount of \$350,295 from Affiliated Communications, Inc., through a Department of Information Resources contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-289) (Consent Agenda Item "J")

To approve an expenditure for a Service Agreement between Motorola and the City of Plano in the amount of \$457,193 through an existing contract with the Houston-Galveston Area Council, and authorizing the City Manager to execute all necessary documents. (HGAC Contract No. RA-01-08) (Consent Agenda Item "K")

To authorize the renewal and upgrade of Technical Support Services for JD Edwards Software License Applications, in the amount of \$164,454 from Mythics, through a Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-VPC-03-018) (Consent Agenda Item "L")

Approval of Change Order

To C & P Engineering, Ltd., increasing the Professional Services Contract by \$79,000 for Meadows Addition, Contract Modification No. 1. Additional design services are required for storm drainage in Rigsbee Drive and the splitting of the project into two phases. (Consent Agenda Item "M")

Adoption of Resolutions

Resolution No. 2009-5-20(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, City of Allen and North Texas Municipal Water District concerning the improvements to Chaparral Road from K Avenue to east of Cottonwood Creek; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "O")

Resolution No. 2009-5-21(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, for Intersection Improvements at McDermott Road and Robinson Road; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "P")

Resolution No. 2009-5-22(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, for Ridgeview Drive Widening from Coit Road to Independence Parkway; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "Q")

Resolution No. 2009-5-23(R): To ratify the termination of a contract by and between Hisaw and Associates General Contractors, Inc., and the City of Plano for the Animal Shelter Addition; approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item "R")

Resolution No. 2009-5-24(R): To ratify the termination of a contract by and between Hisaw and Associates General Contractors, Inc., and the City of Plano for Plano Fire Station No. 12/Emergency Operations Center Complex; approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item "S")

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Resolution No. 2009-5-25(R): To approve the settlement of a claim filed by Michael Turner against the City of Plano; authorizing the City Manager to execute any and all documents necessary to settle such claim; and providing an effective date. (Consent Agenda Item "T")

Adoption of Ordinances

Ordinance No. 2009-5-26: To repeal Ordinance No. 2009-2-14, entitled "Health Categories and Fees"; and replacing with this Ordinance, to be entitled "Health Categories and Fees" to provide the addition of Industrial User Fees for Permitted Industries; providing a repealer clause, a severability clause, and an effective date. (Consent Agenda Item "U")

Ordinance No. 2009-5-27: To abandon all right, title and interest of the City, in and to that portion of water line and sewer easement recorded in Volume 3919, Page 1064, of the Land Records of Collin County and being situated in the William Brown Survey, Abstract No. 66, which is located within the City limits of Plano, Collin County, Texas, quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Headquarters II, L.P., to the extent of its interest, authorizing the City Manager to execute any documents deemed necessary, and providing an effective date. (Consent Agenda Item "V")

END OF CONSENT

Due to a possible conflict of interest, Deputy Mayor Pro Tem Dunlap stepped down from the bench on the following item.

Bid No. 2009-105-B for Ridgeview Drive from Independence Parkway to Coit Road to Jim Bowman Construction Company, L.P. in the amount of \$890,177. The project consists of widening from four lanes to six lanes, landscaping and irrigation improvements to Ridgeview Drive from Independence Parkway to Coit Road. (Consent Agenda Item "F") [See Exhibit (F)]

Upon a motion made by Council Member Callison and seconded by Council Member Miner, the Council voted 7-0 to approve Bid No. 2009-105-B for Ridgeview Drive from Independence Parkway to Coit Road to Jim Bowman Construction Company, L.P. in the amount of \$890,177.

Deputy Mayor Pro Tem Dunlap resumed his seat at the bench.

Approval of Contract Modification - To approve a Second Modification to the Agreement between the City of Plano and Redflex Traffic Systems, Inc. for the Photo Red Light Enforcement Program that establishes that the contract will expire on January 30, 2012 and providing a severability clause. (Consent Agenda Item "N")

Deputy City Manager Glasscock spoke to the legislative background of red-light camera implementation and the goals of increasing awareness of violations and reducing crashes. He advised that during the 2009 session, legislation was introduced removing authority of local jurisdictions and those in place prior to June 1, 2009 would operate until their contract expiration with no extension or new installations.

a-7

Mr. Glasscock spoke to the bill moving to conference committee for agreement on differences and the request to consolidate the extensions for the current contract. Police Chief Rushin responded to the Council regarding the decrease in intersection accidents since implementation of the red-light cameras and Lieutenant Cavin spoke regarding the serious nature of side-impact crashes. Mr. Glasscock advised the Council that municipalities are addressing the legislators rather than citizens and Deputy Mayor Pro Tem Dunlap spoke to the revenue added to regional trauma centers from fines collected.

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Miner, the Council voted 8-0 to approve a Second Modification to the Agreement between the City of Plano and Redflex Traffic Systems, Inc. for the Photo Red Light Enforcement Program that establishes that the contract will expire on January 30, 2012 and providing a severability clause.

Public Hearing and adoption of Resolution No. 2009-5-28(R) to amend the 2008-09 Action Plan, including proposed uses of \$332,930 in additional Grant Funds for Program Year 2008-09; and declaring an effective date. (Regular Agenda Item "1")

Community Development Coordinator Brown spoke to additional allocations, newspaper notification and the lack of comments received regarding spending and requested approval of the request as it would spur economic development and improve infrastructure.

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

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Mayor Pro Tem LaRosiliere, the Council voted 8-0 to amend the 2008-09 Action Plan, including proposed uses of \$332,930 in additional Grant Funds for Program Year 2008-09; and declaring an effective date; and further to adopt Resolution No. 2009-5-28(R).

Resolution No. 2009-5-29(R) to authorize the filing of applications for Federal Funds in an amount not to exceed \$332,930 under the American Recovery and Reinvestment Act; designating Thomas H. Muehlenbeck as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date. (Regular Agenda Item "2")

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Deputy Mayor Pro Tem Dunlap, the Council voted 8-0 to authorize the filing of applications for Federal Funds in an amount not to exceed \$332,930 under the American Recovery and Reinvestment Act; designating Thomas H. Muehlenbeck as Chief Executive Officer and authorized representative of the City for the purpose of giving required assurances and acting in connection with said application and providing required information; and declaring an effective date; and further to adopt Resolution No. 2009-5-29(R).

A-8

Public Hearing and consideration of an Ordinance as requested in Zoning Case 2009-01 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 599 so as to allow the additional use of Arcade on 2.3± acres of land located on the south side of Chase Oaks Boulevard, 300± feet west of U.S. Highway 75 in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: GBRE, LLC (Tabled 3/23/09) (Regular Agenda Item “3”)

Director of Planning Jarrell advised that the applicant has requested the item remain tabled until the June 22, 2009 meeting.

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Miner, the Council voted 8-0 to leave consideration of an Ordinance as requested in Zoning Case 2009-01 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 599 so as to allow the additional use of Arcade on 2.3± acres of land located on the south side of Chase Oaks Boulevard, 300± feet west of U.S. Highway 75 in the City of Plano, Collin County, Texas remain on the table until June 22, 2009.

Public Hearing and adoption of Ordinance No. 2009-5-30 to amend the Subdivision Ordinance of the City of Plano, as heretofore amended, by amending Introduction and Procedural Overview, Article I (General Provisions), Article II (Definitions), Article III (Platting Procedures), Article IV (Assurance for Completion and Maintenance of Improvements), Article V (Requirements for Public Improvements, Reservation and Design), and Article VII (Replatting Procedures) of the Subdivision Ordinance of the City of Plano, to change the Development Review Process for Single-Family Detached Residential Development from a Land Study Review Process to a Concept Plan Process, and delete the Land Study Process, and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano (Regular Agenda Item “4”)

Director of Planning Jarrell advised that the City currently utilizes two development review processes; one commercial and another for single family which includes preparation of a land study. She stated that due to the shift in development trends and to maintain a streamlined development process, this item replaces the land study requirement with a concept plan. Ms. Jarrell advised that the Planning and Zoning Commission has recommended approval as submitted.

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

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Ordinance No. 2009-5-30 (cont'd)

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Jackson, the Council voted 8-0 to amend the Subdivision Ordinance of the City of Plano, as heretofore amended, by amending Introduction and Procedural Overview, Article I (General Provisions), Article II (Definitions), Article III (Platting Procedures), Article IV (Assurance for Completion and Maintenance of Improvements), Article V (Requirements for Public Improvements, Reservation and Design), and Article VII (Replatting Procedures) of the Subdivision Ordinance of the City of Plano, to change the Development Review Process for Single-Family Detached Residential Development from a Land Study Review Process to a Concept Plan Process, and delete the Land Study Process as recommended by the Planning and Zoning Commission, and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2009-5-30.

Public Hearing and adoption of Ordinance No. 2009-5-31 as requested in Zoning Case 2009-03 to amend Subsection 2.822 (CB-1 – Central Business-1) and Subsection 2.823 (CE – Commercial Employment) of Section 2.800 (District Charts) of Article 2 (Zoning Districts), Subsection 3.103 (Construction Yards, Field Offices, Model Homes, and other Temporary Buildings), Subsection 3.104 (Multifamily Residence), and Subsection 3.115 (Retirement Housing) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses), Section 3.1200 (Landscaping Requirements), Subsection 3.1703 (Development Incentives and Alternative Standards) and Subsection 3.1704 (Site-Specific Storm Water Management Plan) of Section 3.1700 (Storm Water Management) of Article 3 (Supplementary Regulations), Subsection 4.110 (Initial Plan Review) of Section 4.100 (Planned Development District) of Article 4 (Special District Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to change the Development Review Process for Single-Family Detached Residential Development from a Land Study Review Process to a Concept Plan Process and delete the Land Study Process; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: City of Plano (Regular Agenda Item “5”)

Director of Planning Jarrell advised that the Planning and Zoning Commission recommended approval as follows:

- 2.822 CB-1 - Central Business-1
- (5) Special District Requirements
- (a) *Miscellaneous*
- (iv) A general phasing plan for the total development of the property shall be approved at the time of ~~land study~~ concept plan approval.
- (v) The general allocation of permitted density levels of development on the various sections of the property shall be approved at the time of ~~land study~~ concept plan approval.
- 2.823 CE – Commercial Employment
- (6) Special District Requirements (ZC 2002-33; Ordinance No. 2002-8-14)
- (a) *Miscellaneous*
- (vi) A general phasing plan for the total development of the property shall be approved at the time of ~~land study~~ concept plan approval.

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Ordinance No. 2009-5-31 (cont'd)

(vi) The general allocation of permitted density levels of development on the various sections of the property shall be approved at the time of ~~land study~~ concept plan approval.

3.103 Construction Yards, Field Offices, Model Homes, and Other Temporary Buildings

(2) Homebuilder Marketing Centers (ZC 92-99)

(d) A center located in a residential district shall be limited to an area where a ~~Phase II land study~~ concept plan or preliminary site plan for a residential development has been approved for the site, and the center is sponsored by the developer(s) of the residential development. The temporary structure shall be removed after the center is abandoned. However, if the building is to be reused, the building shall be designed and constructed as a permanent structure.

3.104 Multifamily Residence

(3) The minimum setback from the zoning district boundary for an apartment building adjacent to land proposed (as shown on an approved ~~land study~~ concept plan or preliminary site plan), developed, or zoned for single-family, patio home, or two-family shall be: (ZC 2000-83; Ordinance No. 2000-11-30)

One Story	20 feet
Two Story	60 feet
Three Story	150 feet

3.115 Retirement Housing

(3) Minimum Residential Setback

The minimum setback from the zoning district boundary line and/or property line of land proposed (as shown on an approved ~~land study~~ concept plan or preliminary site plan), developed or zoned for single-family, patio home, or two-family to independent living, assisted living, long-term care, and/or continuing care facilities shall be:

One Story	20 feet
Two Story	60 feet
Three Story	150 feet

3.1200 Landscaping Requirements

(7) Tree Preservation and Protection

(c) *Exemptions*

(i) This section does not apply to individual single-family, duplex, and single-family attached lots after initial development and final inspection of the dwelling units by the Building Inspection Department or to properties for which an approved site plan, ~~phase II land study~~ concept plan, preliminary site plan, preliminary plat, or preliminary replat is in effect on the date of adoption of this ordinance.

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Ordinance No. 2009-5-31 (cont'd)

(e) *Tree Survey and Preservation Plan Required*

(i) Preliminary Development Plans

A general survey of natural vegetation showing tree groupings and anticipated tree losses shall be submitted with all preliminary site plan ~~and phase II land study~~ applications. Required data includes approximate locations and species of individual trees eight inches or larger in caliper and a range of sizes and species for tree groupings. Photographs of the site showing tree cover are also required.

3.1703 Development Incentives and Alternative Standards

Development incentives and alternative standards listed below may be used provided the development complies with associated nonstructural storm water controls, such as storm water conservation areas and/or structural storm water controls, such as permeable pavement, grassy swales/buffer strips, storm water ponds, and bioretention areas. The intent of a storm water conservation area is to reduce impervious surfaces; to allow natural infiltration of storm water runoff; to preserve floodplain, wetlands, and other undisturbed natural areas; and to provide space for other nonstructural or structural storm water controls. The intent of permeable pavement, grassy swales/buffer strips, storm water ponds, bioretention areas, and other structural controls is to provide infiltration, filtration, and pollutant removal of storm water runoff.

Developments that propose to use the development incentives and alternative standards shall follow the site plan review process in Article 5 (Site Plan Review) and the plat review process in Article III (Platting Procedures) of the Subdivision Ordinance. The areas proposed for nonstructural and/or structural storm water controls shall be shown as a storm water conservation area on any site plan ~~and/or land study~~ associated with the development and shall be designated as a storm water quality easement on any plat associated with the development. In addition to the site plan and plat review process, developments shall follow the site-specific storm water management plan procedures in 3.1704 below.

3.1704 Site-Specific Storm Water Management Plan

A site-specific storm water management plan shall be submitted for review as part of any site plan, ~~land study~~, or plat application for a development that proposes to use storm water development incentives and/or alternative standards. The purpose of the site-specific storm water management plan is to evaluate the design, appropriate, and effectiveness of proposed nonstructural or structural storm water controls.

4.110 Initial Plan Review

A concept plan ~~or land study~~ shall be normally required as part of an application for establishing or amending a PD district. Additional information, studies, and plans may be required by the Planning & Zoning Commission or the City Council to determine the merit of establishing a PD district and as required to develop regulations to be incorporated in the ordinance establishing or amending a PD district.

A-12

Ordinance No. 2009-5-31 (cont'd)

The requirement for submitting a concept plan ~~or land study~~ may be waived by the Planning & Zoning Commission or the City Council if they determine sufficient information exists to evaluate the proposed establishment or amendment of a PD district. Where this requirement is waived at the time of establishing a PD, approval of a concept plan ~~or land study~~ shall be required prior to the approval of any plan, plat, or permit related to development of the property. (See Section 5.200 for concept plan requirements ~~and Subdivision Ordinance, Section 3.2 for land study requirements.~~)

Mayor Dyer 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 Jackson and seconded by Council Member Harris the Council voted 8-0 to amend Subsection 2.822 (CB-1 – Central Business-1) and Subsection 2.823 (CE – Commercial Employment) of Section 2.800 (District Charts) of Article 2 (Zoning Districts), Subsection 3.103 (Construction Yards, Field Offices, Model Homes, and other Temporary Buildings), Subsection 3.104 (Multifamily Residence), and Subsection 3.115 (Retirement Housing) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses), Section 3.1200 (Landscaping Requirements), Subsection 3.1703 (Development Incentives and Alternative Standards) and Subsection 3.1704 (Site-Specific Storm Water Management Plan) of Section 3.1700 (Storm Water Management) of Article 3 (Supplementary Regulations), Subsection 4.110 (Initial Plan Review) of Section 4.100 (Planned Development District) of Article 4 (Special District Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to change the Development Review Process for Single-Family Detached Residential Development from a Land Study Review Process to a Concept Plan Process and delete the Land Study Process as requested in Zoning Case 2009-03 and as recommended by the Planning and Zoning Commission; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date; and further to adopt Ordinance No. 2009-5-31.

Public Hearing and adoption of Ordinance No. 2009-5-32 to amend the Subdivision Ordinance of the City of Plano, as heretofore amended, by amending Section 1.12 (Waivers from Development Exactions) of Article I (General Provisions) and related sections of the Subdivision Ordinance of the City of Plano, pertaining to procedures and requirements for waivers of exactions for dedications and public improvements, and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: City of Plano (Regular Agenda Item “6”)

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission Recommended approval as follows:

1.12 Waivers from Development Exactions

The property owner or applicant for preliminary plat approval may file a petition for relief from a dedication or construction requirement that is applied or imposed as a condition of approval of a ~~Phase II land study~~, conveyance plat, preliminary plat or final plat. Waiver requests shall be considered in accordance with the following procedures:

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Ordinance No. 2009-5-32 (cont'd)

- a. Petition for Relief – The property owner or applicant must submit a written petition for relief to the Planning Department at least 10 days prior to the Planning & Zoning Commission’s consideration of a ~~Phase II land study~~, conveyance plat, preliminary plat, or final plat. The petition shall set forth the reasons for the waiver request and must indicate the dedication and/or construction requirements for which relief is being requested. An applicant may also submit a petition for relief from conditions of plat approval added by the Commission in its consideration of a ~~Phase II land study~~, conveyance plat, preliminary plat or final plat. This petition must be submitted no later than 10 days following the Commission’s action.

- b. Consideration of Plat – After receipt of a petition for relief, the Planning Department shall schedule consideration of the plat only, within the 30 day time frame required by state law. The Planning & Zoning Commission shall approve the plat subject to future consideration of the applicant’s petition for relief from a dedication or construction requirement, or disapprove the plat.

- c. Study Requirements: The ~~petitioner~~ city shall provide a study in support of the dedication or construction requirements. ~~The petitioner may provide a study in support of the waiver request for petition for relief within 14 days of filing their petition for relief. The Director of Planning may extend the time for submitting the study for an additional 14 days upon the request of the applicant.~~ The city’s study shall include the following information:
 1. Total capacity of the city’s public infrastructure system or improvements to be dedicated to the city to be utilized by the proposed subdivision, employing standard measures of capacity and equivalency tables that relate the type of development proposed to the quantity of system capacity. In no case shall the calculation of the capacity used by a proposed commercial or multifamily development be based on development intensities less than the mid-point of intensity allowed by the particular zoning for the property. If the proposed subdivision is to be developed in phases, such information shall be provided for the entire development, including any phases already developed.
 2. Total capacity to be supplied to the city’s public infrastructure system by the proposed dedication of an interest in land or construction of capital improvements. If the development application is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of capital improvements.
 3. Comparison of the capacity of the city’s public facilities system to be consumed by the proposed subdivision with the capacity to be supplied by the proposed dedication of an interest in land or construction of capital improvements. In making this comparison, the impacts on the city’s public facilities system from the entire development shall be considered.

Q-14

Ordinance No. 2009-5-32 (cont'd)

4. The effect of any city participation in the costs of oversizing the capital improvements to be constructed in accordance with the city's requirements.
- d. Processing of Petition – The City Engineer shall evaluate the petition and any supporting study provided by petitioner and make a recommendation to the Planning & Zoning Commission based upon the city's study, any submitted petitioner's study and his own analysis. The City Engineer may utilize any reasonable methodology and information in evaluating the petitioner's study information.
 - e. Consideration of Petition for Relief – The petition for relief will be considered by the Planning & Zoning Commission no later than 30 days after receipt of a ~~complete supporting study~~ an applicant's petition for relief. Based upon the application, the city's study, any submitted petitioner supporting study and the City Engineer's report, the Commission shall determine whether the application of the regulations for dedication or public improvements is roughly proportional to the nature and impact created by the development. The Planning & Zoning Commission shall take one of the following actions in considering the petition for relief:
 1. Deny the petition for relief, and impose the standard or condition requiring dedication or construction of capital improvements in accordance with the regulations contained within this ordinance.
 2. Grant the petition for relief, and waive in whole or in part any dedication or construction requirement necessary to meet the criteria for approval.
 3. Accept alternative designs for the public infrastructure system or improvements to be dedicated to the city.
 4. Delay the imposition of the requirement until a future phase of development. If a delay is granted, the future phase of development must be clearly defined.
 5. Reduce the applicant's cost of the dedication or construction requirement.
 - f. Criteria for Approval – The Planning & Zoning Commission shall determine whether the application of the regulations requiring dedication of an interest in land for public improvements or construction of capital improvements is roughly proportional to the nature and extent of the impacts created by the proposed development on such water, wastewater, roadway, or drainage system, and reasonably benefits the development. The Commission shall take into account the evidence submitted by the city, the petitioner and the City Engineer's report and recommendation.
 - g. Appeals – The decision of the Planning & Zoning Commission on a petition for relief may be appealed in accordance with Article III, Section 3.9 of this ordinance. An appeal constitutes authorization for the plat to also be placed on the City Council's agenda for consideration and action.

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Ordinance No. 2009-5-32 (cont'd)

After hearing any testimony and reviewing the evidence, the City Council shall make a determination within 30 days following the final submission of any testimony or evidence by the developer in accordance with Section 212.904 of the Texas Local Government Code.

- h. Lapse of Plat Approval – If relief is granted to the petitioner, it shall remain in effect for the time period specified in Article III for each type of plat, and shall end upon expiration of the plat. Plat approvals may be extended as provided in Article III.

Plat Modification – If a plat for which relief was granted is modified to increase the number of residential units or the intensity of nonresidential uses, the City Engineer may ~~require~~ prepare a new study to validate the relief. The petitioner may file for relief and the new application and study shall be submitted and processed according to the procedures outlined in Sections 1-5 above.

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

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Callison the Council voted 8-0 to amend the Subdivision Ordinance of the City of Plano, as heretofore amended, by amending Section 1.12 (Waivers from Development Exactions) of Article I (General Provisions) and related sections of the Subdivision Ordinance of the City of Plano, pertaining to procedures and requirements for waivers of exactions for dedications and public improvements as recommended by the Planning and Zoning Commission, and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date; and further to adopt Ordinance No. 2009-5-32.

There being no further discussion, Mayor Dyer adjourned the meeting at 8:02 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary

a-16



**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:	5/26/2009	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Purchasing	Initials		Date
Department Head	Mike Ryan	Assistant City Manager		
Dept Signature:	<i>Deane Vainu</i>	Deputy City Manager		<i>5/15/09</i>
		City Manager		<i>5/18/09</i>
Agenda Coordinator (include phone #): Aimee Storm Ext 7248				
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. 2009-102-C, Annual contract for Summer Arts Program to Art Centre of Plano in the estimated annual amount of \$57,000.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" 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			57,000	0
Encumbered/Expended Amount				0
This Item		0	-57,000	0
BALANCE		0		0
FUND(s): SUMMER ARTS PROGRAM				
COMMENTS: Funds are included in the 2008-09 adopted budget to provide a Summer Arts Program utilizing The City of Plano CSP # 2009-102-C.				
STRATEGIC PLAN GOAL: Providing an annual contract for Summer Arts Programs for the Art Centre of Plano relates to the City's Goal of "Service Excellence".				
SUMMARY OF ITEM				
Annual Contract with Renewals-				
Staff recommends the Competitive Sealed Proposal of Art Centre of Plano, in the estimated annual amount of \$57,000 for the purchase of our Summer Arts Program, be accepted as the best value, conditioned upon a timely execution of any necessary contract documents. This will establish an annual fixed price contract, with three optional one-year renewals.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Recommendation memorandum and CSP Recap				

bt

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY			Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 5/26/2009			Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Purchasing			Initials	Date
Department Head	Mike Ryan			Assistant City Manager	
Dept Signature:	<i>Deane Chalna</i>			Deputy City Manager	
				City Manager	
Agenda Coordinator (include phone #): Aimee Storm Ext 7248					
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. 2009-94-C, Annual contract for Median and Right of Way Landscape Maintenance to VMC Landscape Services in the estimated annual amount of \$250,000.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget			1,151,259	0	1,151,259
Encumbered/Expended Amount			-555,999	0	-555,999
This Item		0	-250,000	0	-250,000
BALANCE		0	345,260	0	345,260
FUND(S): PARKS AND RECREATION					
COMMENTS: Funds are included in the 2008-09 adopted budget to provide Median and Right of Way Landscape Services for Parks and Recreation Department utilizing The City of Plano CSP # 2009-94-C.					
STRATEGIC PLAN GOAL: Providing an annual contract for Landscape Services for Parks and Recreation Department related to the City's Goal of "Service Excellence".					
SUMMARY OF ITEM					
Annual Contract with Renewals-					
Staff recommends the Competitive Sealed Proposal of VMC Landscape Maintenance, in the estimated annual amount of \$250,000 for the purchase of Median and Right of Way Landscape Maintenance, be accepted as the best value, conditioned upon a timely execution of any necessary contract documents. This will establish an annual fixed price contract, with three optional one-year renewals					
List of Supporting Documents: Recommendation memorandum and CSP Recap			Other Departments, Boards, Commissions or Agencies		

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CI



**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: 5/26/09		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Public Works Administration / David Falls			Initials	
Department Head	Mike Ryan	Assistant City Manager	Date		
Dept Signature:	<i>David Falls</i>	Deputy City Manager	5/17/09		
		City Manager	5/14/09		
Agenda Coordinator (include phone #): Nancy Corwin (X7137)					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award, Rejection of Bids/Proposals, Bid No. 2009- 99 - C, Annual Contract for Concrete Mix to RediMix Concrete, LLC a US Concrete Company in the amount of \$257,100.00.					
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	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
FUND(S): GENERAL FUND, WATER & SEWER FUND, MUNICIPAL DRAINAGE FUND					
COMMENTS: This item approves the concrete contract expenditures in the estimated annual amount of \$257,100, based on expected usage. Expenditures will be made in the Streets, Drainage, and Utility Cut Operations Cost Centers within the approved budget appropriations for each year of the contract.					
STRATEGIC PLAN GOAL: Contracts for the purchase of Concrete Mix relate to the City's Goal of "Service Excellence".					
SUMMARY OF ITEM					
Staff recommends the bid for the Annual Fix Price Contract for Concrete Mix to Redi-Mix Concrete, LLC a US Concrete Company in the estimated amount of \$257,100.00, be accepted as the lowest responsible bid, conditioned upon timely execution of all necessary documents.					
Annual contract with renewals.					
List of Supporting Documents: Bid Tabulation, Award Recommendation		Other Departments, Boards, Commissions or Agencies			

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget (C.S.)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 5/26/09		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Public Works & Engineering		Initials	Date	
Department Head	Alan Upchurch		Assistant City Manager		
Dept Signature:	<i>[Signature]</i>		Deputy City Manager		
		City Manager		<i>[Signature]</i> 5-15-09 5/15/09	
Agenda Coordinator (include phone #):		Irene Pegues (7198)		Project No. 5387.1	
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award/Rejection of Bid for Bid No. 2009-108-B for McDermott Road at Robinson Road Intersection Improvements to JRJ Paving, L.P. in the amount of \$301,335.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR: 2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	0	317,000	0	317,000	
Encumbered/Expended Amount	0	-14,364	0	-14,364	
This Item	0	-301,335	0	-301,335	
BALANCE	0	1,301	0	1,301	
FUND(S): STREET IMPROVEMENT CIP					
COMMENTS: Funds are included in the 2008-09 Street Improvement CIP. This item, in the amount of \$301,335, will leave a current year balance of \$1,301 for the McDermott-Robinson Intersection Improvements project.					
STRATEGIC PLAN GOAL: Intersection improvements relate to the City's Goal of Safe, Efficient Travel.					
SUMMARY OF ITEM					
Staff recommends rejection of the low base bid of Procon Paving & Construction, Inc., in the amount of \$279,122.65, and the acceptance of the second low bid (Alternate No. 2 - low emission green cement specification) of JRJ Paving, L.P. in the amount of \$301,334.82.					
Procon Paving & Construction, Inc. has no demonstrated experience on municipal street paving construction projects.					
The Engineer's estimate was \$464,100.					
The project consists of construction of paving improvements to complete the intersection of McDermott Road at Robinson Road to a median divided roadway on McDermott Road.					
List of Supporting Documents: Bid Summary Location Map		Other Departments, Boards, Commissions or Agencies N/A			

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget C.S.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date:	5/26/09	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Public Works & Engineering	Initials	Date		
Department Head	Alan L. Upchurch	Assistant City Manager			
Dept Signature:	<i>Alan Upchurch</i>	Deputy City Manager	<i>[Signature]</i>	5/15/09	
		City Manager	<i>[Signature]</i>	5/14/09	
Agenda Coordinator (include phone #):	Irene Pegues (7198)	Project No. 5814.1			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT					
<input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award of Bid for Bid No. 2009-113-B for the Mapleshade Sanitary Sewer and Force Main to W.R. Hodgson Co., LP, in the amount of \$1,268,929.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		165,624	3,534,376	500,000	4,200,000
Encumbered/Expended Amount		-165,624	-2,525,580	0	-2,691,204
This Item		0	-1,268,929	0	-1,268,929
BALANCE		0	-260,133	500,000	239,867
FUND(S): SEWER CIP					
COMMENTS: Funds are included in the 2008-09 Sewer CIP for the Mapleshade Station & Gravity Line project. This item, in the amount of \$1,268,929, will be encumbered in this fiscal year and carry forward into the cash allocations FY 2009-10.					
STRATEGIC PLAN GOAL: Gravity line and force main construction relate to the City's Goals of Livable and Sustainable Community.					
SUMMARY OF ITEM					
Staff recommends the base bid of W.R. Hodgson Co., LP, in the amount of \$1,268,929.00, be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents.					
The second vendor being recommended is San Saba Construction Services, Inc., in the amount of \$1,298,560.00.					
Engineer's estimate was \$1,700,000.00.					
The project consists of the construction of about 6,050 feet of 18-inch gravity sewer line and 2,000 feet of 18-inch force main along Mapleshade Drive, Ohio Drive and north of Mapleshade to the Highlands Lift Station. This project will abandon three existing lift stations.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Bid Summary		N/A			
Location Map					

g-r
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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget C.S.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 5/26/09		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Public Works & Engineering			Initials	Date
Department Head	Alan L. Upchurch			Assistant City Manager	
Dept Signature:	<i>[Signature]</i>			Deputy City Manager	<i>[Signature]</i> 5-15-09
				City Manager	<i>[Signature]</i> 5/15/09
Agenda Coordinator (include phone #):		Irene Pegues (7198)		Project No. 5789	
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT					
<input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award of Bid for Bid No. 2009-105-B for Ridgeview Drive from Independence Parkway to Coit Road to Jim Bowman Construction Company L.P. in the amount of \$890,177.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		108,407	2,025,593	0	2,134,000
Encumbered/Expended Amount		-108,407	-41,383	0	-149,790
This Item		0	-890,177	0	-890,177
BALANCE		0	1,094,033	0	1,094,033
FUND(s): STREET IMPROVEMENT CIP					
COMMENTS: Funds are included in the 2008-09 Street Improvement CIP. This item, in the amount of \$890,177, will leave a current year balance of \$1,094,033 for the Ridgeview – Coit to Independence project.					
STRATEGIC PLAN GOAL: Street widening relates to the City's Goal of Safe, Efficient Travel.					
SUMMARY OF ITEM					
Staff recommends Alternate No. 2 bid, which is the "Green Cement Specification" of Jim Bowman Construction, LP, in the amount of \$890,176.54, be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents.					
The second vendor being recommended is Weir Bros., Inc., with Alternate No. 2 in the amount of \$908,960.40. Engineer's estimate was \$1,336,000.00.					
The project consists of widening from four (4) lanes to six (6) lanes, landscaping and irrigation improvements to Ridgeview Drive from Independence Parkway to Coit Road.					
List of Supporting Documents: Bid Tabulation Location Map			Other Departments, Boards, Commissions or Agencies N/A		

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CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 06/08/2009		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Purchasing			Initials
Department Head	Mike Ryan	Assistant City Manager		Date
Dept Signature:	<i>Mike Ryan</i>	Deputy City Manager		<i>5-28-09</i>
Agenda Coordinator (include phone #):		Zahid Khan X7376	<i>5-28-09</i>	
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				
<i>Award/Rejection of Competitive Sealed Proposal No 2009-67-C for the Avenue "N" Radio Communication Tower to EasTex Tower in the amount of \$107,432 and authorizing the City Manager or his designee to execute all necessary documents.</i>				
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		474,176	13,578,935	9,937,889
Encumbered/Expended Amount		474,176	-448,032	0
This Item		0	-107,432	0
BALANCE		0	13,032,471	9,937,889
FUND(S): TECHNOLOGY IMPROVEMENTS (CO'S/TAX NOTES)				
COMMENTS: Funds are available from the 2008 and 2009 sale of Tax Notes. This item, in the amount of \$107,432 will leave a current year allocation of \$13,032,471 for the Radio System Infrastructure Replacement project. STRATEGIC PLAN GOAL: Purchase of supplies and installation of a radio tower for the radio system infrastructure replacement project related to the City's Goal of Service Excellence.				
SUMMARY OF ITEM				
Staff recommends the Competitive Sealed Proposal for Installation of a Radio Communication Tower to EasTex Tower in the amount of \$107,432 be accepted based on competitive sealed proposal award criteria stated in the specifications, conditioned upon timely execution of any necessary contract documents.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
1. Award Recommendation 2. CSP Recap				



Public Safety Communications
Radio System Manager
Ron Goldsmith

City of Plano Ave N Radio Tower
Sub: CSP # 2009-67-C
Rohn Radio Communications Tower

Based on the Matrix we completed as well as price and equipment and work history I recommend we select EastTex our tower Vendor.

Thank You

Ron Goldsmith
Radio System Manager

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



**CSP No. 2009-67-C
CSP – RADIO COMMUNICATION TOWER**

RECAP

Opening Date/Time: March 16, 2009 @ 3:00PM (CST)

Number of Vendors Notified: 39

Vendors Submitting “No Response” None

Vendors Submitting Proposals: 6

Non Responsive Vendors:

**Preferred Tank & Tower
Rohn Tower**

<u>Vendors Submitted Proposal</u>	<u>Weighted Average</u>
EasTex Tower, Inc.	4.46
QTS	4.05
Larson Associates	3.61
Radian	3.54

Recommended Vendor: EasTex Tower, Inc.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget <i>C.S.</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	6/8/09	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Public Works Administration - David Falls		Initials	Date
Department Head	Alan Upchurch	Assistant City Manager		
Dept Signature:	<i>Alan Upchurch</i>	Deputy City Manager		
		City Manager	<i>MS</i>	<i>5.29.09</i>
Agenda Coordinator (include phone #):		Margie Stephens (X4104)		
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				
<i>Award, Rejection of Bids/Proposals, Bid No. 2009- 116 - B, 2008-09 Screening Wall Panel Replacement Project, to Ratliff Hardscape, LTD in the amount of \$296,890.00.</i>				
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		259,191	458,809	350,000
Encumbered/Expended Amount		-259,191	-107,866	0
This Item		0	-296,890	0
BALANCE		0	54,053	350,000
TOTALS				
				1,068,000
				-367,057
				-296,890
				404,053
FUND(S): CAPITAL RESERVE				
COMMENTS: Funds are included in the 2008-09 Capital Reserve. This item, in the amount of \$296,890 will leave a current year balance of \$54,053 for the Screening Wall Reconstruction project.				
STRATEGIC PLAN GOAL: Screening wall replacement relates to the City's Goals of Safe, Efficient Travel and Premier City in which to Live.				
SUMMARY OF ITEM				
Staff recommends the bid for the 2008-09 Screening Wall Panel Replacement Project to Ratliff Hardscape, LTD, in the amount of \$296,890.00 be accepted as the lowest responsible bid for the project conditioned upon timely execution of all necessary documents.				
This project involves the replacement of thin wall, screening wall panels at various locations across the City. These screening wall panels have deteriorated to the point that they need to be replaced.				
The secondary vendor being recommended is Tracon Ventures, LTD. in the amount of \$304,400.00.				
Engineer's estimate for this project is \$350,000.00.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Bid Tabulation				

CITY OF PLANO

BID NO. 2009-116-B
2008-09 Screening Wall Panel Replacement PROJECT NO. 5978
BID TABULATION CORRECTED

Bid opening Date/Time: May 11, 2009 @ 3:30pm

Number of Bids Submitted:

COMPANY NAME	Total Base Bid	Bid Bond Present
Ratliff Hardscape Ltd.	\$296,890.00	Yes
Tracon Ventures Ltd.	\$304,400.00	Yes
J.H. ProofRock, Inc.	\$411,120.00	Yes

Nancy Corwin

Nancy Corwin, Buyer

May 11, 2009

Date



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget <i>C.S.</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date: 6/8/09		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Public Works & Engineering/David Falls <i>DF</i>	Initials	Date		
Department Head	Alan Upchurch	Assistant City Manager			
Dept Signature:	<i>Alan Upchurch</i>	Deputy City Manager			
		City Manager	<i>MS</i>	<i>5.29.09</i>	
Agenda Coordinator (include phone #): Margie Stephens (x4104)					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award, Rejection of Bids/Proposals, Bid No. 2009-117-B, 2008-2009 Arterial Concrete Pavement Rehabilitation Project – Los Rios Blvd and Jupiter Road to Hencie International, Inc. in the amount of \$268,250.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	FY 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	-2,415,190	0	-4,922,040
This Item		0	-268,250	0	-268,250
BALANCE		0	1,630,710	2,300,000	3,930,710
FUND(S): STREET IMPROVEMENT CIP					
COMMENTS: Funds are included in the 2008-09 Street Improvement CIP. This item, in the amount of \$268,250, will leave a current year balance of \$1,630,710, 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					
<p>Staff recommends the bid for the 2008-2009 Arterial Concrete Pavement Rehab Project – Los Rios Blvd and Jupiter Road to Hencie International, Inc., in the amount of \$268,250.00 for alternate No. 2 (Cement with NO_x <1.7#NO_x/Ton of Clinker) which is within 5% of the base bid, be accepted as the lowest responsible bid for the project conditioned upon timely execution of all necessary documents.</p> <p>This project involves the repair of arterial concrete pavement on Los Rios Blvd. between Country Club Drive and Park Blvd. and on Jupiter Road between Park Blvd. and Summit Road.</p> <p>The second low bidder, Advanced Paving, was deemed non-responsive as they did not include Addendum No. 1 in their bid.</p> <p>The third low bid vendor being recommended is Jim Bowman Construction Company L.P. in the amount of \$306,211.00.</p> <p>Engineer's estimate for this project is \$361,000.00.</p>					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Bid Tabulation Location Map					

CITY OF PLANO

BID NO. 2009-117-B

2008-09 Arterial Concrete Pavement Rehab Los Rios Blvd. and Jupiter Road Project No. 5979
BID TABULATION CORRECTED

Bid opening Date/Time: May 14, 2009 @ 3:00pm

Number of Bids Submitted:

COMPANY NAME	Total Base Bid	Alternate 1	Alternate 2	Bid Bond Present	Addendum 1,
Hencie International	\$268,250.00	\$258,180.00	\$268,250.00	Yes	Yes
Advanced Paving Company	\$279,392.00	\$276,276.00	\$282,467.00	Yes	No
Jim Bowman Construction	\$299,275.00	\$299,275.00	\$306,211.00	Yes	Yes
Ken-Do Contracting, LP	\$336,900.00	\$336,900.00	\$336,900.00	Yes	Yes
Smith Contracting Inc	\$343,720.00	\$343,720.00	\$343,720.00	Yes	Yes
Jerusalem Corp	\$345,405.00	\$336,655.00	\$345,405.00	Yes	Yes
Ratliff Hardscape	\$359,721.75	\$359,721.75	\$359,721.75	Yes	Yes
Santos Construction	\$379,000.00	\$379,000.00	\$379,000.00	Yes	Yes

Nancy Corwin

Nancy Corwin, Buyer

May 14, 2009

Date



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget <i>C.S.</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	06/8/2009	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Public Works & Engineering/David Falls <i>JS</i>	Initials	Date	
Department Head	Alan Upchurch	Assistant City Manager		
Dept Signature:	<i>Alan Upchurch</i>	Deputy City Manager		
		City Manager	<i>JS</i>	<i>5.29.09</i>
Agenda Coordinator (include phone #): Margie Stephens (ex. 4104)				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER EXISTING CONTRACT				
CAPTION				
Approval of the purchase of Traffic Control, Enforcement & Signal Preemption Equipment, including Installation, Set-up, and Programming in the amount of \$187,320 from Consolidated Traffic Controls, Inc., through an existing contract/agreement with the Houston-Galveston Area Council (HGAC), and authorizing the City Manager or his designee to execute all necessary documents. (HGAC contract number PE-05-09).				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	222,000	0	222,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-187,320	0	-187,320
BALANCE	0	34,680	0	34,680
FUND(S): STREET IMPROVEMENT CIP				
COMMENTS: Funds are included in the 2008-09 Street Improvement CIP. This item, in the amount of \$187,320, will leave a current year balance of \$34,680 for the School Zone Flasher System project. STRATEGIC PLAN GOAL; School zone flasher system projects relate to the City's Goals of Safe, Efficient Travel and Premier City in which to Live.				
SUMMARY OF ITEM				
Staff recommends purchase of Traffic Control, Enforcement & Signal Preemption Equipment from Consolidated Traffic Controls, Inc., in the amount of \$187,320 conditioned upon timely execution of any necessary contract documents. The City is authorized to purchase from the State Contract list pursuant to Section 271 Subchapter D of the Local Government code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (HGAC Contract Number PE-05-09)				
The Traffic Control, Enforcement & Signal Preemption Equipment (School Zone System) will enable school zone flashers to be programmed at the Parkway Service Center utilizing the City's Motomesh Network. This school zone system will enable all school zone flashers to be programmed at one location instead of physically going to each school zone flasher for programming. This process currently takes 4 days to accomplish. Allowing programming of early release days, snow days, Christmas holiday, and spring break at the request of the Plano independent School District. Equipment being purchased includes 190 Two Circuit Time Switches, 185 WIFI Transceivers with antennas, Central Software package and Contracted installation costs.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
HGAC Quote				



CONTRACT PRICING WORKSHEET
For Catalog & Price Sheet Type Purchases

Contract No.:

PE-05-09

Date Prepared:

5/4/2009

Buying Agency:	City of Plano	Contractor:	Consolidated Traffic Controls, Inc.
Contact Person:	Robert Moore	Prepared By:	Jerry Priester
Phone:	972-964-4149	Phone:	800-448-8841
Fax:	972-964-4172	Fax:	800-448-8850
Email:		Email:	HJPriester@aol.com

Catalog / Price Sheet Name:	Traffic Control, Enforcement & Signal Preemption Equipment
General Description of Product:	

A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary

Quan	Description	Unit Pr	Total
			0
			0
190	P/N 503644, AP22, Two Circuit Time Switch	409	77710
185	P/N 501680, WIFI Transceiver w/ 3dB antenna & 36" lead	466	86210
1	P/N 501638R, CPR/AP22 Central Software	0	0
156	Installation per hour	150	23400
			0
			0
			0
			0
			0
			0
Total From Other Sheets, If Any:			
Subtotal A:			187320

B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary

(Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)

Quan	Description	Unit Pr	Total
			0
			0
			0
			0
Total From Other Sheets, If Any:			
Subtotal B:			0
Check: The total cost of Unpublished Options (Subtotal B) cannot exceed 25% of the total from Section A.			For this transaction the percentage is: 0%

C. Other Allowances, Discounts, Trade-Ins, Freight, Make Ready or Miscellaneous Charges

Subtotal C:			0

Delivery Date: 90-120 Days ARO

D. Total Purchase Price (A+B+C):

187320



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: 06/08/09		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Public Works & Engineering			Initials Date
Department Head	Alan b. Upchurch			Assistant City Manager
Dept Signature:	<i>Alan Upchurch</i>			Deputy City Manager <i>[Signature]</i> 6/11/09
				City Manager <i>[Signature]</i> 6/11/09
Agenda Coordinator (include phone #):		Irene Pegues (7198) <i>[Signature]</i>		Project No. 5933
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input checked="" type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Approval of an engineering contract by and between the City and Brown & Gay Engineers, Inc., in the amount of \$173,786, for design of Park Estates Water Rehabilitation, and authorizing the City Manager or his authorized designee to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	200,000	0	200,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-173,786	0	-173,786
BALANCE	0	26,214	0	26,124
FUND(S): WATER CIP				
COMMENTS: Funds are included in the Re-Estimated 2008-09 Water CIP. This item, in the amount of \$173,786 will leave a current year balance of \$26,214 for the Park Estates Water Infrastructure project. STRATEGIC PLAN GOAL: Engineering design services for water line rehabilitation relate to the City's Goal of Livable and Sustainable Community.				
SUMMARY OF ITEM				
This agreement with Brown & Gay Engineers, Inc. is for engineering design for Park Estates Water Rehabilitation. The project includes rehabilitation of approximately 12,137 feet of 6-inch and 8-inch water lines at the following fourteen (14) locations:				
<ol style="list-style-type: none"> 1. Anchor Drive - Bronze Leaf Drive to Mission Ridge Road 2. Catalpa Trail - Savage Drive to Cumberland Trail 3. Sandy Trail Lane - Brouette Court to east end 4. Crooked Lane - Norfolk Drive to Andover Drive 5. Seltzer Drive - Martingale Drive to end 6. Martingale Drive - Crossbend Road to Seltzer Drive 7. Granada Place - Santiago Drive to end 				



CITY OF PLANO COUNCIL AGENDA ITEM

8. Montego Place - Santiago Drive to end
9. Nova Trail - Mission Ridge Road to Santana Lane
10. Brown Deer Trail - Timothy Drive to Old Orchard Drive
11. Brouette Court - Sandy Trail Court to end
12. Landau Court - Sandy Trail Court to end
13. Barouche Court - Sandy Trail Court to end
14. Sandy Trail Court - Sandy Trail Court to end

The contract fee is for \$173,386 and is detailed as follows:

Research and Data Collection	\$6,199
Preliminary Design	\$24,195
Final Design	\$56,446
Bid Phase Services	\$7,712
Construction Administration	\$5,841
TOTAL BASIC FEE	\$100,393
Special Services	
Design Survey	\$62,506
SWPPP	\$3,464
Traffic Control Plan	\$3,418
Construction Control Survey	\$4,005
TOTAL SPECIAL SERVICES	<u>\$73,393</u>
TOTAL FEE SERVICES	\$173,786

Funding is available from the 2008-09 Community Investment Program. Staff feels the fee is reasonable for this project estimated to cost \$1,438,000.

List of Supporting Documents:
Engineering Services Agreement
Location Maps

Other Departments, Boards, Commissions or Agencies
N/A

PARK ESTATES WATER REHABILITATION

PROJECT NO. 5933

ENGINEERING SERVICES AGREEMENT

THIS AGREEMENT is made and entered by and between the **CITY OF PLANO, TEXAS**, a Home-Rule Municipal Corporation, hereinafter referred to as "City", and **BROWN & GAY ENGINEERS, INC.**, a **TEXAS** Corporation, hereinafter referred to as "Engineer", to be effective from and after the date as provided herein.

WITNESSETH:

WHEREAS, the City desires to engage the services of the Engineer to prepare construction plans, specifications, details and special provisions and to perform other related engineering services in connection with the **PARK ESTATES WATER REHABILITATION** project located in the City of Plano, Collin County, Texas, hereinafter referred to as the "Project"; and

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

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

I. Employment of the Engineer

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

II. Scope of Services

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

III. Schedule of Work

The Engineer agrees to commence work immediately upon execution of this Agreement, and to proceed diligently with said work, except for delays beyond the

reasonable control of Engineer, to completion as described in the Completion Schedule, attached hereto as Exhibit "B" and thereby made a part of this Agreement.

IV. Compensation and Method of Payment

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

V. Information to be Provided by the City

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

VI. Insurance

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

VII. Indemnity

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

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

shall have the right to retain defense counsel on its own behalf, and Engineer shall be liable for all costs incurred by City.

VIII. Independent Contractor

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

IX. Assignment and Subletting

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

X. Audits and Records/Prohibited Interest

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

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

XI. Contract Termination

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

XII. Engineer's Opinion of Probable Construction Costs

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

XIII. Ownership of Documents

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

XIV. Complete Contract

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

XV. Mailing of Notices

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

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

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

Brown & Gay Engineers, Inc.
108 West 8th Street, Suite 200
Fort Worth, TX 76102
Attn: A. Lee Head

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

XVI. Miscellaneous

A. Paragraph Headings:

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

B. Contract Interpretation:

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

C. Venue/Governing Law:

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

D. Successors and Assigns:

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

E. Severability:

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

F. Effective Date:

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

SIGNED on the date indicated below.

BROWN & GAY ENGINEERS, INC.

A Texas Corporation

DATE: 5/21/09

BY: A. Lee Head III

A. Lee Head, III, P.E.
VICE PRESIDENT

CITY OF PLANO, TEXAS

DATE: _____

BY: _____

Thomas H. Muehlenbeck
CITY MANAGER

APPROVED AS TO FORM:

Diane C. Wetherbee

Diane C. Wetherbee
CITY ATTORNEY

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This instrument was acknowledged before me on the 21st day of May, 2009, by **A. LEE HEAD, III, P.E., VICE PRESIDENT** of **BROWN & GAY ENGINEERS, INC.**, a **TEXAS** corporation, on behalf of said corporation.



Cindy Hughes
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

**EXHIBIT A
SCOPE OF SERVICES**

**PARK ESTATES WATER REHABILITATION
PROJECT NUMBER 5933**

PROJECT DESCRIPTION:

This project includes preliminary and final design and construction related professional engineering services for the replacement or installation of approximately 12,137 L.F. of 8" and 6" water lines (locations listed below) to include all related appurtenances (such as: valves, services, fire hydrants, etc.). In general, all new water lines shall be 8" diameter except on short dead end cul-de-sacs, where water lines shall be 6" diameter unless a fire hydrant is existing or proposed. In those cases the water line shall be an 8" with a 6" gate valve and 6" fire hydrant lateral. Fire hydrants shall be installed if existing fire hydrants are more than 500' apart. Normal water line location is 3' off existing curb face and would be replaced at the curb face. However, if the existing water lines are in a non-standard location, the replacement location will vary. All services and meter boxes will be replaced. All existing meters, which fall in the walk, will need to be relocated out if the walk with the project.

The project (water line replacement portion) is at the following locations:

Street	Limits	Footage
1. Anchor Drive	Bronze Leaf Drive to Mission Ridge Road	2,080
2. Catalpa Trail	Savage Drive to Cumberland Trail	1,175
3. Sandy Trail Court	Brouette Court to east end	1,887
4. Crooked Lane	Norfolk Drive to Andover Drive	700
5. Seltzer Drive	Martingale Drive to end	1,295
6. Martingale Drive	Crossbend Road to Seltzer Drive	346
7. Granada Place	Santiago Drive to end	424
8. Montego Place	Santiago Drive to end	424
9. Nova Trail	Mission Ridge Road to Santana Lane	592
10. Brown Deer Trail	Timothy Drive to Old Orchard Drive	1,439
11. Brouette Court	Sandy Trail Court to end	650
12. Landau Court	Sandy Trail Court to end	215
13. Barouche Court	Sandy Trail Court to end	460
14. Sandy Trail Court	Sandy Trail Court to end	450
Total		12,137

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BASIC SERVICES:

A. Design Standards

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

B. Research and Data Collection –

1. Attend one (1) meeting with City of Plano engineering staff and obtain design criteria, pertinent utility plans, street plans, plats and right-of-way maps, existing easement information, and other information available for the project area.
2. Attend one (1) meeting with the City of Plano project manager and conduct an on-site review and walk through.
3. Request and research for plans on existing power, telephone, gas, cable or other utilities in the project area to show on the plans.
4. The extent of replacement due to existing condition of pavement, curb, sidewalk and driveways will be determined and provided to the consultant by City Engineering Dept. staff (after obtaining input from the City Public Works Dept.) with the first plan review and will be shown by consultant on plans and included in the project. The extent of replacement for these items due to project construction will be determined and recommended by the consultant. This will depend upon where the water line replacement occurs. If water line work requires replacement of the adjacent curb, then lead walks and drives must be

replaced. Drives replaced must have a minimum 4' section with a 2% cross slope matching existing adjacent walk.

C. Design Survey –

1. Establish a horizontal and vertical control network and project control baseline for the project areas. The network and baseline are to be tied into the existing City of Plano control network.
2. Establish horizontal and vertical project control monumentation.
3. Tie right-of-way lines and corners, property lines and corners, fence lines, trees 4-inches in diameter and larger, edges of pavements and all other visible surface features to the project control baseline. Effort will be made to locate existing utilities through dig-test, survey identification and plan research and referenced by utility name (i.e. Oncor Elec., Verizon Telephone, Atmos Gas, Etc.).
4. Vertical topographic information tying pavement, drives, walls, manholes (top and inverts), storm drain inlets (top and inverts), and other improvements as needed within the project areas for the design.
5. Provide spot elevation ties as necessary for existing and proposed curb profiles on side where water line is to be replaced and roadway cross sections in project areas relative to the project baseline. Provide additional cross sections at driveways (to the back of walk line and 10' beyond) and street intersections (to 50' beyond the curb line). Cross sections shall be taken at 50' intervals for only the half roadway section on the side where the water line is to be replaced and from roadway centerline to 10' beyond the back of walk line. Cross sections taken shall be plotted (1"=20'H; 1"=2'V) and are required for inclusion in the plans. If water line replacement will be done without replacement of the existing curb then cross-sections are not required.
6. When underground utilities are exposed, tie to project control baseline.
7. Identify the street address of all adjacent properties to the proposed construction and show on drawings.

D. Preliminary Design

1. Prepare preliminary construction plans (Sheet size 22" x 34"). Prepare the following sheets at the engineering scale indicated:
 - Cover sheet.
 - Project layout control sheets. Scale 1"= 100'.
 - General Notes
 - Quantity sheet (by individual location and sheet by sheet).
 - Typical sections and detail sheets.
 - Construction phasing and temporary traffic control sheets. (1"=40'). Construction phasing may be a written description and traffic control may be by use of a generic traffic control sheet to be used for all locations where applicable. Scale: 1"=40'.

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- Plan and profile sheets for water improvements (scale 1"=20' horizontal and 1"=5' vertical). Profile required only for water lines 12" and larger. Otherwise, profiles are required only for points where the proposed water line is anticipated to conflict with other underground utility lines. Sheets should show : existing topographic features; existing utilities; property addresses with individual lot property lines; easements; public ROW lines; horizontal alignment of existing and proposed pipelines; plan view of existing and proposed waterlines; sidewalk, driveway and pavement replacement; existing and proposed curb profile.
- SWPPP sheets meeting EPA and City of Plano requirements. If area disturbed (including storage or access areas) includes more than 1 acre, the City of Plano SWPPP "WORD" file plan sheet shall be included in the plans. City standard details for erosion control devices shall also be included where applicable.
- Cross-sections.

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

2. Coordinate with affected utilities such as water, gas, telephone, cable TV and electric to obtain accurate information for the location of their facilities.
3. Prepare outline of any special technical specifications needed for the project (if any).
4. Prepare an estimate of construction quantities and develop the preliminary statement of probable construction cost.
5. Submit five (5) sets of preliminary plans, and one (1) set of outline of special technical specifications and preliminary statement of probable construction cost to the City for review.
 - Engineering
 - Public Works
 - Inspectors
 - Transportation
 - Other
6. Attend one (1) meeting with City of Plano staff to discuss City comments on preliminary plans, specifications and cost estimates.
7. Distribute the preliminary plans and proposed schedule for bidding and start of construction to local utility companies to obtain information regarding impacts to their facilities.

E. Final Design –

1. Revise preliminary plans incorporating comments from the City of Plano.
2. Incorporate comments from the utility companies.

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3. Finalize construction plans for proposed improvements.
4. Finalize special technical specifications and special conditions (if any).
5. Incorporate standard details into the construction plans and prepare additional details as required.
6. Take off final construction quantities and prepare final construction cost estimates.
7. Submit five (5) set of pre-final plans, and one (1) set of special technical specifications, draft bid schedule and final statement of probable construction cost to the City for review.
8. Incorporate City final comments into the plans and bid documents.
9. Submit three sets of final blue line prints, three bound copies of the bid documents and one unbound original bid document set to the City of Plano.
10. Attend one (1) utility coordination meeting to start relocation process with affected franchise utilities. Distribute copy of final plans and proposed schedule for bid letting and construction to all affected franchise utilities.

F. Bid Phase Services –

1. Assist the City staff in advertising for bids.
2. Furnish plans and specifications for bidding. Cost for these to be recouped by non-refundable deposit from contractors. Maintain a list of plan holders.
3. Submit one (1) set of final blue/black line prints and one (1) bound copy of the bid documents to the designated Material Testing laboratory.
4. Furnish plans and bid documents for up to four (4) plan review rooms to be determined by the City. These documents are to be furnished at no cost to the plan review rooms.
5. Prepare and distribute addenda to bid documents as necessary.
6. Assist City staff as required in bid opening. Submit list of plan holders to the City, 48-hours prior to the bid letting.
7. Submit a CD-ROM disk of the bid set plans in a PDF format.
8. Provide bid tabulation to the City of Plano within four working days of the bid letting.
9. Evaluate the low and second low bidders. Prepare letter of recommendation to the City of Plano for awarding a contract to the lowest responsible bidder within four working days of the bid letting.
10. Assist City staff in a pre-construction conference
11. Furnish eleven (11) full size and four (4) half size sets of final construction plans and seven (7) sets of the contract documents manual to the City for construction.

G. Construction Administration

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

H. Construction Control Survey –

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

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**EXHIBIT B
COMPLETION SCHEDULE**

**PARK ESTATES WATER REHABILITATION
PROJECT NUMBER 5933**

Activity	Completion Time (Calendar Days)
1. Notice to Proceed	0
2. Research and Data Collection	30
3. Design Survey	60
4. Preliminary Design	90
5. City Review	30
6. Final Design (Pre-Final Submittal) / ROW & Easement Documents	60
7. City Review	30
8. Final Design/Documents for Bidding	30
9. City Review	15
10. Advertise for Bids	22
11. Receive Bids	0
12. Recommendation	4
13. Prepare Council Agenda	15
14. Council Award	0
15. Prepare/Execute Contract	45
16. Schedule Preconstruction	10
17. Notice to Proceed	10
18. Construction	180

**EXHIBIT C
PAYMENT SCHEDULE**

**PARK ESTATES WATER REHABILITATION
PROJECT NO. 5933**

WORK STAGE SUBMITTAL OR COMPLETION	TOTAL
BASIC SERVICES	
1. Research and Data Collection	\$6,199
2. Preliminary Design	\$24,195
3. Final Design	\$56,446
4. Bid Phase	\$7,712
5. Construction Administration	<u>\$5,841</u>
Total Basic Fee	\$100,393
SPECIAL SERVICES	
6. Design Survey	\$62,506
7. SWPPP	\$3,464
8. Traffic Control Plan	\$3,418
9. Construction Control Survey	<u>\$4,005</u>
Total Special Services	\$73,393
Total Fee	\$173,786

EXHIBIT "D"
ENGINEERING

INSURANCE

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

1. General Insurance Requirements:

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

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

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

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

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

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

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

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

2.2 Professional Errors and Omissions

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

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

ENGINEERING

City of Plano - Insurance Checklist

("X" means the coverage is required.)

Coverages Required

Limits (Figures Denote Minimums)

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

- ___ 18. Garagekeepers' Legal \$_____ - Comprehensive
 \$_____ - Collision
- ___ 19. Owners Protective Liability \$500,000 Combined single limits
- X 20. City named as additional insured on General Liability policy. This coverage is primary to all other coverages the City may possess.
- X 21. City provided with Waiver of Subrogation on Workers' Compensation or Alternative program if applicable.
- X 22. Ten (10) days notice of cancellation, non-renewal, material change or coverage reduction endorsement required. The words "endeavor to" and "but failure" (to end of sentence) are to be eliminated from the Notice of Cancellation provision on standard ACORD certificates.
- X 23. The City of Plano prefers an A.M. Best's Guide Rating of "A-", "VI" or better or Standard and Poors Rating AA or better; Authorized to do business in the State of Texas (not applicable for workers' compensation assigned through pool or alternative compensation programs).
- X 24. The Certificate must state project title and project number.
- X 25. Other Insurance Required:

INSURANCE AGENT'S STATEMENT

I have reviewed these requirements with the Engineer named below. Additionally:

X 26. The above policy(s) carry the following deductibles: _____

Full limits of coverage available for:

General Liability _____

Professional Liability _____

Automobile Liability _____

X 27. Liability policies are (indicate):

OCCURRENCE []

CLAIMS MADE []

Signature

Date

Insurance Agent (Print)

Name of Insured

Date

EXHIBIT "E"

AFFIDAVIT OF NO PROHIBITED INTEREST

I, the undersigned declare and affirm that no person or officer of **BROWN & GAY ENGINEERS, INC.**, (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.

Brown & Gay Engineers Inc
Name of Consultant

By: A Lee Heed III
Signature

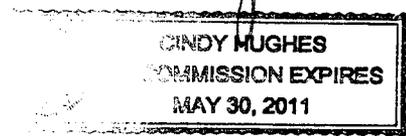
A. Lee Heed III
Print Name

Vice President
Title

5/21/09
Date

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

SUBSCRIBED AND SWORN TO before me this 21st day of May, 2009

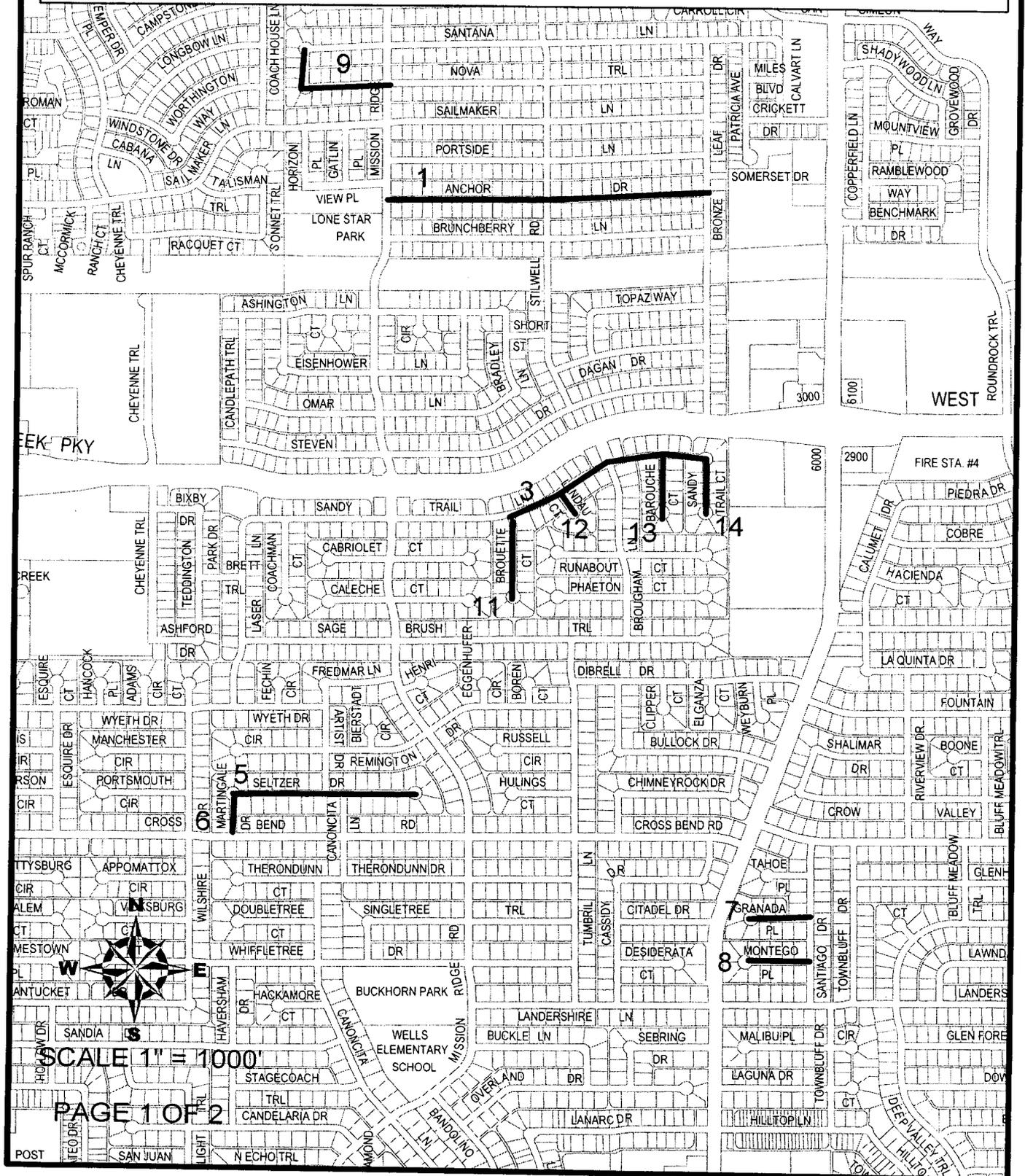


Cindy Hughes
Notary Public, State of Texas

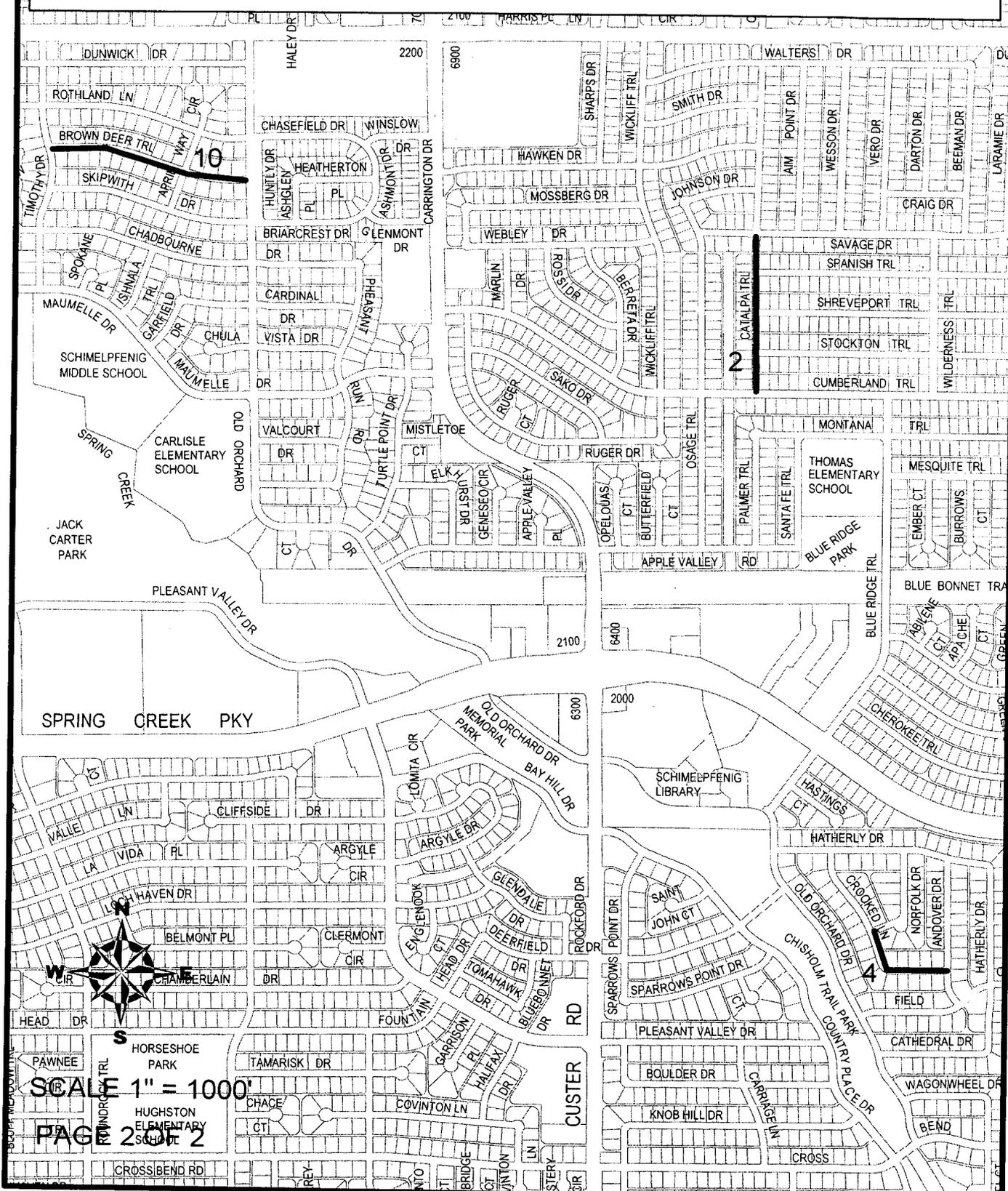
Engineering Services Agreement
Park Estates Water Rehabilitation
Project No. 5933

Exhibit E - Page 1

PARK ESTATES WATER REHABILITATION PROJECT NO. 5933



PARK ESTATES WATER REHABILITATION PROJECT NO. 5933



SCALE 1" = 1000'

PAGE 2 OF 2



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: 6/8/09			Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Parks and Recreation			Initials	Date
Department Head	Amy Fortenberry			Assistant City Manager	
Dept Signature:	<i>Amy Fortenberry</i>			Deputy City Manager	<i>[Signature]</i>
				City Manager	<i>[Signature]</i>
Agenda Coordinator (include phone #): Susan Berger (7255)					
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, DESIGNATING THE DIRECTOR OF PARKS AND RECREATION TO ACT FOR AND ON BEHALF OF THE CITY OF PLANO IN SEEKING PARTICIPATION IN THE COLLIN COUNTY PARKS AND OPEN SPACE PROJECT FUNDING ASSISTANCE PROGRAM; CERTIFYING THAT THE CITY OF PLANO IS ELIGIBLE TO RECEIVE SUCH FINANCIAL ASSISTANCE; CERTIFYING THAT MATCHING FUNDS FROM THE COUNTY PROGRAM WILL BE USED TO CONSTRUCT BLUEBONNET TRAIL EAST WHICH SHALL BE DEDICATED FOR PUBLIC PARK AND RECREATIONAL USES; AND PROVIDING AN EFFECTIVE DATE.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR: 2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	0	0	0	0	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	0	0	0	
BALANCE	0	0	0	0	
FUND(S): PARK IMPROVEMENTS CIP					
COMMENTS: This item, which has no fiscal impact at this time, allows the City to submit a request to the Collin County Commissioners Court to provide matching grant funds for the Bluebonnet Trail extension project. If this request is approved, the City will commit \$435,000 of Park Improvement CIP funds.					
STRATEGIC PLAN GOAL: Park Construction relates to the City's Goal of Premier City in Which to Live.					
SUMMARY OF ITEM					
This grant request is for funding to extend Bluebonnet Trail, a concrete multi-use recreational trail, from Alma east to Chase Oaks, then north on Chase Oaks and curving east to U.S. Highway 75.					
The City of Plano is eligible to apply for matching grant funds for park improvements. Bond funds for the development of Bluebonnet Trail East in the amount of \$870,000 are available through the Parks and Recreation Capital Improvement Program. The grant application request is for \$435,000 to be matched by City funds in the amount of \$435,000 making \$870,000 available for the improvement if the grant is approved.					
List of Supporting Documents: Location Map Resolution			Other Departments, Boards, Commissions or Agencies		

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, DESIGNATING THE DIRECTOR OF PARKS AND RECREATION TO ACT FOR AND ON BEHALF OF THE CITY OF PLANO IN SEEKING PARTICIPATION IN THE COLLIN COUNTY PARKS AND OPEN SPACE PROJECT FUNDING ASSISTANCE PROGRAM; CERTIFYING THAT THE CITY OF PLANO IS ELIGIBLE TO RECEIVE SUCH FINANCIAL ASSISTANCE; CERTIFYING THAT MATCHING FUNDS FROM THE COUNTY PROGRAM WILL BE USED TO CONSTRUCT BLUEBONNET TRAIL EAST WHICH SHALL BE DEDICATED FOR PUBLIC PARK AND RECREATIONAL USES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Collin County voters approved a bond referendum for the purpose of allowing cities within Collin County to participate in the Collin County Parks and Open Space Project Funding Assistance Program ("the Program"); and

WHEREAS, the City of Plano, a municipality, is fully eligible to receive financial assistance under the Program; and

WHEREAS, the City of Plano desires to authorize an official to represent and act for the City of Plano in making application to the Collin County Commissioners Court concerning the Program; and

WHEREAS, matching funds from the County program will be used to construct Bluebonnet Trail East, a trail that will be dedicated for public park and recreational uses.

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

SECTION I. The City of Plano hereby certifies that the City is eligible to receive financial assistance under the Program.

SECTION II. The City of Plano hereby certifies that the City's matching share is readily available at this time.

SECTION III. The City of Plano hereby authorizes the Director of Parks and Recreation to make application for financial assistance from the Collin County Commissioners Court concerning proposed improvement in the City of Plano for recreational use and certifies that said matching funds will be used to construct Bluebonnet Trail East, a dedicated public park and recreational use area.

SECTION IV. This Resolution shall become effective immediately upon its passage.

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

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

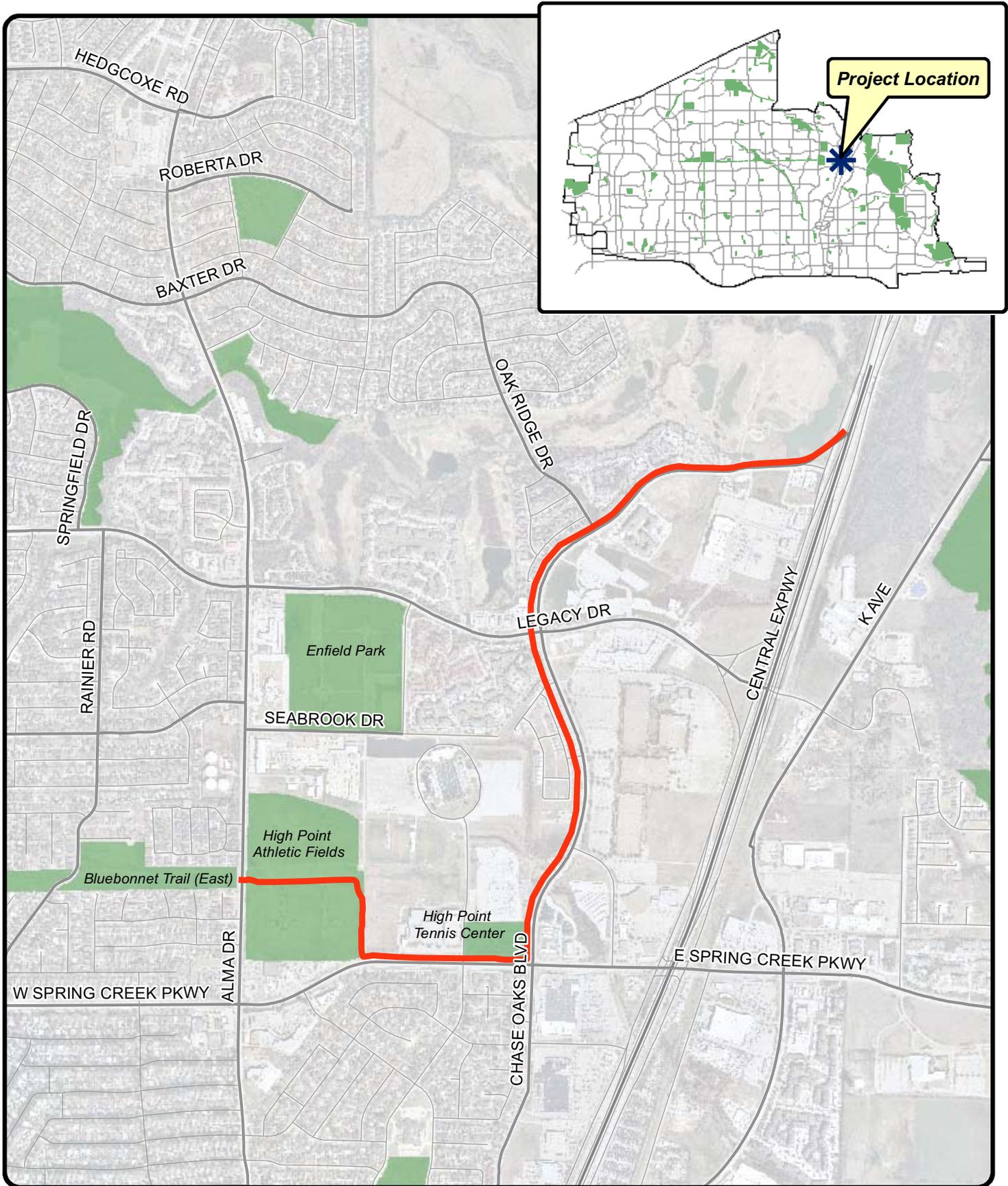
APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



Location Map

Bluebonnet Trail Extension Alma to US 75 - Project #5664





**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget <i>C.S.</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	6/8/09	Reviewed by Legal <i>gms</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Customer and Utility Services			
Department Head	Mark D. Israelson	Assistant City Manager	<i>[Signature]</i>	Initials
Dept Signature:	<i>Stephanie Foster</i>	Deputy City Manager	<i>[Signature]</i>	Date
		City Manager	<i>[Signature]</i>	<i>6/1/2009</i>
Agenda Coordinator (include phone #):	Nancy Rodriguez X7510			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 10 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	08/09	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	143,994	0
Encumbered/Expended Amount		0	-85,985	0
This Item		0	-26,080	0
BALANCE		0	31,929	0
FUND(S):	GENERAL FUND (01.215)			
COMMENTS: Funding for this item is included in the 2008-09 Non-Departmental Operating Budget. STRATEGIC PLAN GOAL: Participation in Utility Steering Committees and Coalitions relates to the City's Goal of "Service Excellence".				
SUMMARY OF ITEM				
The City of Plano is a member of a 150-member city coalition known as the Steering Committee of Cities Served by Oncor. The resolution approves the assessment of a ten cent (\$0.10) per capita fee to fund the activities of the Steering Committee.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Memorandum				

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 10 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Plano is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company (Oncor) within the municipal boundaries of the city; and

WHEREAS, the Steering Committee has historically intervened in Oncor (formerly known as TXU) rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, affecting transmission and distribution utility rates; and

WHEREAS, the City is a member of the Steering Committee of Cities Served by Oncor; and

WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs.

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

Section I. That the City is authorized to continue its membership with the Steering Committee of Cities Served by Oncor to protect the interests of the City of Plano and protect the interests of the customers of Oncor Electric Delivery residing and conducting business within the City limits.

Section II. It is further authorized to pay its assessment to the Steering Committee ten cents (\$0.10) per capital based on the population figures for the City shown in the latest TML Directory of City Officials.

RESOLUTION NO. _____

Page 2

Section III. A copy of this Resolution and the assessment payment check made payable to "Oncor Cities Steering Committee" shall be sent to Jay Doegey, Chair, Oncor Cities Steering Committee, c/o City Attorney's Office, Mail Stop 63-0300, PO Box 90231, Arlington, Texas 76004-3231.

Section IV. This resolution shall become effective immediately upon its passage.

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

Phil Dyer
MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date:	6/8/09	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Budget	Initials	Date		
Department Head	Karen Rhodes-Whitley	Asst City Manager			
Dept Signature:	<i>K Rhodes-Whitley</i>	City Manager	<i>JH</i>	<i>6/20/09</i>	
Agenda Coordinator (include phone #):		Anita Bell x7194			
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 AND AUTHORIZING THE REFUNDS OF PROPERTY TAX OVERPAYMENTS; 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):					
COMMENTS: Funds are disbursed by the Collin County Tax Office.					
SUMMARY OF ITEM					
This will authorize the City's Tax Assessor/Collector to make the appropriate property tax refunds totaling \$2,711.90 .					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Refund request listing provided by Collin County Tax Office					

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING AND AUTHORIZING THE REFUNDS OF PROPERTY TAX OVERPAYMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 31.11 of the Texas Property Tax Code authorizes refunds of certain payments of taxes upon application to the City; and

WHEREAS, under said Section 31.11 of the Texas Property Tax Code, refunds must be presented to the governing body of the taxing unit for approval; and

WHEREAS, the City Council has been presented a list of tax payments made, a copy of which is attached hereto, made a part hereof and marked Exhibit "A", which payments are requested to be refunded because such payments were erroneous or excessive; and

WHEREAS, upon full review and consideration of the above, and all matters attendant and related thereto, the City Council is of the opinion that the tax payments should be refunded.

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

Section I. The City Council of the City of Plano, Texas, finds and determines that the tax payments listed in Exhibit "A" were paid erroneously or were in excess of taxes due and shall be refunded in accordance with Section 31.11 of the Texas Property Tax Code.

Section II. The Tax Assessor/Collector for the City of Plano, Texas, or his designee, is hereby authorized to take the necessary action to effectuate the refunds approved under this Resolution.

Section III. This Resolution shall become effective from and after its passage.

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

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



KENNETH L. MAUN
TAX ASSESSOR COLLECTOR
COLLIN COUNTY
2300 BLOOMDALE RD STE 2324
P.O. Box 8006
McKinney, TX 75070-8006
(972) 547-5020
METRO (972) 424-1460 ext. 5020
FAX (972) 547-5053
Email: taxassessor@co.collin.tx.us

May 11, 2009

Plano City
Karen Rhodes
P.O. Box 860358
Plano, TX 75086-0358

Dear Ms. Rhodes:

Please place a request for approval of the following "Overpayment Refund Listing" on the agenda for the next Plano City Council Meeting. The amount of refunds requested for the overpayment listings is: \$2,711.90

Each listing and the amounts are as follows:

OPAP#1		OPAP#8
OPAP#2	\$2,575.22	OPAP#9
OPAP#3		OPAP#10
OPAP#4	\$98.15	OPAP#11
OPAP#5	\$32.70	OPAP#12
OPAP#6	\$5.83	OPAP#13
OPAP#7		OPAP#14

The listings represent refunds caused by overpayments.
All requests for refunds of ad valorem taxes are substantiated by documentation that is available upon request.

Please notify our office upon Council approval so that we may issue and mail the checks.

If you have any questions, please let me know.

Sincerely,

Kenneth L. Maun
Tax Assessor Collector

KLM:br
Enclosure



**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:	6/8/09	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>	6/1/09	
Dept Signature:	<i>[Signature]</i>	Deputy City Manager			
		City Manager	<i>[Signature]</i>	6/1/09	
Agenda Coordinator (include phone #): Amy Powell Ext. 7342					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A SOFTWARE SUPPORT AGREEMENT RENEWAL BY AND BETWEEN TRITECH SOFTWARE SYSTEMS AND THE CITY OF PLANO, TEXAS FOR COMPUTER AIDED DISPATCH SYSTEM; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR HIS AUTHORIZED DESIGNEE; AND PROVIDING AN EFFECTIVE DATE					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	08/09, 09/10, 10/11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	858,038	0	858,038
Encumbered/Expended Amount			-163,151	0	-163,151
This Item		0	-212,322	0	-212,322
BALANCE		0	482,565	0	482,565
FUND(S): TECHNOLOGY SERVICES FUND (66.396)					
COMMENTS: Funds are included in the 2008-09 Public Safety Support budget. The remaining balance will be used throughout the year for other Public Safety Support maintenance agreements.					
STRATEGIC PLAN GOAL: Maintenance agreements for Public Safety applications relate to the City's Goal of "Service Excellence".					
SUMMARY OF ITEM					
Technology Services recommends Council approve the renewal of annual software maintenance support for the Computer Aided Dispatch system, in an amount of \$212,322.00 for the first year of the renewal and an amount not to exceed 10% increase for each subsequent year for two (2) years subject to availability and appropriation of funds. This maintenance and support is only provided by one source, TriTech Software Systems, Inc., and therefore is exempt from competitive bid as provided for in Section 252.022(a) (7) of the Texas Local Government Code.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Support Agreement, Resolution, and Staff Memo					

MEMORANDUM

Date: 05/21/2009

To: David Stephens, Technology Services Director

From: Earl Atencio

Subject: Computer Aided Dispatch Software Maintenance Renewal

Public Safety Support recommends Council approve an expenditure of 212,321.92 for the renewal of annual software maintenance support of the Computer Aided Dispatch system. TriTech is the developer of the Computer Aided Dispatch system and the sole source vendor able to provide this software maintenance.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A SOFTWARE SUPPORT AGREEMENT RENEWAL BY AND BETWEEN TRITECH SOFTWARE SYSTEMS AND THE CITY OF PLANO, TEXAS FOR COMPUTER AIDED DISPATCH SYSTEM; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR HIS AUTHORIZED DESIGNEE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented a proposed software support agreement renewal for its computer aided dispatch system between Tritech Software Systems and the City of Plano, Texas, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and,

WHEREAS, this service can only be provided by Tritech Software Systems as a sole source provider and therefore is exempt from competitive bidding pursuant to Section 252.022(a)(7) of the Texas Local Government Code; and

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

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

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

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

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

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

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



April 17, 2009

City of Plano
Attn: Earl Atencio
1117 E. 15th St.
Plano, TX. 75074

Renewal of Software Support Agreement

This letter is an important notice to renew your Software Support Agreement for your TriTech System, which is due to expire on May 31, 2009. The renewal of the Software Support Agreement will allow you to continue to take advantage of the software support and maintenance services provided by TriTech Software Systems and allow you to receive upgrades to your TriTech System.

Please complete and sign this Support Renewal Agreement and return it to TriTech along with your payment to assure uninterrupted software support and maintenance services coverage. Action on this Support Renewal Agreement is time sensitive; services to support your system will not be provided if you have not paid your Support Renewal Fee by the Expiration date of your Software Support Agreement.

TriTech Support Services Renewal Agreement Amendment

Client agrees to renew its Software Support Agreement, the terms of which are incorporated by reference herein as though set forth in full, and according to the terms and conditions included herein. Except as modified herein, all other terms and conditions of the Software Support Agreement shall remain in full force and effect. With respect to the content herein, in the event of any conflict between this Software Support Renewal Agreement Amendment and the Software Support Agreement, the terms of this Software Support Renewal Agreement Amendment shall control. This Support Renewal Agreement Amendment and applicable support fees must be signed, paid and returned by June 1, 2009 to avoid any interruptions in the software support and maintenance services provided by TriTech. Payment of \$212,521.92 for this period is due by June 1, 2009.

Consumer Price Index Adjustment

For support renewals that go into effect within calendar year 2009, the support renewal fee has been increased by the consumer price index (CPI) rate of 2.92%.

Note: Escrow, ESRI and GDT Fees are calculated separately and added to your annual support fee.

Payment

For your convenience, we have enclosed an invoice for the full amount of the TriTech Support Services Renewal Fees covering period beginning June 1, 2009-May 31, 2010. If you have any questions, please contact your Client Account Manager at 858-799-7000.

3550 Mesa Pl. West
San Diego, CA 92121
858 799 7000
FAX: 858 799 7010
www.tritech.com

j-4

The Support Renewal Agreement for TriTech Support Services is based upon the following TriTech Software licenses:

Plano

Product Name	Notes	# of Licenses	Total License Cost	Support Term 6/1/09-5/31/10
VisiCAD Command (Multi-Agency) Database Server License		1	30,000.00	6,668.93
VisiCAD Command (Multi-Agency) Full-User License		19	216,000.00	48,016.32
VisiCAD Web View Server License		1	2,500.00	555.74
VisiCAD Web View 100-User License Pack (Concurrent)		1	100,000.00	22,329.78
VisiCAD BOLO License		1	15,000.00	3,334.47
VisiCAD Router License		1	15,000.00	3,334.47
VisiCAD Divert		1	7,500.00	1,667.23
VisiCAD Playback		1	7,500.00	1,667.23
VisiCAD Multi Agency		1	10,000.00	2,222.98
VisiCAD R-Check		1	5,000.00	1,111.49
VisiCAD TDD		1	5,000.00	1,111.49
VisiCAD Protocol		1	5,000.00	1,111.49
VisiCAD Archive Data Purging and SQL Replication		1	25,000.00	5,557.44
VisiCAD Training Test Server		1	10,000.00	2,222.98
VisiCAD Voyager Proxy Message Switch Server		1	50,000.00	11,114.89
		1	7,500.00	1,667.23
RMS Connection VisiCAD Voyager Proxy		1	10,000.00	2,222.98
CSI Court System Connection VisiCAD Voyager Proxy		1	15,000.00	3,334.47
ANI/ALI Simulation Application		1	2,500.00	555.74
Response Area Link		1	2,500.00	555.74
OOS Status Queue		1	2,000.00	444.60
VisiCAD Command Modification - Help Library Module		1	12,000.00	2,667.57
Standard Alpha-Numeric Paging Interface License		1	9,000.00	2,000.68
Standard E-9-1-1 With TDD Interface License		1	20,000.00	4,445.96
Sun Pro Integration Module License		1	40,000.00	8,891.91
MAST RMS One-Way Closed-Record Download License		1	25,000.00	5,557.44
Safety PAD EMS VisiCAD -Record Download License		1	25,000.00	5,557.44
Trimble Automatic Vehicle Location Interface License		1	30,000.00	6,668.93
Mobile Computer Terminal Interface License (MW520/Laptop)		1	85,000.00	18,895.31
Justice Message Switch Interface License		1	25,000.00	5,557.44
Net Clock Configuration		1	500.00	111.15
Pro Q/A Integration Module License		5	2,250.00	500.17
Locution CAD Voice Dispatch Interface		1	10,000.00	2,222.98
ICAD Alarm System Integration w/VisiCAD Premise		1	50,000.00	11,114.89
Deccan Box Area Build to VisiCAD Response Area (RSR)		1	50,000.00	11,114.89
VisiCAD Map Import		1	25,000.00	5,557.44
			951,750.00	
Total License Renewal Fee:				211,571.92
			GDI Fee (1)	0.00
			Escrow Fee:	750.00
			Other (see Note)	0.00
Total Adjusted License Renewal Fee:				212,321.92

As a part of your support renewal, you will receive one (1) free conference admission to the Annual VisiCon User's Conference. Travel and expenses are not included.

ACCEPTED AND AGREED:

TRITECH SOFTWARE SYSTEMS

Signature

Blake Clark

Blake Clark
CFO

Printed Name

Title

Date

TriTech Support Services Renewal – Options

Please include (check options) the following options into the costs of the Support Renewal Agreement. The costs for selected options will be added to the final cost of the Support Renewal Agreement and reflected in a revised invoice. Early payment options, either discount on renewal fees or quarterly payments, do not apply to any of the following options.

- Annual membership fee (\$150) for your organization with the TriTech International User's Group (an independent non-profit organization of TriTech Clients). Note: TriTech collects this fee and forwards the full amount directly to the International User's Group.
- Please add _____ TriTech Annual VisiCon User Conference pre-registration fees into the Support Renewal Fee at USD\$695.00 per person (\$695 is the early-bird registration fee).
- Please add airfare and hotel charges for each attendee to attend the annual TriTech VisiCon User Conference to the Support Renewal Fee. In order for TriTech to provide a quote, TriTech must be informed of the location where travel will begin for each individual and dates when travel will occur. TriTech will not be responsible for any expenses beyond airfare and hotel. Any unused funds will be credited to the Client.
- Please include a Maintenance Pool in the amount of USD\$ _____ to the Support Renewal Fee. The Maintenance Pool can only be utilized upon authorization from the Client for non-covered support services, hardware upgrades, operating system or database upgrades, and for TriTech Software modules or services. Payment will be as follows:
 - o _____ Include the Maintenance Pool cost in the Support Renewal Fee and maintain any applicable credits on Client's TriTech Account.
 - o _____ Include the Maintenance Pool cost in the overall Support Renewal Fee, but invoice the Client individually for the authorized services.

- Please include a quote for adding the following to the Support Renewal Agreement:

Completed By:

Signature

Printed Name, Title Date



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY			Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 6/8/09			Reviewed by Legal <i>WS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Public Works & Engineering			Initials	Date
Department Head	Alan L. Upchurch			Assistant City Manager	
Dept Signature:	<i>Alan L. Upchurch</i>			Deputy City Manager	<i>5/11/09</i>
				City Manager	<i>6/1/09</i>
Agenda Coordinator (include phone #): Irene Pegues (7198) <i>WS</i>					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
A resolution of the City Council of the City of Plano, Texas, ratifying the termination of a contract by and between Hisaw and Associates General Contractors, Inc., and the City of Plano for the Plano Centre Storage Expansion; approving its execution by the City Manager or his authorized designee; and providing an effective date.					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget					
Encumbered/Expended Amount					
This Item					
BALANCE					
FUND(S):					
COMMENTS:					
SUMMARY OF ITEM					
<p>On May 1, 2009, City of Plano received a letter dated April 29, 2009, from Hisaw and Associates General Contractors, Inc., stating Hisaw was ceasing operations. Hisaw was contracted with the City of Plano to construct the Plano Centre Storage Expansion. On May 12, 2009, City of Plano sent Hisaw a notice of intent to terminate their contract for failure to staff the project and pay their subcontractors and suppliers. Hisaw did not respond by the stated deadline of May 20, 2009. Neither did Hisaw correct the reasons the City of Plano cited for termination.</p> <p>The City of Plano officially notified Hisaw on May 21, 2009, of the termination of the contract between the City of Plano and Hisaw and Associates General Contractors, Inc. This agenda item ratifies the termination.</p> <p>We are currently working with the bonding company, Liberty Mutual Surety, to take over completion of the project.</p>					
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, RATIFYING THE TERMINATION OF A CONTRACT BY AND BETWEEN HISAW AND ASSOCIATES GENERAL CONTRACTORS, INC., AND THE CITY OF PLANO FOR THE PLANO CENTRE STORAGE EXPANSION; APPROVING ITS EXECUTION BY THE CITY MANAGER OR HIS AUTHORIZED DESIGNEE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Plano and Hisaw and Associates General Contractors, Inc., entered into a contract as approved by the City on August 25, 2008, for the construction of the Plano Centre Storage Expansion; and

WHEREAS, Hisaw and Associates General Contractors, Inc., has ceased operations on or about April 29, 2009, while under contract to construct the Plano Centre Storage Expansion; and

WHEREAS, the City of Plano has notified Hisaw and Associates General Contractors, Inc., of its intention to terminate the contract for failure to staff the job site and pay its subcontractors and suppliers, as required by the terms of the contract; and

WHEREAS, Hisaw and Associates General Contractors, Inc., failed to respond or cure the defects; and

WHEREAS, the City Council has been presented the termination notice to Hisaw and Associates General Contractors, Inc., by the City of Plano, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Termination"); and

WHEREAS, upon full review and consideration of the Termination and all matters attendant and related thereto, the City Council is of the opinion that the termination should be ratified and approved.

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

Section I. The Termination, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, is hereby in all things ratified and execution by the

City Manager or his authorized designee on behalf of the City of Plano is hereby approved.

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

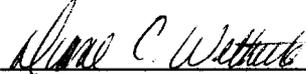
DULY PASSED AND APPROVED the ____ day of _____, 2009.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY



May 21, 2009

CERTIFIED MAIL
7001 2510 0003 8794 3352

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

Mr. Richard Hisaw
Hisaw and Associates General Contractors
4301 Reeder Drive, Suite 100
Carrollton, Texas 75010

Re: Plano Centre Storage Expansion – CIP No. 54423

Dear Mr. Hisaw:

Per the attached copy of our letter dated May 12, 2009, we notified you of our intent to terminate the subject contract for failure to staff the project and failure to pay subcontractors and suppliers. As we have not heard from you within the time allowed by our letter, we conclude that you have no intent to cure these defects and therefore advise you that your contract with the City of Plano for the Plano Centre Storage Expansion, CIP No. 54423, is terminated effective immediately.

Sincerely,

James Razinha
Facilities Manager

Is

Attachment

xc: Frank Hucks, Liberty Mutual
Warren Spencer, Asst. City Attorney III
Alan L. Upchurch, Director of Public Works & Engineering
Mike Ryan, Chief Purchasing Officer

P.O. Box 860358
Plano, Texas 75086-0358
972-941-7000
www.plano.gov



May 12, 2009

CERTIFIED MAIL
7001 2510 0003 8794 3543

Fat 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

Mr. Richard Hisaw
Hisaw & Associates General Contractors, Inc.
4301 Reeder Drive, Suite 100
Carrollton, Texas 75010

Re: Plano Centre Storage Expansion
CIP No. 54423

Dear Mr. Hisaw:

This letter will advise you of the City's intent to terminate your contract on the Plano Centre Storage Expansion project.

This termination for cause is a result of your failure to supply sufficient properly skilled workers to complete the project, as well as repeated failures to make payments to your subcontractors.

The termination will become effective on May 20, 2009, unless you contact us before that date and make arrangements to cure the contractual defaults.

Sincerely,

James Razinha
Facilities Manager

Is

xc: Frank Hucks, Liberty Mutual
Warren Spencer, Asst. City Attorney III
Alan L. Upchurch, P.E., Director of Public Works & Engineering

P.O. Box 860358
Plano, Texas 75086-0358
972-941-7000
www.plano.gov



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget <i>CS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 6/8/09		Reviewed by Legal <i>ST</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Public Works & Engineering		Initials	Date
Department Head	Alan L. Upchurch	Assistant City Manager		
Dept Signature:	<i>Alan L. Upchurch</i>	Deputy City Manager	<i>[Signature]</i>	6/1/09
		City Manager	<i>[Signature]</i>	6/1/09
Agenda Coordinator (include phone #): Irene Pegues (7198) <i>[Signature]</i>				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an Advance Funding Agreement for projects using funds held in the State Highway 121 Sub-account - City Street Development - Off System Projects; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	400,838	7,734,162	4,410,000	12,545,000
Encumbered/Expended Amount	-400,838	-332,614	0	-733,452
This Item	0	-2,552,576	-2,067,552	-4,620,128
BALANCE	0	4,848,972	2,342,448	7,191,420
FUND(S): STREET IMPROVEMENT CIP				
COMMENTS: This item allows the City of Plano to enter into an advance funding agreement with TxDOT for seven off system street improvement projects. If this request is approved, the City will commit to 20%, or \$4,620,128, of the total cost over the next three to four years from the Street Improvement CIP funds.				
STRATEGIC PLAN GOAL: Funding agreements for street improvements relate to the City's Goal of Safe, Efficient Travel.				
SUMMARY OF ITEM				
The attached resolution authorizes the City Manager to execute an Advance Funding Agreement with TxDOT to provide funding from the SH 121 project for seven off system projects (Independence Parkway, from 15 th Street to Parker Road; Legacy Drive, from Custer Road to K Avenue; Park Boulevard, from Coit Road to Jupiter Road; Parker Road at Coit Road, Independence Parkway and Alma Drive; Spring Creek Parkway at Independence Parkway, Custer Road and US 75 Service Road; 14 th Street, from K Avenue to Ridgewood Drive; and Raso Road, from Ohio Drive to SH 121). TxDOT will provide up to \$18,488,511, or 80% of the design, right of way and construction costs of the projects. The City will be responsible for the remaining 20%. The project will be implemented over the next three to four years.				
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 TERMS AND CONDITIONS OF AN ADVANCE FUNDING AGREEMENT FOR PROJECTS USING FUNDS HELD IN THE STATE HIGHWAY 121 SUB-ACCOUNT – CITY STREET DEVELOPMENT – OFF SYSTEM PROJECTS; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR HIS AUTHORIZED DESIGNEE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, authorizes governmental entities to contract with each other to perform government functions and services under the terms thereof; and

WHEREAS, the City Council has been presented a proposed Advance Funding Agreement for projects using funds held in the State Highway 121 sub-account – City Street Development – Off System Projects, a substantial copy of which is attached hereto as Exhibit “A” and incorporated herein by reference (hereinafter called “Agreement”); and

WHEREAS, the projects to be funded in the agreement are Independence Parkway, from 15th Street to Parker Road; Legacy Drive, from Custer Road to K Avenue; Park Boulevard, from Coit Road to Jupiter Road; Parker Road at Coit Road, Independence Parkway and Alma Drive; Spring Creek Parkway at Independence Parkway, Custer Road and US 75 Service Road; 14th Street, from K Avenue to Ridgewood Drive; and Razor Road, from Ohio Drive to SH 121; and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or his authorized designee should be authorized to execute it on behalf of the City of Plano.

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

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

Section II. The City Manager or his authorized designee is hereby authorized to execute the Agreement and all other documents in connection

therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Agreement.

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

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

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY

CSJ: 0918-24-153
 Independence Pkwy: From 15th Street
 To Parker Road
 CSJ: 0918-24-154
 Legacy Drive: From Custer Road
 To K Avenue
 CSJ: 0918-24-155
 Park Boulevard: From Coit Road
 To Jupiter Road
 CSJ: 0918-24-156
 Parker Road At Coit Road,
 Independence Pkwy, and Alma Road
 CSJ: 0918-24-157
 Spring Creek Pkwy At Independence Pkwy,
 Custer Road and US 75 Service Road
 CSJ: 0918-24-158
 14th Street: From K Avenue
 To Ridgewood Drive
 CSJ: 0918-24-159
 Razor Road: From Ohio Drive
 To SH 121
 Collin County
 District #18
 Code Chart 64# 14670

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
 FOR PROJECTS USING FUNDS HELD IN THE
 STATE HIGHWAY 121 SUBACCOUNT—
 CITY STREET DEVELOPMENT
 Off-System Projects**

THIS AGREEMENT (the Agreement) is between the State of Texas, acting by and through the Texas Department of Transportation (the State), and the City of Plano (Local Government), collectively, the "Parties."

WITNESSETH

WHEREAS, the State has received money from the North Texas Tollway Authority for the right to develop, finance, design, construct, operate, and maintain the SH 121 toll project from Business SH 121 in Denton County to US 75 in Collin County ("SH 121 payments"); and

WHEREAS, pursuant to Transportation Code, 228.006 the State shall authorize the use of surplus revenue of a toll project for a transportation project, highway project, or air quality project within the district of the Texas Department of Transportation in which any part of the toll project is located; pursuant to Transportation Code, §228.012 the State has created a separate subaccount in the state highway fund to hold such money (SH 121 Subaccount), and the State shall hold such money in trust for the benefit of the region in which a project is located, and may assign the responsibility for allocating money in the subaccount to a metropolitan planning organization (MPO); and

WHEREAS, in Minute Order 110727, dated October 26, 2006, the Texas Transportation Commission (the "Commission") approved a memorandum of understanding (MOU) with the Regional Transportation Council (RTC), which is the transportation policy council of the North Central Texas Council of Governments (NCTCOG) and a federally designated MPO, concerning in part the administration, sharing, and use of surplus toll revenue in the

2-4

CSJ: 0918-24-153
 Independence Pkwy: From 15th Street
 To Parker Road
 CSJ: 0918-24-154
 Legacy Drive: From Custer Road
 To K Avenue
 CSJ: 0918-24-155
 Park Boulevard: From Coit Road
 To Jupiter Road
 CSJ: 0918-24-156
 Parker Road At Coit Road,
 Independence Pkwy, and Alma Road
 CSJ: 0918-24-157
 Spring Creek Pkwy At Independence Pkwy,
 Custer Road and US 75 Service Road
 CSJ: 0918-24-158
 14th Street: From K Avenue
 To Ridgewood Drive
 CSJ: 0918-24-159
 Rasor Road: From Ohio Drive
 To SH 121
 Collin County
 District #18
 Code Chart 64# 14670

Article 2. Project Funding

The State will pay money to the Local Government from the SH 121 Subaccount in the amounts specified in Attachment A, Payment Provision and Work Responsibilities. Except as provided in the next succeeding sentence, the payments will begin no later than upon the later of the following: (1) fifteen days after the Legislative Budget Board and the Governor each approve the expenditure, in accordance with Rider 25 of the Texas Department of Transportation bill pattern in Senate Bill 1, 80th Legislature; and (2) thirty days after execution of this Agreement. If Attachment A shows that the RTC has allocated payments to the Local Government for a certain expenditure (e.g. construction) for the Projects in a certain fiscal year, then the State will make the payment from the SH 121 Subaccount to the Local Government for such expenditure no later than 30 days after the beginning of the designated Fiscal Year. A Fiscal Year begins on September 1 (for example, the 2009 Fiscal Year began September 1, 2008).

Article 3. Separate Account; Interest

All funds paid to the Local Government shall be deposited into a separate account, and interest earned on the funds shall be kept in the account. Interest earned may be used only for the purposes specified in Attachment A, Payment Provision and Work Responsibilities, and only after obtaining the written approval of the RTC. The Local Government's use of interest earned will not count towards the 20 percent local match requirement set forth in this Agreement.

Article 4. Shortfalls in Funding

The Local Government shall apply all funds to the scope of work of the Projects described in Attachment A, Payment Provisions and Work Responsibilities, and to none other. All cost overruns are the responsibility of the Local Government. However, should the funds be insufficient to complete the work contemplated by the Projects, the Local Government may make further request to the RTC and the State for additional funds from the SH 121 Subaccount. Funds may be increased only through an amendment of this Agreement. If the SH 121 Subaccount does not contain sufficient funds to cover the balance necessary to complete the Projects, or if the RTC or the Commission decline the request for any other reason, then the Local Government shall be responsible for any shortfall.

CSJ: 0918-24-153
 Independence Pkwy: From 15th Street
 To Parker Road
 CSJ: 0918-24-154
 Legacy Drive: From Custer Road
 To K Avenue
 CSJ: 0918-24-155
 Park Boulevard: From Coit Road
 To Jupiter Road
 CSJ: 0918-24-156
 Parker Road At Coit Road,
 Independence Pkwy, and Alma Road
 CSJ: 0918-24-157
 Spring Creek Pkwy At Independence Pkwy,
 Custer Road and US 75 Service Road
 CSJ: 0918-24-158
 14th Street: From K Avenue
 To Ridgewood Drive
 CSJ: 0918-24-159
 Razor Road: From Ohio Drive
 To SH 121
 Collin County
 District #18
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environmental review and public involvement for the Projects to comply with state law and regulations, and with local laws, regulations, rules, policies, and procedures applicable to the Local Government. The Local Government shall maintain a copy of the certification in the project files.

Article 12. Compliance with Texas Accessibility Standards and ADA

The Local Government shall ensure that the plans for and the construction of the Projects is in compliance with the Texas Accessibility Standards (TAS) issued by the Texas Department of Licensing and Regulation, under the Architectural Barriers Act, Article 9102, Texas Civil Statutes. The TAS establishes minimum accessibility requirements to be consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336).

Article 13. Work Outside the Project Site

The Local Government shall provide both the necessary right of way and any other property interests needed for the Projects.

Article 14. Insurance

If this agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

Article 15. Audit

Within 120 days of completion of the Project, the Local Government shall perform an audit of the costs of the Projects. Any funds due to the State will be promptly paid by the Local Government.

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 To Jupiter Road
 CSJ: 0918-24-156
 Parker Road At Coit Road,
 Independence Pkwy, and Alma Road
 CSJ: 0918-24-157
 Spring Creek Pkwy At Independence Pkwy,
 Custer Road and US 75 Service Road
 CSJ: 0918-24-158
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Article 16. Maintenance

The Local Government shall be responsible for maintenance of the Projects.

Article 17. Responsibilities of the Parties

- a. The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives, and agents.
- b. To the extent permitted by law, the Local Government agrees to indemnify and save harmless the State, its agents and employees from all suits, actions or claims and from all liability and damages resulting from any and all injuries or damages sustained by any person or property in consequence of any neglect, error, or omission in the performance of the design, construction, maintenance or operation of the Projects by the Local Government, its contractor(s), subcontractor(s), agents and employees, and from any claims or amounts arising or recovered under the "Workers' Compensation laws"; the Texas Tort Claims Act, Chapter 101, Texas Civil Practice and Remedies Code; or any other applicable laws or regulations, all as from time to time may be amended.
- c. The Parties expressly agree that the Projects are not a joint venture or enterprise. However, if a court should find that the Parties are engaged in a joint venture or enterprise, then the Local Government, to the extent provided by law, agrees to pay any liability adjudicated against the State for acts and deeds of the Local Government, its employees or agents during the performance of the Projects.
- d. To the extent provided by law, the Local Government shall also indemnify and save harmless the State from any and all expense, including, but not limited to, attorney's fees which may be incurred by the State in litigation or otherwise resisting said claim or liabilities which may be imposed on the State as a result of such activities by the Local Government, its agents, or employees.

Article 18. Notices

All notices to either party by the other required under this Agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid or sent by electronic mail, (electronic notice being permitted to the extent permitted by law but only after a separate

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 CSJ: 0918-24-157
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 CSJ: 0918-24-159
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written consent of the parties), addressed to such party at the following addresses:

Local Government:	State:
City of Plano Attn: City Engineer P.O. Box 860358 Plano, Texas 75086-0358	Texas Department of Transportation Attn: District Engineer 4777 E. Highway 80 Dallas, Texas 75150

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices shall be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

Article 19. Right of Access

If the Local Government is the owner or otherwise controls access to any part of site of the Projects, the Local Government shall permit the State or its authorized representative access to the site to perform any activities authorized in this Agreement.

Article 20. Project Documents

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data prepared under this Agreement by the Local Government shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State in the form of photocopy reproduction as required by the State. The originals shall remain the property of the Local Government. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

Article 21. Inspection of Books and Records

The Local Government shall keep a complete and accurate record to document the performance of the work on the Projects and to expedite any audit that might be

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 Park Boulevard: From Coit Road
 To Jupiter Road
 CSJ: 0918-24-156
 Parker Road At Coit Road,
 Independence Pkwy, and Alma Road
 CSJ: 0918-24-157
 Spring Creek Pkwy At Independence Pkwy,
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conducted. The Local Government shall maintain records sufficient to document that funds provided under the Agreement were expended only for eligible costs that were incurred in accordance with all applicable state and local laws, rules, policies, and procedures, and in accordance with all applicable provisions of this Agreement. The Local Government shall maintain all books, documents, papers, accounting records and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State for review and inspection during the contract period and for four (4) years from the date of completion of work defined under this Agreement or until any pending litigation or claims are resolved, whichever is later. Additionally, the State shall have access to all governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

Article 22. NCTCOG

Acceptance of funds directly under the Agreement or indirectly through a subcontract under the Agreement acts as acceptance of the authority of NCTCOG and RTC to assist the Local Government's implementation of financial reporting and environmental review concerning the Projects. The Local Government shall provide to NCTCOG on a monthly basis a report of expenses, including the Local Government's expenditure of local match funds. The report shall list separately the expenditures by Projects' phase as shown in Attachment A, including but not limited to engineering, environmental review, right of way acquisition, and construction. The report shall also describe interest earned on money from the SH 121 Subaccount, including the interest rate, interest earned during the month, and cumulative interest earned. The report shall further describe the status of developing the Projects. Not less than 60 days before the environmental review document is submitted to the governing body of the Local Government for final approval, the Local Government shall submit the document to NCTCOG for review and comment. NCTCOG may provide the Local Government technical assistance on the environmental review of the Projects as mutually agreed between NCTCOG and the Local Government.

Article 23. State Auditor

The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the Agreement or indirectly through a subcontract under the Agreement. Acceptance of funds directly under the Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor,

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 CSJ: 0918-24-157
 Spring Creek Pkwy At Independence Pkwy,
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under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

Article 24. Amendments

By mutual written consent of the Parties, this contract may be amended prior to its expiration.

Article 25. Termination

The Agreement may be terminated in the following manner:

- by mutual written agreement and consent of both parties;
- by either party upon the failure of the other party to fulfill the obligations set forth herein, after a 45 day period to cure after receiving written notice of non-compliance;
- by the State if the Local Government does not let the construction contract for the Projects within one year after the State first provides 121 Funds for construction as shown in Attachment A, Payment Provision and Work Responsibilities;
- by the State if the Local Government does not complete the Projects within ten years after the effective date of the Agreement;

Article 26. Work by Debarred Person

The Local Government shall not contract with any person that is suspended, debarred, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal agency or that is debarred or suspended by the State.

Article 27. Sole Agreement

The Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

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 CSJ: 0918-24-157
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IN WITNESS WHEREOF, THE STATE AND THE LOCAL GOVERNMENT have executed duplicate counterparts to effectuate this Agreement.

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
 Janice Mullenix
 Director, Contract Services Section, General Services Division

THE LOCAL GOVERNMENT

City of Plano

By _____ Date _____
 [NAME]
 [TITLE]

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ATTACHMENT A

Payment Provision and Work Responsibilities

For CSJ# 0918-24-153, the State will pay \$1,417,329.00 from the SH 121 Subaccount for Independence Parkway from 15th Street to Parker Road to realign traffic lanes to increase traffic flow, optimize signal timing and add right lanes.

In accordance with the allocation of funds approved by the RTC, and concurred with by the Texas Transportation Commission, the State will make the payments for the following work in the following Fiscal Years:

Fiscal Year	Expenditure				
	Preliminary Engineering		Right of Way Acquisition	Utilities	Construction
2009	\$129,792.00		\$432,640.00	\$0.00	\$0.00
2010	\$0.00		\$0.00	\$0.00	\$854,897.00
2011	\$0.00		\$0.00	\$0.00	\$0.00
2012	\$0.00		\$0.00	\$0.00	\$0.00
2013	\$0.00		\$0.00	\$0.00	\$0.00

The Local Government shall pay a required local match of \$354,332.00.

Upon completion of the Project, the Local Government will issue a signed "Notification of Completion" document to the State. The notice shall certify that the Project has been completed, all necessary inspections have been conducted, and the Project is open to traffic.

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 Independence Pkwy: From 15th Street
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 CSJ: 0918-24-154
 Legacy Drive: From Custer Road
 To K Avenue
 CSJ: 0918-24-155
 Park Boulevard: From Coit Road
 To Jupiter Road
 CSJ: 0918-24-156
 Parker Road At Coit Road,
 Independence Pkwy, and Alma Road
 CSJ: 0918-24-157
 Spring Creek Pkwy At Independence Pkwy,
 Custer Road and US 75 Service Road
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ATTACHMENT A

Payment Provision and Work Responsibilities

For CSJ# 0918-24-154, the State will pay **\$1,163,380.00** from the SH 121 Subaccount for Legacy Drive from Custer Road to K Avenue to add right turn lanes and dual left turn lanes.

In accordance with the allocation of funds approved by the RTC, and concurred with by the Texas Transportation Commission, the State will make the payments for the following work in the following Fiscal Years:

Fiscal Year	Expenditure				
	Preliminary Engineering	Right of Way Acquisition	Utilities	Construction	
2009	\$0.00	\$0.00	\$0.00	\$0.00	
2010	\$116,986.00	\$44,995.00	\$0.00	\$0.00	
2011	\$0.00	\$0.00	\$0.00	\$1,001,399.00	
2012	\$0.00	\$0.00	\$0.00	\$0.00	
2013	\$0.00	\$0.00	\$0.00	\$0.00	

The Local Government shall pay a required local match of **\$290,845.00**.

Upon completion of the Project, the Local Government will issue a signed "Notification of Completion" document to the State. The notice shall certify that the Project has been completed, all necessary inspections have been conducted, and the Project is open to traffic.

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 CSJ: 0918-24-154
 Legacy Drive: From Custer Road
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 CSJ: 0918-24-155
 Park Boulevard: From Coit Road
 To Jupiter Road
 CSJ: 0918-24-156
 Parker Road At Coit Road,
 Independence Pkwy, and Alma Road
 CSJ: 0918-24-157
 Spring Creek Pkwy At Independence Pkwy,
 Custer Road and US 75 Service Road
 CSJ: 0918-24-158
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ATTACHMENT A

Payment Provision and Work Responsibilities

For CSJ# 0918-24-155, the State will pay **\$1,877,677.00** from the SH 121 Subaccount for Park Boulevard from Coit Road to Jupiter Road to add dual left lanes, right lanes, remove road hump, and maximize left lane lengths.

In accordance with the allocation of funds approved by the RTC, and concurred with by the Texas Transportation Commission, the State will make the payments for the following work in the following Fiscal Years:

Fiscal Year	Expenditure				
	Preliminary Engineering	Right of Way Acquisition	Utilities	Construction	
2009	\$0.00	\$0.00	\$0.00	\$0.00	
2010	\$179,879.00	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$0.00	\$140,383.00	\$0.00	\$0.00	\$0.00
2012	\$0.00	\$0.00	\$0.00	\$1,557,316.00	
2013	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

The Local Government shall pay a required local match of **\$469,420.00**.

Upon completion of the Project, the Local Government will issue a signed "Notification of Completion" document to the State. The notice shall certify that the Project has been completed, all necessary inspections have been conducted, and the Project is open to traffic.

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 CSJ: 0918-24-155
 Park Boulevard: From Coit Road
 To Jupiter Road
 CSJ: 0918-24-156
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 Independence Pkwy, and Alma Road
 CSJ: 0918-24-157
 Spring Creek Pkwy At Independence Pkwy,
 Custer Road and US 75 Service Road
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ATTACHMENT A

Payment Provision and Work Responsibilities

For CSJ# 0918-24-156, the State will pay \$1,387,874.00 from the SH 121 Subaccount for Parker Road at Coit Road, Independence Parkway and Alma Road to add dual left turn lanes.

In accordance with the allocation of funds approved by the RTC, and concurred with by the Texas Transportation Commission, the State will make the payments for the following work in the following Fiscal Years:

Fiscal Year	Expenditure				
	Preliminary Engineering	Right of Way Acquisition	Utilities	Construction	
2009	\$151,424.00	\$0.00	\$0.00	\$0.00	
2010	\$0.00	\$89,989.00	\$0.00	\$0.00	
2011	\$0.00	\$0.00	\$0.00	\$1,146,461.00	
2012	\$0.00	\$0.00	\$0.00	\$0.00	
2013	\$0.00	\$0.00	\$0.00	\$0.00	

The Local Government shall pay a required local match of \$346,968.00.

Upon completion of the Project, the Local Government will issue a signed "Notification of Completion" document to the State. The notice shall certify that the Project has been completed, all necessary inspections have been conducted, and the Project is open to traffic.

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 To Jupiter Road
 CSJ: 0918-24-156
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 Independence Pkwy, and Alma Road
 CSJ: 0918-24-157
 Spring Creek Pkwy At Independence Pkwy,
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Payment Provision and Work Responsibilities

For CSJ# 0918-24-157, the State will pay **\$2,423,947.00** from the SH 121 Subaccount for Spring Creek Parkway at Independence Parkway, Custer Road and US 75 Service Road to add dual left lanes, dedicated right turn lanes, and to consolidate split intersections into a normalized intersection.

In accordance with the allocation of funds approved by the RTC, and concurred with by the Texas Transportation Commission, the State will make the payments for the following work in the following Fiscal Years:

Fiscal Year	Expenditure				
	Preliminary Engineering		Right of Way Acquisition	Utilities	Construction
2009	\$0.00		\$0.00	\$0.00	\$0.00
2010	\$233,972.00		\$0.00	\$0.00	\$0.00
2011	\$0.00		\$0.00	\$0.00	\$2,189,975.00
2012	\$0.00		\$0.00	\$0.00	\$0.00
2013	\$0.00		\$0.00	\$0.00	\$0.00

The Local Government shall pay a required local match of **\$605,987.00**.

Upon completion of the Project, the Local Government will issue a signed "Notification of Completion" document to the State. The notice shall certify that the Project has been completed, all necessary inspections have been conducted, and the Project is open to traffic.

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Payment Provision and Work Responsibilities

For CSJ# 0918-24-158, the State will pay \$5,883,904.00 from the SH 121 Subaccount for 14th Street from K Avenue to Ridgewood Drive to reconstruct four lane divided and six lane divided road sections.

In accordance with the allocation of funds approved by the RTC, and concurred with by the Texas Transportation Commission, the State will make the payments for the following work in the following Fiscal Years:

Fiscal Year	Expenditure				
	Preliminary Engineering		Right of Way Acquisition	Utilities	Construction
2009	\$0.00		\$86,528.00	\$0.00	\$5,797,376.00
2010	\$0.00		\$0.00	\$0.00	\$0.00
2011	\$0.00		\$0.00	\$0.00	\$0.00
2012	\$0.00		\$0.00	\$0.00	\$0.00
2013	\$0.00		\$0.00	\$0.00	\$0.00

The Local Government shall pay a required local match of \$1,470,976.00.

Upon completion of the Project, the Local Government will issue a signed "Notification of Completion" document to the State. The notice shall certify that the Project has been completed, all necessary inspections have been conducted, and the Project is open to traffic.

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 CSJ: 0918-24-154
 Legacy Drive: From Custer Road
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 CSJ: 0918-24-155
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 To Jupiter Road
 CSJ: 0918-24-156
 Parker Road At Coit Road,
 Independence Pkwy, and Alma Road
 CSJ: 0918-24-157
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 Custer Road and US 75 Service Road
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Payment Provision and Work Responsibilities

For CSJ# 0918-24-159, the State will pay \$4,326,400.00 from the SH 121 Subaccount for Razor Road from Ohio Drive to SH 121 to widen existing two lane section to six lanes and construct east and west sides to complete the six lane divided thoroughfare road.

In accordance with the allocation of funds approved by the RTC, and concurred with by the Texas Transportation Commission, the State will make the payments for the following work in the following Fiscal Years:

Fiscal Year	Expenditure				
	Preliminary Engineering		Right of Way Acquisition	Utilities	Construction
2009	\$0.00		\$0.00	\$0.00	\$4,326,400.00
2010	\$0.00		\$0.00	\$0.00	\$0.00
2011	\$0.00		\$0.00	\$0.00	\$0.00
2012	\$0.00		\$0.00	\$0.00	\$0.00
2013	\$0.00		\$0.00	\$0.00	\$0.00

The Local Government shall pay a required local match of \$1,081,600.00.

Upon completion of the Project, the Local Government will issue a signed "Notification of Completion" document to the State. The notice shall certify that the Project has been completed, all necessary inspections have been conducted, and the Project is open to traffic.

DATE: May 19, 2009
TO: Honorable Mayor & City Council
FROM: Jim Norton, 1st Vice Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of May 18, 2009

**AGENDA ITEM NO. 6 - PUBLIC HEARING
ZONING CASE 2008-74
APPLICANT: CITY OF PLANO**

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and Subsection 3.102 (Day Care Centers) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding day care centers.

APPROVED: 5-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

1. Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to revise definitions for day care center and day care center (in home), and create a new definition for day care center (accessory) use:

- a. Day care center:

~~A facility providing care, training, education, custody, treatment, or supervision for 13 or more children for less than 24 hours per day. The term "day care center" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school. (See Subsection 3.102.) (Ordinance No. 93-10-32)~~

An operation other than public, parochial, or private school providing care for seven or more children under 14 years old for less than 24 hours per day at a location other than a residence.

b. Day care center (in home):

~~Allowed as a home occupation (refer to Subsection 3.110) in the caretaker's residence under these three options. (Ordinance No. 94-1-19)~~

- ~~1. Provides care for less than 24 hours a day to no more than 6 children under the age of 14, plus no more than 6 additional elementary school age children (age 5 to 13). The total number of children (counting the caretaker's own children) is no more than 12 at any time. Registration with the Texas Department of Protective and Regulatory Services is required, unless exempted by State law.~~
- ~~2. Provides care for less than 24 hours a day for 7 to 12 children (including the caretaker's and staff's children) under the age of 14. A license from the Texas Department of Protective and Regulatory Services is required. Care provided to 9 or more children that does not comply with Option 1 requires a specific use permit.~~
- ~~3. All group day care homes which were licensed by the State of Texas or had a license application pending on or before October 25, 1993, are considered to be a legal use in residential districts and will not require specific use permit approval as long as a valid license is maintained for the operation in its original location and it provides care for less than 24 hours a day for no more than 12 children (including the caretaker's and staff's children) under the age of 14.~~

An operation providing care in the caretaker's residence for less than 24 hours a day for up to 12 children under the age of 14, provided that the total number of children, including the caretaker's own children, is no more than 12 at any time.

c. Day care center (accessory):

Accessory day care center is an accessory use providing care for children of employees, customers, or patrons of the principal use. The center shall be completely contained within the primary use and shall not constitute more than 15% of the area of the principal use.

- Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) allowing day care centers by right or with specific use permit, and adding End Note number 42 as follows:

Residential Zoning Districts

Permitted Uses	Category	Residential Zoning Districts														
		A - Agricultural	ED - Estate Development	SF-20 - Single-Family-20	SF-9 - Single-Family-9	SF-7 - Single-Family-7	SF-6 - Single-Family-6	2F - Two-Family (Duplex)	PH - Patio Home	SF-A - Single-Family Attached	MH - Mobile Home	MF-1 - Multifamily-1	MF-2 - Multifamily-2	MF-3 - Multifamily-3	GR - General Residential	UR - Urban Residential
Day Care Center	Service	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S
Day Care Center (In-home)	Service	<u>P</u> 42	<u>P</u> 42	<u>P</u> 42	<u>P</u> 42	<u>P</u> 42	<u>P</u> 42	<u>P</u> 42	<u>P</u> 42	<u>P</u> 42	P	P	P	P	<u>P</u> 42	<u>P</u> 42
<u>Day Care Center (Accessory)</u>	<u>Service</u>											P	P	P		

End Note: 42 - See Subsection 3.102.2.c

Nonresidential Zoning Districts

Permitted Uses	Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial
Day Care Center	Service	P	P	∅	∅	S	P	P	S	S	∅	∅	∅	S
<u>Day Care Center (Accessory)</u>	<u>Service</u>	P	P	P	P	S	P	P	S	S	P	P	P	S

3. Amend Subsection 3.102 (Day Care Centers) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) as follows:

3.102 Day Care Centers, Day Care Centers (In-home), and Day Care Centers (Accessory)

~~Site plan approval by the Planning & Zoning Commission shall be required for all day care center sites, whether or not a specific use permit is required. Day care centers are a permitted use by right if operated by an organized church and within the building complex of said church. However, operation of day care facilities requires site plan approval and issuance of a Certificate of Occupancy for day care.~~

~~Day care centers located within any residential district except multifamily districts shall be required to plat in multiples of the minimum lot width of the district classification requirements. The lot depth shall meet the minimum requirements and in no case shall be approved in a configuration which could not, in the Planning & Zoning Commission's opinion, be converted into standard lots for residential development.~~

- ~~(1) Day care centers are permitted in nonresidential districts only when:~~

~~(a) The day care center is platted on an individual lot.~~

~~(b) The day care center is in a multi-occupant building with direct access to the exterior of the building. Direct access must be provided to the outdoor play space. The outdoor play space must be immediately adjacent and not separated from the day care center.~~

~~(c) The day care center is in an enclosed shopping mall exceeding 500,000 square feet of gross leasable area, provided the center shall be located within the interior of the mall, with no direct access to the exterior of the building. Day care shall be provided for less than four hours per day for an individual person within a mall day care center~~

~~(d) The day care center is located in an office structure or similar single-user structure with no direct access to the exterior of the building other than doorways connecting to outdoor play space as per building code requirements.~~

~~(e) The day care center is an accessory use which provides a service to employees, customers, or patrons of the principal use. A two-square-foot identification sign may be provided.~~

~~(f) The day care center is in an accessory building located on the same lot as the main building which provides a service to employees, customers, or patrons of the main building. A two-square-foot identification sign may be provided.~~

(21) All day care centers and day care centers (accessory) shall comply with the following standards:

~~(a) All passenger loading and unloading areas and outdoor play space shall be located so as to avoid conflict with vehicular traffic. Adequate walkways shall be provided.~~

(a) If required by the State of Texas, the day care center must be licensed or registered.

~~(b) Outdoor play space shall be provided at a rate of 65 square feet per child. This requirement shall be based on the maximum design capacity of the day care facility constructed. The outdoor play space shall have no dimension of less than 30 feet. This requirement may be waived by the Planning & Zoning Commission if the day care is provided for less than four hours per day for an individual person.~~

~~(c) In residential districts, a maximum of one half of the required outdoor play space may be provided offsite in a public park. When off-premises outdoor play area is utilized, it must be located within 100 feet of the day care facility premises and safely accessible without crossing at grade any major or secondary thoroughfare.~~

~~(db)~~ No day care center shall be part of a single-family or two-family dwelling.

(ec) A day care center shall abut and derive its primary access from a street with a pavement width of 36 feet or greater.

~~(f) As a general guideline, no portion of a day care center site should be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials.~~

(3) Day care center (in-home) is allowed as a home occupation (refer to Subsection 3.110) in the caretaker's residence subject to:

(a) If required by the State of Texas, the day care center must be licensed or registered.

(b) Care provided to eight or fewer children is allowed by right.

(c) Care provided to nine or more children is allowed with approval of a specific use permit.

All group day care homes which were licensed by the State of Texas or had a license application pending on or before October 25, 1993, are considered to be a legal use in residential districts and will not require specific use permit approval as long as a valid license is maintained for the operation in its original location and it provides care for less than 24 hours a day for no more than 12 children (including the caretaker's and staff's children) under the age of 14.

FOR CITY COUNCIL MEETING OF: June 8, 2009 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

BM/dw

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 18, 2009

Agenda Item No. 6

Public Hearing: Zoning Case 2008-74

Applicant: City of Plano

DESCRIPTION:

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and Subsection 3.102 (Day Care Centers) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding day care centers.

REMARKS:

On April 20, 2009, the Planning & Zoning Commission considered proposed amendments to the Zoning Ordinance pertaining to day care center regulations including definitions, supplementary regulations, and schedule of permitted uses (use charts). In addition to local regulations, day care standards and licensing are regulated by Texas statutes. However, differences exist between local and state day care center definitions and regulations. In its assessment of Plano's zoning and development regulations, Duncan Associates recommended that Plano "clean up the supplementary regulations" as a top priority. Therefore the Commission directed staff to develop regulations for day care centers consistent with the information presented for discussion and direction.

The proposed amendments to the Zoning Ordinance pertaining to day care centers consist of the following:

- Revise definitions for "day care center," "day care center (in-home)," and create a new use definition for "day care center (accessory)."
- Allow day care center use by right in certain nonresidential districts without a specific use permit.

- Allow day care center (in-home) by right in all residential districts, except that care for nine or more children will still require approval of a specific use permit.
- Allow day care center (accessory) by right or with a specific use permit in multifamily residential and nonresidential zoning districts.
- Clean up the confusion, differences, and potential conflicts within the city's standards, as well as conflicts between the city's and state's requirements.

Some of the challenges associated with the city's regulations and the state's regulations are that the city's definitions for day care centers are not consistent with the state's definitions pertaining to various types of day care center operations, the minimum number of children that define a day care operation, as well as the types of services provided. The state is also considering legislation at this time that could help better classify or define tutoring business as to whether these businesses are day care centers or not. Staff has typically classified these operations as a business service use and not a day care center.

Another example of conflicting regulations between the city and state pertains to outdoor play space requirements. The city's minimum square footage per child (65 square feet) is less than the state's requirement (80 square feet). However, the city's requirements are based upon the total enrollment and presuming that all children will be out on the play ground at one time; whereas, the state recognizes that not all children will be on the playground at one time, and allows a lesser outdoor play area size.

RECOMMENDATION:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

1. Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to revise definitions for day care center and day care center (in home), and create a new definition for day care center (accessory) use:

- a. Day care center:

~~A facility providing care, training, education, custody, treatment, or supervision for 13 or more children for less than 24 hours per day. The term "day care center" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school. (See Subsection 3.102.) (Ordinance No. 93-10-32)~~

An operation other than public, parochial, or private school providing care for seven or more children under 14 years old for less than 24 hours per day at a location other than a residence.

b. Day care center (in home):

~~Allowed as a home occupation (refer to Subsection 3.110) in the caretaker's residence under these three options. (Ordinance No. 94-1-19)~~

- ~~1. Provides care for less than 24 hours a day to no more than 6 children under the age of 14, plus no more than 6 additional elementary school age children (age 5 to 13). The total number of children (counting the caretaker's own children) is no more than 12 at any time. Registration with the Texas Department of Protective and Regulatory Services is required, unless exempted by State law.~~
- ~~2. Provides care for less than 24 hours a day for 7 to 12 children (including the caretaker's and staff's children) under the age of 14. A license from the Texas Department of Protective and Regulatory Services is required. Care provided to 9 or more children that does not comply with Option 1 requires a specific use permit.~~
- ~~3. All group day care homes which were licensed by the State of Texas or had a license application pending on or before October 25, 1993, are considered to be a legal use in residential districts and will not require specific use permit approval as long as a valid license is maintained for the operation in its original location and it provides care for less than 24 hours a day for no more than 12 children (including the caretaker's and staff's children) under the age of 14.~~

An operation providing care in the caretaker's residence for less than 24 hours a day for up to 12 children under the age of 14, provided that the total number of children, including the caretaker's own children, is no more than 12 at any time.

c. Day care center (accessory):

Accessory day care center is an accessory use providing care for children of employees, customers, or patrons of the principal use. The center shall be completely contained within the primary use and shall not constitute more than 15% of the area of the principal use.

2. Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) allowing day care centers by right or with specific use permit, and adding End Note number 42 as follows:

Residential Zoning Districts

Permitted Uses	Category	Residential Zoning Districts														
		A- Agricultural	ED - Estate Development	SF-20 - Single-Family-20	SF-9 - Single-Family-9	SF-7 - Single-Family-7	SF-6 - Single-Family-6	2F - Two-Family (Duplex)	PH - Patio Home	SF-A - Single-Family Attached	MH - Mobile Home	MF-1 - Multifamily-1	MF-2 - Multifamily-2	MF-3 - Multifamily-3	GR - General Residential	UR - Urban Residential
Day Care Center	Service	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S
Day Care Center (In-home)	Service	<u>P</u> 42	<u>P</u> 42	<u>P</u> 42	<u>P</u> 42	<u>P</u> 42	<u>P</u> 42	<u>P</u> 42	<u>P</u> 42	<u>P</u> 42	P	P	P	P	<u>P</u> 42	<u>P</u> 42
<u>Day Care Center (Accessory)</u>	<u>Service</u>											P	P	P		

End Note: 42 - See Subsection 3.102.2.c

Nonresidential Zoning Districts

Permitted Uses	Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial
Day Care Center	Service	P	P	∅	∅	S	P	P	S	S	∅	∅	∅	S
<u>Day Care Center (Accessory)</u>	<u>Service</u>	P	P	P	P	S	P	P	S	S	P	P	P	S

3. Amend Subsection 3.102 (Day Care Centers) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) as follows:

3.102 Day Care Centers, Day Care Centers (In-home), and Day Care Centers (Accessory)

~~Site plan approval by the Planning & Zoning Commission shall be required for all day care center sites, whether or not a specific use permit is required. Day care centers are a permitted use by right if operated by an organized church and within the building complex of said church. However, operation of day care facilities requires site plan approval and issuance of a Certificate of Occupancy for day care.~~

~~Day care centers located within any residential district except multifamily districts shall be required to plat in multiples of the minimum lot width of the district classification requirements. The lot depth shall meet the minimum requirements and in no case shall be approved in a configuration which could not, in the Planning & Zoning Commission's opinion, be converted into standard lots for residential development.~~

- ~~(1) Day care centers are permitted in nonresidential districts only when:~~

~~(a) The day care center is platted on an individual lot.~~

~~(b) The day care center is in a multi-occupant building with direct access to the exterior of the building. Direct access must be provided to the outdoor play space. The outdoor play space must be immediately adjacent and not separated from the day care center.~~

~~(c) The day care center is in an enclosed shopping mall exceeding 500,000 square feet of gross leasable area, provided the center shall be located within the interior of the mall, with no direct access to the exterior of the building. Day care shall be provided for less than four hours per day for an individual person within a mall day care center~~

~~(d) The day care center is located in an office structure or similar single-user structure with no direct access to the exterior of the building other than doorways connecting to outdoor play space as per building code requirements.~~

~~(e) The day care center is an accessory use which provides a service to employees, customers, or patrons of the principal use. A two-square-foot identification sign may be provided.~~

~~(f) The day care center is in an accessory building located on the same lot as the main building which provides a service to employees, customers, or patrons of the main building. A two-square-foot identification sign may be provided.~~

(21) All day care centers and day care centers (accessory) shall comply with the following standards:

~~(a) All passenger loading and unloading areas and outdoor play space shall be located so as to avoid conflict with vehicular traffic. Adequate walkways shall be provided.~~

(a) If required by the State of Texas, the day care center must be licensed or registered.

~~(b) Outdoor play space shall be provided at a rate of 65 square feet per child. This requirement shall be based on the maximum design capacity of the day care facility constructed. The outdoor play space shall have no dimension of less than 30 feet. This requirement may be waived by the Planning & Zoning Commission if the day care is provided for less than four hours per day for an individual person.~~

~~(c) In residential districts, a maximum of one half of the required outdoor play space may be provided offsite in a public park. When off premises outdoor play area is utilized, it must be located within 100 feet of the day care facility premises and safely accessible without crossing at-grade any major or secondary thoroughfare.~~

~~(db)~~ No day care center shall be part of a single-family or two-family dwelling.

(ec) A day care center shall abut and derive its primary access from a street with a pavement width of 36 feet or greater.

~~(f) As a general guideline, no portion of a day care center site should be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials.~~

(3) Day care center (in-home) is allowed as a home occupation (refer to Subsection 3.110) in the caretaker's residence subject to:

(a) If required by the State of Texas, the day care center must be licensed or registered.

(b) Care provided to eight or fewer children is allowed by right.

(c) Care provided to nine or more children is allowed with approval of a specific use permit.

All group day care homes which were licensed by the State of Texas or had a license application pending on or before October 25, 1993, are considered to be a legal use in residential districts and will not require specific use permit approval as long as a valid license is maintained for the operation in its original location and it provides care for less than 24 hours a day for no more than 12 children (including the caretaker's and staff's children) under the age of 14.

ORDINANCE NO. _____
(Zoning Case 2008-74)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING SECTION 1.600 (DEFINITIONS) OF ARTICLE 1 (GENERAL REGULATIONS), SUBSECTION 2.502 (SCHEDULE OF PERMITTED USES) OF SECTION 2.500 (PERMITTED USES) OF ARTICLE 2 (ZONING DISTRICTS AND USES), AND SUBSECTION 3.102 (DAY CARE CENTERS) OF SECTION 3.100 (SUPPLEMENTARY REGULATIONS FOR PRINCIPAL PERMITTED USES AND SPECIFIC USES) OF ARTICLE 3 (SUPPLEMENTARY REGULATIONS) AND RELATED SECTIONS OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, REGARDING DAY CARE CENTERS; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, A PUBLICATION CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 8th day of June, 2009, for the purpose of considering a change in the Zoning Ordinance; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 8th day of June, 2009, and

WHEREAS, the City Council is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

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

Section I. Section 1.600 (Definitions) of Article 1 (General Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to revise and create definitions, such definitions to read in their entirety as follows:

Day Care Center - An operation other than public, parochial, or private school providing care for seven or more children under 14 years old for less than 24 hours per day at a location other than a residence.

Day Care Center (In-home) - An operation providing care in the caretaker's residence for less than 24 hours a day for up to 12 children under the age of 14, provided that the total number of children, including the caretaker's own children, is no more than 12 at any time.

Day Care Center (Accessory) - Accessory day care center is an accessory use providing care for children of employees, customers, or patrons of the principal use. The center shall be completely contained within the primary use and shall not constitute more than 15% of the area of the principal use.

Section II. Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to allow day care centers by right or with specific use permit and adding End Note 42, such portions of the subsection to read as follows:

Residential Zoning Districts

Permitted Uses	Category	Residential Zoning Districts														
		A- Agricultural	ED - Estate Development	SF-20 - Single-Family-20	SF-9 - Single-Family-9	SF-7 - Single-Family-7	SF-6 - Single-Family-6	2F - Two-Family (Duplex)	PH - Patio Home	SF-A - Single-Family Attached	MH - Mobile Home	MF-1 - Multifamily-1	MF-2 - Multifamily-2	MF-3 - Multifamily-3	GR - General Residential	UR - Urban Residential
Day Care Center	Service	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S
Day Care Center (In-home)	Service	P 42	P 42	P 42	P 42	P 42	P 42	P 42	P 42	P 42	P	P	P	P	P 42	P 42
Day Care Center (Accessory)	Service											P	P	P		

Nonresidential Zoning Districts

Permitted Uses	Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial
Day Care Center	Service	P	P	P	P	S	P	P	S	S	P	P	P	S
Day Care Center (Accessory)	Service	P	P	P	P	S	P	P	S	S	P	P	P	S

End Note: 42 - See Subsection 3.102.2.c

Section III. Subsection 3.102 (Day Care Centers) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended regarding day care centers, such subsection to read in its entirety as follows:

3.102 Day Care Centers, Day Care Centers (In-home), and Day Care Centers (Accessory)

- (1) All day care centers and day care centers (accessory) shall comply with the following standards:
 - (a) If required by the State of Texas, the day care center must be licensed or registered.
 - (b) No day care center shall be part of a single-family or two-family dwelling.

- (c) A day care center shall abut and derive its primary access from a street with a pavement width of 36 feet or greater.
- (2) Day care center (in-home) is allowed as a home occupation (refer to Subsection 3.110) in the caretaker's residence subject to:
- (a) If required by the State of Texas, the day care center must be licensed or registered.
 - (b) Care provided to eight or fewer children is allowed by right.
 - (c) Care provided to nine or more children is allowed with approval of a specific use permit.

All group day care homes which were licensed by the State of Texas or had a license application pending on or before October 25, 1993, are considered to be a legal use in residential districts and will not require specific use permit approval as long as a valid license is maintained for the operation in its original location and it provides care for less than 24 hours a day for no more than 12 children (including the caretaker's and staff's children) under the age of 14.

Section IV. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section V. 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 provisions of any ordinance at the time of passage of this Ordinance.

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

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

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

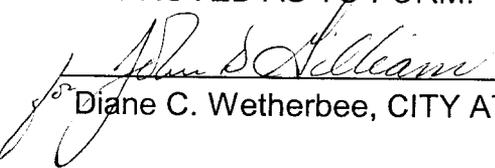
PASSED AND APPROVED THIS THE 8TH DAY OF JUNE, 2009.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY

DATE: May 19, 2009
TO: Honorable Mayor & City Council
FROM: Jim Norton, 1st Vice Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of May 18, 2009

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2009-08
APPLICANT: RACETRAC PETROLEUM, INC.**

Request to amend Planned Development-109-Retail/General Office on 14.8± acres located at the southwest corner of Park Boulevard and Alma Drive to revise the concept plan adopted for this planned development district. Zoned Planned Development-109-Retail/General Office.

APPROVED: 5-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **OPPOSE:** 3

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: June 8, 2009 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dw

xc: Friendship Oaks, Ltd.
Kevin Patel, The Dimension Group

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 18, 2009

Agenda Item No. 7A

Public Hearing: Zoning Case 2009-08

Applicant: Racetrac Petroleum, Inc.

DESCRIPTION:

Request to amend Planned Development-109-Retail/General Office on 14.8± acres located at the southwest corner of Park Boulevard and Alma Drive to revise the concept plan adopted for this planned development district. Zoned Planned Development-109-Retail/General Office.

REMARKS:

The subject property is a 14.8± acre tract located at the southwest corner of Park Boulevard and Alma Drive. The site is undeveloped except for an existing convenience store with gas pumps facility situated on 1.8± acres located at the intersection of Park Boulevard and Alma Drive.

The applicant is proposing to amend Planned Development-109-Retail/General Office (PD-109-R/O-2). The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls but not including wholesaling or warehousing. The O-2 district is intended to allow for a variety of low-, mid-, and high-rise office developments providing for professional, financial, medical, and similar services to local residents; corporate offices for regional and national operations; and major centers of employment for Plano and surrounding communities. A PD district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off and onsite conditions.

The applicant is proposing to amend PD-109-R/O-2 in order to modify the concept plan adopted by the PD. The approved concept plan adopted by PD-109-R/O-2 also shows the adjacent property to the south which is zoned Planned Development-60-General Office (PD-60-O-2); however, the concept plan is not adopted by PD-60-O-2. Therefore, PD-60-O-2 is not a part of the zoning request. The reason for the request is to increase the lot size of the existing convenience store with gas pumps facility located at the southwest corner of Park Boulevard and Alma Drive from 1.8± acres to 2.6±

acres in order to redevelop the site with a larger convenience store with gas pumps facility. The proposed increase in lot size is approximately 0.8± acre. Convenience stores with gas pumps facilities are allowed by right within PD-109-R/O-2. There are no other zoning amendments being requested.

The northeast corner of Park Boulevard and Alma Drive is zoned Planned Development-67-Multifamily Residence-2. Although the proposed convenience store with gas pumps facility is located within 300 feet of this residential zoning district, the site is exempt from residential adjacency standards because the uses are separated by two Type C thoroughfares, Park Boulevard and Alma Drive. A revised concept plan, Park & Alma Addition, Block A, Lot 2, and Collin Creek Corporate Center Block A, Lots 1R, 2, & 3 accompanies this request.

Conformance to the Comprehensive Plan

Future Land Use Plan - The future land use plan designates this property as Neighborhood Commercial, Low Intensity Office and Residential. The requested zoning is in conformance with the land use designations.

Adequacy of Public Facilities - Water and sanitary sewer services are available for existing developed sites. Water and sanitary sewer services are available to serve the undeveloped properties but will have to be extended.

Traffic Impact Analysis (TIA) - A TIA is not required for this zoning request since the applicant is not proposing to amend densities currently allowed by the existing zoning.

RECOMMENDATION:

Recommended for approval as submitted.

ORDINANCE NO. _____
(Zoning Case 2009-08)

AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, SO AS TO AMEND PLANNED DEVELOPMENT 109-RETAIL/GENERAL OFFICE ON 14.8± ACRES OUT OF THE T.M. ARCHER SURVEY, ABSTRACT NO. 14 LOCATED AT THE SOUTHWEST CORNER OF PARK BOULEVARD AND ALMA DRIVE IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, TO REVISE THE CONCEPT PLAN TO INCREASE THE LOT SIZE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, A PUBLICATION CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 8th day of June, 2009, for the purpose of considering amending Planned Development 109-Retail/General Office on 14.8± acres out of the T.M. Archer Survey, Abstract No. 14, located at the southwest corner of Park Boulevard and Alma Drive in the City of Plano, Collin County, Texas, to revise the concept plan to increase the lot size; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 8th day of June, 2009; and

WHEREAS, the City Council is of the opinion and finds that such amendment would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

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

Section I. The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to amend Planned Development 109-Retail/General Office on 14.8± acres out of the T.M. Archer Survey, Abstract No. 14, located at the southwest corner of Park Boulevard and Alma Drive in the City of Plano, Collin County, Texas, to revise the concept plan to increase the lot size, said property being described in the legal description on Exhibit "A" attached hereto.

Section II. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected 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 provisions of any ordinance at the time of passage of this Ordinance.

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

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

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

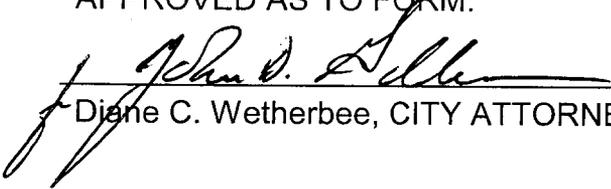
PASSED AND APPROVED THIS THE 8TH DAY OF JUNE, 2009.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

WHEREAS Pitman Partners, Ltd. is the owner of a certain tract of land situated in the T.M. Archer Survey, Abstract No. 14, City of Plano, Collin County, Texas, said tract being part of Lot 1R, Block A, Collin Creek Corporate Center, an addition to the City of Plano according to the plat thereof recorded in Cabinet K, Pages 745-746 of the Plat Records of Collin County, Texas, and being part of that tract of land described in deed to Pitman Partners, Ltd. as filed for record under County Clerk's File Number 93-0050115, Deed Records of Collin County, Texas, said tract being more particularly described as follows:

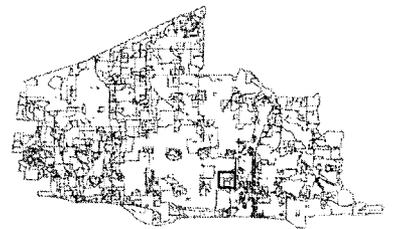
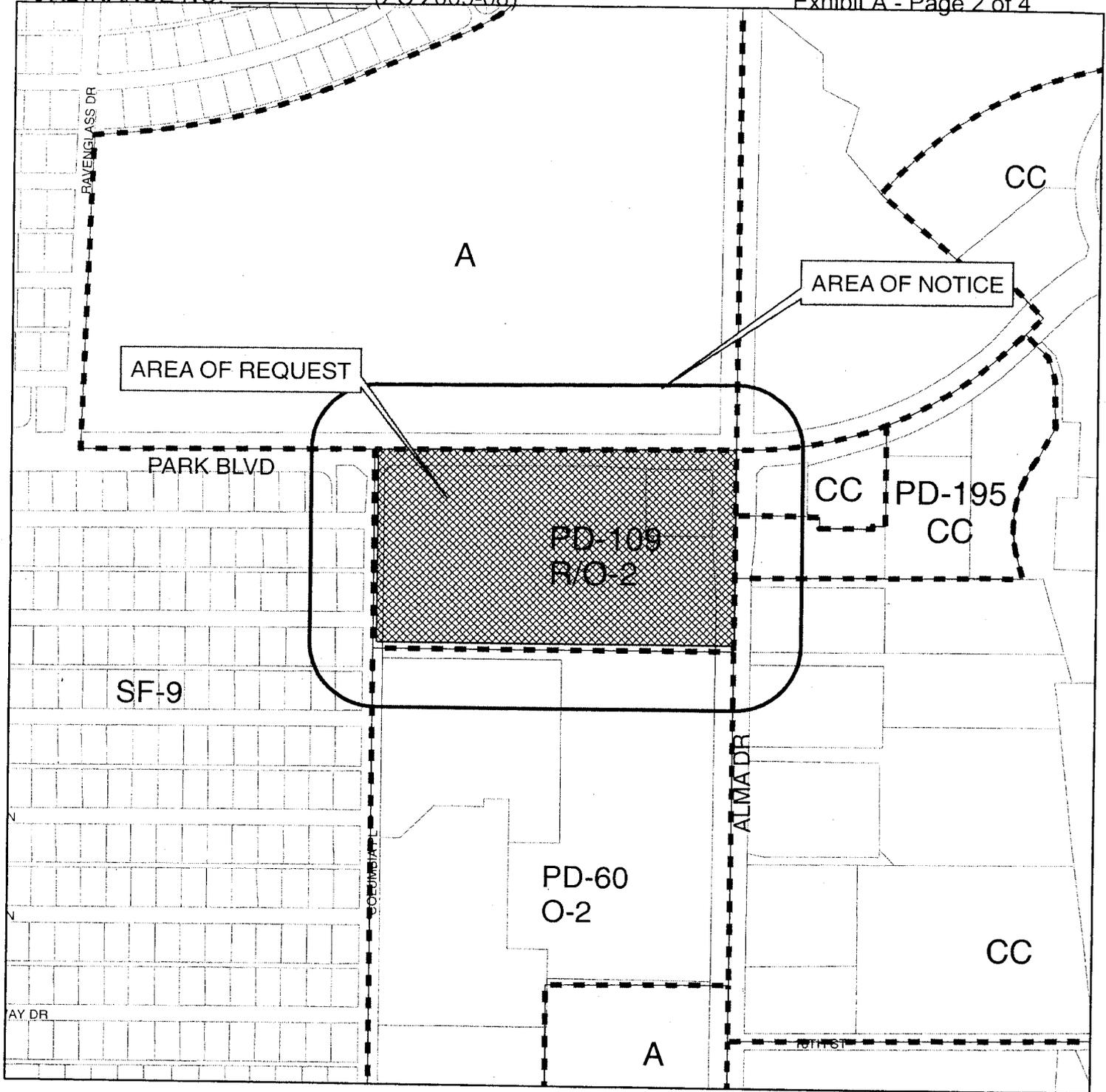
BEGINNING at the intersection of the centerline of Alma Drive (variable width right-of-way) with the centerline of Park Boulevard (variable width right-of-way);

THENCE South 00° 55' 39" West, departing said centerline intersection and along the centerline of Alma Drive for a distance of 602.08 feet to a point for a corner;

THENCE North 89° 04' 21" West, departing said centerline of Alma Drive for a distance of 1,075.00 feet to a point for a corner on the centerline of Columbia Place (60 foot right-of-way);

THENCE North 00° 55' 39" East, along the centerline of Columbia Place for a distance of 593.68 feet to a point for a corner, said point being the intersection of the centerline of Columbia Place with the centerline of Park Boulevard;

THENCE South 89° 31' 12" East, departing said centerline intersection and along the centerline of Park Boulevard for a distance of 1,075.04 feet to the POINT OF BEGINNING and CONTAINING 642,726 square feet or 14.76 acres of land, more or less. Of previously described land 493,371 square feet or 11.33 acres of land, more or less, is within Lot 1R, Block A, Collin Creek Corporate Center.

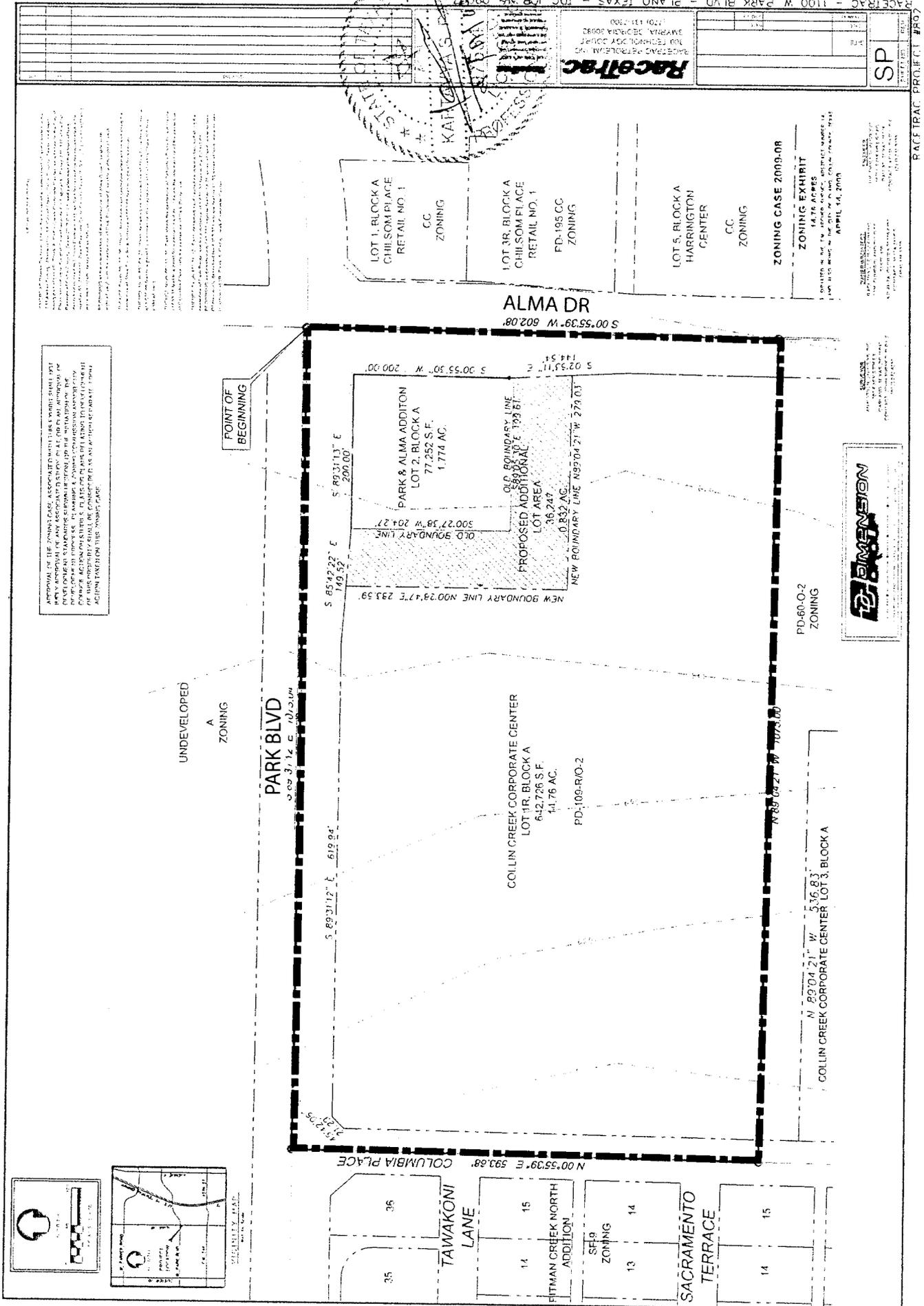


Zoning Case #: 2009-08

Existing Zoning: PLANNED DEVELOPMENT-109-RETAIL/GENERAL OFFICE



○ 200' Notification Buffer



DATE: May 19, 2009
TO: Honorable Mayor & City Council
FROM: Jim Norton, 1st Vice Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of May 18, 2009

**AGENDA NO. 8 - PUBLIC HEARING
ZONING CASE 2009-09
APPLICANT: CITY OF PLANO**

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations), Section 6.200 (Board of Adjustments) of Article 6 (Procedures and Administration) and related sections of the Zoning Ordinance to amend regulations for household care facilities, rehabilitation care facilities, and boarding houses; establish definitions for household, boarding houses, and permitted uses and standards; and to establish a process for reasonable accommodation of housing for persons with disabilities.

APPROVED: 5-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

Recommended for approval as follows: Deletions are indicated by a strikethrough; new language is indicated by underlined text.

**Article 1 General Regulations
Section 1.600 Definitions**

Assisted Living Facility - A ~~development building or buildings~~, other than a single-family dwelling, designed and staffed to provide housing for residents who require some type of support for daily living, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services such as meals, housekeeping, transportation and community facilities such as central dining rooms and activity rooms.

Boarding/Rooming House - A ~~residence structure, other than a~~ excluding hotels, motels and multi-family dwellings, where ~~lodging and/or meals for four or more persons are provided for compensation~~ living quarters are shared by three or more persons not living together as a single household and where personal care services or assistance with medications (as defined by the Texas Health and Safety Code) are not provided

Dwelling - Single-Family - A building having accommodations for and occupied by not more than one family household.

Dwelling - Two-Family - A detached building having separate accommodations for and occupied by not more than two families households.

Dwelling - Multifamily - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families households.

Disabled Individual - A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment. The term "disabled" includes persons recovering from addiction, but such term does not include current, illegal use of, or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

Household - A domestic unit that resides in and shares in common a single dwelling unit and consists of one or more individuals related by blood, marriage, adoption or recognized legal union or guardianship, and not more than four adult unrelated individuals, plus any minor children, or persons residing in a household care facility.

Household Care Facility - A dwelling unit that provides residence and care to not more than ~~six~~ eight persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two caregivers as a single household. Where applicable, a household care facility shall have appropriate licensing and/or registration by the State of Texas.

Household Care Institution - A facility that provides residence and care to more than ~~six~~ eight persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned or neglected children; victims of domestic violence; convalescing from illness, or rendered temporarily homeless due to fire, natural disaster or financial setback. Where applicable, a household care institution shall have appropriate licensing and/or registration by the State of Texas.

Rehabilitation Care Facility - A dwelling unit which provides residence and care to not more than ~~nine~~ eight persons, regardless of legal relationship, who have ~~demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct~~ been convicted of prohibited criminal conduct, and received conditional release, probation, or parole with supervision, living together with not more than two supervisory personnel as a single household ~~housekeeping unit~~. Where applicable, a rehabilitation care facility shall have appropriate licensing and/or registration.

Rehabilitation Care Institution - A facility which provides residence and care to ~~ten~~ nine or more persons, regardless of legal relationship, who have ~~demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct~~ been convicted of prohibited criminal conduct and received conditional release, probation, or parole with supervision, together with supervisory personnel.

Article 2 Zoning Districts and Uses
Subsection 2.502 Schedule of Permitted Uses

Remove specific use permit requirement for household care facility in the Agricultural zoning district and allow this use by right.

Article 6 Administration
Subsection 6.200 Board of Adjustment

Add (2)(e) as follows:

(e) Hear and decide requests for reasonable accommodations in the city's zoning and development regulations when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling, in accordance with the following procedures:

- (i) A request for reasonable accommodation may be made to the Chief Building Official by any person with a disability, their representative or a developer or provider of housing for individuals with disabilities. The request shall state the reason for the accommodation from the zoning and development regulations and the basis for the request.
- (ii) The Board of Adjustment shall conduct a hearing to determine whether the request for reasonable accommodation should be granted. The applicant or applicant's representative shall have the burden to demonstrate that:
 - 1 The applicant (or the person on whose behalf the applicant is requesting the accommodation) suffers from a disability as defined by the Fair Housing Amendment Act and:
 - 2 The applicant (or the person on whose behalf the applicant is requesting the accommodation) demonstrates that the accommodation is both reasonable and necessary. An accommodation under this section is "necessary" if without the accommodation the applicant will be denied an equal opportunity to obtain the housing of his or her choice.
- (iii) If the applicant demonstrates the matters set out in (ii), (1) and (2) above, the request for reasonable accommodation shall be granted by the Board unless the accommodation would fundamentally alter the city's land use and zoning patterns or if the use's impact on its surroundings is greater than that of other uses permitted in the district.

(iv) A reasonable accommodation for an increase in the number of residents use terminates if the property ceases to be operated as housing for disabled persons as defined by the Fair Housing Amendment Act.

FOR CITY COUNCIL MEETING OF: June 8, 2009 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

PJ/dw

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 18, 2009

Agenda No. 8

Public Hearing: Zoning Case 2009-09

Applicant: City of Plano

DESCRIPTION:

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations), Section 6.200 (Board of Adjustments) of Article 6 (Procedures and Administration) and related sections of the Zoning Ordinance to amend regulations for household care facilities, rehabilitation care facilities, and boarding houses; establish definitions for household, boarding houses, and permitted uses and standards; and to establish a process for reasonable accommodation of housing for persons with disabilities.

REMARKS:

The Zoning Ordinance contains regulations for household care and rehabilitation care facilities and institutions. These regulations need to be updated to conform to the requirements of federal and state law as well as fair housing laws and the Americans with Disabilities Act that offer protection to unrelated disabled individuals living as a single housekeeping unit, with or without support staff. Issues generally center on how many unrelated people can live together in single-family houses.

The Planning & Zoning Commission called a public hearing and directed staff to develop ordinance amendments that address several areas of regulation for special housing types, including creating a definition for "household" and amending the definitions and regulations for household and rehabilitation care facilities and boarding houses. Another part of this effort includes creating a reasonable accommodation process for a case-by-case consideration of requests for housing for the disabled that do not comply with the regulations.

The proposed changes were presented to the Plano Homeowners Council at its meeting on May 7, 2009. Attendees expressed concern about the effects that these

housing arrangements may have on neighborhoods and the fact that many are operated as businesses in residential districts.

Current Regulations

Household care facilities and institutions provide housing for persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial setbacks, living together with not more than two caregivers as a single housekeeping units. If required, household care facilities and institutions must have appropriate licensing and/or registration by the State of Texas. Household care facilities are allowed by right in single-family districts if they have six or fewer residents. A household care institution has more than six residents and may be allowed only by specific use permit (SUP) in the Multifamily Residence-1, Multifamily Residence-2 and Multifamily Residence-3 districts. Some, but not all, household care facilities and institutions are operated by non-profit groups.

Rehabilitation care facilities and institutions provide housing for persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit. Household care facilities are allowed in single-family districts by right with six or fewer residents; rehabilitation care facilities are allowed in single-family districts with an SUP with nine or fewer residents. The larger institutions, with more residents, are allowed in various commercial zoning districts. A rehabilitation care institution has more than nine residents and may be allowed by SUP in the Office-1 and Office-2 districts and by right in the Commercial Employment zoning district.

Boarding/rooming houses are residences other than a hotel where lodging and/or meals for four or more persons are provided for compensation. Boarding/rooming houses are allowed in the Office-2, Downtown/Business Government and Light Commercial zoning districts by right.

Plano's ordinance does not presently include a definition of family or household, although single-family zoning districts are restricted to occupancy by one family per lot. However, defining "family" or "household" is a difficult task given the complex makeup of today's families and living arrangements and frequent litigation over cities' attempts to define and regulate occupancy through family definitions. In response to these challenges, the city deleted its definition of family in the Zoning Ordinance several years ago, and has chosen to regulate occupancy through minimum square footage and other occupancy codes. However, a definition of household is necessary if the Commission wishes to distinguish between different types of residential facilities. A definition for household may also assist in addressing concerns about overcrowded housing in the city.

ISSUES FOR CONSIDERATION:

State Law Requirements

The State of Texas licenses and/or registers several types of residential care facilities, including community homes for the disabled, boarding houses, and assisted living facilities. Statutes require that cities allow community homes for the disabled in all residential districts by right if the home has no more than six residents and two live-in caretakers. Plano's present regulations are based on this requirement. The statutes governing community homes for the disabled, however, specify a more limited list of protected disabilities than federal standards and apply only to homes operated by certain agencies or permit holders. The state requires a certain square footage of living and sleeping space for each resident and other minimum fire, life safety, and food preparation standards for care must be met.

Classification of Recovering Addicts

Addiction has been generally considered a disability by the courts, and facilities for recovering addicts should generally be regulated in the same manner as those for other persons with disabilities. Current abusers of illegal drugs or alcohol do not enjoy this protection. An amended ordinance should address this change in the definition of disability.

Fair Housing Act and Americans with Disability Act

The federal Fair Housing Act and Americans with Disability Act prohibit discrimination against persons with disabilities and families with children. Cities must make reasonable accommodations to allow housing for persons with disabilities in various settings, regardless of relationship. The Fair Housing Act prohibits special permits, specific use permits, deed restrictions, and regulations that would limit a person or persons with disabilities from living in a residential setting of their choice if similar permits would not be required for persons without disabilities. Cities must be cautious in applying any type of regulation that would not also apply to an unrelated or related household without disabilities. There are numerous court cases in which attempts by cities to limit the number of residents, apply spacing requirements, and otherwise limit the presence of group facilities for the disabled in single-family districts have been ruled as discriminatory, although some cities' ordinances and processes have been upheld. If a city's regulations, like Plano's, cap the number of disabled residents, a process must be established to allow the reasonable accommodation for more residents on a case-by-case basis.

Definition of Family

Plano's ordinance does not presently include a definition of family or household, although single-family zoning districts are restricted to occupancy by one family per lot. However, defining "family" or "household" is a difficult task given the complex makeup of today's families and frequent litigation on cities' attempts to define and regulate occupancy by trying to define family. In response to these challenges, the city deleted

its definition of family in the Zoning Ordinance several years ago, and has chosen to regulate occupancy through minimum square footage and other occupancy codes.

Other Living Arrangements

There are a number of living arrangements that are usually not fully addressed by zoning ordinances, including boarding houses, halfway houses for parolees, worker housing, etc.

PROPOSED AMENDMENTS:

To fully address these issues, a number of ordinance changes are proposed to accomplish the following: not placing more restrictive requirements on housing for the persons with disabilities than on other households; providing the same protections for recovering addicts and the mentally ill as for other persons with physical disabilities; developing a process for reasonable accommodation for more residents with disabilities on a case-by-case basis; distinguishing between boarding houses and rehabilitation care facilities for parolees or probationers and other living arrangements; and incidental amendments to the use charts, definitions, and other sections of the Zoning Ordinance that may be necessary.

The proposed amendments to various sections of the Zoning Ordinance are below. New language is underlined; deleted language is indicated by a strikethrough.

Definitions

(Section 1.600)

Assisted Living Facility - A ~~development building or buildings~~, other than a single-family dwelling, designed and staffed to provide housing for residents who require some type of support for daily living, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services such as meals, housekeeping, transportation and community facilities such as central dining rooms and activity rooms. **(Revised Definition)**

Boarding/Rooming House - A residence structure, ~~other than a~~ excluding hotels, motels and multi-family dwellings, where lodging and/or meals for four or more persons are provided for compensation living quarters are shared by three or more persons not living together as a single household and where personal care services or assistance with medications (as defined by the Texas Health and Safety Code) are not provided **(Revised Definition)**

Dwelling - Single-Family - A building having accommodations for and occupied by not more than one family household. **(Revised Definition)**

Dwelling - Two-Family - A detached building having separate accommodations for and occupied by not more than two families households. **(Revised Definition)**

Dwelling - Multifamily - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more ~~families~~ households. **(Revised Definition)**

Disabled Individual - A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment. The term "disabled" includes persons recovering from addiction, but such term does not include current, illegal use of, or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)). **(New Definition)**

Household - A domestic unit that resides in and shares in common a single dwelling unit and consists of one or more individuals related by blood, marriage, adoption or recognized legal union or guardianship, and not more than four adult unrelated individuals, plus any minor children or persons residing in a household care facility. **(New Definition)**

Household Care Facility - A dwelling unit that provides residence and care to not more than ~~six~~ eight persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two caregivers as a single household. Where applicable, a household care facility shall have appropriate licensing and/or registration by the State of Texas. **(Revised Definition)**

Household Care Institution - A facility that provides residence and care to more than ~~six~~ eight persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned or neglected children; victims of domestic violence; convalescing from illness, or rendered temporarily homeless due to fire, natural disaster or financial setback. Where applicable, a household care institution shall have appropriate licensing and/or registration by the State of Texas. **(Revised Definition)**

Rehabilitation Care Facility - A dwelling unit which provides residence and care to not more than ~~nine~~ eight persons, regardless of legal relationship, who have ~~demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct~~ been convicted of prohibited criminal conduct, and received conditional release, probation, or parole with supervision, living together with not more than two supervisory personnel as a single household ~~housekeeping unit~~. Where applicable, a rehabilitation care facility shall have appropriate licensing and/or registration. **(Revised Definition)**

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Reasonable Accommodations Process

Article 6 (Procedures and Administration)

Subsection 6.202 (Jurisdiction) (2) (e) of Section 6.200 (Board of Adjustment)

(e) Hear and decide requests for reasonable accommodations in the city's zoning and development regulations when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling, in accordance with the following procedures:

- (i) A request for reasonable accommodation may be made to the Chief Building Official by any person with a disability, their representative or a developer or provider of housing for individuals with disabilities. The request shall state the reason for the accommodation from the zoning and development regulations and the basis for the request.
- (ii) The Board of Adjustment shall conduct a hearing to determine whether the request for reasonable accommodation should be granted. The applicant or applicant's representative shall have the burden to demonstrate that:
 - 1 The applicant (or the person on whose behalf the applicant is requesting the accommodation) suffers from a disability as defined by the Fair Housing Amendment Act and:
 - 2 The applicant (or the person on whose behalf the applicant is requesting the accommodation) demonstrates that the accommodation is both reasonable and necessary. An accommodation under this section is "necessary" if without the accommodation the applicant will be denied an equal opportunity to obtain the housing of his or her choice.
- (iii) If the applicant demonstrates the matters set out in (ii) 1 and 2 above, the request for reasonable accommodation shall be granted by the Board of Adjustment unless the accommodation would fundamentally alter the city's land use and zoning patterns or if the use's impact on its surroundings is greater than that of other uses permitted in the district.
- (iv) A reasonable accommodation for an increase in the number of residents terminates if the property ceases to be operated as housing for disabled persons as defined by the Fair Housing Amendment Act. (New Process and Language)

The only change proposed to the districts in which these housing arrangements are allowed either by right or by specific use permit is to allow household care facilities by right in the Agricultural district. Presently, a specific use permit is required.

RECOMMENDATIONS:

The following amendments to the Zoning Ordinance are recommended for approval. Deletions are indicated by a strikethrough; new language is indicated by underlined text.

Article 1 General Regulations Section 1.600 Definitions

Assisted Living Facility - A ~~development~~ building or buildings, other than a single-family dwelling, designed and staffed to provide housing for residents who require some type of support for daily living, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services such as meals, housekeeping, transportation and community facilities such as central dining rooms and activity rooms.

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household care facility shall have appropriate licensing and/or registration by the State of Texas.

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Rehabilitation Care Facility - A dwelling unit which provides residence and care to not more than ~~nine~~ eight persons, regardless of legal relationship, who have ~~demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct~~ been convicted of prohibited criminal conduct, and received conditional release, probation, or parole with supervision, living together with not more than two supervisory personnel as a single household ~~housekeeping unit~~. Where applicable, a rehabilitation care facility shall have appropriate licensing and/or registration.

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Article 2 Zoning Districts and Uses

Subsection 2.502 Schedule of Permitted Uses

Remove specific use permit requirement for household care facility in the Agricultural zoning district and allow this use by right.

Article 6 Administration

Subsection 6.200 Board of Adjustment

Add (2)(e) as follows:

(e) Hear and decide requests for reasonable accommodations in the city's zoning and development regulations when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling, in accordance with the following procedures:

- (i) A request for reasonable accommodation may be made to the Chief Building Official by any person with a disability, their representative or a developer or provider of housing for individuals with disabilities. The request shall state the reason for the accommodation from the zoning and development regulations and the basis for the request.
- (ii) The Board of Adjustment shall conduct a hearing to determine whether the request for reasonable accommodation should be granted. The applicant or applicant's representative shall have the burden to demonstrate that:

- 1 The applicant (or the person on whose behalf the applicant is requesting the accommodation) suffers from a disability as defined by the Fair Housing Amendment Act and:
 - 2 The applicant (or the person on whose behalf the applicant is requesting the accommodation) demonstrates that the accommodation is both reasonable and necessary. An accommodation under this section is "necessary" if without the accommodation the applicant will be denied an equal opportunity to obtain the housing of his or her choice.
- (iii) If the applicant demonstrates the matters set out in (ii), (1) and (2) above, the request for reasonable accommodation shall be granted by the Board unless the accommodation would fundamentally alter the city's land use and zoning patterns or if the use's impact on its surroundings is no greater than that of other uses permitted in the district.
- (iv) A reasonable accommodation for an increase in the number of residents use terminates if the property ceases to be operated as housing for disabled persons as defined by the Fair Housing Amendment Act.

ORDINANCE NO. _____
(Zoning Case 2009-09)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING SECTION 1.600 (DEFINITIONS) OF ARTICLE 1 (GENERAL REGULATIONS), SUBSECTION 2.502 (SCHEDULE OF PERMITTED USES) OF SECTION 2.500 (PERMITTED USES) OF ARTICLE 2 (ZONING DISTRICTS AND USES), SECTION 6.200 (BOARD OF ADJUSTMENTS) OF ARTICLE 6 (PROCEDURES AND ADMINISTRATION) AND RELATED SECTIONS OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, TO AMEND REGULATIONS FOR HOUSEHOLD CARE FACILITIES, REHABILITATION CARE FACILITIES, AND BOARDING HOUSES; ESTABLISH DEFINITIONS FOR HOUSEHOLD, BOARDING HOUSES, AND PERMITTED USES AND STANDARDS; AND TO ESTABLISH A PROCESS FOR REASONABLE ACCOMMODATION OF HOUSING FOR PERSONS WITH DISABILITIES; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, A PUBLICATION CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 8th day of June, 2009, for the purpose of considering a change in the Zoning Ordinance; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 8th day of June, 2009; and

WHEREAS, the City Council is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

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

Section I. Section 1.600 (Definitions) of Article 1 (General Regulations), of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to revise and create definitions, such definitions to read in their entirety as follows:

Assisted Living Facility - A building or buildings, other than a single-family dwelling, designed and staffed to provide housing for residents who require some type of support for daily living, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services such as meals, housekeeping, transportation and community facilities such as central dining rooms and activity rooms.

Boarding/Rooming House - A residence excluding hotels, where living quarters are shared by three or more persons not living together as a single household and where personal care services or assistance with medications (as defined by the Texas Health and Safety Code) are not provided.

Dwelling - Single-Family - A building having accommodations for and occupied by not more than one household.

Dwelling - Two-Family - A detached building having separate accommodations for and occupied by not more than two households.

Dwelling - Multifamily - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more households.

Disabled Individual - A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment. The term "disabled" includes persons recovering from addiction, but such term does not include current, illegal use of, or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

Household - A domestic unit that resides in and shares in common a single dwelling unit and consists of one or more individuals related by blood, marriage, adoption or recognized legal union or guardianship, and not more than four adult unrelated individuals, plus any minor children, or persons residing in a household care facility.

Household Care Facility - A dwelling unit that provides residence and care to not more than eight persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together

with no more than two caregivers as a single household. Where applicable, a household care facility shall have appropriate licensing and/or registration by the State of Texas.

Household Care Institution - A facility that provides residence and care to more than eight persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned or neglected children; victims of domestic violence; convalescing from illness, or rendered temporarily homeless due to fire, natural disaster or financial setback. Where applicable, a household care institution shall have appropriate licensing and/or registration by the State of Texas.

Rehabilitation Care Facility - A dwelling unit which provides residence and care to not more than eight persons, regardless of legal relationship, who have been convicted of prohibited criminal conduct, and received conditional release, probation, or parole with supervision, living together with not more than two supervisory personnel as a single household. Where applicable, a rehabilitation care facility shall have appropriate licensing and/or registration.

Rehabilitation Care Institution - A facility which provides residence and care to nine or more persons, regardless of legal relationship, who have been convicted of prohibited criminal conduct and received conditional release, probation, or parole with supervision, together with supervisory personnel.

Section II. Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to remove specific use permit requirement for household care facility in the Agricultural zoning district and allow this use by right.

Section III. Section 6.200 (Board of Adjustment) of Article 6 (Procedures and Administration), of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to establish a process for reasonable accommodation of housing for persons with disabilities; such portion of the section to read as follows:

(2) (e) Hear and decide requests for reasonable accommodations in the city's zoning and development regulations when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling, in accordance with the following procedures:

- (i) A request for reasonable accommodation may be made to the Chief Building Official by any person with a disability, their representative or a developer or provider of housing for individuals with disabilities. The request shall state the reason for the accommodation from the zoning and development regulations and the basis for the request.

- (ii) The Board of Adjustment shall conduct a hearing to determine whether the request for reasonable accommodation should be granted. The applicant or applicant's representative shall have the burden to demonstrate that:
 - 1 The applicant (or the person on whose behalf the applicant is requesting the accommodation) suffers from a disability as defined by the Fair Housing Amendment Act and:
 - 2 The applicant (or the person on whose behalf the applicant is requesting the accommodation) demonstrates that the accommodation is both reasonable and necessary. An accommodation under this section is "necessary" if without the accommodation the applicant will be denied an equal opportunity to obtain the housing of his or her choice.
- (iii) If the applicant demonstrates the matters set out in (ii), (1) and (2) above, the request for reasonable accommodation shall be granted by the Board unless the accommodation would fundamentally alter the city's land use and zoning patterns or if the use's impact on its surroundings is greater than that of other uses permitted in the district.
- (iv) A reasonable accommodation for an increase in the number of residents use terminates if the property ceases to be operated as housing for disabled persons as defined by the Fair Housing Amendment Act.

Section IV. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section V. 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 provisions of any ordinance at the time of passage of this Ordinance.

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

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

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

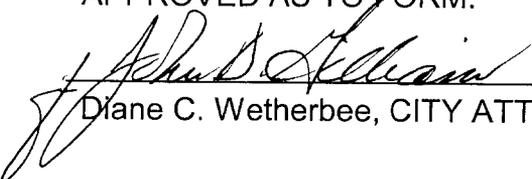
PASSED AND APPROVED THIS THE 8TH DAY OF JUNE, 2009.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY

DATE: May 19, 2009
TO: Honorable Mayor & City Council
FROM: Jim Norton, 1st Vice Chair, Planning & Zoning Commission 
SUBJECT: Results of Planning & Zoning Commission Meeting of May 18, 2009

**AGENDA ITEM NO. 13 - PUBLIC HEARING
AMENDMENTS TO THE THOROUGHFARE STANDARDS RULES AND REGULATIONS
APPLICANT: CITY OF PLANO**

Request to amend the Thoroughfare Standards Rules and Regulations. The potential amendments include revised roadway design, access, and visibility geometric standards, and revised references to the Zoning Ordinance and Transportation Element of the Comprehensive Plan.

APPROVED: 5-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: June 8, 2009 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

JG/dw

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 18, 2009

Agenda Item No. 13

Public Hearing: Amendments to the Thoroughfare Standards Rules and Regulations

Applicant: City of Plano

DESCRIPTION:

Request to amend the Thoroughfare Standards Rules and Regulations. The potential amendments include revised roadway design, access, and visibility geometric standards, and revised references to the Zoning Ordinance and Transportation Element of the Comprehensive Plan.

REMARKS:

On May 4, 2009, the Planning & Zoning Commission discussed potential amendments to the Thoroughfare Standards Rules and Regulations. The Thoroughfare Standards Rules and Regulations is Plano's primary regulatory policy for roadway design, access, and visibility; it provides technical guidance in the design of streets, intersection sight distance safety, and driveways. This document, along with requirements contained in the Development Regulations Manual and Thoroughfare Plan, covers details of general alignment, size, and function of significant city streets - which are part of the Transportation Element of the Comprehensive Plan. The goals of these revisions are to increase user understanding of Plano requirements and to provide this information in a user friendly format that is easily applied and understood. The Commission directed staff to amend the Thoroughfare Standards Rules and Regulations as presented in the staff write-up for discussion.

The proposed amendments consist of the following:

- Added language regarding variance procedures to thoroughfare standards requirements;
- Visibility triangle criteria updated to address sight distance needs at intersections;

- Driveway design standards for access road established, including deceleration lanes, consistent with the Texas Department of Transportation (TxDOT) standards;
- Updated section number references to the Zoning Ordinance;
- Consolidated Preston Road and Spring Creek Parkway access standards to reflect the change to Spring Creek Parkway due to no grade separated intersections;
- Deleted all references to Type A roadway design criteria;
- Modified intersection design requirements to prevent minor offsets of opposing street/driveways on undivided roads;
- Modified driveway design criteria to reduce conflicts for three lane driveways;
- Modified Alternate Subdivision Street Standards to accommodate new urbanism design concepts consistent with existing developments in Plano (i.e. Legacy Town Center and Downtown Plano); and
- Consolidated access requirements and driveway criteria along all access controlled facilities consistent with TxDOT requirements.

Due to the extensive changes being proposed, a strikethrough and underlined version of the changes was not prepared. However, the attached document represents the changes proposed for consideration, including a reference sheet identifying the page number and a corresponding reference number for where the proposed text revision is located within the document.

RECOMMENDATION:

Recommended for approval as submitted.

THOROUGHFARE STANDARDS RULES AND REGULATIONS

Summary of Changes

1. Added language on variance procedures **Pages 2 & 18**
2. Visibility Triangle Criteria updated **Table 9, Page 30**
3. Driveway design standards for access roads established, including deceleration lanes **Page 10**
4. Updated section number references to (outdated) Zoning Ordinance **Page 17**
5. Consolidated Preston Road and Spring Creek Parkway access standards to reflect the change in Spring Creek (no grade separations) **Page 7**
6. Deleted all references to Type "A" roadway design criteria
7. Modified intersection design requirements to prevent minor offsets of opposing street/drive approaches on undivided roads **Page 4**
8. Modified driveway design criteria to reduce conflicts on three lane driveways **Page 20**
9. Modified Alternate Subdivision Street Standards to accommodate New Urbanism concepts **Page 33**
10. Consolidated access requirements and driveway criteria along all access controlled facilities **Page 10**

CITY OF PLANO TRANSPORTATION DIVISION, ENGINEERING DEPARTMENT

Rules And Regulations Governing The Design & Construction Of Streets And Thoroughfares, Sidewalks, & Appurtenances

SECTION I. STREET DESIGN STANDARDS

A. General

Design standards for city streets are defined through two documents: 1) the Thoroughfare Standards - the document contained herein - which is part of the Development Regulations Manual, covering the technical details of street and transportation system design; and 2) the separate Thoroughfare Plan - a map that establishes the general alignment, size, and function of significant city streets - which is a part of the Transportation Chapter of the Comprehensive Plan. A third document - the Traffic Impact Analysis [TIA] Guidelines - is used to analyze site development and is part of the Development Guidelines. All of the aforementioned documents are updated by staff and adopted by ordinance on a periodic basis by the City Council.

**TABLE 1
CITY OF PLANO
THOROUGHFARE
DIMENSIONS**

The basic elements of the thoroughfare standards are the street types. **TABLE 1** summarizes the basic thoroughfare dimensions. Special design standards for several thoroughfares, tollways, and highways are detailed in the body of this document. **TABLE 2** gives the minimum design speeds for the listed thoroughfare type. The Appendix has cross-sections of each thoroughfare type.

Category	Designation Right of Way	Minimum	Pavement	Median
Major Thoroughfare	B+	±140	8@12'	20'
	B	±130' - 160'	6@12'	24'
Major Thoroughfare	C	110	6@11'	20'
Secondary Thoroughfare	D	92'	4@12'	20'
Secondary Thoroughfare	E+	75'	5@11'	None
	E	68'	4@11'	None
Collector	F	60'	36'	None
Residential Street	G	50'	26'	None

Note: Major and secondary thoroughfares flare at intersections to provide auxiliary lanes, see Figure 1 and 2.

The City Traffic Engineer, and/or City Engineer, have the authority to apply these standards to proposed street and infrastructure design and construction within the City of Plano. Authorized city staff may allow or require different values for design parameters than those given herein to resolve unusual field conditions, to better serve the safety, and/or to better meet other needs of the public infrastructure.

As a general rule, the reference dimensions given herein for distances are measured from the face-of-curb. Distances such as between two driveways, two median openings, etc. are measured between the two closest curb-lines of both elements (e.g. face-of-curb to face-of-curb. Exceptions are noted in the body of the text.

1

An applicant for construction plan approval to the city may appeal the value of a given design parameter following the written decision of authorized city staff to allow or require a different value than those listed in this book. The appeal process - unless otherwise specified elsewhere in this document is as follows:

The applicant - typically a developer or owners representative - may request to have a design parameter staff decision appealed at the next available Planning and Zoning (P&Z) Commission meeting. The request for a P&Z appeal must be in writing in a parameter acceptable to authorized city staff, and it must describe the nature and location(s) of the design parameter in question. The applicant may also submit a technical memorandum prepared by a professional engineer explaining why the appeal is justified. The applicant may also present his position verbally during the P&Z meeting. The P&Z Commission will then consider and vote on the question of whether to accept or deny the request of the applicant under the commission's normal rules of order.

B. Minimum Horizontal Radius

The minimum centerline radius is defined by the design speed of the respective street. The minimum design speed of each street category in the City of Plano, as defined by the Thoroughfare Plan, is listed in **Table 2**.

TABLE 2
MINIMUM DESIGN SPEED OF EACH TYPE OF STREET

STREET TYPE	MINIMUM DESIGN SPEED (MPH)
F, G	30
D, E, E+	35
C	40
B, B+	45

The resulting minimum acceptable horizontal centerline radius for each respective street is determined by considering the speed (V), superelevation (e), and friction (f) as shown in **Table 3**, and as calculated by the following formula :

$$R = \frac{V^2}{15 (e+f)}$$

The maximum length of a horizontal curve on Type E, F, or G roadways shall not exceed 1.6 times the centerline radius (i.e. shall not encompass an angle greater than 90-degrees for a radii of 250 feet or greater. Also, the minimum arc length of a centerline radius design shall be 100 ft. The minimum centerline radius for residential streets shall be 250 feet. However, for corners of 90-degrees to 100 degrees on residential streets, the centerline radius may be 43.5 feet.

C. Minimum Vertical Alignment

Vertical Alignment is a function of stopping sight distance (SSD) which is given by the equation:

$$SSD = 1.47PV + \frac{V^2}{30 (f+g)}$$

Stopping sight distances herein are calculated for g=0, and a perception/reaction time of 2.5 seconds (P). The minimum vertical curve length considers the algebraic difference in grades (A) of the two street segments to be joined by a curve, the rate of curvature (K), the speed, and other factors to derive the crest curve length listed in **Table 4**, or sag curve lengths as shown in **Table 5**. The minimum length of a crest or sag curve is 100 feet.

TABLE 3
MINIMUM HORIZONTAL CENTERLINE RADIUS

Street Type	V (mph)	f	e (ft/ft)	(e+f)	R (Calculated) (ft)	R (Rounded) (ft)
F,G	30	0.16	-0.02	.14	428.57	450
D,E,E+	35	0.16	-0.02	.14	583.33	600
C	40	0.15	-0.02	.13	820.51	850
B,B+	45	0.15	-0.02	.13	1,038.46	1,050

TABLE 4
MINIMUM ACCEPTABLE CREST CURVE GIVEN SPEED AND DIFFERENCE IN GRADE OF ROAD

V (MPH)	SSD (ft)	K	L=KA *									
			A=1	A=2	A=3	A=4	A=5	A=6	A=7	A=8	A=9	A=10
30	200	30	100	100	100	120	150	180	210	240	270	300
35	250	50	100	100	150	200	250	300	350	400	450	500
40	325	80	100	160	240	320	400	480	560	640	720	800
45	400	120	120	240	360	480	600	720	840	960	1,080	1,200
50	475	160	160	320	480	640	800	960	1,120	1,280	1,440	1,600

* 100 foot minimum

TABLE 5
MINIMUM ACCEPTABLE SAG CURVE GIVEN SPEED AND DIFFERENCE IN GRADE OF ROAD

V (MPH)	SSD (ft)	K	L=KA *									
			A=1	A=2	A=3	A=4	A=5	A=6	A=7	A=8	A=9	A=9
30	200	40	100	100	120	160	200	240	280	320	360	400
35	250	50	100	100	150	200	250	300	350	400	450	500
40	325	70	100	140	210	280	350	420	490	560	630	700
45	400	90	100	180	270	360	450	540	630	720	810	900
50	475	110	100	220	223	440	550	660	770	880	990	1,100

* 100 foot minimum

D. Intersection Design

1. The centerline of the approaches or "legs" of street intersections should intersect perpendicular with each other, or "radially" in the case of curved street alignment. In both cases, the actual intersection angle shall not vary more than five degree in either direction from a 90-degree angle.
 2. The corner radius shall be a minimum of 30 feet at the intersection of thoroughfare Types E and above with another thoroughfare Type E and above.
 3. At all other intersecting streets, the corner radius shall be a minimum of 20 feet.
 4. Along all thoroughfares, adequate right-of-way (ROW) shall be dedicated such that a minimum of 9-1/2 feet of parkway shall be maintained from the back-of-curb of the tangent and curve portions of the street geometry, such that adequate area for sidewalks, utilities, etc. is provided within the parkway. In general, ROW lines between intersections shall be parallel to the centerline and may include tangent and curved alignments.
- #7** 5. Roadway design work at or near intersections should include a review of the existing and proposed pavement and lane markings on both sides of the intersection to verify proper lane alignment and should include any modifications to the pavement and/or pavement markings necessary to provide for safe and efficient traffic flow through the intersection.

6. The minimum spacing between adjacent streets and between a street and an adjacent median opening shall be as follows:
 - a. On an undivided roadway –
 1. Have at least 150 feet between the near curb of any adjacent street when either of the streets is a Type E or larger street or have at least 110 feet between the near curb of any adjacent street when both streets are Type F or smaller streets.
 2. If an existing street is located on the opposite of the street, the new street shall either:
 - a. align with the existing street and also meet the distance requirements from adjacent streets listed above, or
 - b. meet the distance requirements listed above
 - b. On a divided roadway –
 1. Align with an existing median opening or a new median opening installed to serve the street (subject to median opening spacing requirements of Section II.E.) and have at least 150 feet between the near curb of any adjacent street located on the same side of the street, or
 2. Be at least 150 feet from the near side of any median opening and have at least 150 feet between the near curb of any adjacent street located on the same side of the street,

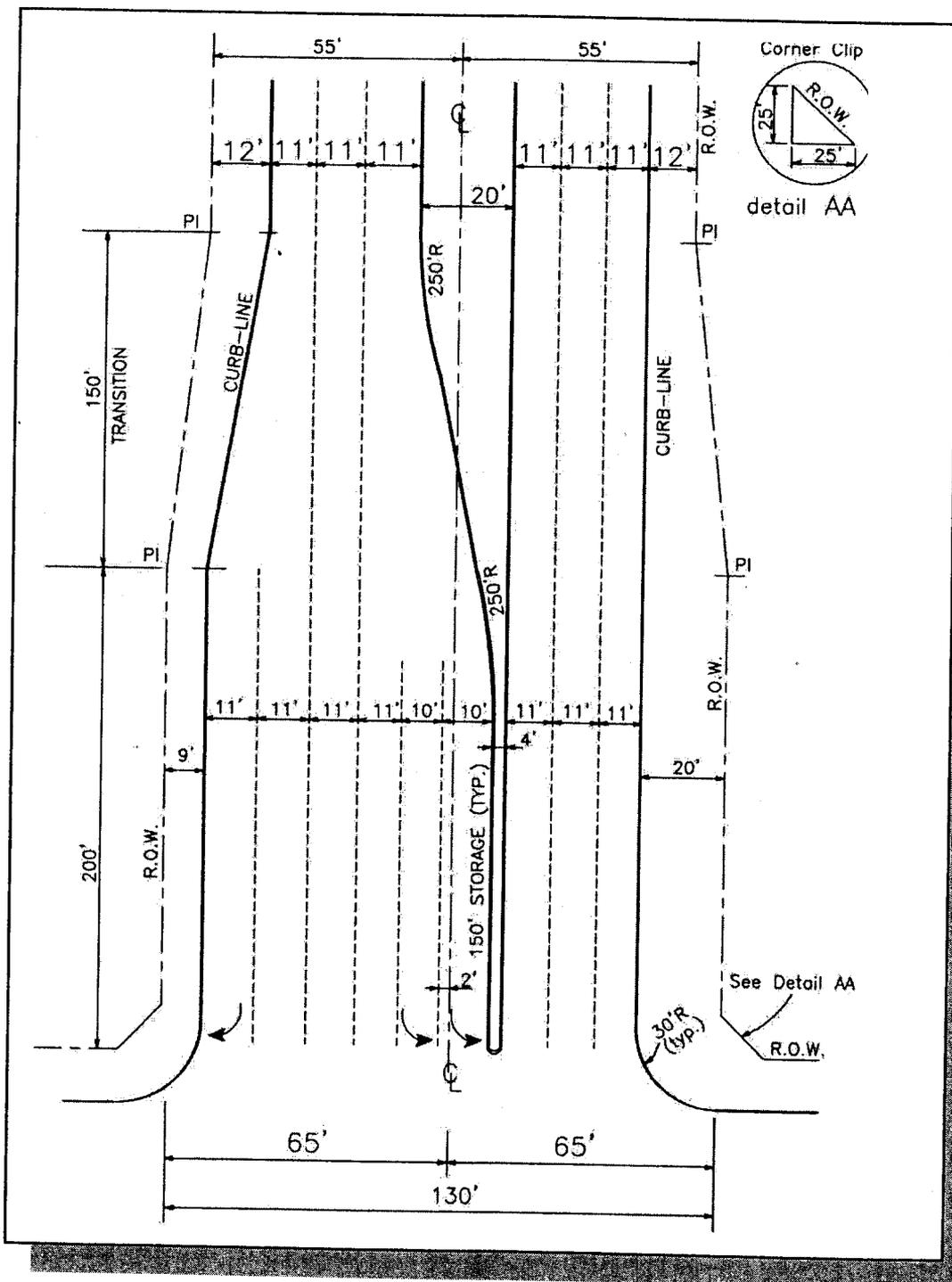
E. Type C Intersection ROW -

1. For intersections of a Type C, Major Thoroughfare with a Type B, B+, or C, the "legs" of the Type C ROW shall be expanded to 130 feet for a distance of 200 feet from the ROW line of the cross-street, and then transition back for 150 feet at ratio of 15:1 to the standard ROW width of 110 feet (see Figure 1). This flare will allow auxiliary turn lanes to be added to the intersection as needed. In general, right-turn lanes are required at all such intersections of Type C with Type B, B+, or C.
2. Tollway Intersection ROW - For intersections of a Type C, Major Thoroughfare with a tollway service road, the approach intersection width of the Type C ROW shall be expanded to 140 feet for a distance of 200 feet from the ROW line of the cross-street, and then transition back for 150 feet at ratio of 15:1 to the standard ROW width of 110 feet (see Figure 2). This flare will allow auxiliary turn lanes to be added to the intersection as needed.

F. Residential Frontage -

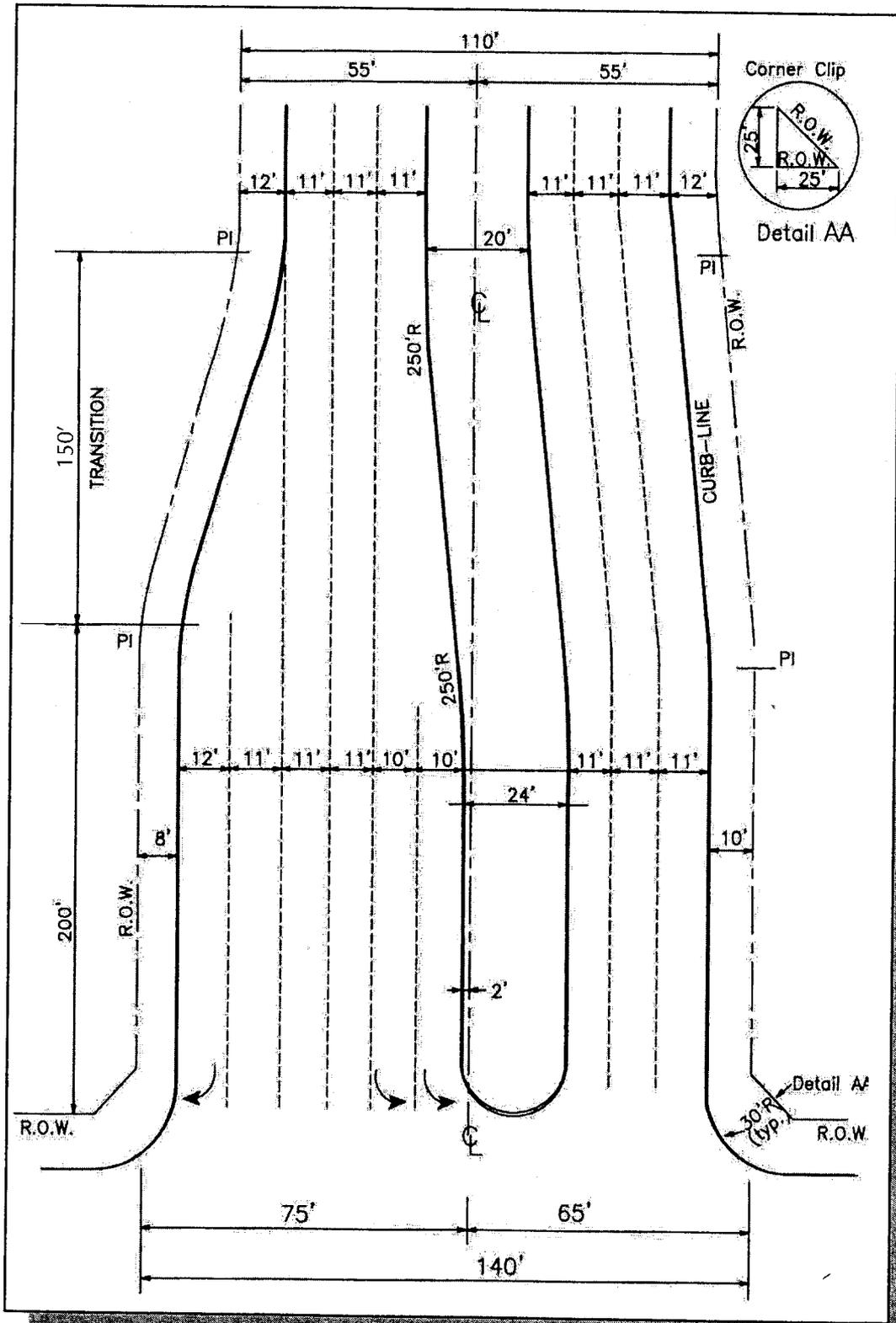
Residential houses shall not front a Type B thru D thoroughfare unless a parallel residential frontage road between the house and the adjacent side of the thoroughfare is provided. A minimum distance of 20 feet shall separate the typical curb-line of the thoroughfare and the residential frontage road in the form of a parkway. Residential frontage road ROW shall be in addition to the thoroughfare ROW.

FIGURE 1
INTERSECTION OF TYPE "C" THOROUGHFARE WITH TYPE C AND ABOVE, ROW-REQUIREMENTS



Note: dashed lines show possible geometric construction, not lane lines.

FIGURE 2
INTERSECTION OF TYPE "C" THOROUGHFARE WITH TOLLWAY SERVICE ROAD, ROW-REQUIREMENTS



Note: dashed lines show possible geometric construction, not lane lines.

#5 G. Preston Road and Spring Creek Parkway Special Standards -

For its entire length within the city, Preston Road is designated as a "special" major thoroughfare (Type B+), meaning the number and type of driveways and median openings allowed is different than the typical major thoroughfare, thus increasing its traffic-carrying capacity.

Spring Creek Parkway is designated as a "special" major thoroughfare (Type B+) as well, from Alma Road west to the city limit line. East of Alma Drive, Spring Creek Parkway is a Type C thoroughfare that follows normal standards.

For both Type B+ streets as defined above, the following special standards shall be used:

1. Along a Type B+ street, a deceleration lane shall be provided at commercial or industrial driveways, and at its intersection with thoroughfares that are less than Type D as shown in Figure 3(a), 3(b), or 3(c).
2. The outbound right-turn lane of a driveway feeding directly onto a Type B+ thoroughfare shall use a 40-foot corner radius - see **Figure 3(a), 3(b), or 3(c)**.
3. The minimum distance between two driveways along a Type B+ thoroughfare shall be per the typical driveway spacing on thoroughfares covered in Section IV.
4. Deceleration lanes and other auxiliary lanes required along a type B+ thoroughfare shall be constructed to the same standards as the adjoining street and the cost shall be the developer's responsibility - see **Figure 3(a) - 3(g)**.
5. Full median openings at street intersections shall be separated from other full median openings by a minimum distance of one-quarter mile along a Type B+ thoroughfare. Median openings shall be accompanied by median left-turn storage lanes with no less than 60 feet in length in both directions.
6. Hooded left-turn median openings at commercial driveways shall be designed with a barrier island that blocks all traffic movements from the adjacent driveways or cross-street, but allows left-turn movements originating from a Type B+ thoroughfare to turn at the median as shown in **Figure 3(e), and 3(f)**. Along Preston Road, hooded median openings may be allowed at predetermined locations by authorized city staff. Along Spring Creek Parkway, one hooded median opening serving each direction of travel may be allowed at the approximate midpoint between two adjacent full median openings. The hooded median opening must be at least 500 feet from the near side of any adjacent full median opening.
7. There are presently no plans to construct any grade-separated interchange on Preston Road or Spring Creek Parkway. The intersection of Preston Road and Legacy Drive should be monitored over time as future traffic conditions may require re-evaluation to determine if a grade-separated interchange would be necessary.

H. Tollway and Access-Controlled Highway Corridor Special Standards

The City Traffic Engineer, and/or City Engineer, have the authority to apply these standards to proposed street and infrastructure design and construction within the City of Plano. Authorized city staff may allow or require different values for design parameters than those given herein to resolve unusual field conditions, to better serve the safety, and/or to better meet other needs of the public infrastructure.

There are both tollways and access-controlled highways that operate within the City of Plano as further described below. The following standards will not apply to U.S. 75 as it was developed under very old requirements, and redevelopment would not be feasible under the current design standards. Access/drive design along the U.S. 75 service roads will be designed to Type C thoroughfare standards.

A segment of the Dallas North Tollway (DNT) runs through the western sector of the city. The DNT Corridor as defined by Plano is bounded on the north by SH 121 and on the south by the city limits. Its east and west boundaries are defined by two parallel thoroughfares - Parkwood Boulevard and Communications Parkway.

The President George Bush Tollway (PGBT) Corridor runs east-west, at or near the south city limit lines. Its east and west boundaries are the city limits.

FIGURE 3 (a)
TYPE B+
THOROUGH-
FARE
STANDARDS
 (for property
 with more than
 410 feet of
 frontage)

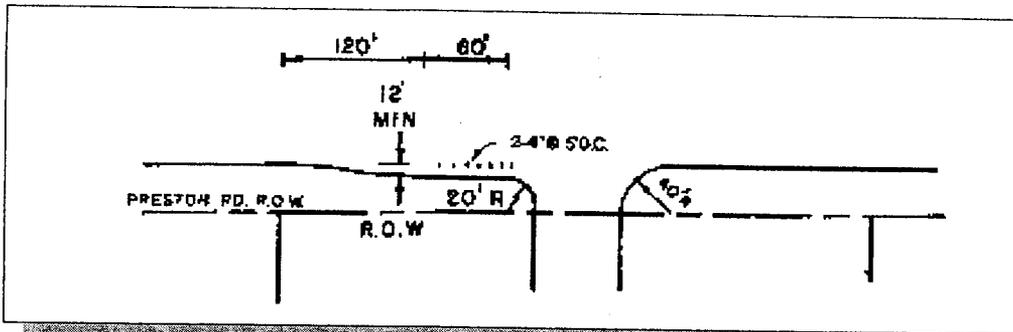


FIGURE 3 (b)
TYPE B+
THOROUGH-
FARE
STANDARDS
 (for property
 with more than
 380 to 410 feet
 of frontage feet)

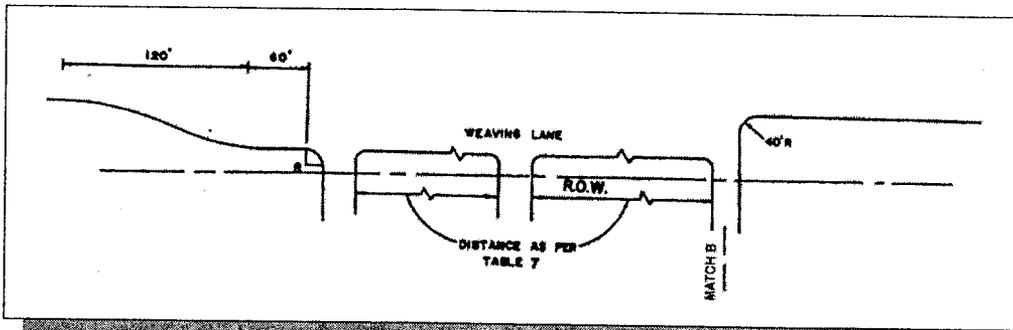


FIGURE 3 (c)
TYPE B+
THOROUGH-
FARE
STANDARDS
 (for property
 with less than
 380 feet of front-
 age)

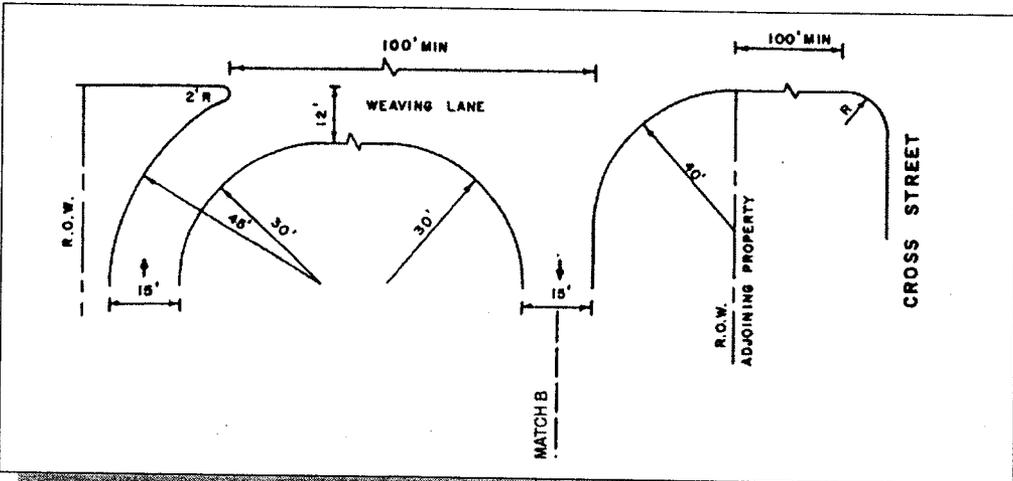


FIGURE 3 (d)
TYPE B+
THOROUGH-
FARE
STANDARDS
 (for property
 with downstream
 R-O-W being a
 street)

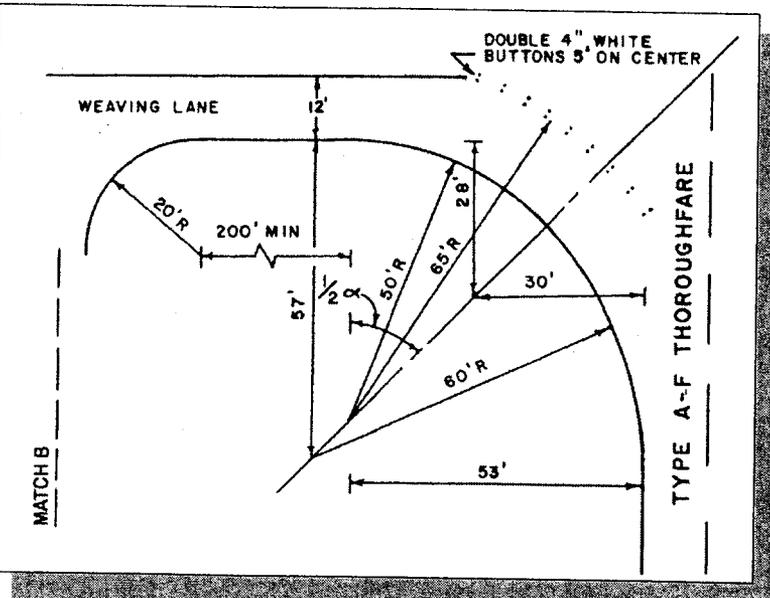


FIGURE 3 (e)
TYPE B+
THOROUGH-
FARE
STANDARDS
Hooded Median
Design

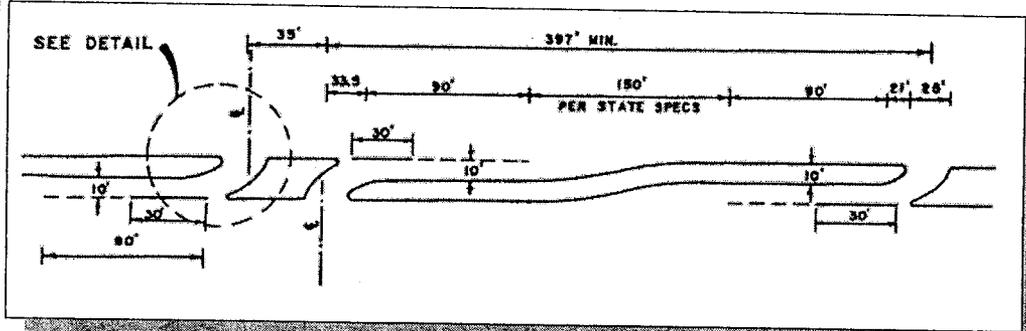


FIGURE 3 (f)
TYPE B+
THOROUGH-
FARE
STANDARDS
Hooded Median
Opening Detail

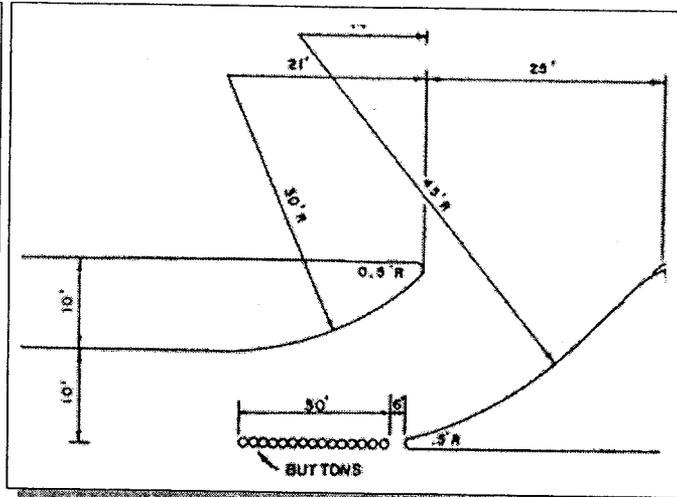
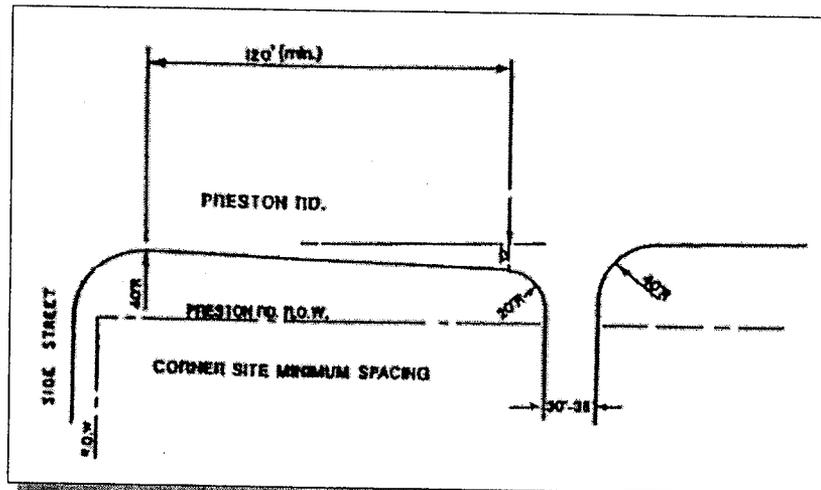


FIGURE 3 (g)
TYPE B+
THOROUGH-
FARE
STANDARDS
Minimum
Design



State Highway 121 (SH 121) runs approximately east-west, at or near the north city limit line. It is proposed to become a tollway for at least a portion of its length through Plano. It is bounded by the city limits (at Spring Creek Parkway) on the west, and Custer Road to the east.

United States Highway 75 (US 75) runs north-south in the eastern part of the city, and is bounded by PGBT to the south, and the city limits to the north.

Design standards for select elements of said corridors are detailed in the following sections.

1. Highway and Tollway Service Roads (one-way), except U.S. 75

- a. For driveway spacing relative to ramps gores, see section 2 below.
- b. For driveway-to-driveway spacing, and all other service road design elements under city jurisdiction, use the requirements of the Thoroughfare Standards Rules & Regulations herein, Section 2 below.

#3 2. Highway and Tollway Service Roads

- a. Place no driveway neither less than 50 feet in advance of the concrete curb gore, nor less than 460 feet beyond the painted gore tip of an exit ramp - see **Figure 4(d)**.
- b. Place no driveway neither less than 460 feet in advance of the painted gore tip, nor less than 50 feet beyond the concrete curb gore of an entrance ramp - see **Figure 4(c)**.
- c. For all other roadway design elements under city jurisdiction, use other requirements of the Thoroughfare Standards Rules & Regulations .
- d. Provide a minimum spacing of 400 feet from the intersection of a crossing thoroughfare to the first downstream driveway, and provide a minimum 160 feet to the first upstream driveway - see **Figure 4(b)**.
- e. Provide minimum spacing of 325 feet between individual driveways, except where two drives are served by one deceleration lane – where the minimum driveway spacing within the lane is 120 feet - see **Figure 4(a)**.
- f. Provide a deceleration lane with at least 60 feet of storage (120 feet transition, 12 feet wide) into all driveways or multiple driveways off the service road. One deceleration lane may serve multiple driveways - see **Figure 4(a)**.

#10

3. Thoroughfare Intersecting the DNT Tollway

Crossing thoroughfares are those streets that form an intersection, interchange, or otherwise cross the ROW of the DNT tollway to carry through traffic. At these ROW crossings, the following standards shall apply:

- a. Provide minimum spacing of 160 feet along the crossing street, from its intersection with the tollway, to the first driveway - see **Figure 5**.
- b. Starting with the second driveway, provide a minimum spacing of 150 feet between all driveways on a crossing street.
- c. On divided thoroughfares within the DNT Corridor, mid-block full-movement median openings are not allowed.
- d. On divided thoroughfares within the DNT Corridor, median hooded left turn lanes may be permitted mid-block as shown by **Figure 5** of the previous article.
- e. In the DNT Corridor, if only one mid-block turn lane is possible, priority will be given to the south side east of the tollway, and to the north side west of the tollway.

FIGURE 4(a)
DNT Driveway to
Driveway Spacing
Along Service
Road

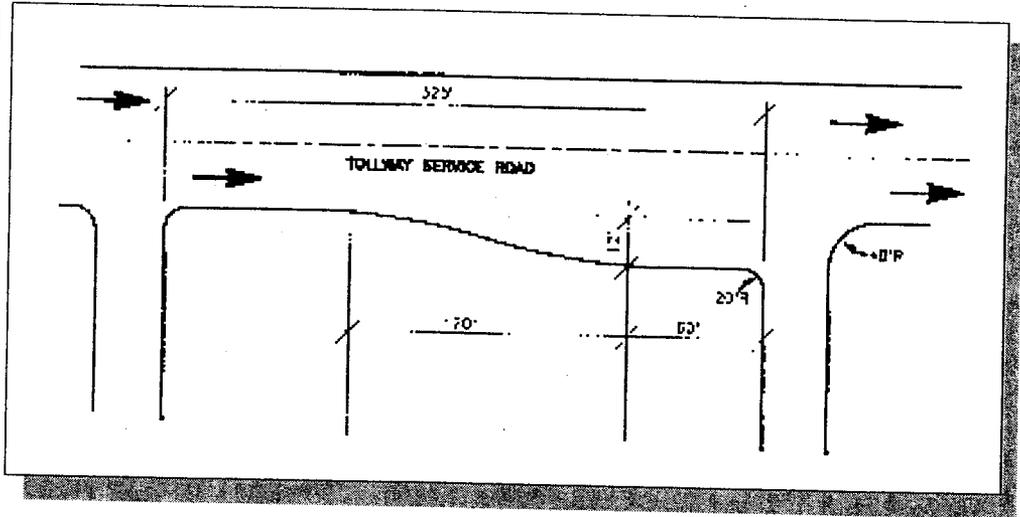


FIGURE 4(b)
DNT Driveway to
Thoroughfare
Intersection Spacing
Along Service
Road

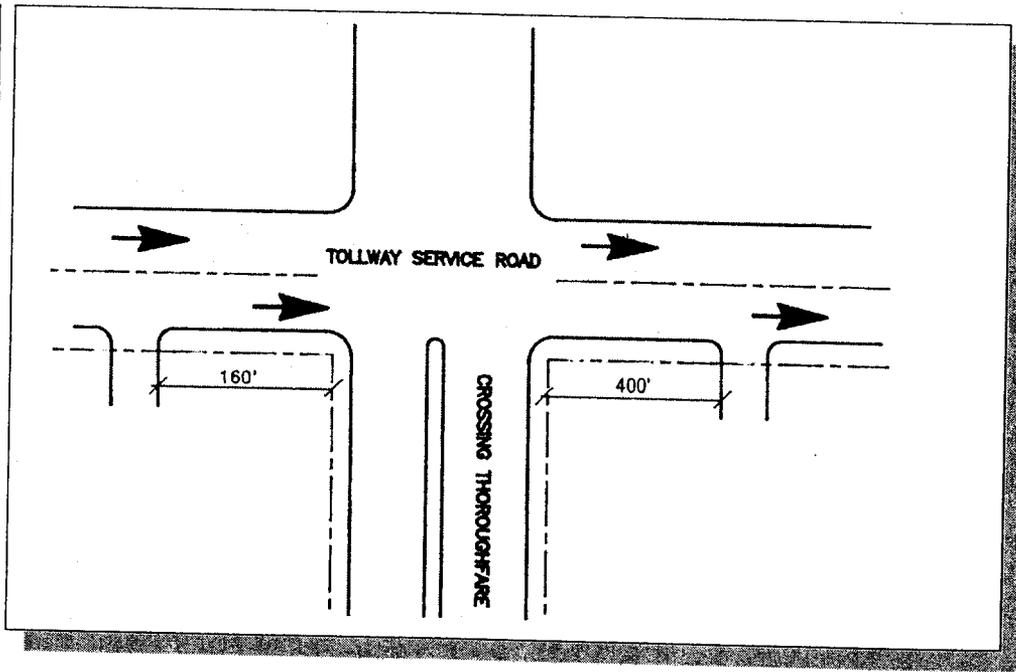


FIGURE 4(c)
DNT Driveway to
On-Ramp Spac-
ing Along Service
Road

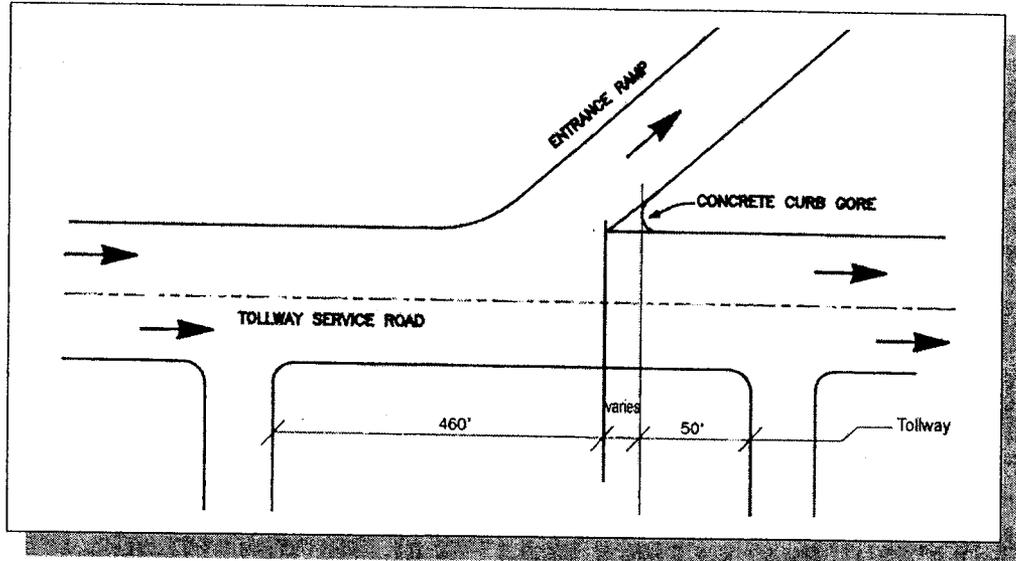


FIGURE 4(d)
TOLLWAY / SH
121 ACCESS
STANDARDS
Driveway to Off-
Ramp Spacing
Along Service
Road

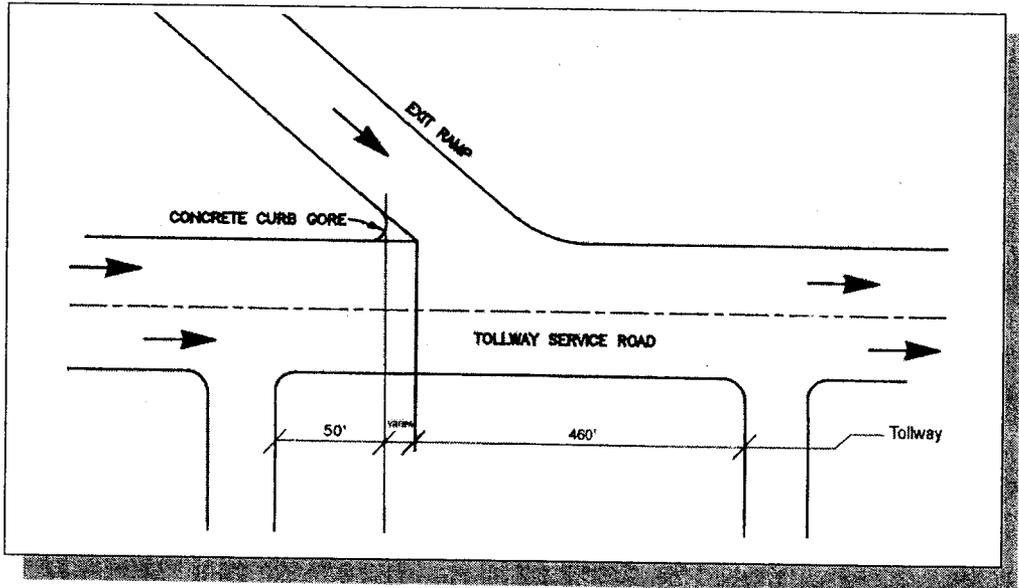
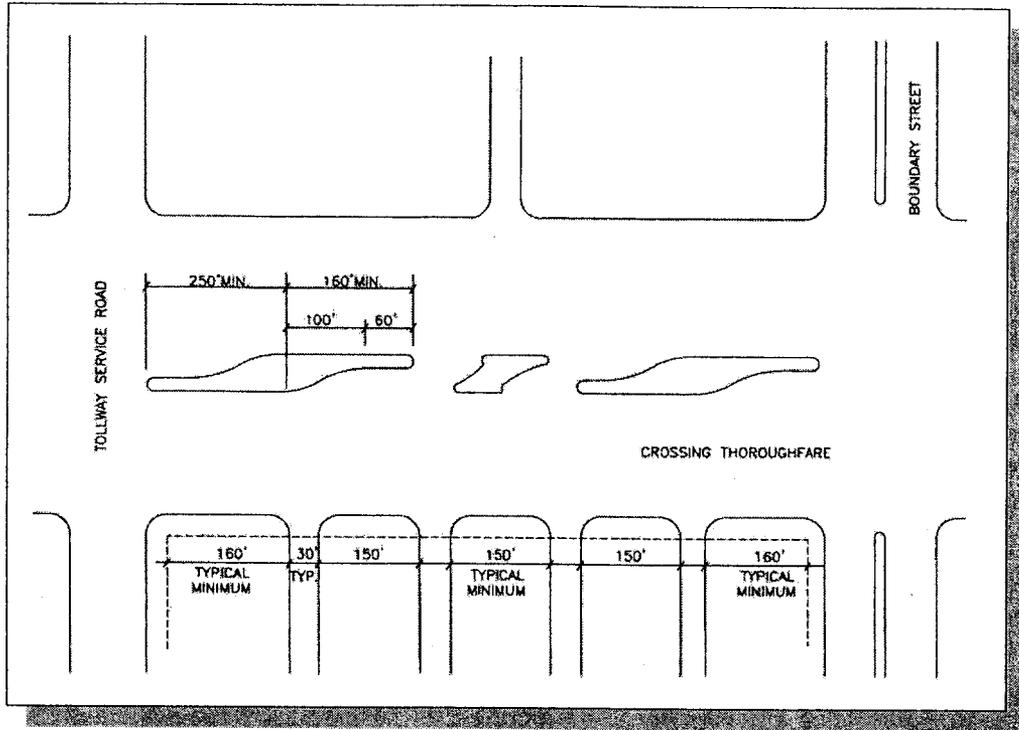


FIGURE 5
DALLAS NORTH
TOLLWAY
ACCESS
STANDARDS
Crossing
Thoroughfare
Drive Spacing



SECTION II. MEDIAN AND LEFT TURN LANE DESIGN STANDARDS

A. Median Width -

For regular thoroughfares not subject to special design standards covered in the previous section, the design standards herein shall apply. In general, the required median width varies from a minimum of 4' to a maximum of 28' depending on the thoroughfare classification of a given street as defined in the previous **Table 1**.

B. Required Median Openings and Left-Turn Lanes -

Median openings on divided thoroughfares shall be required at all at-grade street intersections, when those intersections are of a **Type B+, B, C, D, E, E+, and F**. Median openings may be required by authorized city staff at all other street intersections, private drives, and non-residential driveways. The driveways where a median opening is required must also conform to the spacing and other design requirements herein, and the overall geometrics of the street must accommodate a median opening. Also, the median opening shall also feature left-turn lanes in the median - one in each direction that serves a single approved driveway, or the approaches of a single intersection.

C. Cost of Median Openings and Left-Turn Lanes -

Median openings and left-turn lanes constructed to serve private drives and new roads shall be paved to City standards, inspected by City inspectors, and paid for by owners served by the median openings and left-turn lanes. The City of Plano shall pay the costs of median openings and left-turn lanes constructed to serve existing dedicated streets and drives, when a Community Investment Program widening project is undertaken by the City of Plano on an existing public street.

D. Minimum Design, Left-Turn Lanes -

The minimum left-turn lane design for regular thoroughfares shall be as described below, and as illustrated in **Figure 6**. Other standards may apply as defined herein for special thoroughfares.

1. All left-turn storage areas shall be a minimum of 10 feet wide with minimum storage length as defined in **Table 6** of this section.
2. The transition curves used in left-turn lanes shall be two, 250 foot radius reverse curves with a total transition length of 100 feet for single lanes. Add 100 feet to transition length for double-left turn lanes.

E. Minimum Design, Median Opening -

1. Median openings at intersections (as measured from nose to nose of the median) shall have a minimum opening distance equal to the width of the intersecting street as measured from right-of-way line to right-of-way line, unless otherwise approved by authorized city staff.
2. The width of a mid-block median opening - as measured longitudinally along the centerline of the street - shall not be less than 60 feet, or greater than 70 feet unless otherwise approved by authorized city staff.
3. Using the above requirements, examples of the resulting minimum distance between two (2) median openings with left-turn lanes in opposite directions (for two different driveways/intersections) are:
 - a. 310 feet from nose to nose of the median from the intersection of two major thoroughfares to a street or drive (**see Figure 6**).
 - b. 260 feet from nose to nose of the median from the intersection of two secondary thoroughfares or a secondary thoroughfare and a major thoroughfare to a residential street or a drive, and,
 - c. 220 feet from nose to nose of the median for intersection combinations of drives and/or residential streets.

F. Medians Where No Left Turn Pocket is Needed -

1. In a given segment of median (typically between two intersection) where only one "nose" of the median has left-turn provided, and where the other end or nose of the median does not have a median left-turn (in the opposite direction) because a driveway cannot or will not be installed, then the minimum tangent distance between median end and the beginning of the transition for the single left-turn lane shall be 30 feet - see **Figure 7**.
2. If the left-turn storage is not required on either end of a median segment , but the median is simply a spacer or barrier between two median openings, the minimum length of said median segment shall be 50 feet, measured nose to nose. (see **Figure 6**).

G. Medians on Public Street Into Developments –

Medians may be installed on Type E thoroughfares or smaller (undivided streets) that intersect with an equal or higher type thoroughfare, if the smaller thoroughfare serves as an entrance to a subdivisions for the purpose of aesthetic or any other purpose. In such cases, the median shall be a minimum of 4 feet wide, a maximum of 10 feet wide and at least 90 feet long. Additional right-of-way may be required to accommodate the median.

H. Close or Modify Existing Media Opening

Existing median openings may be closed or modified by city staff to better meet the travel and access needs of a given road segment. City staff shall notify, in writing, the property owners within 500 feet of the proposed median modification as measured linearly along the street on either side of the median opening. Property owners in opposition may contact city staff to discuss the proposal. Property owners in opposition may request an appeal to the P&Z using the general appeal process.

TABLE 6
MINIMUM LEFT TURN STORAGE REQUIREMENTS

INTERSECTING THOROUGHFARES	MINIMUM STORAGE
Major with major	150 feet
Major with Secondary	100 feet
Major with Residential	60 feet
Major with Private Drive	60 feet
Secondary with Major	100 feet
Secondary with Secondary	100 feet
Secondary with Residential	60 feet
Secondary with Private Drive	60 feet

FIGURE 6
TYPICAL
MEDIAN
SPACING ON A
MAJOR STREET
FROM A
COMMERCIAL
DRIVE TO A
MAJOR STREET

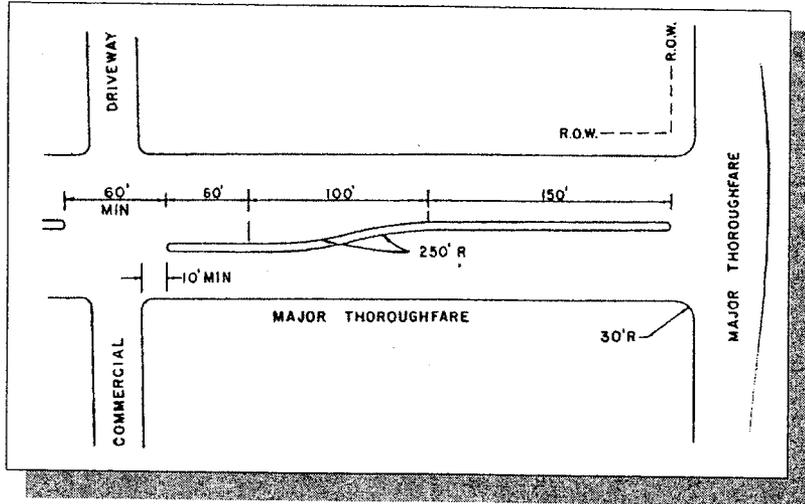
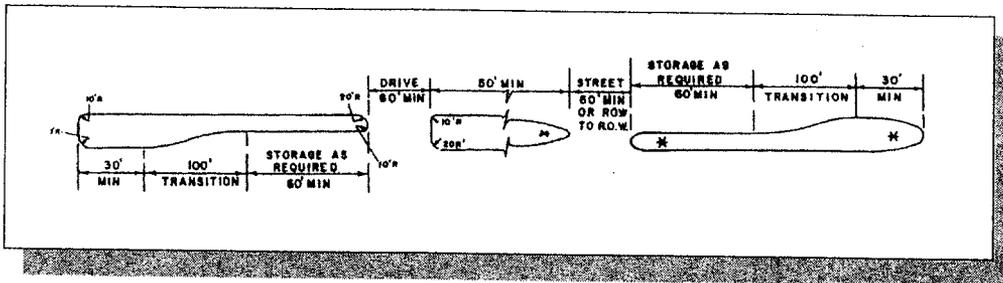


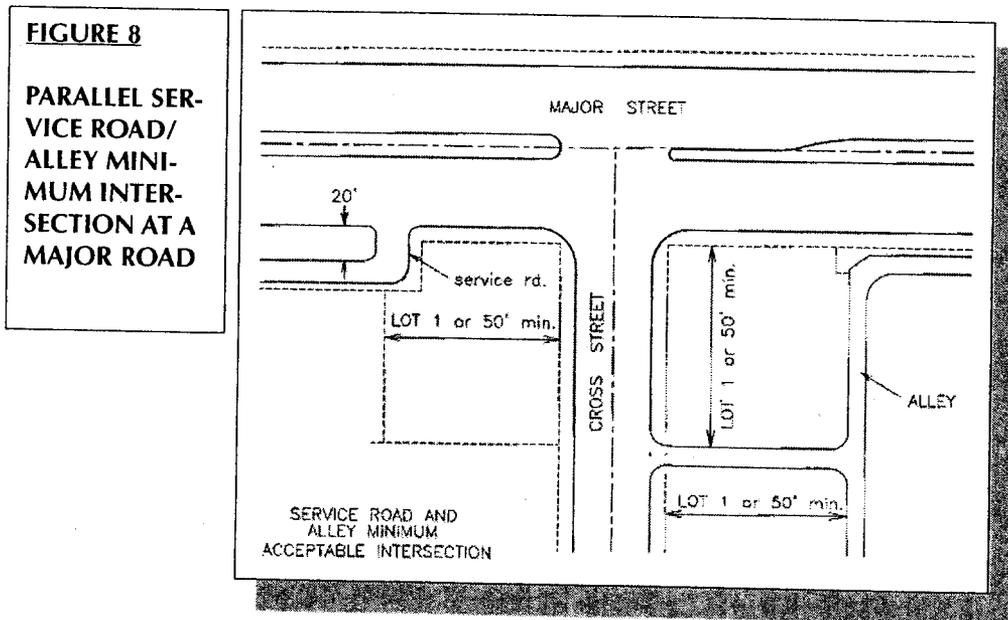
FIGURE 7
TYPICAL
MEDIAN
DIMENSIONS
WITHOUT
BACK TO BACK
LEFT TURN
POCKETS



**SECTION III.
ALLEY AND SERVICE ROAD DESIGN STANDARDS**

- A. All alley junctions with streets shall be perpendicular or radial, within 5-degree tolerance (in either direction), at the intersection of the right-of-way lines. At their intersection with streets, alley corner radii shall not be less than 15 feet.
- B. The distance between alleys on opposite sides of an undivided street shall be less than 15 feet or greater than 75 feet as measured between closest point between the face-of-curb of one alley and the face-of-curb of the other alley.
- C. Alleys shall not form junctions with Type D and larger thoroughfares. If an alley runs parallel to, and shares a common right-of-way line with a major thoroughfare, then its alignment shall curve away from the major street and connect with another area alleyway, thus avoiding the formation of a junction. This curved alignment of a parallel alley shall occur not less than one subdivision lot-width, or a minimum of 50 feet (whichever is greater) from a cross street intersection formed by another thoroughfare that is Type F or greater as indicated in **Figure 8**.
- D. Alley Visibility Obstructions : No fence, wall, screen, sign, structure, or foliage of hedges, trees, bushes, or shrubs shall be erected, planted or maintained in any alley right-of-way. However, the city may place traffic control devices as necessary. Foliage of hedges, trees, bushes, and shrubs planted adjacent to the alleys right-of-way which are not otherwise governed by the following triangles or Section 3-1000 of the Comprehensive Zoning Ordinance of the City, shall be maintained such that the minimum overhang above the ground 1 foot outside the edge of pavement shall be 14 feet. A minimum 12 foot overhang above the entire width of the alley shall be provided in every case.
- E. At the junction of alleys with city streets, if fencing or foliage is provided near or at the property line, it shall be placed in a configuration that creates a triangular clear zone whereby the sides of the resulting triangle are 8 feet in length. (Ref. Section 3-1000, Comprehensive Zoning Ordinance.)

#4



SECTION IV

ACCESS MANAGEMENT POLICY AND DRIVEWAY DESIGN STANDARDS

Many elements are involved in providing access to residential and commercial properties. However, for the purposes of this document, "access" (or access point) is defined as the location, frequency, spacing, and design of driveways along the frontage, or perimeter of a given property that allow vehicular traffic to cross between the public right-of-way to the private property, whether entering or exiting.

The City's policy on access management is to allow access points to be developed for a property that are consistent with the technical criteria herein, and that achieve a balance among the following major factors: the mobility needs of the adjacent roadway; the access needs of the property; the design parameters and operations of adjacent highway elements (state/federal); and the safety needs of general vehicular and pedestrian traffic. These and other technical factors should be considered in applying the design criteria herein.

The issue of access is covered in this section. Elements such as median openings and auxiliary lanes for driveways are covered elsewhere in this document, and may be a part of the technical considerations for an access point. **Table 7** specifies the relative distance between successive driveways on any given street, thoroughfare, or State roads within Plano. The sections below give further details about applying the access policy.

A. Procedure for Allowing Access on City Streets

1. Application Procedure

An applicant wishing to apply for a new access point should submit a site plan or concept plan depicting the driveway or median opening location on a given **city street**. Typically, these documents are generated as part of a new development approval process as required in the *Zoning and Subdivision Ordinance*. The proposed access point shall satisfy all applicable City requirements.

1

2. Deviation Procedure

A party wishing to deviate from the City's access standards for a driveway on a city street shall submit an engineering study detailing why a deviation from the criteria will not adversely affect vehicular and pedestrian traffic and safety. The engineering study is then subject to review and approval by authorized city staff.

The study area size and analysis requirements may be determined at the sole discretion of authorized city staff. However, the study area is generally limited to a 1,000-foot radius from the site containing the access point. The engineering study may typically include an analysis of the following considerations:

- calculated site traffic assigned to the driveways and street network; existing area traffic; level of service analysis for street segments, driveways, unsignalized intersections, and signalized intersections for a given area; and a preliminary engineering plan depicting the proposed access deviation plotted in conjunction with the area city street network, including distances between the proposed drive, and other driveways, intersections, median openings, etc.

A constructability analysis should also be presented based on the preliminary design. Its purpose would be to illustrate site and area conditions that may impede an adherence to the standards of the access policy. Also, pedestrian access routes should comply with the Americans with Disabilities Act and Texas Department of Licensing and Regulation (TDLR) requirements.

B. Procedure for Allowing Access on State Roads

1. Application Procedure

An applicant wishing to apply for an access point on a new or existing state road should submit a site plan or concept plan depicting the driveway or median opening location on a given state roadway to the City. Typically, these documents are generated as part of a new development approval process as required in the *Zoning and Subdivision Ordinance*.

If the plan satisfies all applicable City and TxDOT (Texas Department of Transportation) requirements and standards, the access points on the plans will be certified as "access meets city requirements" by the City. If the proposed access points do not meet the access policy criteria (e.g. two successive driveways are too close), the access points will be certified as "access does not meet city requirements." The applicant may then resubmit a modified access plan that does meet the existing technical criteria, or they may offer an alternative access strategy under the "deviation procedure" detailed below.

However, if the driveway is needed to keep from land-locking a property where TxDOT does not own the access rights, or if it is a replacement, or re-establishment of access to the state highway system under reconstruction, rehabilitation, then the full engineering study may be replaced by a preliminary design of access plan. This plan will be submitted to the city for review and approval by authorized city staff first, and then to the appropriate TxDOT office for review and approval.

The study area size and analysis requirements may be determined at the sole discretion of the authorized city staff – such as the Manager of the Transportation Engineering Division. However, the study area is generally limited to a 1-mile radius from the site containing the access point. The engineering study may typically include an analysis of the following considerations:

calculated site traffic assigned to the driveways and street network; existing area traffic – Including service road and ramp volumes; level of service analysis for ramps, ramp junctions, service roads, street segments, driveways, and signalized intersections for a given area; and a preliminary engineering plan depicting the proposed access deviation plotted in conjunction with the area city street and state road network, including distances between ramps and driveways.

A constructability analysis should also be presented based on the preliminary design. Its purpose would be to illustrate site and area conditions that may impede an adherence to the standards of the access policy. Also, pedestrian access routes should comply with the Americans with Disabilities Act and Texas Department of Licensing and Regulation (TDLR) requirements.

C. Driveway Definition

The definition of the driveway types, for the purposes of this document, are as follows:

1. A "residential" driveway provides access to a single-family residence, to a duplex, or to a multi-family building containing five or fewer dwelling units. These drives shall be allowed to intersect and access some secondary thoroughfares and smaller streets only (Type E and smaller) only. All other access to residential property abutting all other thoroughfares shall be off an alley or a service road, but not the thoroughfare..
2. A "commercial" driveway provides access to an office, retail or institutional building, or to a multiple-family building having more than five dwelling units. Commercial drives shall be allowed to intersect and access Major or Secondary Thoroughfares only (Type B+, B, C, D, E, E+). It is anticipated that such buildings will have minor truck traffic for incidental service or delivery.
3. An "industrial" driveway serves truck movements to and from loading areas of an industrial facility, warehouse, distribution center, truck terminal, etc. Industrial drives shall access Major or Secondary Thoroughfares only (Type B+, B, C, D, E, E+).

Note: See article V, Section 5.4.2 of City of Plano Subdivision Ordinance for Type E access restrictions.

At an industrial facility, a driveway whose principle function is to serve administrative or employee parking lots shall be considered commercial driveway.

Centralized retail development, such as a community or regional shopping center, may have one or more driveways specially designed, signed and located to provide access for trucks. Such driveways shall be considered industrial driveways.

4. For all types of driveways herein, two-way driveways shall always be designed to intersect the adjacent street at an approximate 90 degree angle. One-way driveways may be designed to intersect a street at an angle of either 90 degrees or 45 degrees.
5. Joint access residential drives shall have no less than 9 feet on each property.

Note: Joint access residential drives shall have no less than 9 feet on each property.

D. Driveway Width

As the term is used herein, the width of a driveway refers to the width of pavement measured orthogonally between the two curb-lines of the same driveway that define the functional traffic lanes of the driveway, and that have a point-of-intersection with the curb radii that connect the driveway curb-lines to the adjacent street curb-lines.

1. Residential driveways onto streets shall have a minimum width of 12 feet and a maximum width of 24 feet (see **Figure 9 (a)**).
2. **Commercial/Industrial drives, two-way, two lane operation** - these types of driveways shall have their width determined as follows:
 - a. Commercial driveways shall have a minimum width of 24 feet and a maximum width of 30 feet. However, up to 40 foot width drives may be used for vehicle-fueling service stations see **Figure 9(b)**.
 - b. Industrial driveways shall have a minimum width of 30 feet and a maximum width of 40 feet - see **Figure 9 (b)**.

Note: Joint access commercial/industrial drives shall have no less than 10 feet on each property, with the full drive width and access pavement to the property built for the development at the same time.

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3. Commercial/Industrial - two-way, three-lane operation - these types of driveways shall have their width determined as follows:

- a. Commercial driveways with two-way, three-lane operation shall have a minimum width of 36 feet and a maximum width of 40 feet.
- b. The radius for the inbound direction shall be 30 feet. The radius for the outbound direction shall be a minimum of 20 feet and a maximum of 30 feet.
- c. Pavement markings shall be installed to define the centerline between the opposing directions of travel and between the two lanes operating in the same direction.
- d. Pavement markings and signs to indicate the permitted or required exiting movements shall be installed and maintained by the property owner.
- e. The pavement markings shall be consistent with the Texas Manual on Uniform Traffic Control Devices, and/or with City practices and standard - see **Figure 9 (d)**.

Note: All commercial and industrial drive will have an unbroken curb length of no less than 20 feet from the right of way, or 30 feet from the roadway curb, whichever is greater, extending into the site on each side of the drive. See Figures 9 (b) & 9 (c).

4. Commercial/Industrial - two-way, divided, two-lane operation - these types of driveways shall have their width determined as follows:

- a. 90 degree drives shall have a width of 22 feet with a 30 foot radius for the inbound direction, and 22 feet of width for the outbound direction, with a separation or barrier median with a minimum width of 4 feet and a maximum of 10 feet - see **Figure 9 (c)**.
- b. Joint access commercial/industrial drives shall have no less than 10 feet on each property, with the full drive width and access pavement to the property built for the development at the same time.

Note: A summary of driveway widths, radii and angle requirements are given in Table 8.

FIGURE 9(a)
DRIVEWAY
WIDTH,
RADIUS,
SPACING for
Residential
Driveways

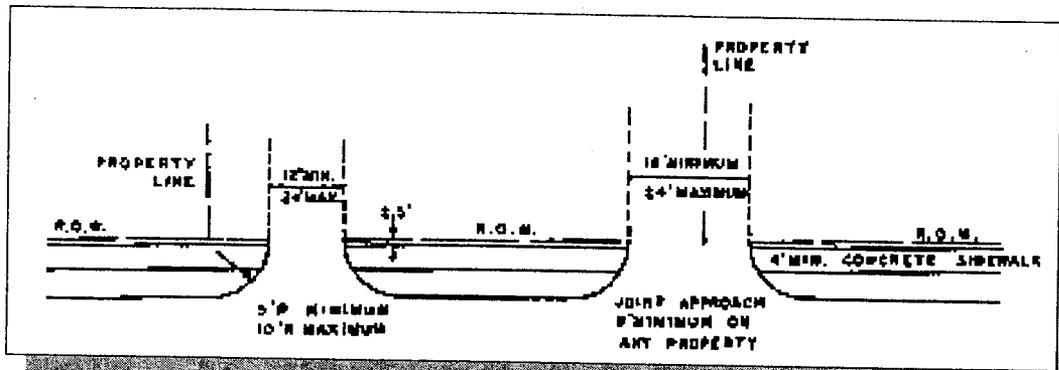


FIGURE 9(b)
DRIVEWAY
WIDTH,
RADIUS,
SPACING for
Undivided,
Two Lane
Commercial
and Industrial
Driveways

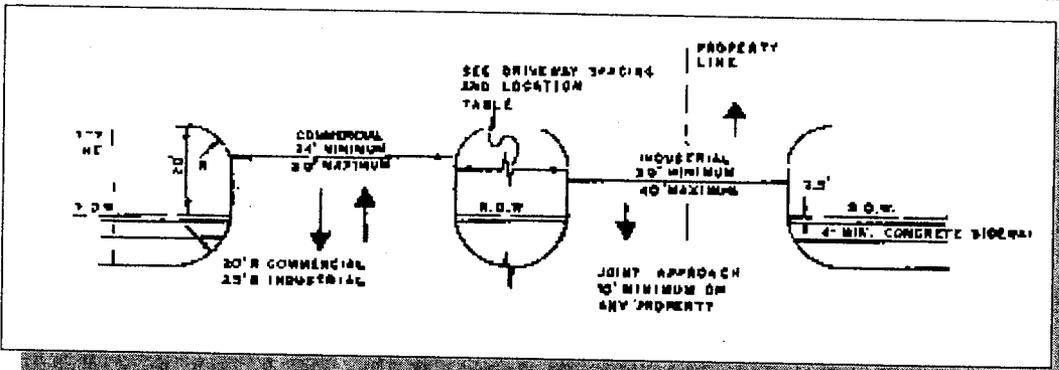


FIGURE 9(c)
DRIVEWAY
WIDTH,
RADIUS,
SPACING for
Divided
Commercial
and Industrial
Driveways

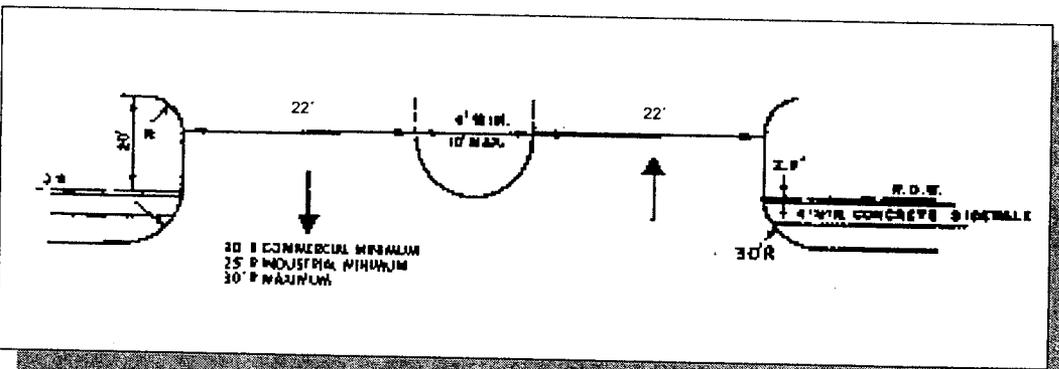


FIGURE 9(d)
DRIVEWAY
LAYOUT for
undivided,
three-lane
commercial
driveways

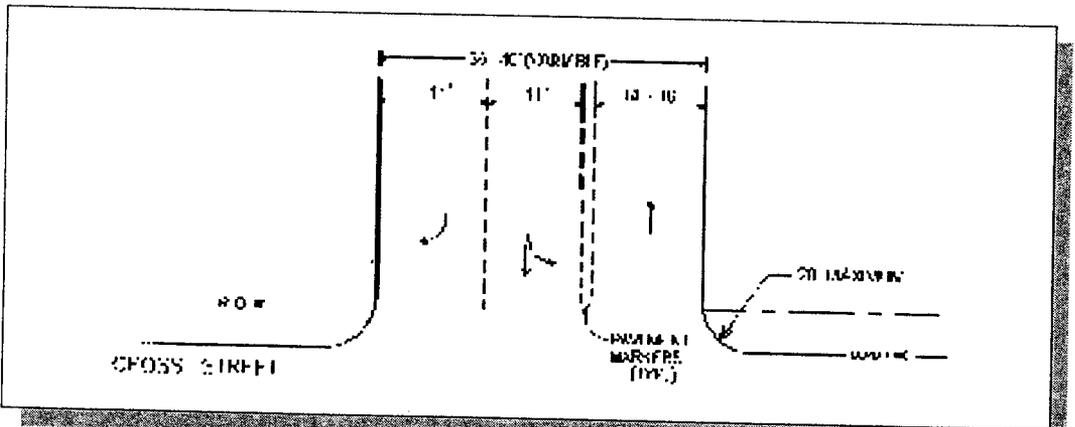


TABLE 7
DRIVEWAY SPACING IN RELATION TO OTHER DRIVES GIVEN THE DESIGN SPEED OF THE STREET

STREET TYPE	DESIGN SPEED (MPH)	MINIMUM DRIVEWAY SPACING (FT)
F, G	30	90
D, E, E+	35	100
C	40	120
B, B+	45	150

TABLE 8
SUMMARY OF DRIVE REQUIREMENTS

	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	COMMERCIAL/ INDUSTRIAL-DIVIDED	
				IN	OUT
Minimum Width	12'	24' (two lane) 36' (three-lane)	30'	22'	22'
Maximum Width	24'	30' (two lane) 40' (three-lane)	40'	22'	22'
Curb Radii	5' - 10'	20'-30'*	25'-30'	30'	20'-30' Commercial 25'-30' Industrial
Intersecting Angle	90°, 45°	90°, 45°	90°, 45°	90°, 45°	90°, 45°

* 30 foot radius required for inbound direction on two-way three-lane drive

E. Driveway Radius

All driveways intersecting dedicated streets should be built with a circular curb radius connecting the raised curb line of the roadway to the curb line or pavement edge of the driveway. Driveway radii shall have a point-of-curvature on the adjacent street curb-line (typically established along the back-of-curb line), so that the rest of the driveway falls entirely within the subject property line. This does not apply to alleys.

1. 90 Degree Driveway Curb Radii
 - a. The curb radii for a residential drive shall be a minimum of 5 feet and a maximum of 10 feet - see **Figure 9(a)**.
 - b. The curb radii for a commercial drive shall be a minimum of 20 feet and a maximum of 30 feet, except as otherwise noted in this document.
 - c. The curb radii of an industrial driveway shall be a minimum of 25 feet and a maximum of 30 feet - see **Figures 9 (b), 9 (c)**, except as otherwise noted in this document.

F. Driveway Spacing and Location in Relation to Other Drives

1. Residential - Driveways or access points on a given lot of land devoted to a single land use shall not occupy more than 70% of the linear frontage of one side of the lot adjacent to a roadway. No more than two (2) driveways or access points per adjacent street shall be permitted on any lot.
2. Commercial and Industrial - For a given tract of land or development, the spacing and location of driveways shall be a function of both existing adjacent driveways, and proposed driveways on other approved plans. The spacing between driveways shall depend upon the speed limit of the Major or Secondary Thoroughfare as shown in **Table 7**. Driveways shall not be permitted in the transition area of any deceleration lane or right turn lane.
3. The "minimum driveway spacing" shall be measured parallel to the street right-of-way between every two, successive driveways (both existing and proposed). The distance being measured will be from the beginning of the closest tangent curb-line of one driveway, to the closest tangent curb-line of the next driveway. Please note the measurement is not taken from centerline or radius of any driveway - see **Figure 9 (b)**.

G. Driveway Spacing in Relation to a Cross Street

1. 90 Degree Drive, Distance to Cross-street
 - a. Driveways along the curbline of a Collector (Type F) or Residential Street (Type G and smaller) shall be located a minimum distance equal to the driveway radius from the end of the street radius of the closest intersection of a Type F or smaller street- see Figure 10(a). That is, the driveway radius may begin at the end of the intersecting street radius.
 - b. Driveways along the curbline of a Residential Street (Type G or smaller), Collector Street (Type F), or Secondary Thoroughfare (Type D, E, E+) shall be located a minimum of 30 feet from the end of the street radius of the closest Major Thoroughfare (Type B, B+, C) or Secondary Thoroughfare (Type D, E, E+) - see Figure 10(b).
 - c. Driveways along the curbline of a Major Thoroughfare (Type B, B+, C) shall be located a minimum of 100 feet from the closest right-of-way line of the closest intersection (any Thoroughfare type) along the Major Thoroughfare - see Figure 10(c). If the property frontage being served by said driveway is such that both the drive and the drive's curb radius cannot be totally within the proposed development, the drive shall be situated so as to create a joint access drive.

FIGURE 10(a)
DRIVEWAY SPACING IN RELATION TO A CROSS STREET —
Driveway at 90° on a Collector or Residential Street

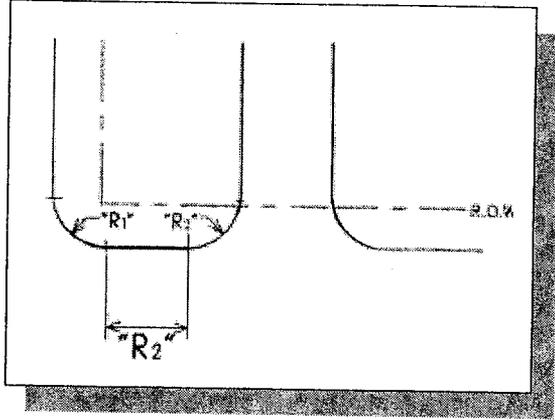


FIGURE 10(b)
DRIVEWAY SPACING IN RELATION TO A CROSS STREET —
Driveway at 90° on a Secondary Thoroughfare

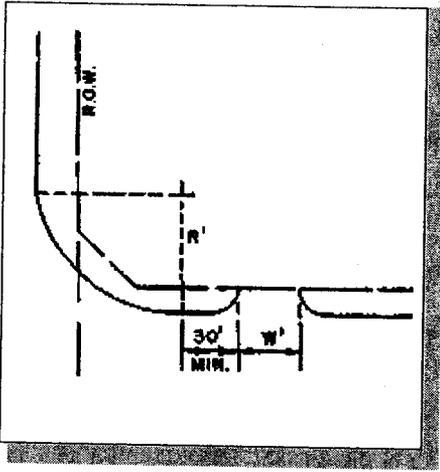
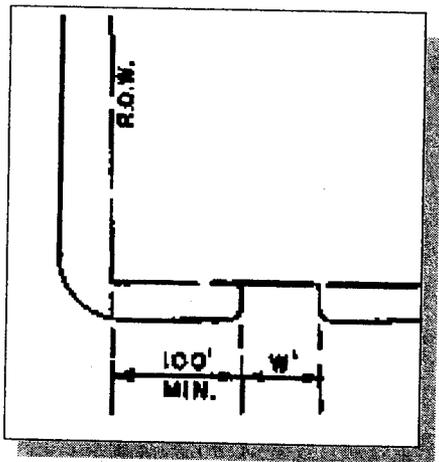


FIGURE 10(c)
DRIVEWAY SPACING IN RELATION TO A CROSS STREET — Drive-
way at 90° on a Major Thoroughfare



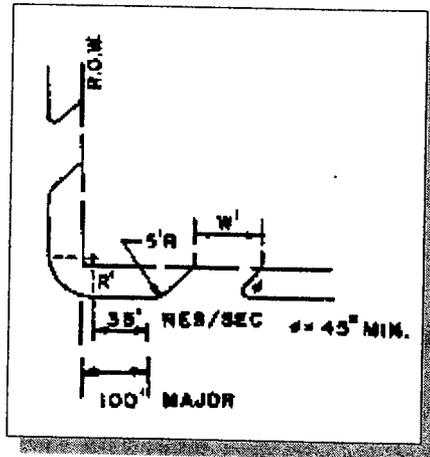
2. 45 Degree Drive, Distance to Cross Street

- a. If one-way angle drives are used, the radius for the driveway on a Residential Street, Collector, or Secondary Thoroughfare shall be a minimum 35 feet from an intersecting street's end of curb radius. On a Major Thoroughfare, the drive shall be located a minimum of 100 feet from the closest right-of-way line of the closest street intersection (any Thoroughfare Type) along the Major Thoroughfare. If the property frontage being served by said driveway is such that both the drive and the drive's curb radius cannot be totally within the proposed development, the drive shall be situated so as to create a joint access drive - see **Figure 10(d)**.

3. Driveways at 90 Degree Corners

Commercial and industrial driveways and driveways serving other than a single family residence shall not be located within the limits of the radius at approximate 90 degree corners or turns. Driveways located near approximate 90 degree corners or turns should be at least as far away from the corner as the spacing requirements established in 1 and 2 above.

FIGURE 10(d)
ANGLE
DRIVEWAY
SPACING IN
RELATION TO
A CROSS
STREET



Section V Sidewalk and Location Design Standards

A. Definition of Sidewalk

A sidewalk is defined as that paved area in a roadway right-of-way between the curb line or the edge of pavement of the roadway and the adjacent property lines for the use of pedestrians. The maximum grade of the sidewalk shall be 1/2" per foot, the maximum crossfall of the sidewalk shall be 1/4" per foot. However, the sidewalks shall also be designed in accordance to the requirements of the Americans with Disabilities Act (ADA) regulations where applicable.

Sidewalks shall conform to the following standards:

1. Zoning Classification Requiring Sidewalks - Concrete sidewalks designed and located according to City standards shall be constructed along all streets in all zoning classifications except agriculture zoning. Sidewalks shall be built at the time of site development. Should it be impractical to install the sidewalk at that time, funds for the sidewalk construction shall be placed in escrow with the City for use when the City determines sidewalks are needed. Payment of escrow shall be made prior to site plan or final plat approval.
2. Residential Areas (Single Family and Duplex) - A concrete sidewalk, minimum 4 feet in width, shall be located within the street right-of-way (R-O-W), 2-1/2 feet from the R-O-W line, unless pre-existing physical encroachments (e.g. utility infrastructure or trees) dictate otherwise. An adequate passing zone as defined in the Americans with Disabilities Act Accessibility Guidelines (ADAAG) should be provided where appropriate along the sidewalk. Sidewalks and parkways (curb to R-O-W) shall be graded at 1/4 inch per foot above the top of the street curb.
3. Non-residential Areas and Apartment Complexes - A concrete sidewalk, a minimum 4 feet in width, shall be located in street right-of-way (R-O-W) not more than 2 1/2 feet from the R-O-W line. An adequate passing zone as defined in the Americans with Disabilities Act Accessibility Guidelines (ADAAG) should be provided where appropriate along the sidewalk. If other materials are placed in the R-O-W between the sidewalk and curb, the material shall meet City specifications and be of a color and texture distinctly different from the sidewalk and specified on the site plan.
4. Meandering Sidewalks - Sidewalk easements adjacent to the standard R-O-W will be required, if necessary, for meandering sidewalks. The edge of the sidewalk closest to the street shall be located minimum 5 feet from the back-of-curb and shall meander into the sidewalk easement. Sidewalk easements shall provide a minimum clearance of 2-1/2 feet beyond the edge of the sidewalk farthest from the street.
5. Exceptions - If it should be necessary to construct the walk adjacent to the curb line, the walk shall be a minimum of 5 feet in width. If the required sidewalk is to be placed outside of the roadway right-of-way, it must be placed in a sidewalk easement. Approval of planned exceptions and sidewalk easements shall be made at the time of site plan or plat approval.
6. Waiver - The sidewalk required in non-residential areas may be waived by the Planning & Zoning Commission either temporarily or permanently at the time of site plan or final plat approval. The Waiver may be granted based on site conditions and/or location of the tract.
7. Areas Without Screening Walls - In areas on major and secondary roadways where screening is not required or a type of screening other than a wall is used, (e.g., a berm, foliage, etc.) a minimum 4 foot sidewalk will be constructed not more than two and 2-1/2 feet from the right-of-way line.
8. Areas with Screening Walls - In areas where a screening wall is provided, a concrete sidewalk shall be constructed contiguous with the screening wall. The street side of the sidewalk shall run parallel to the street curb. The sidewalk shall be a minimum of 5 feet wide and the measurement shall be made from the

street side of the sidewalk to the face of the screening wall columns.

9. Sidewalk on Bridges. Bridges on Type C or larger thoroughfares shall have a sidewalk constructed on each side of the bridge. If the sidewalk is part of a designated or planned bike route the minimum width of sidewalk shall be 10 feet to accommodate two-way bike traffic. If the sidewalk is not part of a bike route, the minimum width of sidewalk shall be 6 feet. In both cases, a parapet wall shall be provided adjacent to the curb of the thoroughfare, and with a standard pedestrian bridge rail protecting the sidewalk on the outside edge of the bridge.
10. Sidewalks Under Bridges. When a pedestrian pathway is needed along the embankment of a roadway that traverses under the bridge of another roadway - new or reconstructed, and if the subject sidewalk is part of a designated or planned bike route, the minimum width of sidewalk shall be 10 feet to accommodate two-way bike traffic. If the sidewalk is not part of a bike route, the minimum width of sidewalk shall be 8 feet.

B. Barrier-Free Ramps -

Curbs and walks constructed at intersections of all streets and thoroughfares must comply with the provisions of the ADA and be constructed in a manner to be easily and safely negotiated by disabled persons. Additionally, they should also meet the city standards as detailed in the city's *Standard Construction Details* plan sheets.

Section VI Public Right-of-Way Visibility

A. Visibility Triangles

It is the goal of the city to maintain adequate visibility between opposing or conflicting traffic movements at intersections and at access point locations where private streets or commercial or industrial driveways connect to public streets. This is accomplished by restricting the presence of obstructions within specified areas of the right-of-way and adjacent property at and/or near the intersection corners or access points.

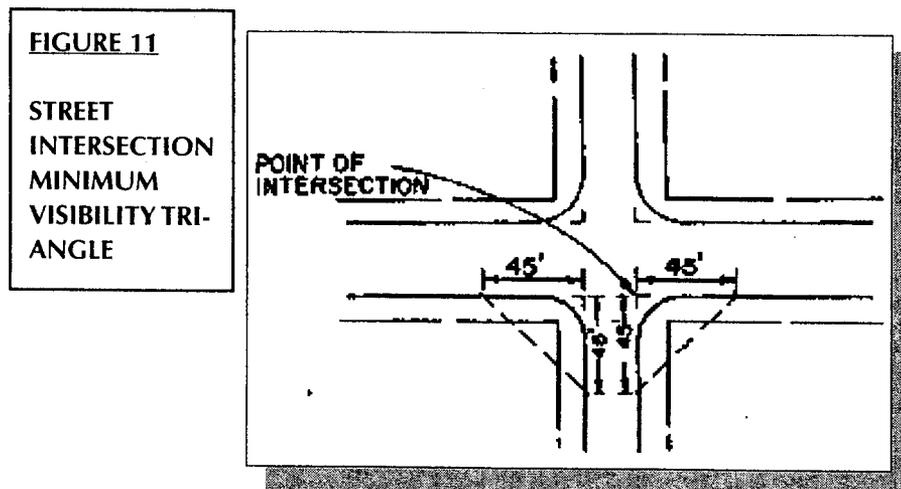
This corner clear zone is equivalent to the portion of the driver's field of vision (or cone of vision) necessary to maneuver through an intersection, and it can be defined as a "visibility triangle" as detailed herein.

A plan showing the plan/profile of the street on both sides of each proposed intersection or access point to the proposed development with the grades, curb elevations, adjacent intersections or access points, and all items (both natural and man-made) within the visibility triangles shall be provided with all site plans, if not already shown on engineering plans that are submitted at the same time.

The plan and profile shall be free of obstructions within the horizontal and vertical limits of the visibility triangles defined herein.

1. Visibility Triangle Obstructions Defined: Obstructions within a visibility triangle include fences, walls, screens, signs, structures, foliage, hedges, trees, bushes, shrubs, berms, parked vehicles, or any other item or element, either man-made or natural that are erected, built, planted, or maintained.

However, single-trunk trees, traffic control devices, street lights, and other utility elements that cannot reasonably be placed elsewhere, may be placed within a given visibility triangle.



2. Minimum Visibility Triangle Defined

- a. The field of vision at intersections and access points shall have a clear zone free of obstructions between the elevation of 2.5 feet (30 inches) and 9 feet above the average gutter elevation within a triangular area formed by extending the two curb lines 45 feet back from their imaginary point of intersection at each corner of the given intersection, and connecting the two resulting end points with an imaginary line, thereby making a right triangle (90-degree) for the typical intersection as shown in **Figure 11**.
- b. The criteria for the minimum triangle applies to intersections and access points that are controlled by a Yield sign, Stop sign, traffic signal, or no traffic control device. Furthermore, the visibility triangle shall be used when considering intersections that are existing, proposed, under construction, and existing intersections with proposed modifications.
- c. The minimum visibility triangle at intersections and access points with a slight skew angle should be drawn to approximate an orthogonal intersection. The minimum triangle at intersections with a significant skew angle (over 30 degrees) may be increased or modified by authorized city staff to maintain or improve the field of vision of drivers.
- d. The minimum visibility triangle at an intersection or access point within a curve on the street alignment should be drawn to approximate a street with a linear alignment.
- e. If there are no curb lines existing, the triangular area shall be formed by extending imaginary lines along the property lines from their real intersection point 30 feet back from the street intersection, and then connecting the two resulting end points with an imaginary line, thereby making a triangle similar to the one shown in **Figure 11**.

3. Desirable Visibility Triangle Defined:

- a. The field of vision at intersections and access points shall have a clear zone free of obstructions between the elevation of 2.5 feet and 9 feet above the average gutter elevation, within a "desirable" visibility triangle area as detailed further in this section. The desirable visibility triangle is not intended for application at intersections of two Type G roadways, at access points along the curblines of a Type G or smaller street, at intersections of a Type G with a Type F or smaller street, or at residential driveways.
- b. The criteria for the minimum triangle applies to intersections and access points that are controlled by a Yield sign, Stop sign, traffic signal light, and those with no traffic control devices. Furthermore, the desirable visibility triangle shall be used when considering intersections that are existing, proposed, under construction, and existing intersections with proposed modifications.
- c. In previous years, the visibility triangle was based in part on the stopping sight distance of the opposing cars, a distance which can vary with road speed. However, the year 2001 edition of AASHTO's Policy on Geometric Design of Highways and Streets presents a method based on "gap acceptance" which is adopted herein.

The gap acceptance method is based on research that shows the driver on the minor street requires a small time period when there is no oncoming traffic near the intersection to execute a maneuver. This "gap" in the traffic stream, as measured in seconds, tends to remain constant for a variety of speeds and conditions.

The standard, minimum case for the desirable triangle requirement herein includes a 8.0 second time gap to accommodate left, right, or through movements of a passenger vehicle from a cross-street to a major, multilane street (6-lane divided street). The cross-street centerline grade can vary between 3% upgrade (uphill), to a 3% downgrade (downhill) value of for the standard case. **Table 9** summarizes the length of the triangle leg along the major street, which uses the same value for a left-turn or right-turn triangle. The through movement is automatically covered by these two triangles.

In the event that the posted speed limit and the design speed are not the same, the higher of the two speeds shall be used to determine the visibility triangle. **Figure 12** depicts the typical geometric construction of a visibility triangle for a given cross-street. Note that significant portions of the median may be encompassed by these triangles.

FIGURE 12
STREET
INTERSECTION
DESIREABILITY
VISIBILITY
TRIANGLE

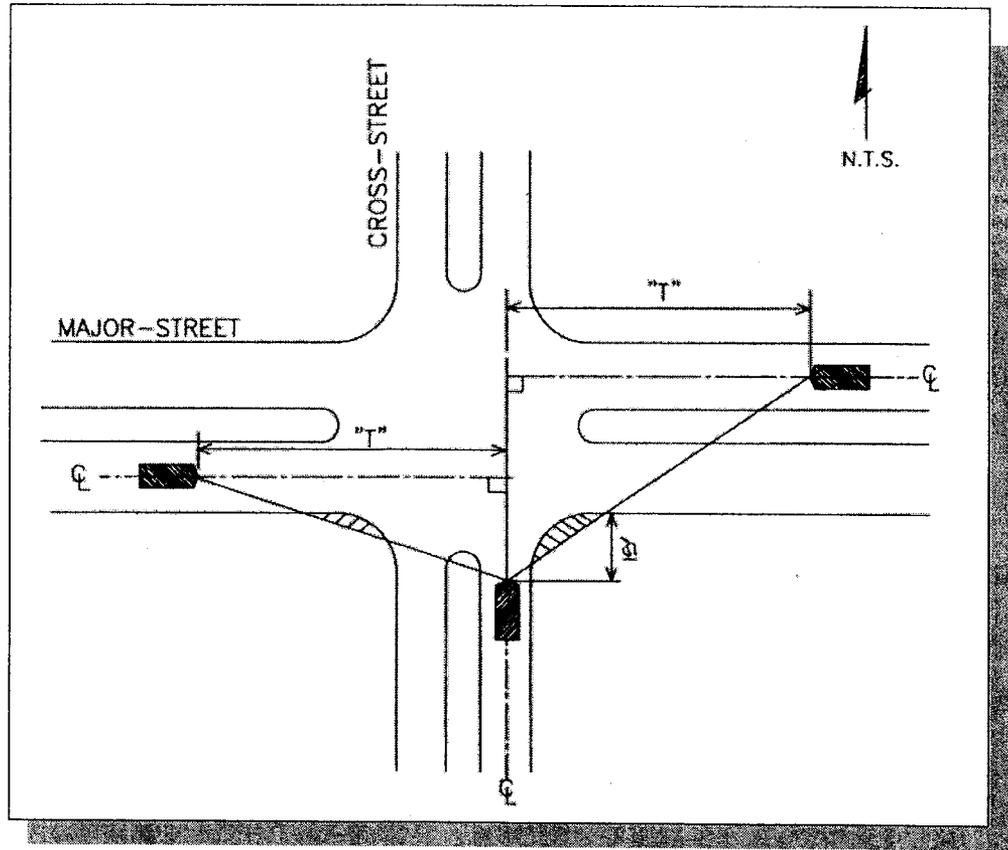


TABLE 9
MINIMUM SIGHT
DISTANCE AT
AN INTERSECTION

STREET TYPE	SPEED LIMIT	T (FT.)
F, G	30	355
D, E, E+	35	415
B, C	40	475
B+	45	535

#2

- d. The desirable visibility triangle at intersections and access points where the minor street or driveway grades are greater than 3-percent (up or down), the triangle dimensions may be increased or modified by authorized city staff to maintain or improve the drivers field of vision based on the AASHTO manual.

Note: No Plantings or berms over 30 inches above the average gutter elevation are allowed in the median for the length of the left turn stacking space unless specifically agreed upon by authorized city staff.

- e. The desirable visibility triangle at intersections and access points with a slight skew angle will result in an acute or obtuse triangle, rather than a right-triangle (90-degrees). The desirable visibility triangle at intersections and access points with significant skew angles (greater than 30 degrees) may be increased or modified by authorized city staff to maintain or improve the field of vision of drivers. Additional analysis based on the AASHTO manual may be required by authorized city staff to determine an adequate visibility clear zone.

- f. The desirable visibility triangle at an intersection or access point where the street alignment has a slight curvature should be drawn to approximate a street with a linear alignment. The desirable visibility triangle at intersections and access points on streets with significant curvature (centerline alignment with a degree of curvature of 7 or sharper) may be increased or modified by authorized city staff to maintain or improve the field of vision of drivers. In these cases, the visibility triangle technique may not be adequate to define a clear zone in the drivers field of vision, and additional analysis based on the AASHTO manual may be required by authorized city staff to determine an adequate clear zone. In general, intersections and access points along a sharp curve on a major street should be avoided in design.
- g. For intersections that are constructed in phases and put into operation during or between construction phases, the desirable visibility triangle shall be established at the initial phase to cover the geometric condition that requires the largest, or most restrictive visibility triangle for any of the foreseeable phases or planned, final street intersection geometry.

For example, in some cases the largest visibility triangle may be required for the final geometric condition of the intersection, but said triangle shall be established with the initial phase of construction.

4. **Geometric Construction for Desirable Visibility Triangle for a Typical Intersection** - In the plan view, the horizontal clear area at the intersection of a proposed street/drive shall be defined as being within a triangular area formed by the following imaginary lines (see **Figure 12**):

- a. The vertex of the triangle, which shall be a point along the approach centerline of the proposed side street, is 15 feet back from the tangent curb of the major street.
- b. A line shall extend the centerline of the approach cross-street from the vertex forward to an intersection point with the centerline of one of the two approach sides of the major street, forming approximately a 90 degree angle. (Intersections with slight skews are allowed by other criteria herein.)
- c. A line shall extend back from the intersection point along the major street approach centerline to a distance "T" away from the minor street and stop at an endpoint.
- d. A line that shall connect the endpoint on the major street to the vertex on the minor street, thus forming a visibility triangle.

B. R.O.W. Obstructions Outside the Visibility Triangles

1. Fences, walls, screens, signs and other structures shall conform to the Comprehensive Zoning Ordinance of the City, as amended, and to the Sign Ordinance of the City.
2. Foliage of hedges, trees and shrubs in public right-of-ways which are not otherwise governed by Section 3-1000 or 1200 of the *Comprehensive Zoning Ordinance of the City*, or the visibility triangles described herein shall be maintained such that the minimum vertical clear zone for tree and foliage overhang above a sidewalk shall be 7 feet, and the minimum vertical clear zone for tree and foliage overhang above street pavement shall be 14 feet. The vertical clearances stated above shall apply on all Type E and above thoroughfares. The City of Plano Property Standards Department establishes vertical clearance guidelines for smaller streets (Type F, and G).
3. All other areas within medians and islands in the street rights-of-way shall be clear at elevations between 2.5 feet and 9 feet above the average gutter elevation.
4. Plants in the public right-of-way that will grow over 30-inches (when mature) above the adjacent street's average gutter elevation shall conform to all of the above requirements, where applicable. All landscape plans shall show all items as prescribed by the Parks and Recreation Department and Planning Department, including:
 - a. The locations and type of such plants; and
 - b. The prescribed visibility triangles.
5. Ground elevations, within both triangles, will be shown by contour lines.

C. Abatement.

1. The City Manager of the City of Plano, or his designee(s), shall have the authority to enforce the provisions of this Section.
2. When foliage is identified by authorized city staff (including staff from the **Property Standards Department**) within the restricted height, or in a visibility triangle, and the foliage is on the median or other area in the street ROW that is not immediately adjacent to private property, then the **Parks Department** will trim or removes the foliage.
3. When a foliage is identified by authorized city staff (including staff from the **Property Standards Department**) within the restricted height, or in a visibility triangle, and the foliage is immediately adjacent to a private property, then the Property Standards Department **contacts the property owner in an adequate manner** as prescribed by ordinance and requests that the plants be trimmed or removed. As detailed in the Code of Ordinances Section 14-3, and Section 15-17, the adjacent property owner is required to maintain the plants within the defined, adjacent ROW.

D. Preservation of existing laws.

Nothing contained in this Section shall be construed so as to amend, alter, change or repeal any provision or regulation of the Comprehensive Zoning Ordinance of the City or the sign ordinance of the City.

#9 SECTION VII ALTERNATIVE SUBDIVISION STREET & SIDEWALK STANDARDS (NEW DRAFT SECTION)

A. Introduction

General subdivision street and sidewalk standards are not always appropriate for some types of enhanced-density, "new urbanism", or residential-commercial mixed-use development, where high pedestrian activity and lower vehicular activity is to be encouraged. Therefore, alternative standards are provided for local street design that serve certain types of development with defined zoning categories.

B. Front Entry Lots

The street must be built to standard design (50 feet of ROW; 27 feet of pavement) when on-street parking is expected. Where lots are too narrow to allow on-street parking (front entry townhouses, for example), street width may be reduced to 46 feet of ROW, 24 feet of pavement only with the construction of adequate off-street visitor parking. Standard streets must be provided for developments that provide a mix of rear entry and front entry lots.

C. Rear Entry Lots

Since on-street parking can be expected on both sides of the street with rear-entry lots, a standard street design must be provided, unless houses are grouped around courtyard cul-de-sacs that provide off-street parking.

D. Mews Streets

Mews streets are designed to provide garage and service access to individual lots. The minimum design standard for mews streets is 28 feet of ROW with a minimum 22 feet of paved drive lane. Parkways must be paved with a contrasting material. No parking is allowed on mews streets unless additional ROW is provided. If individual garages access Mews Streets, the face of the garage must be placed between 0-3 feet from the ROW line, or at least 20 feet. Because of the significant challenges which can exist with many sites using Mews streets, individual consideration may be given to approve variations to these standards.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 97-8-7; CODIFIED AS SECTION 19-21, RULES AND REGULATIONS ADOPTED, OF ARTICLE II (DESIGN AND CONSTRUCTION) OF CHAPTER 19 (STREETS AND SIDEWALKS) OF THE CODE OF ORDINANCES OF THE CITY OF PLANO; ADOPTING MINIMUM STANDARDS TO BE FOLLOWED IN THE DEVELOPMENT OF STREETS, THOROUGHFARES, SIDEWALKS, AND APPURTENANCES WITHIN THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, A PUBLICATION CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Code of Ordinances of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 8th day of June, 2009, for the purpose of repealing in its entirety Ordinance No. 97-8-7; codified as Section 19-21, Rules and Regulations Adopted, of Article II (Design and Construction) of Chapter 19 (Streets and Sidewalks) of the Code of Ordinances of the City of Plano; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change on the 8th day of June, 2009; and

WHEREAS, on August 11, 1997, by Ordinance No. 97-8-7, the City Council of the City of Plano established Rules and Regulations of the City, also known as the Thoroughfare Standards Rules and Regulations, thereby adopting minimum standards to be followed in the development of streets, thoroughfares, sidewalks, and appurtenances within the City, and such Ordinance was codified as Section 19-21, Rules and Regulations Adopted, of Article II (Design and Construction) of Chapter 19 (Streets and Sidewalks) of the Code of Ordinances of the City of Plano; and

WHEREAS, the Transportation Engineer and the City Engineer of the City have advised the City Council that the continuing development of the City of Plano and the concurrent continuing development of its thoroughfare system have created the necessity for revisions to certain minimum design standards for normal traffic conditions in regard to streets, thoroughfares, sidewalks, and appurtenances thereto within the City; and

WHEREAS, the Transportation Engineer and the City Engineer of the City have proposed to the City Council a set of Rules and Regulations, also known as the Thoroughfare Standards Rules and Regulations, which combines the provisions of Ordinance 97-8-7, and any revisions to this ordinance, and which they deem advisable to implement in regulating the minimum design standards and location of streets and thoroughfares, sidewalks, and appurtenances within the City; and

WHEREAS, the Planning & Zoning Commission has considered the proposed Rules and Regulations, also known as the Thoroughfare Standards Rules and Regulations, and has recommended their approval to the City Council; and

WHEREAS, the City Council, after considering the recommendations of the Transportation Engineer and the City Engineer, hereby finds and determines that the Rules and Regulations, also known as the Thoroughfare Standards Rules and Regulations, governing minimum design standards and location of streets, thoroughfares, sidewalks, and appurtenances within the City should be adopted.

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

Section I. Ordinance No. 97-8-7 duly passed and approved by the City Council of the City of Plano, Texas, on August 11, 1997, codified as Section 19-21, Rules and Regulations Adopted, of Article II (Design and Construction) of Chapter 19 (Streets and Sidewalks) of the Code of Ordinances of the City of Plano, is hereby repealed in its entirety.

Section II. Section 19-21, Rules and Regulations Adopted, of Article II (Design and Construction) of Chapter 19 (Streets and Sidewalks) of the Code of Ordinances of the City of Plano shall read in its entirety as follows:

“Sec. 19-21. Rules and regulations adopted.

The thoroughfare standards rules and regulations govern the minimum design standards for normal traffic conditions in regard to streets and thoroughfares, sidewalks, and appurtenances thereto within the city. Based upon the traffic demands from a site, projected by a traffic impact analysis (TIA) changes to these requirements may be recommended by the city transportation engineer, or his designee, and approved by the planning and zoning commission and the city council. The thoroughfare standards rules and regulations are hereby adopted and such rules and regulations are made a part of this Code of Ordinances the same as if copied verbatim therein. A copy of the thoroughfare standards rules and regulations shall be on file and available to the public in the engineering department.”

The Thoroughfare Standards Rules and Regulations are on file with the City Secretary.

Section III. 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, except that nothing contained herein shall be considered as repealing any portion of Ordinance No. 98-9-5 adopted on September 14, 1998 (Subdivision Ordinance), or any amendments thereto.

Section IV. The repeal of any ordinance or part of ordinances affectuated 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 provisions of any ordinance at the time of passage of this Ordinance.

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

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

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

PASSED AND APPROVED THIS THE 8TH DAY OF JUNE, 2009.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

CITY OF PLANO TRANSPORTATION DIVISION, ENGINEERING DEPARTMENT

Rules And Regulations Governing The Design & Construction Of Streets And Thoroughfares, Sidewalks, & Appurtenances

SECTION I. STREET DESIGN STANDARDS

A. General

Design standards for city streets are defined through two documents: 1) the Thoroughfare Standards - the document contained herein - which is part of the Development Regulations Manual, covering the technical details of street and transportation system design; and 2) the separate Thoroughfare Plan - a map that establishes the general alignment, size, and function of significant city streets - which is a part of the Transportation Chapter of the Comprehensive Plan. A third document – the Traffic Impact Analysis (TIA) Guidelines – is used to analyze site development and is part of the Development Guidelines. All of the aforementioned documents are updated by staff and adopted by ordinance on a periodic basis by the City Council.

TABLE 1
CITY OF PLANO
THOROUGHFARE
DIMENSIONS

The basic elements of the thoroughfare standards are the street types. **TABLE 1** summarizes the basic thoroughfare dimensions. Special design standards for several thoroughfares, tollways, and highways are detailed in the body of this document. **TABLE 2** gives the minimum design speeds for the listed thoroughfare type. The Appendix has cross-sections of each thoroughfare type.

Category	Designation Right of Way	Minimum	Pavement	Median
Major Thoroughfare	B+	±140	8@12'	20'
	B	±130' – 160'	6@12'	24'
Major Thoroughfare	C	110	6@11'	20'
Secondary Thoroughfare	D	92'	4@12'	20'
Secondary Thoroughfare	E+	75'	5@11'	None
	E	68'	4@11'	None
Collector	F	60'	36'	None
Residential Street	G	50'	26'	None

Note: Major and secondary thoroughfares flare at intersections to provide auxiliary lanes, see Figure 1 and 2.

The City Traffic Engineer, and/or City Engineer, have the authority to apply these standards to proposed street and infrastructure design and construction within the City of Plano. Authorized city staff may allow or require different values for design parameters than those given herein to resolve unusual field conditions, to better serve the safety, and/or to better meet other needs of the public infrastructure.

As a general rule, the reference dimensions given herein for distances are measured from the face-of-curb. Distances such as between two driveways, two median openings, etc. are measured between the two closest curb-lines of both elements (e.g. face-of-curb to face-of-curb). Exceptions are noted in the body of the text.

An applicant for construction plan approval to the city may appeal the value of a given design parameter following the written decision of authorized city staff to allow or require a different value than those listed in this book. The appeal process - unless otherwise specified elsewhere in this document is as follows:

The applicant - typically a developer or owners representative - may request to have a design parameter staff decision appealed at the next available Planning and Zoning (P&Z) Commission meeting. The request for a P&Z appeal must be in writing in a parameter acceptable to authorized city staff, and it must describe the nature and location(s) of the design parameter in question. The applicant may also submit a technical memorandum prepared by a professional engineer explaining why the appeal is justified. The applicant may also present his position verbally during the P&Z meeting. The P&Z Commission will then consider and vote on the question of whether to accept or deny the request of the applicant under the commission's normal rules of order.

B. Minimum Horizontal Radius

The minimum centerline radius is defined by the design speed of the respective street. The minimum design speed of each street category in the City of Plano, as defined by the Thoroughfare Plan, is listed in **Table 2**.

TABLE 2
MINIMUM DESIGN SPEED OF EACH TYPE OF STREET

STREET TYPE	MINIMUM DESIGN SPEED (MPH)
F, G	30
D, E, E+	35
C	40
B, B+	45

The resulting minimum acceptable horizontal centerline radius for each respective street is determined by considering the speed (V), superelevation (e), and friction (f) as shown in **Table 3**, and as calculated by the following formula :

$$R = \frac{V^2}{15 (e+f)}$$

The maximum length of a horizontal curve on Type E, F, or G roadways shall not exceed 1.6 times the centerline radius (i.e. shall not encompass an angle greater than 90-degrees for a radii of 250 feet or greater. Also, the minimum arc length of a centerline radius design shall be 100 ft. The minimum centerline radius for residential streets shall be 250 feet. However, for corners of 90-degrees to 100 degrees on residential streets, the centerline radius may be 43.5 feet.

C. Minimum Vertical Alignment

Vertical Alignment is a function of stopping sight distance (SSD) which is given by the equation:

$$SSD = 1.47PV + \frac{V^2}{30 (f+g)}$$

Stopping sight distances herein are calculated for g=0, and a perception/reaction time of 2.5 seconds (P). The minimum vertical curve length considers the algebraic difference in grades (A) of the two street segments to be joined by a curve, the rate of curvature (K), the speed, and other factors to derive the crest curve length listed in **Table 4**, or sag curve lengths as shown in **Table 5**. The minimum length of a crest or sag curve is 100 feet.

Thoroughfare Standards Rules & Regulations

TABLE 3
MINIMUM HORIZONTAL CENTERLINE RADIUS

Street Type	V (mph)	f	e (ft/ft)	(e+f)	R (Calculated) (ft)	R (Rounded) (ft)
F,G	30	0.16	-0.02	.14	428.57	450
D,E,E+	35	0.16	-0.02	.14	583.33	600
C	40	0.15	-0.02	.13	820.51	850
B,B+	45	0.15	-0.02	.13	1,038.46	1,050

TABLE 4
MINIMUM ACCEPTABLE CREST CURVE GIVEN SPEED AND DIFFERENCE IN GRADE OF ROAD

V (MPH)	SSD (ft)	K	L=KA *									
			A=1	A=2	A=3	A=4	A=5	A=6	A=7	A=8	A=9	A=10
30	200	30	100	100	100	120	150	180	210	240	270	300
35	250	50	100	100	150	200	250	300	350	400	450	500
40	325	80	100	160	240	320	400	480	560	640	720	800
45	400	120	120	240	360	480	600	720	840	960	1,080	1,200
50	475	160	160	320	480	640	800	960	1,120	1,280	1,440	1,600

* 100 foot minimum

TABLE 5
MINIMUM ACCEPTABLE SAG CURVE GIVEN SPEED AND DIFFERENCE IN GRADE OF ROAD

V (MPH)	SSD (ft)	K	L=KA *									
			A=1	A=2	A=3	A=4	A=5	A=6	A=7	A=8	A=9	A=9
30	200	40	100	100	120	160	200	240	280	320	360	400
35	250	50	100	100	150	200	250	300	350	400	450	500
40	325	70	100	140	210	280	350	420	490	560	630	700
45	400	90	100	180	270	360	450	540	630	720	810	900
50	475	110	100	220	223	440	550	660	770	880	990	1,100

* 100 foot minimum

D. Intersection Design

1. The centerline of the approaches or “legs” of street intersections should intersect perpendicular with each other, or “radially” in the case of curved street alignment. In both cases, the actual intersection angle shall not vary more than five degree in either direction from a 90-degree angle.
2. The corner radius shall be a minimum of 30 feet at the intersection of thoroughfare Types E and above with another thoroughfare Type E and above.
3. At all other intersecting streets, the corner radius shall be a minimum of 20 feet.
4. Along all thoroughfares, adequate right-of-way (ROW) shall be dedicated such that a minimum of 9-1/2 feet of parkway shall be maintained from the back-of-curb of the tangent and curve portions of the street geometry, such that adequate area for sidewalks, utilities, etc. is provided within the parkway. In general, ROW lines between intersections shall be parallel to the centerline and may include tangent and curved alignments.
5. Roadway design work at or near intersections should include a review of the existing and proposed pavement and lane markings on both sides of the intersection to verify proper lane alignment and should include any modifications to the pavement and/or pavement markings necessary to provide for safe and efficient traffic flow through the intersection.
6. The minimum spacing between adjacent streets and between a street and an adjacent median opening shall be as follows:
 - a. On an undivided roadway –
 1. Have at least 150 feet between the near curb of any adjacent street when either of the streets is a Type E or larger street or have at least 110 feet between the near curb of any adjacent street when both streets are Type F or smaller streets.
 2. If an existing street is located on the opposite of the street, the new street shall either:
 - a. align with the existing street and also meet the distance requirements from adjacent streets listed above, or
 - b. meet the distance requirements listed above
 - b. On a divided roadway –
 1. Align with an existing median opening or a new median opening installed to serve the street (subject to median opening spacing requirements of Section II.E.) and have at least 150 feet between the near curb of any adjacent street located on the same side of the street, or
 2. Be at least 150 feet from the near side of any median opening and have at least 150 feet between the near curb of any adjacent street located on the same side of the street,

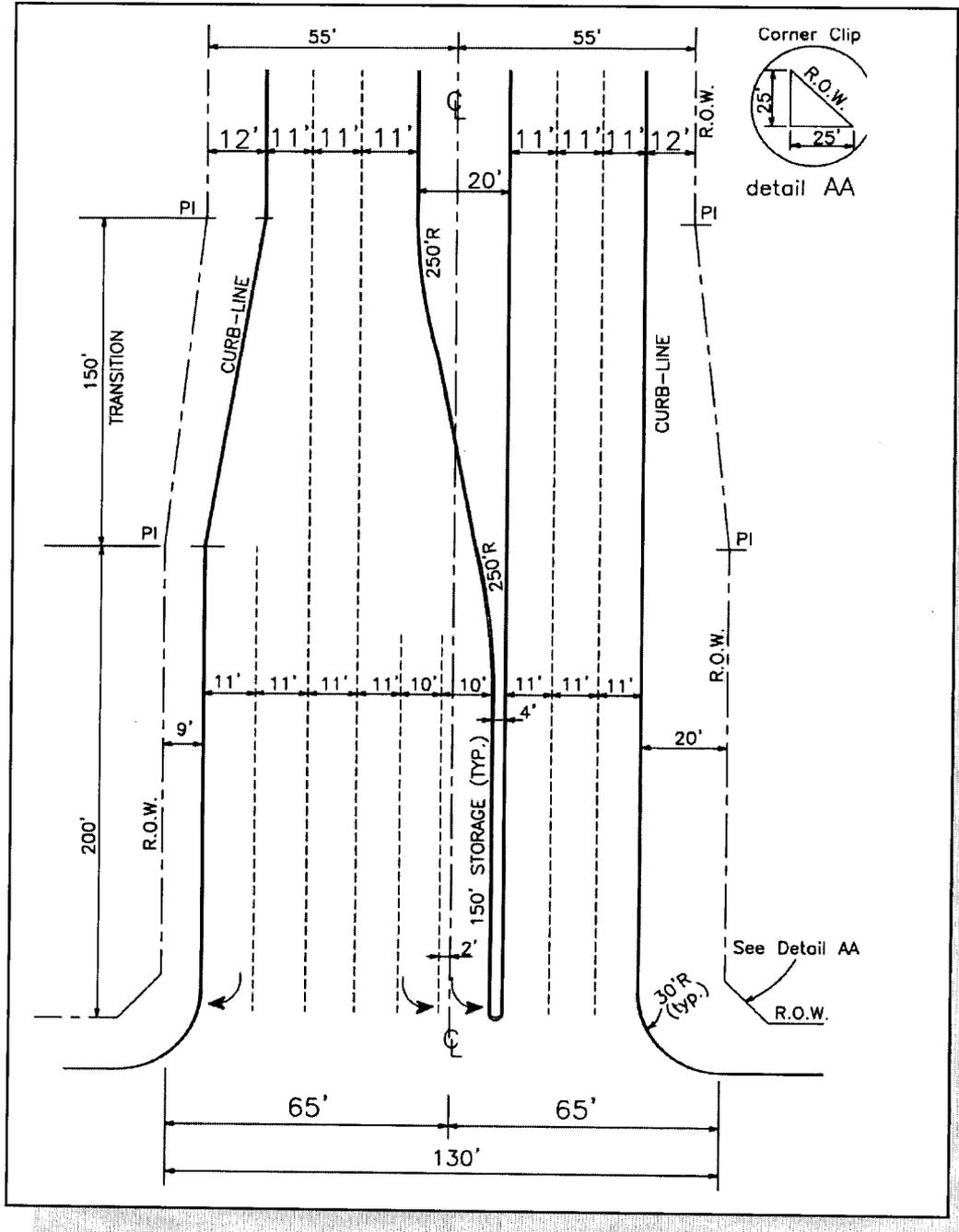
E. Type C Intersection ROW -

1. For intersections of a Type C, Major Thoroughfare with a Type B, B+, or C, the “legs” of the Type C ROW shall be expanded to 130 feet for a distance of 200 feet from the ROW line of the cross-street, and then transition back for 150 feet to the standard ROW width of 110 feet (**see Figure 1**). This flare will allow auxiliary turn lanes to be added to the intersection as needed. In general, right-turn lanes are required at all such intersections of Type C with Type B, B+, or C.
2. Tollway Intersection ROW - For intersections of a Type C, Major Thoroughfare with a tollway service road, the approach intersection width of the Type C ROW shall be expanded to 140 feet for a distance of 200 feet from the ROW line of the cross-street, and then transition back for 150 feet to the standard ROW width of 110 feet (**see Figure 2**). This flare will allow auxiliary turn lanes to be added to the intersection as needed.

F. Residential Frontage -

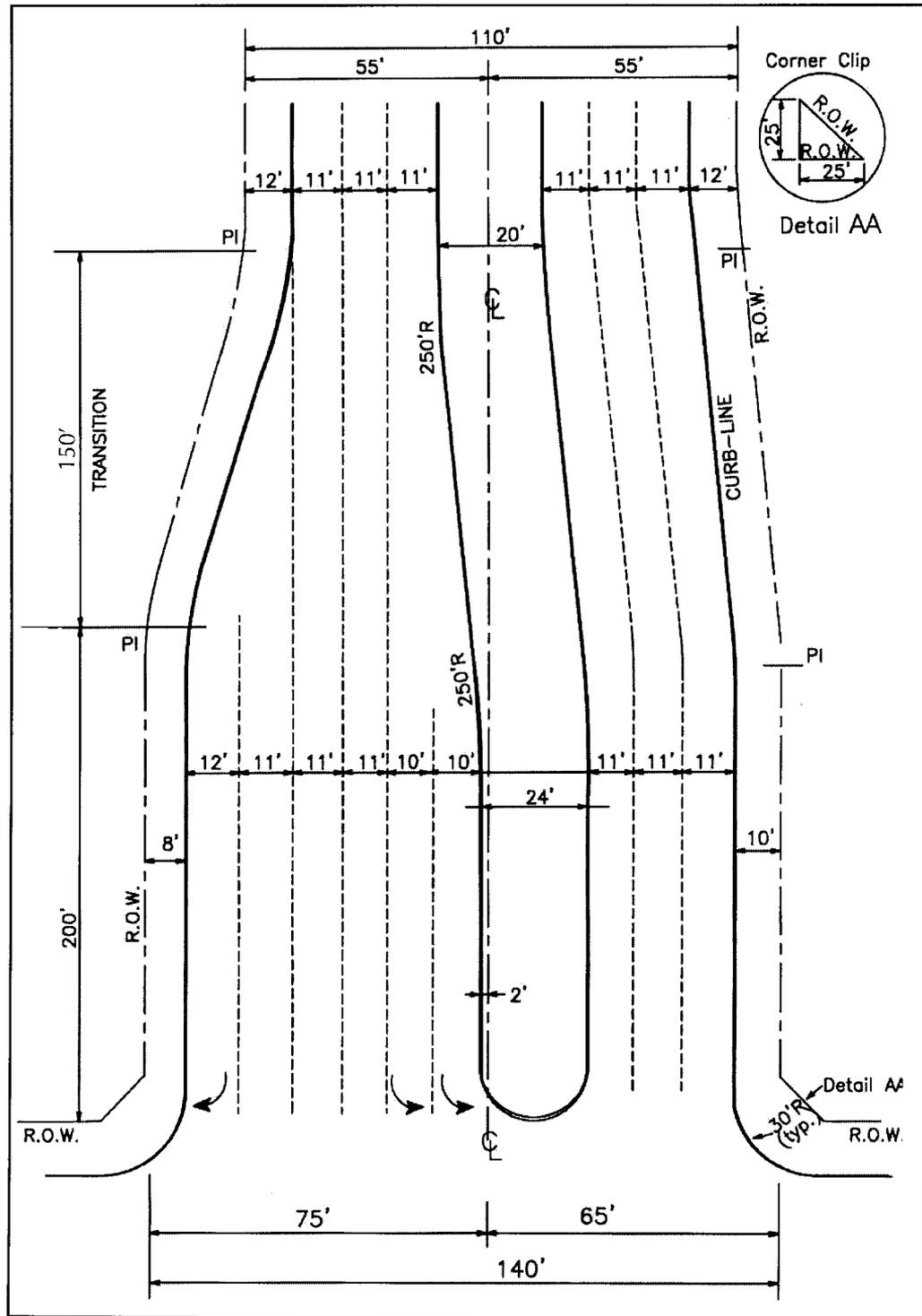
Residential houses shall not front a Type B thru D thoroughfare unless a parallel residential frontage road between the house and the adjacent side of the thoroughfare is provided. A minimum distance of 20 feet shall separate the typical curb-line of the thoroughfare and the residential frontage road in the form of a parkway. Residential frontage road ROW shall be in addition to the thoroughfare ROW.

FIGURE 1
INTERSECTION OF TYPE "C" THOROUGHFARE WITH TYPE C AND ABOVE, ROW-REQUIREMENTS



Note: dashed lines show possible geometric construction, not lane lines.

FIGURE 2
INTERSECTION OF TYPE "C" THOROUGHFARE WITH TOLLWAY SERVICE ROAD, ROW-REQUIREMENTS



Note: dashed lines show possible geometric construction, not lane lines.

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G. Preston Road and Spring Creek Parkway Special Standards -

For its entire length within the city, Preston Road is designated as a "special" major thoroughfare (Type B+), meaning the number and type of driveways and median openings allowed is different than the typical major thoroughfare, thus increasing its traffic-carrying capacity.

Spring Creek Parkway is designated as a "special" major thoroughfare (Type B+) as well, from Alma Road west to the city limit line. East of Alma Drive, Spring Creek Parkway is a Type C thoroughfare that follows normal standards.

For both Type B+ streets as defined above, the following special standards shall be used:

1. Along a Type B+ street, a deceleration lane shall be provided at commercial or industrial driveways, and at its intersection with thoroughfares that are less than Type D as shown in Figure 3(a), 3(b), or 3(c).
2. The outbound right-turn lane of a driveway feeding directly onto a Type B+ thoroughfare shall use a 40-foot corner radius - see **Figure 3(a), 3(b), or 3(c)**.
3. The minimum distance between two driveways along a Type B+ thoroughfare shall be per the typical driveway spacing on thoroughfares covered in Section IV.
4. Deceleration lanes and other auxiliary lanes required along a type B+ thoroughfare shall be constructed to the same standards as the adjoining street and the cost shall be the developer's responsibility - see **Figure 3(a) - 3(g)**.
5. Full median openings at street intersections shall be separated from other full median openings by a minimum distance of one-quarter mile along a Type B+ thoroughfare. Median openings shall be accompanied by median left-turn storage lanes with no less than 60 feet in length in both directions.
6. Hooded left-turn median openings at commercial driveways shall be designed with a barrier island that blocks all traffic movements from the adjacent driveways or cross-street, but allows left-turn movements originating from a Type B+ thoroughfare to turn at the median as shown in **Figure 3(e), and 3(f)**. Along Preston Road, hooded median openings may be allowed at predetermined locations by authorized city staff. Along Spring Creek Parkway, one hooded median opening serving each direction of travel may be allowed at the approximate midpoint between two adjacent full median openings. The hooded median opening must be at least 500 feet from the near side of any adjacent full median opening.
7. There are presently no plans to construct any grade-separated interchange on Preston Road or Spring Creek Parkway. The intersection of Preston Road and Legacy Drive should be monitored over time as future traffic conditions may require re-evaluation to determine if a grade-separated interchange would be necessary.

H. Tollway and Access-Controlled Highway Corridor Special Standards

The City Traffic Engineer, and/or City Engineer, have the authority to apply these standards to proposed street and infrastructure design and construction within the City of Plano. Authorized city staff may allow or require different values for design parameters than those given herein to resolve unusual field conditions, to better serve the safety, and/or to better meet other needs of the public infrastructure.

There are both tollways and access-controlled highways that operate within the City of Plano as further described below. The following standards will not apply to U.S. 75 as it was developed under very old requirements, and redevelopment would not be feasible under the current design standards. Access/drive design along the U.S. 75 service roads will be designed to Type C thoroughfare standards.

A segment of the Dallas North Tollway (DNT) runs through the western sector of the city. The DNT Corridor as defined by Plano is bounded on the north by SH 121 and on the south by the city limits. Its east and west boundaries are defined by two parallel thoroughfares - Parkwood Boulevard and Communications Parkway.

The President George Bush Tollway (PGBT) Corridor runs east-west, at or near the south city limit lines. Its east and west boundaries are the city limits.

FIGURE 3 (a)
TYPE B+
THOROUGH-
FARE
STANDARDS
 (for property
 with more than
 410 feet of
 frontage)

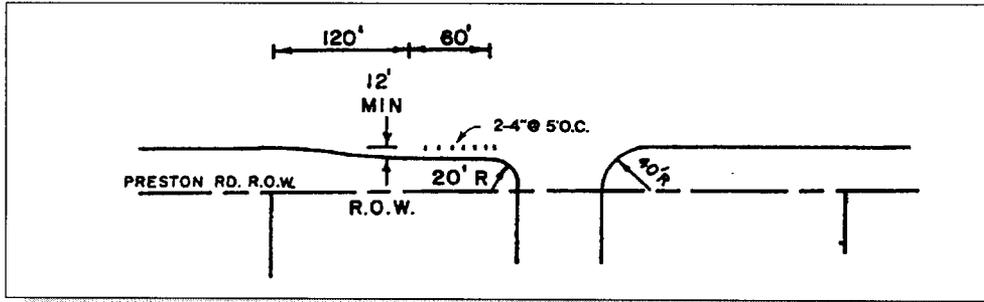


FIGURE 3 (b)
TYPE B+
THOROUGH-
FARE
STANDARDS
 (for property
 with more than
 380 to 410 feet
 of frontage feet)

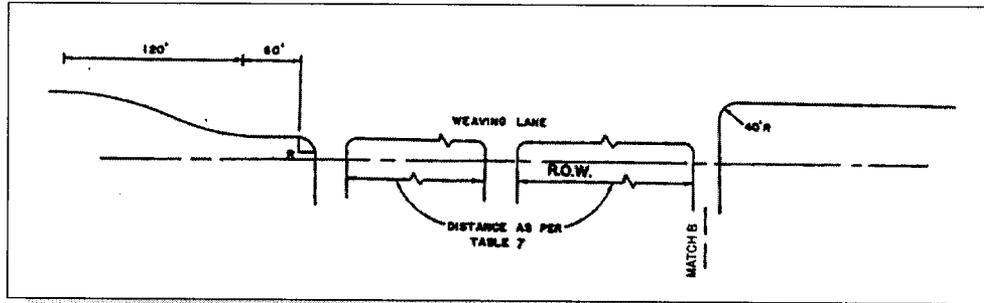


FIGURE 3 (c)
TYPE B+
THOROUGH-
FARE
STANDARDS
 (for property
 with less than
 380 feet of front-
 age)

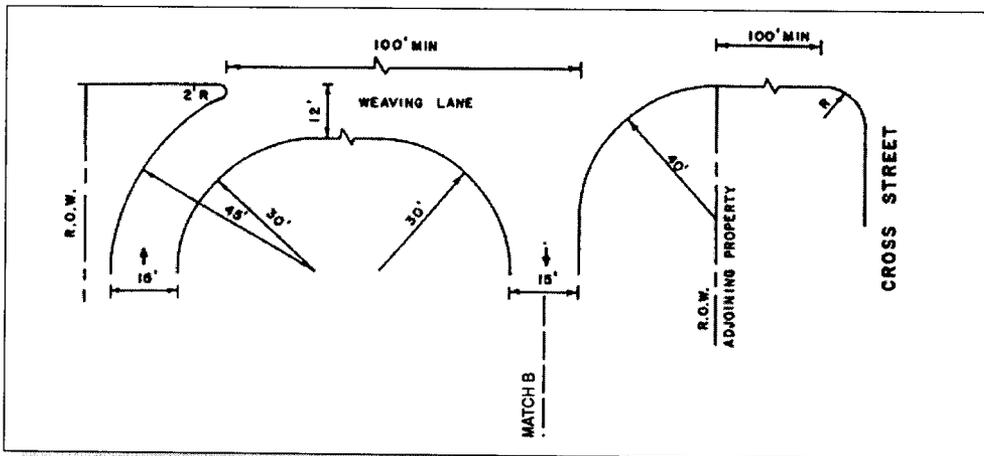
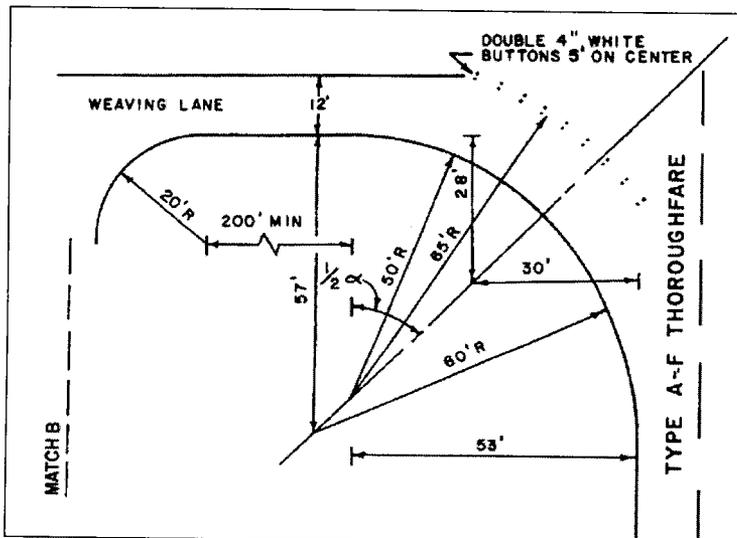


FIGURE 3 (d)
TYPE B+
THOROUGH-
FARE
STANDARDS
 (for property
 with downstream
 R-O-W being a
 street)



State Highway 121 (SH 121) runs approximately east-west, at or near the north city limit line. It is proposed to become a tollway for at least a portion of its length through Plano. It is bounded by the city limits (at Spring Creek Parkway) on the west, and Custer Road to the east.

United States Highway 75 (US 75) runs north-south in the eastern part of the city, and is bounded by PGBT to the south, and the city limits to the north.

Design standards for select elements of said corridors are detailed in the following sections.

1. Highway and Tollway Service Roads (one-way), except U.S. 75

- a. For driveway spacing relative to ramps gores, see section 2 below.
- b. For driveway-to-driveway spacing, and all other service road design elements under city jurisdiction, use the requirements of the Thoroughfare Standards Rules & Regulations herein, Section 2 below.

2. Highway and Tollway Service Roads

- a. Place no driveway neither less than 50 feet in advance of the concrete curb gore, nor less than 460 feet beyond the painted gore tip of an exit ramp - see **Figure 4(d)**.
- b. Place no driveway neither less than 460 feet in advance of the painted gore tip, nor less than 50 feet beyond the concrete curb gore of an entrance ramp - see **Figure 4(c)**.
- c. For all other roadway design elements under city jurisdiction, use other requirements of the Thoroughfare Standards Rules & Regulations .
- d. Provide a minimum spacing of 400 feet from the intersection of a crossing thoroughfare to the first downstream driveway, and provide a minimum 160 feet to the first upstream driveway - see **Figure 4(b)**.
- e. Provide minimum spacing of 325 feet between individual driveways, except where two drives are served by one deceleration lane – where the minimum driveway spacing within the lane is 120 feet - see **Figure 4(a)**.
- f. Provide a deceleration lane with at least 60 feet of storage (120 feet transition, 12 feet wide) into all driveways or multiple driveways off the service road. One deceleration lane may serve multiple driveways - see **Figure 4(a)**.

3. Thoroughfare Intersecting the DNT Tollway

Crossing thoroughfares are those streets that form an intersection, interchange, or otherwise cross the ROW of the DNT tollway to carry through traffic. At these ROW crossings, the following standards shall apply:

- a. Provide minimum spacing of 160 feet along the crossing street, from its intersection with the tollway, to the first driveway - see **Figure 5**.
- b. Starting with the second driveway, provide a minimum spacing of 150 feet between all driveways on a crossing street.
- c. On divided thoroughfares within the DNT Corridor, mid-block full-movement median openings are not allowed.
- d. On divided thoroughfares within the DNT Corridor, median hooded left turn lanes may be permitted mid-block as shown by **Figure 5** of the previous article.
- e. In the DNT Corridor, if only one mid-block turn lane is possible, priority will be given to the south side east of the tollway, and to the north side west of the tollway.

FIGURE 4(a)
DNT Driveway to Driveway Spacing Along Service Road

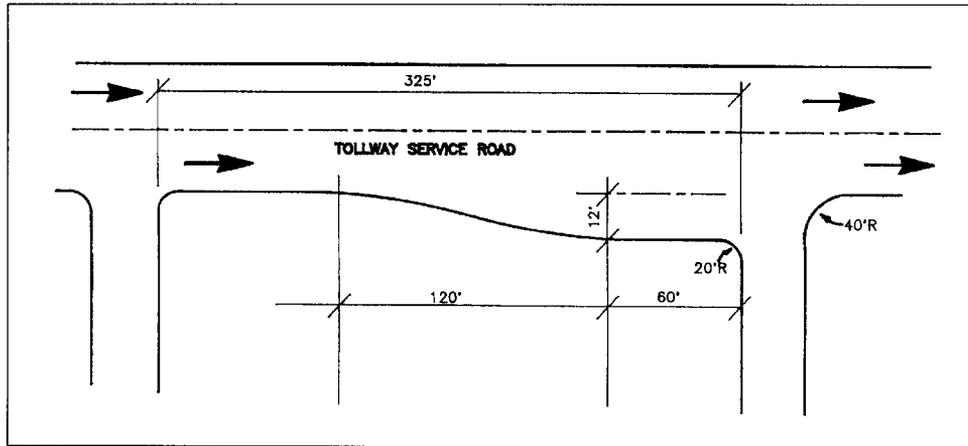


FIGURE 4(b)
DNT Driveway to Thoroughfare Intersection Spacing Along Service Road

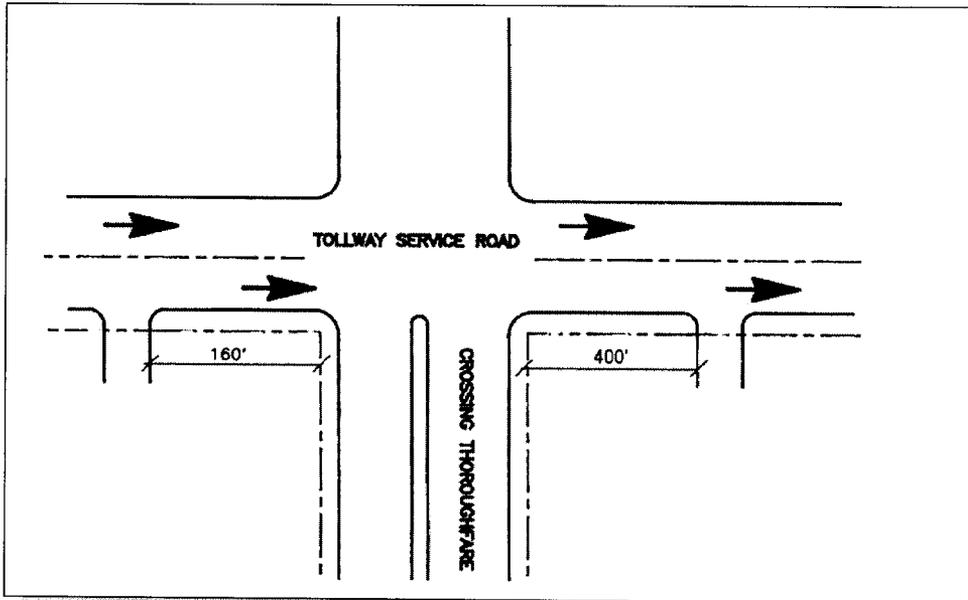


FIGURE 4(c)
DNT Driveway to
On-Ramp Spacing
Along Service
Road

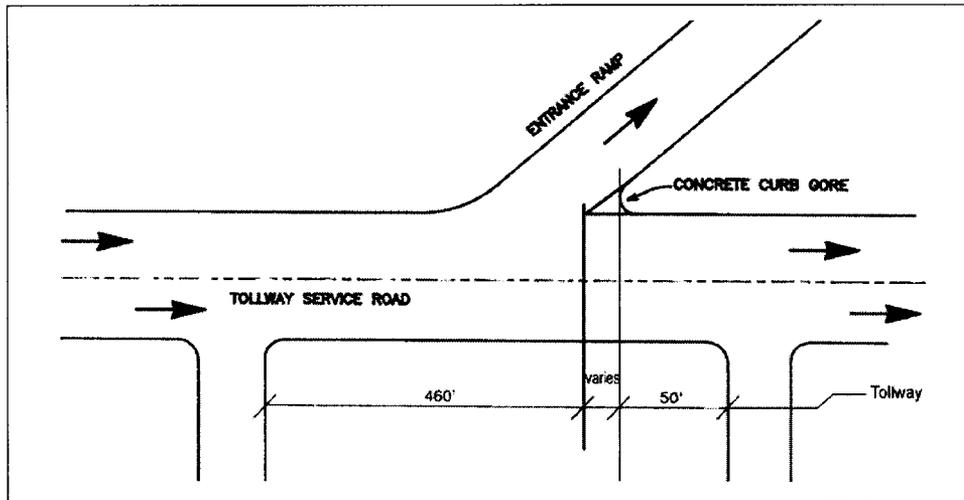


FIGURE 4(d)
TOLLWAY / SH
121 ACCESS
STANDARDS
Driveway to Off-
Ramp Spacing
Along Service
Road

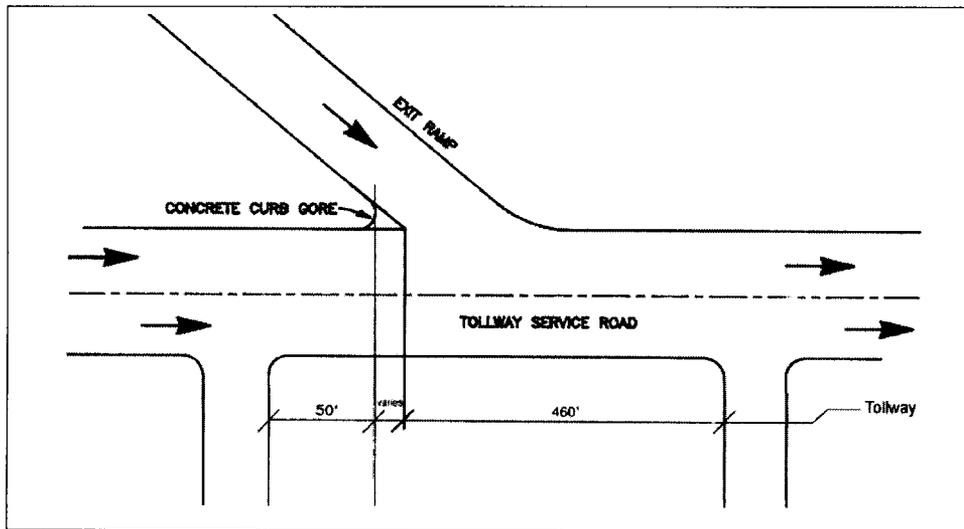
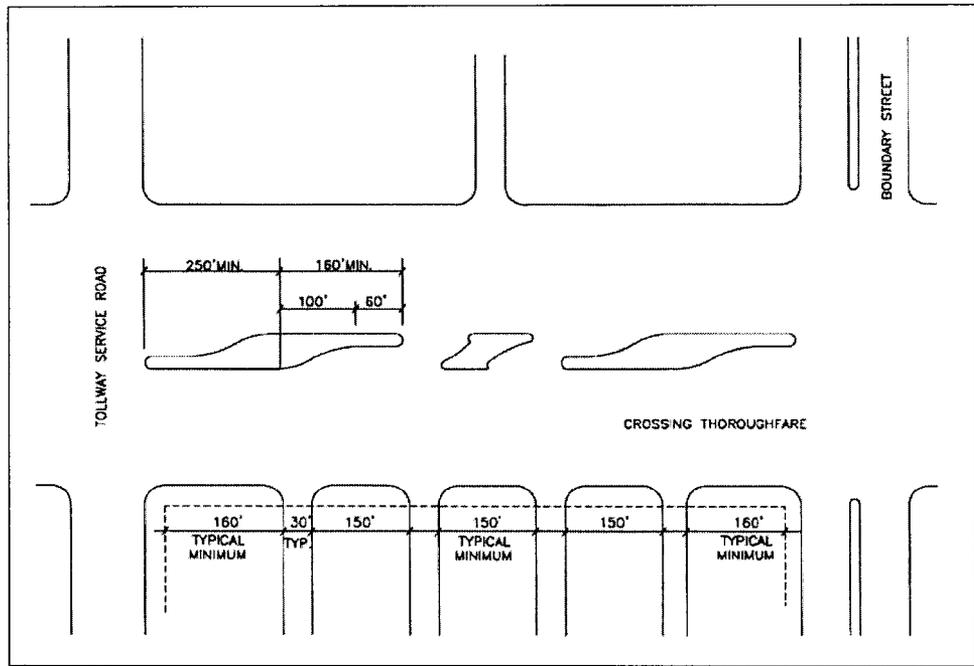


FIGURE 5
DALLAS NORTH
TOLLWAY
ACCESS
STANDARDS
Crossing
Thoroughfare
Drive Spacing



SECTION II. MEDIAN AND LEFT TURN LANE DESIGN STANDARDS

A. Median Width -

For regular thoroughfares not subject to special design standards covered in the previous section, the design standards herein shall apply. In general, the required median width varies from a minimum of 4' to a maximum of 28' depending on the thoroughfare classification of a given street as defined in the previous **Table 1**.

B. Required Median Openings and Left-Turn Lanes -

Median openings on divided thoroughfares shall be required at all at-grade street intersections, when those intersections are of a **Type B+, B, C, D, E, E+, and F**. Median openings may be required by authorized city staff at all other street intersections, private drives, and non-residential driveways. The driveways where a median opening is required must also conform to the spacing and other design requirements herein, and the overall geometrics of the street must accommodate a median opening. Also, the median opening shall also feature left-turn lanes in the median - one in each direction that serves a single approved driveway, or the approaches of a single intersection.

C. Cost of Median Openings and Left-Turn Lanes -

Median openings and left-turn lanes constructed to serve private drives and new roads shall be paved to City standards, inspected by City inspectors, and paid for by owners served by the median openings and left-turn lanes. The City of Plano shall pay the costs of median openings and left-turn lanes constructed to serve existing dedicated streets and drives, when a Community Investment Program widening project is undertaken by the City of Plano on an existing public street.

D. Minimum Design, Left-Turn Lanes -

The minimum left-turn lane design for regular thoroughfares shall be as described below, and as illustrated in **Figure 6**. Other standards may apply as defined herein for special thoroughfares.

1. All left-turn storage areas shall be a minimum of 10 feet wide with minimum storage length as defined in **Table 6** of this section.
2. The transition curves used in left-turn lanes shall be two, 250 foot radius reverse curves with a total transition length of 100 feet for single lanes. Add 100 feet to transition length for double-left turn lanes.

E. Minimum Design, Median Opening -

1. Median openings at intersections (as measured from nose to nose of the median) shall have a minimum opening distance equal to the width of the intersecting street as measured from right-of-way line to right-of-way line, unless otherwise approved by authorized city staff.
2. The width of a mid-block median opening - as measured longitudinally along the centerline of the street - shall not be less than 60 feet, or greater than 70 feet unless otherwise approved by authorized city staff.
3. Using the above requirements, examples of the resulting minimum distance between two (2) median openings with left-turn lanes in opposite directions (for two different driveways/intersections) are:
 - a. 310 feet from nose to nose of the median from the intersection of two major thoroughfares to a street or drive (**see Figure 6**).
 - b. 260 feet from nose to nose of the median from the intersection of two secondary thoroughfares or a secondary thoroughfare and a major thoroughfare to a residential street or a drive, and,
 - c. 220 feet from nose to nose of the median for intersection combinations of drives and/or residential streets.

F. Medians Where No Left Turn Pocket is Needed -

1. In a given segment of median (typically between two intersection) where only one "nose" of the median has left-turn provided, and where the other end or nose of the median does not have a median left-turn (in the opposite direction) because a driveway cannot or will not be installed, then the minimum tangent distance between median end and the beginning of the transition for the single left-turn lane shall be 30 feet - see Figure 7.
2. If the left-turn storage is not required on either end of a median segment, but the median is simply a spacer or barrier between two median openings, the minimum length of said median segment shall be 50 feet, measured nose to nose. (see Figure 6).

G. Medians on Public Street Into Developments –

Medians may be installed on Type E thoroughfares or smaller (undivided streets) that intersect with an equal or higher type thoroughfare, if the smaller thoroughfare serves as an entrance to a subdivisions for the purpose of aesthetic or any other purpose. In such cases, the median shall be a minimum of 4 feet wide, a maximum of 10 feet wide and at least 90 feet long. Additional right-of-way may be required to accommodate the median.

H. Close or Modify Existing Media Opening

Existing median openings may be closed or modified by city staff to better meet the travel and access needs of a given road segment. City staff shall notify, in writing, the property owners within 500 feet of the proposed median modification as measured linearly along the street on either side of the median opening. Property owners in opposition may contact city staff to discuss the proposal. Property owners in opposition may request an appeal to the P&Z using the general appeal process.

TABLE 6
MINIMUM LEFT TURN STORAGE REQUIREMENTS

INTERSECTING THOROUGHFARES	MINIMUM STORAGE
Major with major	150 feet
Major with Secondary	100 feet
Major with Residential	60 feet
Major with Private Drive	60 feet
Secondary with Major	100 feet
Secondary with Secondary	100 feet
Secondary with Residential	60 feet
Secondary with Private Drive	60 feet

FIGURE 6
TYPICAL
MEDIAN
SPACING ON A
MAJOR STREET
FROM A
COMMERCIAL
DRIVE TO A
MAJOR STREET

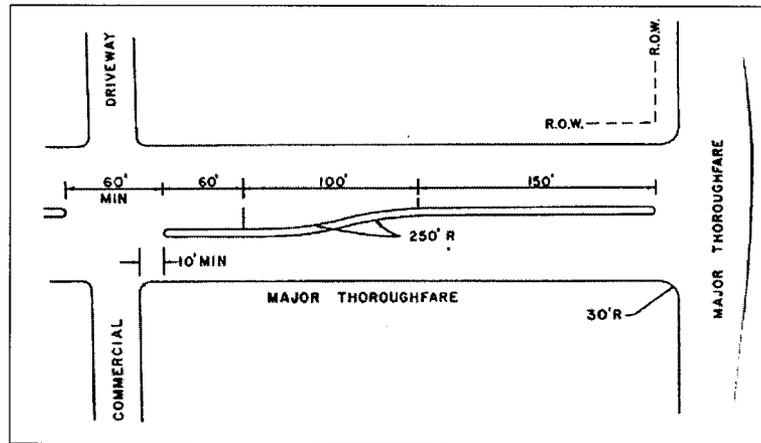
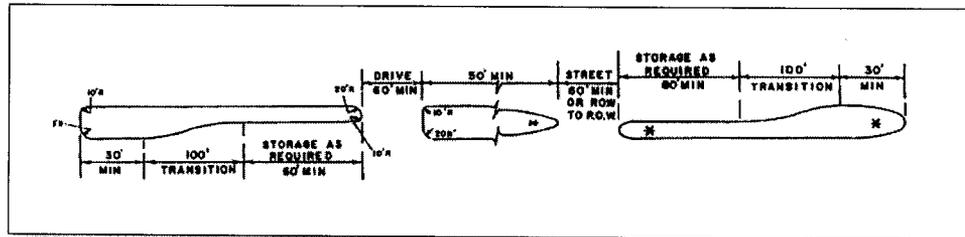


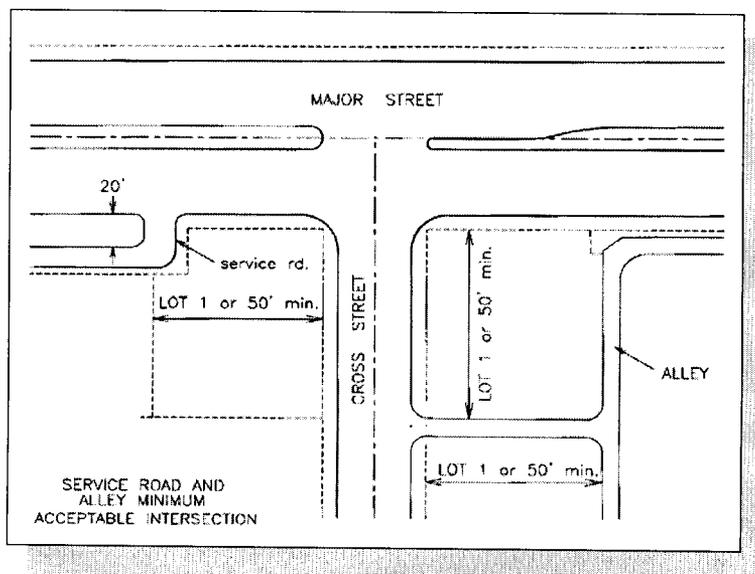
FIGURE 7
TYPICAL
MEDIAN
DIMENSIONS
WITHOUT
BACK TO BACK
LEFT TURN
POCKETS



**SECTION III.
ALLEY AND SERVICE ROAD DESIGN STANDARDS**

- A. All alley junctions with streets shall be perpendicular or radial, within 5-degrees tolerance (in either direction), at the intersection of the right-of-way lines. At their intersection with streets, alley corner radii shall not be less than 15 feet.
- B. The distance between alleys on opposite sides of an undivided street shall be less than 15 feet or greater than 75 feet as measured between closest point between the face-of-curb of one alley and the face-of-curb of the other alley.
- C. Alleys shall not form junctions with Type D and larger thoroughfares. If an alley runs parallel to, and shares a common right-of-way line with a major thoroughfare, then its alignment shall curve away from the major street and connect with another area alleyway, thus avoiding the formation of a junction. This curved alignment of a parallel alley shall occur not less than one subdivision lot-width, or a minimum of 50 feet (whichever is greater) from a cross street intersection formed by another thoroughfare that is Type F or greater as indicated in **Figure 8**.
- D. Alley Visibility Obstructions : No fence, wall, screen, sign, structure, or foliage of hedges, trees, bushes, or shrubs shall be erected, planted or maintained in any alley right-of-way. However, the city may place traffic control devices as necessary. Foliage of hedges, trees, bushes, and shrubs planted adjacent to the alleys right-of-way which are not otherwise governed by the following triangles or Section 3-1000 of the Comprehensive Zoning Ordinance of the City, shall be maintained such that the minimum overhang above the ground 1 foot outside the edge of pavement shall be 14 feet. A minimum 12 foot overhang above the entire width of the alley shall be provided in every case.
- E. At the junction of alleys with city streets, if fencing or foliage is provided near or at the property line, it shall be placed in a configuration that creates a triangular clear zone whereby the sides of the resulting triangle are 8 feet in length. (Ref. Section 3-1000, Comprehensive Zoning Ordinance.)

FIGURE 8
**PARALLEL SERVICE ROAD/
ALLEY MINIMUM INTER-
SECTION AT A
MAJOR ROAD**



SECTION IV

ACCESS MANAGEMENT POLICY AND DRIVEWAY DESIGN STANDARDS

Many elements are involved in providing access to residential and commercial properties. However, for the purposes of this document, "access" (or access point) is defined as the location, frequency, spacing, and design of driveways along the frontage, or perimeter of a given property that allow vehicular traffic to cross between the public right-of-way to the private property, whether entering or exiting.

The City's policy on access management is to allow access points to be developed for a property that are consistent with the technical criteria herein, and that achieve a balance among the following major factors: the mobility needs of the adjacent roadway; the access needs of the property; the design parameters and operations of adjacent highway elements (state/federal); and the safety needs of general vehicular and pedestrian traffic. These and other technical factors should be considered in applying the design criteria herein.

The issue of access is covered in this section. Elements such as median openings and auxiliary lanes for driveways are covered elsewhere in this document, and may be a part of the technical considerations for an access point. **Table 7** specifies the relative distance between successive driveways on any given street, thoroughfare, or State roads within Plano. The sections below give further details about applying the access policy.

A. Procedure for Allowing Access on City Streets

1. Application Procedure

An applicant wishing to apply for a new access point should submit a site plan or concept plan depicting the driveway or median opening location on a given **city street**. Typically, these documents are generated as part of a new development approval process as required in the *Zoning and Subdivision Ordinance*. The proposed access point shall satisfy all applicable City requirements.

2. Deviation Procedure

A party wishing to deviate from the City's access standards for a driveway on a city street shall submit an engineering study detailing why a deviation from the criteria will not adversely affect vehicular and pedestrian traffic and safety. The engineering study is then subject to review and approval by authorized city staff.

The study area size and analysis requirements may be determined at the sole discretion of authorized city staff. However, the study area is generally limited to a 1,000-foot radius from the site containing the access point. The engineering study may typically include an analysis of the following considerations:

calculated site traffic assigned to the driveways and street network; existing area traffic; level of service analysis for street segments, driveways, unsignalized intersections, and signalized intersections for a given area; and a preliminary engineering plan depicting the proposed access deviation plotted in conjunction with the area city street network, including distances between the proposed drive, and other driveways, intersections, median openings, etc.

A constructability analysis should also be presented based on the preliminary design. Its purpose would be to illustrate site and area conditions that may impede an adherence to the standards of the access policy. Also, pedestrian access routes should comply with the Americans with Disabilities Act and Texas Department of Licensing and Regulation (TDLR) requirements.

B. Procedure for Allowing Access on State Roads

1. Application Procedure

An applicant wishing to apply for an access point on a new or existing state road should submit a site plan or concept plan depicting the driveway or median opening location on a given state roadway to the City. Typically, these documents are generated as part of a new development approval process as required in the *Zoning and Subdivision Ordinance*.

If the plan satisfies all applicable City and TxDOT (Texas Department of Transportation) requirements and standards, the access points on the plans will be certified as "access meets city requirements" by the City. If the proposed access points do not meet the access policy criteria (e.g. two successive driveways are too close), the access points will be certified as "access does not meet city requirements." The applicant may then resubmit a modified access plan that does meet the existing technical criteria, or they may offer an alternative access strategy under the "deviation procedure" detailed below.

However, if the driveway is needed to keep from land-locking a property where TxDOT does not own the access rights, or if it is a replacement, or re-establishment of access to the state highway system under reconstruction, rehabilitation, then the full engineering study may be replaced by a preliminary design of access plan. This plan will be submitted to the city for review and approval by authorized city staff first, and then to the appropriate TxDOT office for review and approval.

The study area size and analysis requirements may be determined at the sole discretion of the authorized city staff – such as the Manager of the Transportation Engineering Division. However, the study area is generally limited to a 1-mile radius from the site containing the access point. The engineering study may typically include an analysis of the following considerations:

calculated site traffic assigned to the driveways and street network; existing area traffic – Including service road and ramp volumes; level of service analysis for ramps, ramp junctions, service roads, street segments, driveways, and signalized intersections for a given area; and a preliminary engineering plan depicting the proposed access deviation plotted in conjunction with the area city street and state road network, including distances between ramps and driveways.

A constructability analysis should also be presented based on the preliminary design. Its purpose would be to illustrate site and area conditions that may impede an adherence to the standards of the access policy. Also, pedestrian access routes should comply with the Americans with Disabilities Act and Texas Department of Licensing and Regulation (TDLR) requirements.

C. Driveway Definition

The definition of the driveway types, for the purposes of this document, are as follows:

1. A "residential" driveway provides access to a single-family residence, to a duplex, or to a multi-family building containing five or fewer dwelling units. These drives shall be allowed to intersect and access some secondary thoroughfares and smaller streets only (Type E and smaller) only. All other access to residential property abutting all other thoroughfares shall be off an alley or a service road, but not the thoroughfare..
2. A "commercial" driveway provides access to an office, retail or institutional building, or to a multiple-family building having more than five dwelling units. Commercial drives shall be allowed to intersect and access Major or Secondary Thoroughfares only (Type B+, B, C, D, E, E+). It is anticipated that such buildings will have minor truck traffic for incidental service or delivery.
3. An "industrial" driveway serves truck movements to and from loading areas of an industrial facility, warehouse, distribution center, truck terminal, etc. Industrial drives shall access Major or Secondary Thoroughfares only (Type B+, B, C, D, E, E+).

Note: See article V. Section 5.4 g of City of Plano Subdivision Ordinance for Type E access restrictions.

At an industrial facility, a driveway whose principle function is to serve administrative or employee parking lots shall be considered commercial driveway.

Centralized retail development, such as a community or regional shopping center, may have one or more driveways specially designed, signed and located to provide access for trucks. Such driveways shall be considered industrial driveways.

4. For all types of driveways herein, two-way driveways shall always be designed to intersect the adjacent street at an approximate 90 degree angle. One-way driveways may be designed to intersect a street at an angle of either 90 degrees or 45 degrees.
5. Joint access residential drives shall have no less than 9 feet on each property.

Note: Joint access residential drives shall have no less than 9 feet on each property.

D. Driveway Width

As the term is used herein, the width of a driveway refers to the width of pavement measured orthogonally between the two curb-lines of the same driveway that define the functional traffic lanes of the driveway, and that have a point-of-intersection with the curb radii that connect the driveway curb-lines to the adjacent street curb-lines.

1. Residential driveways onto streets shall have a minimum width of 12 feet and a maximum width of 24 feet (see **Figure 9 (a)**).
2. **Commercial/Industrial drives, two-way, two lane operation** - these types of driveways shall have their width determined as follows:
 - a. Commercial driveways shall have a minimum width of 24 feet and a maximum width of 30 feet. However, up to 40 foot width drives may be used for vehicle-fueling service stations see **Figure 9(b)**.
 - b. Industrial driveways shall have a minimum width of 30 feet and a maximum width of 40 feet - see **Figure 9 (b)**.

Note: Joint access commercial/industrial drives shall have no less than 10 feet on each property, with the full drive width and access pavement to the property built for the development at the same time.

3. Commercial/Industrial - two-way, three-lane operation - these types of driveways shall have their width determined as follows:

- a. Commercial driveways with two-way, three-lane operation shall have a minimum width of 36 feet and a maximum width of 40 feet.
- b. The radius for the inbound direction shall be 30 feet. The radius for the outbound direction shall be a minimum of 20 feet and a maximum of 30 feet.
- c. Pavement markings shall be installed to define the centerline between the opposing directions of travel and between the two lanes operating in the same direction.
- d. Pavement markings and signs to indicate the permitted or required exiting movements shall be installed and maintained by the property owner.
- e. The pavement markings shall be consistent with the Texas Manual on Uniform Traffic Control Devices, and/or with City practices and standard - see **Figure 9 (d)**.

Note: All commercial and industrial drives will have an unbroken curb length of not less than 20 feet from the right-of-way, or 30 feet from the roadway curb, whichever is greater, extending into the site on each side of the drive, see **Figures 9 (b) & 9 (c)**.

4. Commercial/Industrial - two-way, divided, two-lane operation - these types of driveways shall have their width determined as follows:

- a. 90 degree drives shall have a width of 22 feet with a 30 foot radius for the inbound direction, and 22 feet of width for the outbound direction, with a separation or barrier median with a minimum width of 4 feet and a maximum of 10 feet - see **Figure 9 (c)**.
- b. Joint access commercial/industrial drives shall have no less than 10 feet on each property, with the full drive width and access pavement to the property built for the development at the same time.

Note: A summary of driveway widths, radii and angle requirements are given in **Table 8**.

Thoroughfare Standards Rules & Regulations

FIGURE 9(a)
DRIVEWAY
WIDTH,
RADIUS,
SPACING for
Residential
Driveways

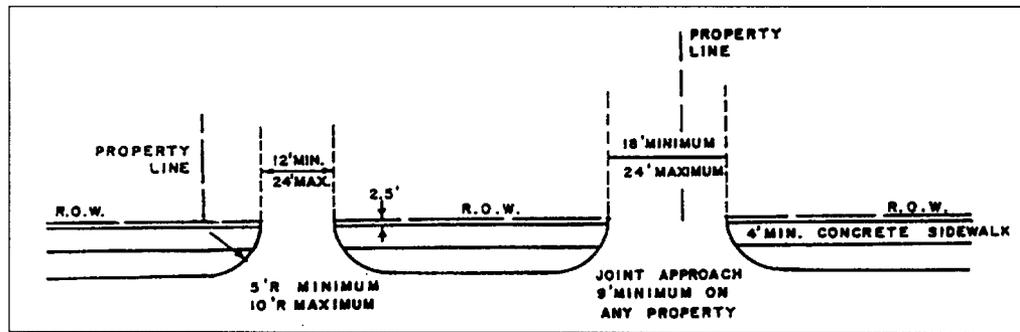


FIGURE 9(b)
DRIVEWAY
WIDTH,
RADIUS,
SPACING for
Undivided,
Two Lane
Commercial
and Industri-
al Driveways

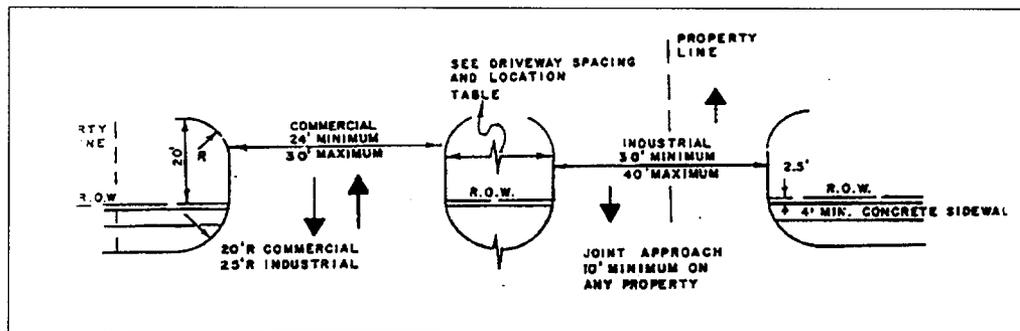


FIGURE 9(c)
DRIVEWAY
WIDTH,
RADIUS,
SPACING for
Divided
Commercial
and Industri-
al Driveways

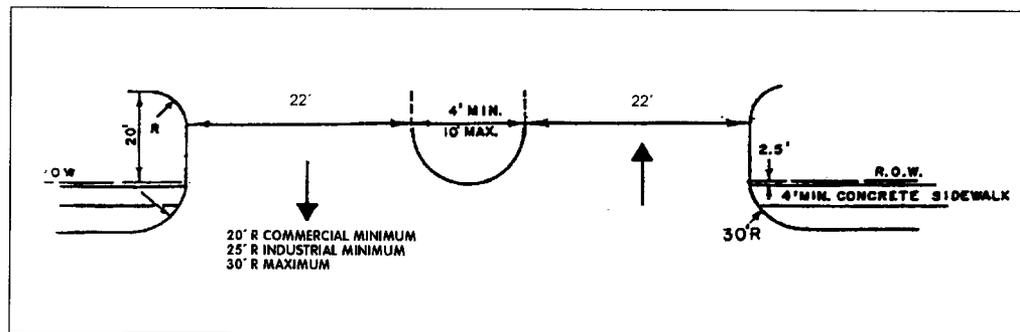
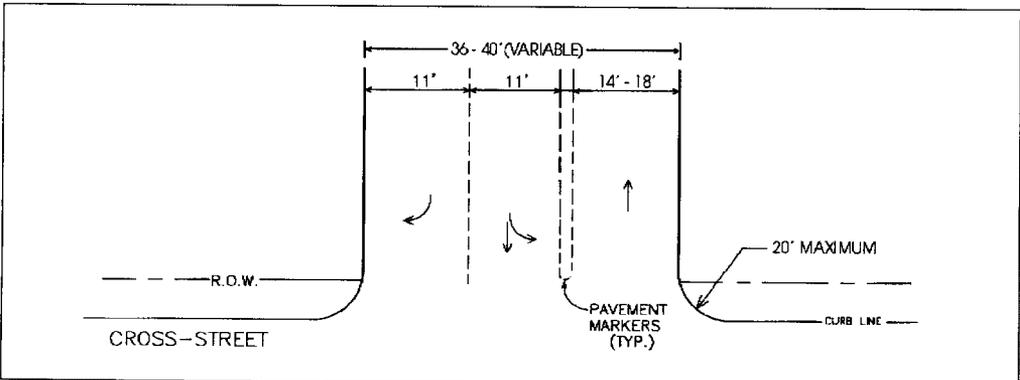


FIGURE 9(d)
DRIVEWAY
LAYOUT for
undivided,
three-lane
commercial
driveways



Thoroughfare Standards Rules & Regulations

**TABLE 7
DRIVEWAY SPACING IN RELATION TO OTHER DRIVES GIVEN THE DESIGN SPEED OF THE STREET**

STREET TYPE	DESIGN SPEED (MPH)	MINIMUM DRIVEWAY SPACING (FT)
F, G	30	90
D, E, E+	35	100
C	40	120
B, B+	45	150

**TABLE 8
SUMMARY OF DRIVE REQUIREMENTS**

	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	COMMERCIAL/ INDUSTRIAL-DIVIDED	
				IN	OUT
Minimum Width	12'	24' (two lane) 36' (three-lane)	30'	22'	22'
Maximum Width	24'	30' (two lane) 40' (three-lane)	40'	22'	22'
Curb Radii	5' - 10'	20'-30'*	25'-30'	30'	20'-30' Commercial 25'-30' Industrial
Intersecting Angle	90°, 45°	90°, 45°	90°, 45°	90°, 45°	90°, 45°

* 30 foot radius required for inbound direction on two-way three-lane drive

E. Driveway Radius

All driveways intersecting dedicated streets should be built with a circular curb radius connecting the raised curb line of the roadway to the curb line or pavement edge of the driveway. Driveway radii shall have a point-of-curvature on the adjacent street curb-line (typically established along the back-of-curb line), so that that the rest of the driveway falls entirely within the subject property line. This does not apply to alleys.

1. 90 Degree Driveway Curb Radii

- a. The curb radii for a residential drive shall be a minimum of 5 feet and a maximum of 10 feet - see **Figure 9(a)**.
- b. The curb radii for a commercial drive shall be a minimum of 20 feet and a maximum of 30 feet, except as otherwise noted in this document.
- c. The curb radii of an industrial driveway shall be a minimum of 25 feet and a maximum of 30 feet - see **Figures 9 (b), 9 (c)**, except as otherwise noted in this document.

F. Driveway Spacing and Location in Relation to Other Drives

1. Residential - Driveways or access points on a given lot of land devoted to a single land use shall not occupy more than 70% of the linear frontage of one side of the lot adjacent to a roadway. No more than two (2) driveways or access points per adjacent street shall be permitted on any lot.
2. Commercial and Industrial - For a given tract of land or development, the spacing and location of driveways shall be a function of both existing adjacent driveways, and proposed driveways on other approved plans. The spacing between driveways shall depend upon the speed limit of the Major or Secondary Thoroughfare as shown in **Table 7**. Driveways shall not be permitted in the transition area of any deceleration lane or right turn lane.
3. The "minimum driveway spacing" shall be measured parallel to the street right-of-way between every two, successive driveways (both existing and proposed). The distance being measured will be from the beginning of the closest tangent curb-line of one driveway, to the closest tangent curb-line of the next driveway. Please note the measurement is not taken from centerline or radius of any driveway - see **Figure 9 (b)**.

G. Driveway Spacing in Relation to a Cross Street

1. 90 Degree Drive, Distance to Cross-street

- a. Driveways along the curbline of a Collector (Type F) or Residential Street (Type G and smaller) shall be located a minimum distance equal to the driveway radius from the end of the street radius of the closest intersection of a Type F or smaller street - see Figure 10(a). That is, the driveway radius may begin at the end of the intersecting street radius.
- b. Driveways along the curbline of a Residential Street (Type G or smaller), Collector Street (Type F), or Secondary Thoroughfare (Type D, E, E+) shall be located a minimum of 30 feet from the end of the street radius of the closest Major Thoroughfare (Type B, B+, C) or Secondary Thoroughfare (Type D, E, E+) - see Figure 10(b).
- c. Driveways along the curbline of a Major Thoroughfare (Type B, B+, C) shall be located a minimum of 100 feet from the closest right-of-way line of the closest intersection (any Thoroughfare type) along the Major Thoroughfare - see Figure 10(c). If the property frontage being served by said driveway is such that both the drive and the drive's curb radius cannot be totally within the proposed development, the drive shall be situated so as to create a joint access drive.

FIGURE 10(a)
DRIVEWAY SPACING IN RELATION TO A CROSS STREET —
Driveway at 90° on a Collector or Residential Street

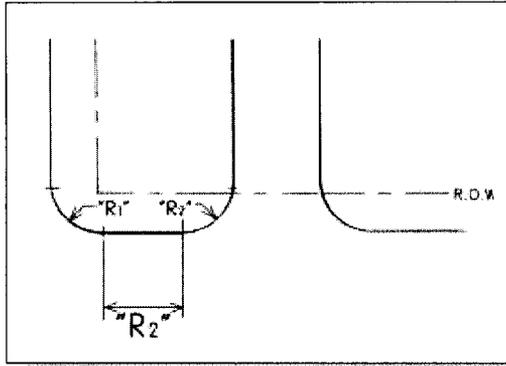


FIGURE 10(b)
DRIVEWAY SPACING IN RELATION TO A CROSS STREET —
Driveway at 90° on a Secondary Thoroughfare

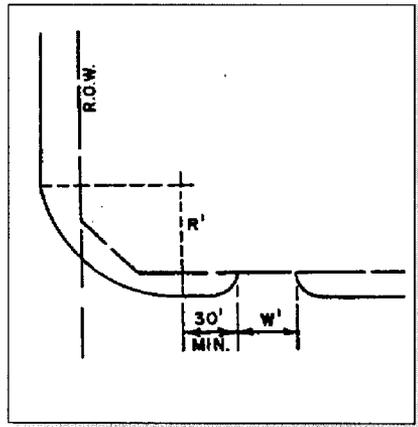
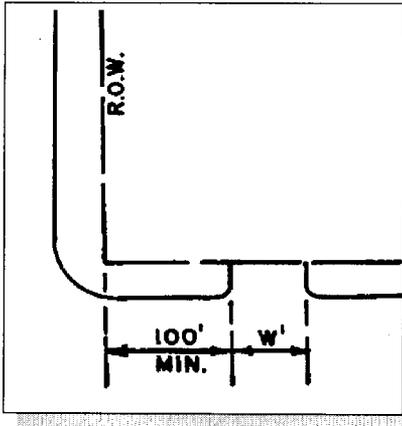


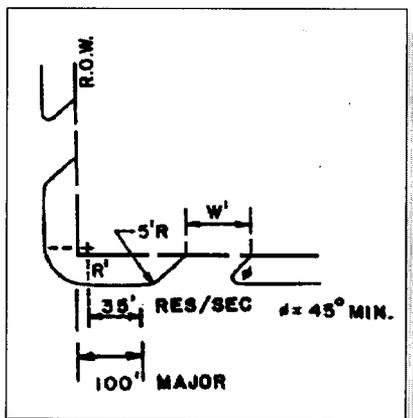
FIGURE 10(c)
DRIVEWAY SPACING IN RELATION TO A CROSS STREET —Drive-
way at 90° on a Major Thor-
oughfare



2. 45 Degree Drive, Distance to Cross Street
 - a. If one-way angle drives are used, the radius for the driveway on a Residential Street, Collector, or Secondary Thoroughfare shall be a minimum 35 feet from an intersecting street's end of curb radius. On a Major Thoroughfare, the drive shall be located a minimum of 100 feet from the closest right-of-way line of the closest street intersection (any Thoroughfare Type) along the Major Thoroughfare. If the property frontage being served by said driveway is such that both the drive and the drive's curb radius cannot be totally within the proposed development, the drive shall be situated so as to create a joint access drive - see **Figure 10(d)**.
3. Driveways at 90 Degree Corners

Commercial and industrial driveways and driveways serving other than a single family residence shall not be located within the limits of the radius at approximate 90 degree corners or turns. Driveways located near approximate 90 degree corners or turns should be at least as far away from the corner as the spacing requirements established in 1 and 2 above.

FIGURE 10(d)
ANGLE DRIVEWAY SPACING IN RELATION TO A CROSS STREET



Section V Sidewalk and Location Design Standards

A. Definition of Sidewalk

A sidewalk is defined as that paved area in a roadway right-of-way between the curb line or the edge of pavement of the roadway and the adjacent property lines for the use of pedestrians. The maximum grade of the sidewalk shall be 1/2" per foot, the maximum crossfall of the sidewalk shall be 1/4" per foot. However, the sidewalks shall also be designed in accordance to the requirements of the Americans with Disabilities Act (ADA) regulations where applicable.

Sidewalks shall conform to the following standards:

1. Zoning Classification Requiring Sidewalks - Concrete sidewalks designed and located according to City standards shall be constructed along all streets in all zoning classifications except agriculture zoning. Sidewalks shall be built at the time of site development. Should it be impractical to install the sidewalk at that time, funds for the sidewalk construction shall be placed in escrow with the City for use when the City determines sidewalks are needed. Payment of escrow shall be made prior to site plan or final plat approval.
2. Residential Areas (Single Family and Duplex) - A concrete sidewalk, minimum 4 feet in width, shall be located within the street right-of-way (R-O-W), 2-1/2 feet from the R-O-W line, unless pre-existing physical encroachments (e.g. utility infrastructure or trees) dictate otherwise. An adequate passing zone as defined in the Americans with Disabilities Act Accessibility Guidelines (ADAAG) should be provided where appropriate along the sidewalk. Sidewalks and parkways (curb to R-O-W) shall be graded at 1/4 inch per foot above the top of the street curb.
3. Non-residential Areas and Apartment Complexes - A concrete sidewalk, a minimum 4 feet in width, shall be located in street right-of-way (R-O-W) not more than 2 1/2 feet from the R-O-W line. An adequate passing zone as defined in the Americans with Disabilities Act Accessibility Guidelines (ADAAG) should be provided where appropriate along the sidewalk. If other materials are placed in the R-O-W between the sidewalk and curb, the material shall meet City specifications and be of a color and texture distinctly different from the sidewalk and specified on the site plan.
4. Meandering Sidewalks - Sidewalk easements adjacent to the standard R-O-W will be required, if necessary, for meandering sidewalks. The edge of the sidewalk closest to the street shall be located minimum 5 feet from the back-of-curb and shall meander into the sidewalk easement. Sidewalk easements shall provide a minimum clearance of 2-1/2 feet beyond the edge of the sidewalk farthest from the street.
5. Exceptions - If it should be necessary to construct the walk adjacent to the curb line, the walk shall be a minimum of 5 feet in width. If the required sidewalk is to be placed outside of the roadway right-of-way, it must be placed in a sidewalk easement. Approval of planned exceptions and sidewalk easements shall be made at the time of site plan or plat approval.
6. Waiver - The sidewalk required in non-residential areas may be waived by the Planning & Zoning Commission either temporarily or permanently at the time of site plan or final plat approval. The Waiver may be granted based on site conditions and/or location of the tract.
7. Areas Without Screening Walls - In areas on major and secondary roadways where screening is not required or a type of screening other than a wall is used, (e.g., a berm, foliage, etc.) a minimum 4 foot sidewalk will be constructed not more than two and 2-1/2 feet from the right-of-way line.
8. Areas with Screening Walls - In areas where a screening wall is provided, a concrete sidewalk shall be constructed contiguous with the screening wall. The street side of the sidewalk shall run parallel to the street curb. The sidewalk shall be a minimum of 5 feet wide and the measurement shall be made from the

street side of the sidewalk to the face of the screening wall columns.

9. Sidewalk on Bridges. Bridges on Type C or larger thoroughfares shall have a sidewalk constructed on each side of the bridge. If the sidewalk is part of a designated or planned bike route the minimum width of sidewalk shall be 10 feet to accommodate two-way bike traffic. If the sidewalk is not part of a bike route, the minimum width of sidewalk shall be 6 feet. In both cases, a parapet wall shall be provided adjacent to the curb of the thoroughfare, and with a standard pedestrian bridge rail protecting the sidewalk on the outside edge of the bridge.

10. Sidewalks Under Bridges. When a pedestrian pathway is needed along the embankment of a roadway that traverses under the bridge of another roadway - new or reconstructed, and if the subject sidewalk is part of a designated or planned bike route, the minimum width of sidewalk shall be 10 feet to accommodate two-way bike traffic. If the sidewalk is not part of a bike route, the minimum width of sidewalk shall be 8 feet.

B. Barrier-Free Ramps -

Curbs and walks constructed at intersections of all streets and thoroughfares must comply with the provisions of the ADA and be constructed in a manner to be easily and safely negotiated by disabled persons. Additionally, they should also meet the city standards as detailed in the city's *Standard Construction Details* plan sheets.

Section VI Public Right-of-Way Visibility

A. Visibility Triangles

It is the goal of the city to maintain adequate visibility between opposing or conflicting traffic movements at intersections and at access point locations where private streets or commercial or industrial driveways connect to public streets. This is accomplished by restricting the presence of obstructions within specified areas of the right-of-way and adjacent property at and/or near the intersection corners or access points.

This corner clear zone is equivalent to the portion of the driver's field of vision (or cone of vision) necessary to maneuver through an intersection, and it can be defined as a "visibility triangle" as detailed herein.

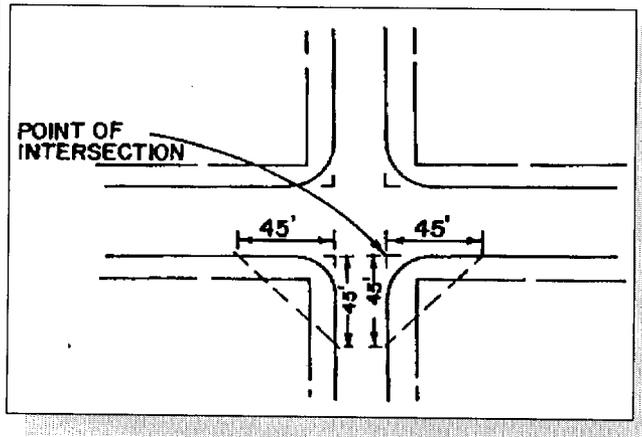
A plan showing the plan/profile of the street on both sides of each proposed intersection or access point to the proposed development with the grades, curb elevations, adjacent intersections or access points, and all items (both natural and man-made) within the visibility triangles shall be provided with all site plans, if not already shown on engineering plans that are submitted at the same time.

The plan and profile shall be free of obstructions within the horizontal and vertical limits of the visibility triangles defined herein.

1. Visibility Triangle Obstructions Defined: Obstructions within a visibility triangle include fences, walls, screens, signs, structures, foliage, hedges, trees, bushes, shrubs, berms, parked vehicles, or any other item or element, either man-made or natural that are erected, built, planted, or maintained.

However, single-trunk trees, traffic control devices, street lights, and other utility elements that cannot reasonably be placed elsewhere, may be placed within a given visibility triangle.

FIGURE 11
STREET INTERSECTION MINIMUM VISIBILITY TRIANGLE



2. Minimum Visibility Triangle Defined

- a. The field of vision at intersections and access points shall have a clear zone free of obstructions between the elevation of 2.5 feet (30 inches) and 9 feet above the average gutter elevation within a triangular area formed by extending the two curb lines 45 feet back from their imaginary point of intersection at each corner of the given intersection, and connecting the two resulting end points with an imaginary line, thereby making a right triangle (90-degree) for the typical intersection as shown in **Figure 11**.
- b. The criteria for the minimum triangle applies to intersections and access points that are controlled by a Yield sign, Stop sign, traffic signal, or no traffic control device. Furthermore, the visibility triangle shall be used when considering intersections that are existing, proposed, under construction, and existing intersections with proposed modifications.
- c. The minimum visibility triangle at intersections and access points with a slight skew angle should be drawn to approximate an orthogonal intersection. The minimum triangle at intersections with a significant skew angle (over 30 degrees) may be increased or modified by authorized city staff to maintain or improve the field of vision of drivers.
- d. The minimum visibility triangle at an intersection or access point within a curve on the street alignment should be drawn to approximate a street with a linear alignment.
- e. If there are no curb lines existing, the triangular area shall be formed by extending imaginary lines along the property lines from their real intersection point 30 feet back from the street intersection, and then connecting the two resulting end points with an imaginary line, thereby making a triangle similar to the one shown in **Figure 11**.

3. Desirable Visibility Triangle Defined:

- a. The field of vision at intersections and access points shall have a clear zone free of obstructions between the elevation of 2.5 feet and 9 feet above the average gutter elevation, within a "desirable" visibility triangle area as detailed further in this section. The desirable visibility triangle is not intended for application at intersections of two Type G roadways, at access points along the curbline of a Type G or smaller street, at intersections of a Type G with a Type F or smaller street, or at residential driveways.
- b. The criteria for the minimum triangle applies to intersections and access points that are controlled by a Yield sign, Stop sign, traffic signal light, and those with no traffic control devices. Furthermore, the desirable visibility triangle shall be used when considering intersections that are existing, proposed, under construction, and existing intersections with proposed modifications.
- c. In previous years, the visibility triangle was based in part on the stopping sight distance of the opposing cars, a distance which can vary with road speed. However, the year 2001 edition of AASHTO's Policy on Geometric Design of Highways and Streets presents a method based on "gap acceptance" which is adopted herein.

The gap acceptance method is based on research that shows the driver on the minor street requires a small time period when there is no oncoming traffic near the intersection to execute a maneuver. This "gap" in the traffic stream, as measured in seconds, tends to remain constant for a variety of speeds and conditions.

The standard, minimum case for the desirable triangle requirement herein includes a 8.0 second time gap to accommodate left, right, or through movements of a passenger vehicle from a cross-street to a major, multilane street (6-lane divided street). The cross-street centerline grade can vary between 3% upgrade (uphill), to a 3% downgrade (downhill) value of for the standard case. **Table 9** summarizes the length of the triangle leg along the major street, which uses the same value for a left-turn or right-turn triangle. The through movement is automatically covered by these two triangles.

In the event that the posted speed limit and the design speed are not the same, the higher of the two speeds shall be used to determine the visibility triangle. **Figure 12** depicts the typical geometric construction of a visibility triangle for a given cross-street. Note that significant portions of the median may be encompassed by these triangles.

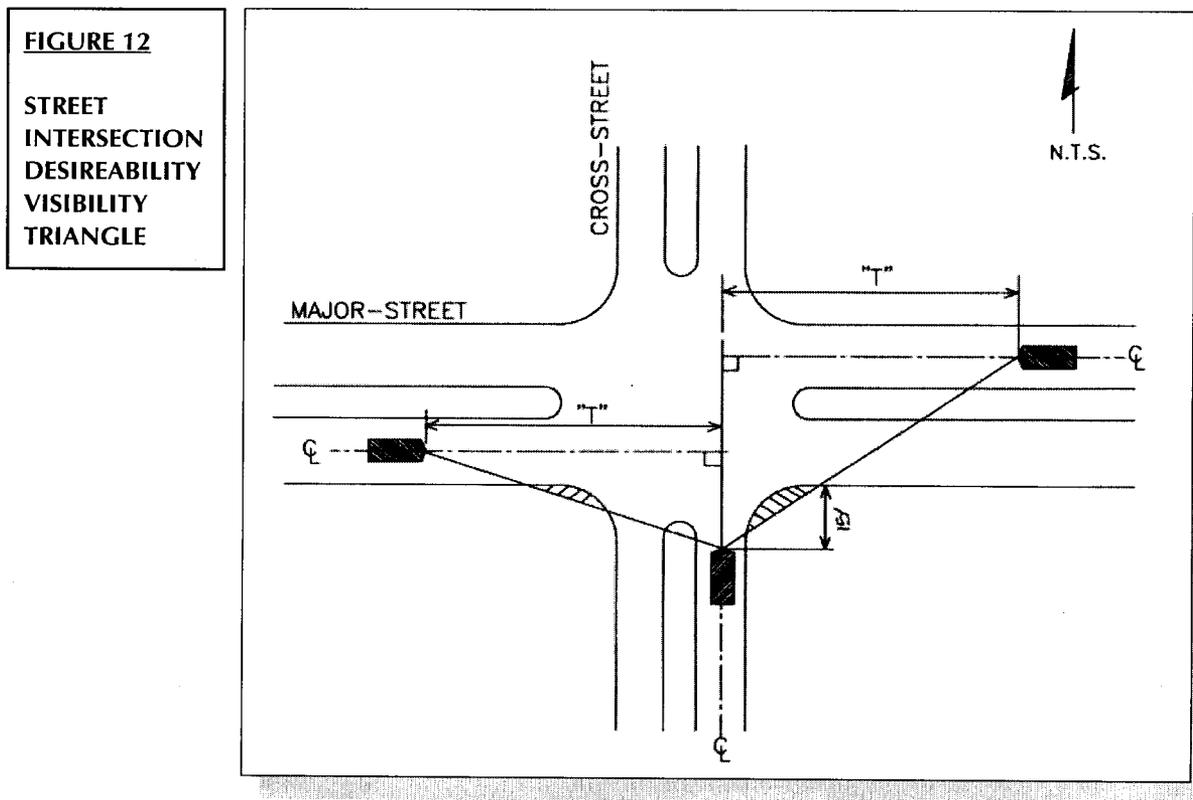


TABLE 2
MINIMUM SIGHT TRIANGLE AT AN INTERSECTION

STREET TYPE	SPEED LIMIT	T (FT.)
F, G	30	355
D, E, E+	35	415
B, C	40	475
B+	45	535

- d. The desirable visibility triangle at intersections and access points where the minor street or driveway grades are greater than 3-percent (up or down), the triangle dimensions may be increased or modified by authorized city staff to maintain or improve the drivers field of vision based on the AASHTO manual.

Note: No Plantings or berms over 30-inches above the average gutter elevation are allowed in the median for the length of the left turn stacking space unless specifically agreed upon by authorized city staff.

- e. The desirable visibility triangle at intersections and access points with a slight skew angle will result in an acute or obtuse triangle, rather than a right-triangle (90-degrees). The desirable visibility triangle at intersections and access points with significant skew angles (greater than 30 degrees) may be increased or modified by authorized city staff to maintain or improve the field of vision of drivers. Additional analysis based on the AASHTO manual may be required by authorized city staff to determine an adequate visibility clear zone.

- f. The desirable visibility triangle at an intersection or access point where the street alignment has a slight curvature should be drawn to approximate a street with a linear alignment. The desirable visibility triangle at intersections and access points on streets with significant curvature (centerline alignment with a degree of curvature of 7 or sharper) may be increased or modified by authorized city staff to maintain or improve the field of vision of drivers. In these cases, the visibility triangle technique may not be adequate to define a clear zone in the drivers field of vision, and additional analysis based on the AASHTO manual may be required by authorized city staff to determine an adequate clear zone. In general, intersections and access points along a sharp curve on a major street should be avoided in design.
- g. For intersections that are constructed in phases and put into operation during or between construction phases, the desirable visibility triangle shall be established at the initial phase to cover the geometric condition that requires the largest, or most restrictive visibility triangle for any of the foreseeable phases or planned, final street intersection geometry.

For example, in some cases the largest visibility triangle may be required for the final geometric condition of the intersection, but said triangle shall be established with the initial phase of construction.

4. **Geometric Construction for Desirable Visibility Triangle for a Typical Intersection** - In the plan view, the horizontal clear area at the intersection of a proposed street/drive shall be defined as being within a triangular area formed by the following imaginary lines (see **Figure 12**):

- The vertex of the triangle, which shall be a point along the approach centerline of the proposed side street, is 15 feet back from the tangent curb of the major street.
- A line shall extend the centerline of the approach cross-street from the vertex forward to an intersection point with the centerline of one of the two approach sides of the major street, forming approximately a 90 degree angle. (Intersections with slight skews are allowed by other criteria herein.)
- A line shall extend back from the intersection point along the major street approach centerline to a distance "T" away from the minor street and stop at an endpoint.
- A line that shall connect the endpoint on the major street to the vertex on the minor street, thus forming a visibility triangle.

B. R.O.W. Obstructions Outside the Visibility Triangles

1. Fences, walls, screens, signs and other structures shall conform to the Comprehensive Zoning Ordinance of the City, as amended, and to the Sign Ordinance of the City.
2. Foliage of hedges, trees and shrubs in public right-of-ways which are not otherwise governed by Section 3-1000 or 1200 of the *Comprehensive Zoning Ordinance of the City*, or the visibility triangles described herein shall be maintained such that the minimum vertical clear zone for tree and foliage overhang above a sidewalk shall be 7 feet, and the minimum vertical clear zone for tree and foliage overhang above street pavement shall be 14 feet. The vertical clearances stated above shall apply on all Type E and above thoroughfares. The City of Plano Property Standards Department establishes vertical clearance guidelines for smaller streets (Type F, and G).
3. All other areas within medians and islands in the street rights-of-way shall be clear at elevations between 2.5 feet and 9 feet above the average gutter elevation.
4. Plants in the public right-of-way that will grow over 30-inches (when mature) above the adjacent street's average gutter elevation shall conform to all of the above requirements, where applicable. All landscape plans shall show all items as prescribed by the Parks and Recreation Department and Planning Department, including:
 - a. The locations and type of such plants; and
 - b. The prescribed visibility triangles.
5. Ground elevations, within both triangles, will be shown by contour lines.

C. Abatement.

1. The City Manager of the City of Plano, or his designee(s), shall have the authority to enforce the provisions of this Section.
2. When foliage is identified by authorized city staff (including staff from the **Property Standards Department**) within the restricted height, or in a visibility triangle, and the foliage is on the median or other area in the street ROW that is not immediately adjacent to private property, then the **Parks Department** will trim or removes the foliage.
3. When a foliage is identified by authorized city staff (including staff from the **Property Standards Department**) within the restricted height, or in a visibility triangle, and the foliage is immediately adjacent to a private property, then the Property Standards Department **contacts the property owner in an adequate manner** as prescribed by ordinance and requests that the plants be trimmed or removed. As detailed in the Code of Ordinances Section 14-3, and Section 15-17, the adjacent property owner is required to maintain the plants within the defined, adjacent ROW.

D. Preservation of existing laws.

Nothing contained in this Section shall be construed so as to amend, alter, change or repeal any provision or regulation of the Comprehensive Zoning Ordinance of the City or the sign ordinance of the City.

SECTION VII
ALTERNATIVE SUBDIVISION STREET & SIDEWALK STANDARDS
(NEW DRAFT SECTION)

A. Introduction

General subdivision street and sidewalk standards are not always appropriate for some types of enhanced-density, "new urbanism", or residential-commercial mixed-use development, where high pedestrian activity and lower vehicular activity is to be encouraged. Therefore, alternative standards are provided for local street design that serve certain types of development with defined zoning categories.

B. Front Entry Lots

The street must be built to standard design (50 feet of ROW; 27 feet of pavement) when on-street parking is expected. Where lots are too narrow to allow on-street parking (front entry townhouses, for example), street width may be reduced to 46 feet of ROW, 24 feet of pavement only with the construction of adequate off-street visitor parking. Standard streets must be provided for developments that provide a mix of rear entry and front entry lots.

C. Rear Entry Lots

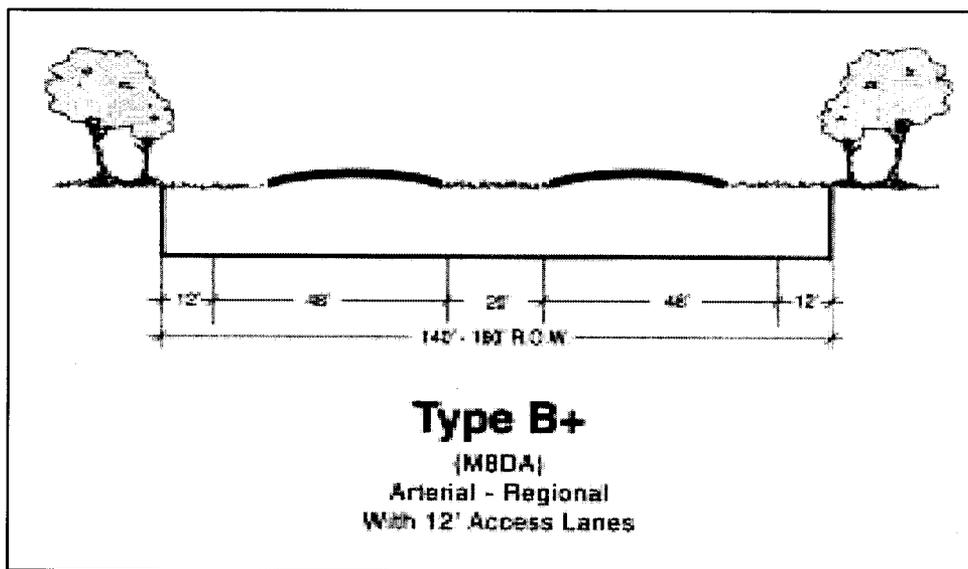
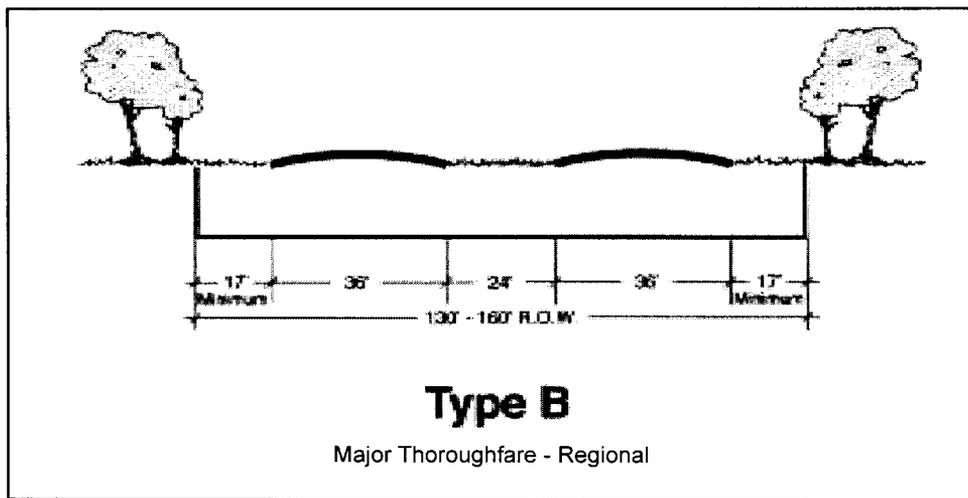
Since on-street parking can be expected on both sides of the street with rear-entry lots, a standard street design must be provided, unless houses are grouped around courtyard cul-de-sacs that provide off-street parking.

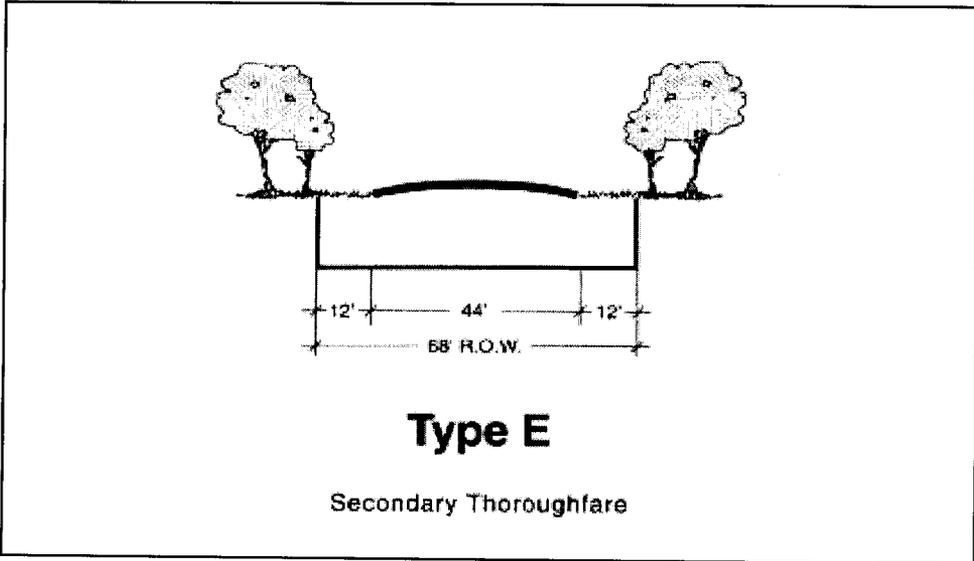
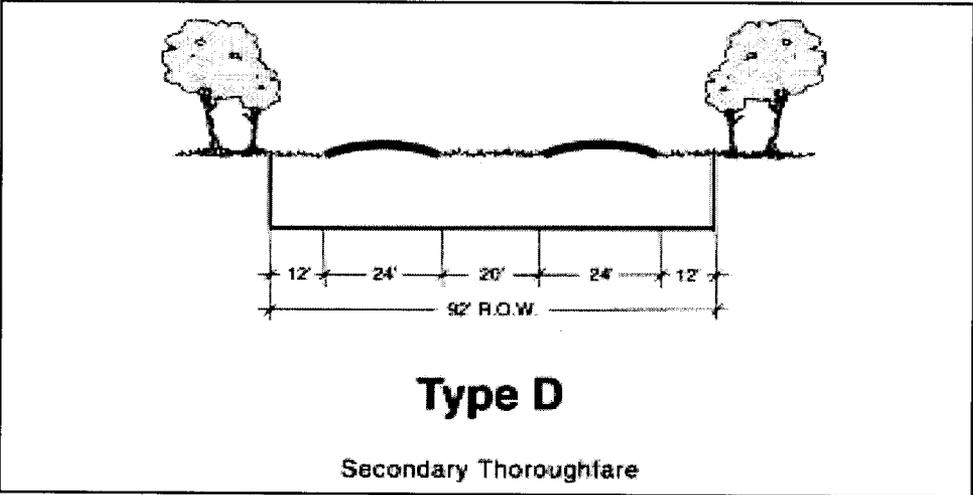
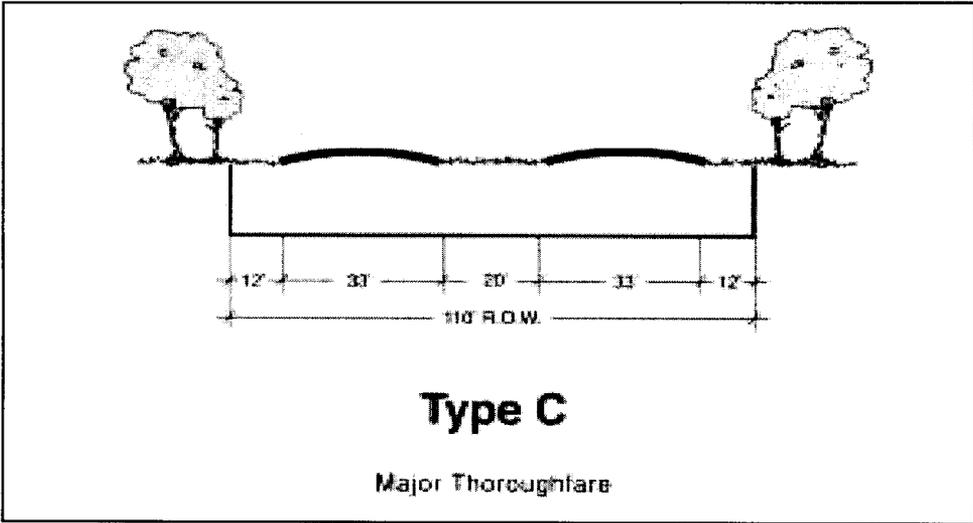
D. Mews Streets

Mews streets are designed to provide garage and service access to individual lots. The minimum design standard for mews streets is 28 feet of ROW with a minimum 22 feet of paved drive lane. Parkways must be paved with a contrasting material. No parking is allowed on mews streets unless additional ROW is provided. If individual garages access Mews Streets, the face of the garage must be placed between 0-3 feet from the ROW line, or at least 20 feet. Because of the significant challenges which can exist with many sites using Mews streets, individual consideration may be given to approve variations to these standards.

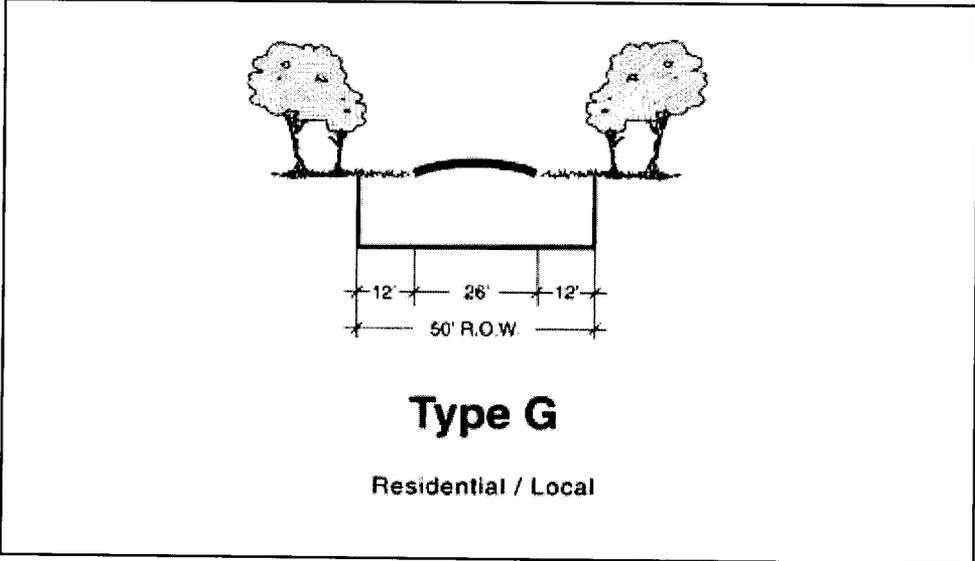
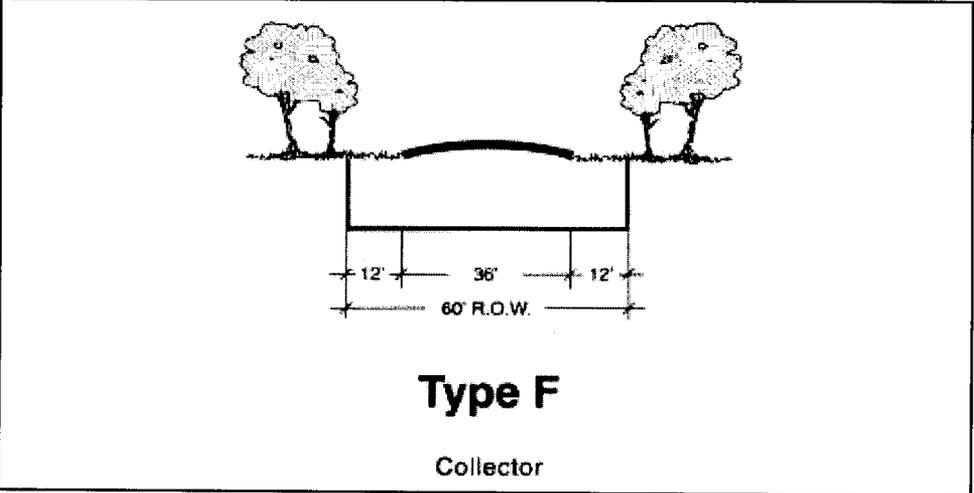
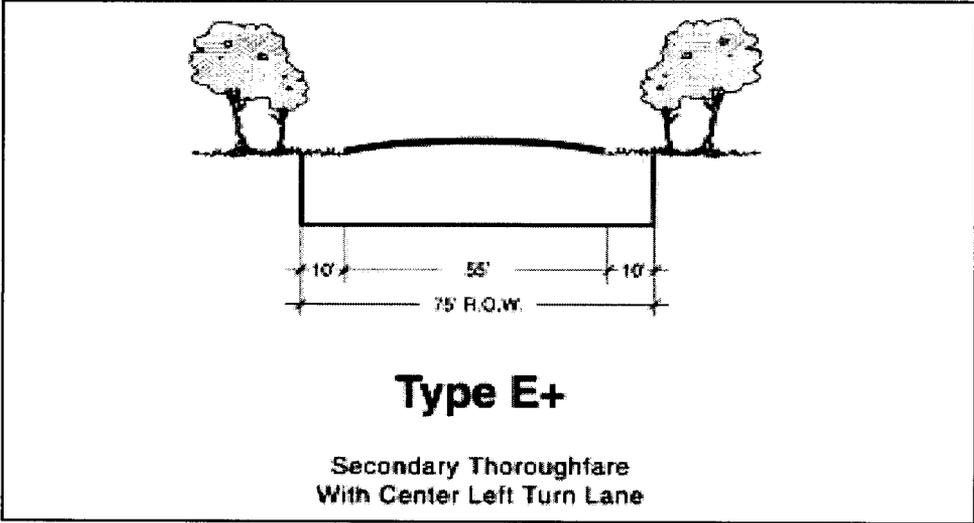
APPENDIX

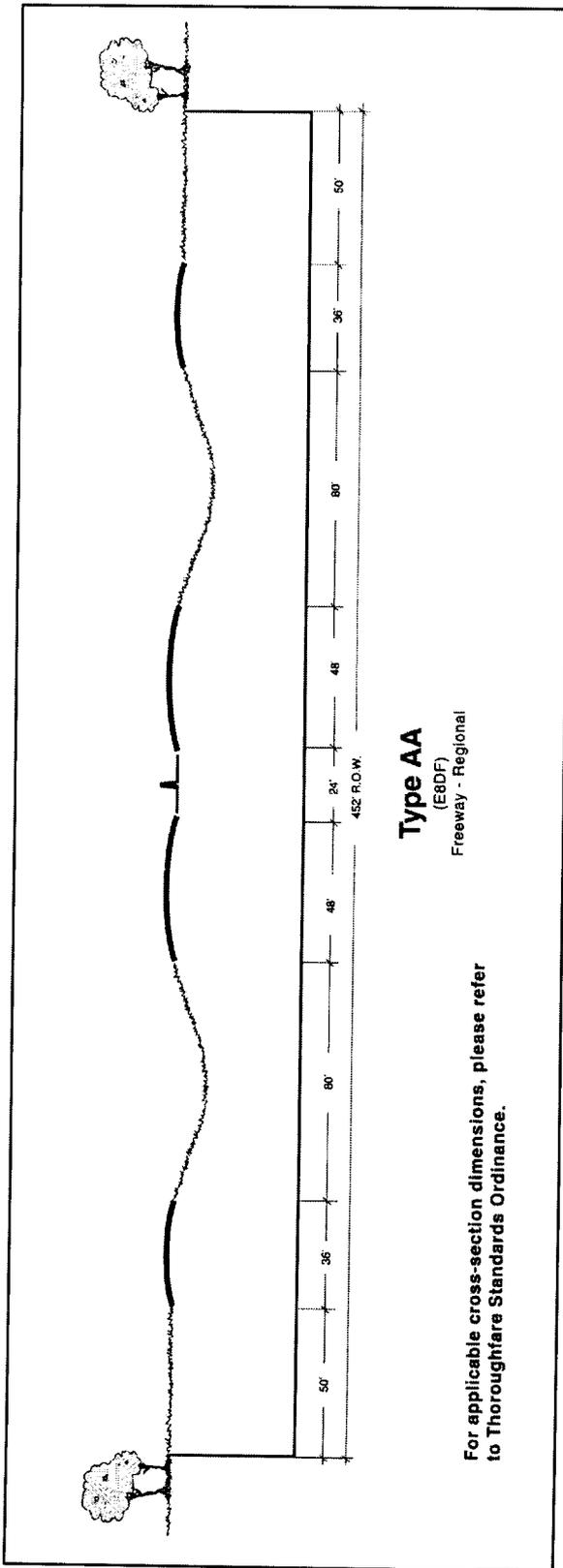
APPENDIX





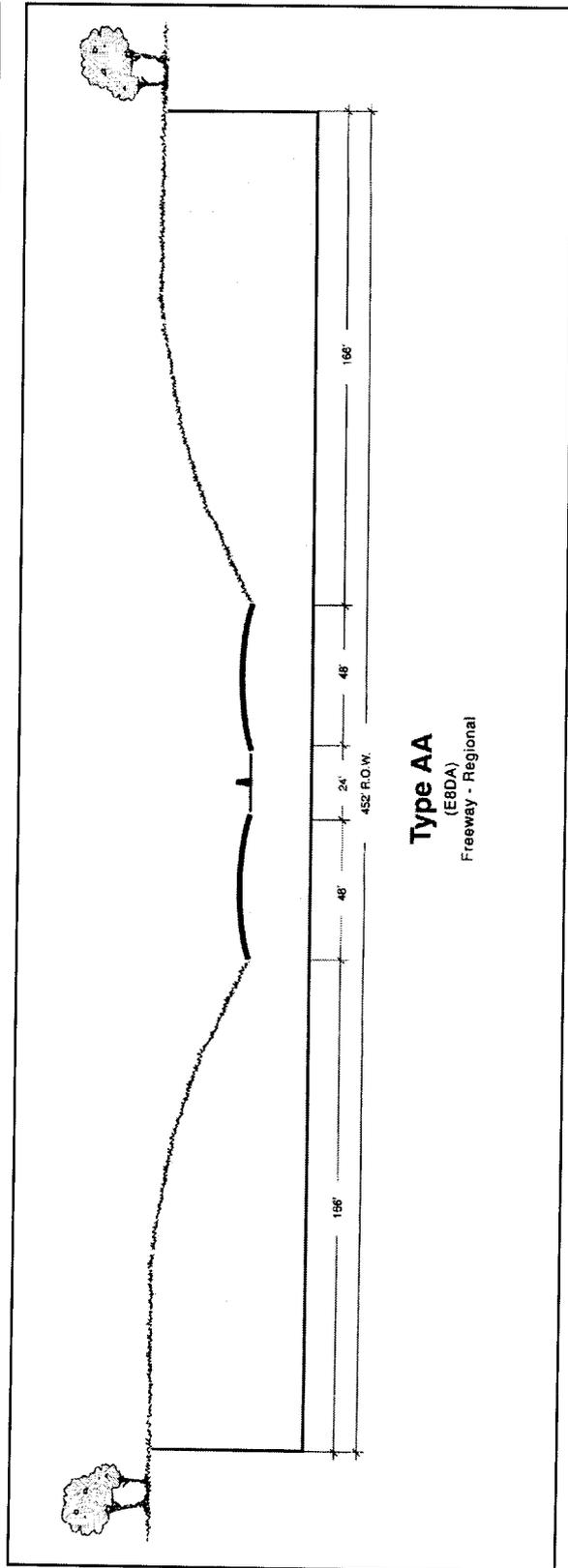
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Type AA
(E8DF)
Freeway - Regional

For applicable cross-section dimensions, please refer to Thoroughfare Standards Ordinance.



Type AA
(E8DA)
Freeway - Regional

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