

PLANO CITY COUNCIL

WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M. ON AUGUST 24, 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. Golf net violation enforcement and related issues | | |
| II. | 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 | 10 min. |
| II. | DART Report | Faye Wilkins | 10 min. |
| III. | Mobility Report | Neal | 10 min. |
| IV. | Comprehensive Monthly Financial Report | Tacke | 10 min. |
| V. | On-Line Check Register | Tacke | 10 min. |

- | | | | |
|-------|---|---------------|---------|
| VI. | Ambulance Billing | Chief Esparza | 10 min. |
| VII. | Council items for discussion/action on future agendas | Council | 5 min. |
| VIII. | Consent and Regular Agenda | Council | 5 min. |

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

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



CITY COUNCIL

1520 AVENUE K

DATE: August 24, 2009

CALL TO ORDER: 7:00 p.m.

INVOCATION: Reverend Alice Coder
First United Methodist Church

PLEDGE OF ALLEGIANCE:

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>THE MISSION OF THE CITY OF PLANO IS TO PROVIDE OUTSTANDING SERVICES AND FACILITIES, THROUGH COOPERATIVE EFFORTS WITH OUR CITIZENS THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p><u>PROCLAMATIONS & SPECIAL RECOGNITION</u></p> <p>Proclamation: 30th Annual Plano Balloon Festival</p> <p>Proclamation: Swing Fore! Yellow Charity Golf Classic Day</p> <p><u>COMMENTS OF PUBLIC INTEREST</u></p> <p><u>This portion of the meeting is to allow up to five (5) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.</u></p> <p><u>CONSENT AGENDA</u></p> <p><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(a)	<p><u>Approval of Minutes</u></p> <p>August 10, 2009 August 15, 2009</p> <p><u>Approval of Expenditures</u></p> <p>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</p> <p>(b) Bid No. 2009-140-B for Three (3) ¾ Ton Pick-Up Trucks with Animal Control Bodies to Philpott Motors LTD in the amount of \$107,661.</p> <p>(c) Bid No. 2009-111-C for the Uninterruptible Power Supply System to Paradigm Traffic Systems Inc. in the estimated annual amount of \$295,240 and authorizing the City Manager to execute all necessary documents. This will establish an annual contract with three optional one-year renewals.</p> <p>Purchase from an Existing Contract</p> <p>(d) To approve the purchase of Acoustical and Ventilation Additions to the Gun Range in the amount of \$203,064 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 Number R4895)</p> <p><u>Adoption of Resolutions</u></p> <p>(e) To authorize the purchase of Software Maintenance and System Support as a sole-source procurement from Polaris Library Systems, exclusive suppliers of software maintenance for Polaris Software, in the amount of \$79,663 for the Plano Public Library System, authorizing its execution by the City Manager; to take such action and execute such documents as necessary to effectuate the purchase approved herein; and providing an effective date.</p> <p>(f) To ratify and approve the execution of a Funding Agreement between the Plano Convention and Visitors Bureau and the North Texas Super Bowl XLV Host Committee providing for the payment of \$38,200 as Plano's contribution to support the Super Bowl XLV Bid Process; and providing an effective date.</p> <p>(g) To approve the terms and conditions of a Memorandum of Understanding by and between the City of Richardson and the City of Plano for funding of modifications to the Plano/Richardson Police Training Center Gun Range in the total amount of \$203,064; authorizing its execution by the City Manager; and providing an effective date.</p> <p>(h) To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and the Frisco Independent School District for the operation of the Police/School Liaison Program; authorizing its execution by the City Manager; and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(i)	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 Preston Road and Legacy Drive; authorizing its execution by the City Manager; and providing an effective date.	
(j)	To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, concerning the Widening and Extension of Razor Road from Ohio Drive to SH 121; authorizing its execution by the City Manager; and providing an effective date.	
(k)	To ratify the Takeover Agreement by and between Liberty Mutual Insurance Company and the City of Plano for completion of the Animal Shelter Addition; approving its execution by the City Manager; and providing an effective date.	
(l)	To repeal Resolution No. 2008-4-40; adopting a new resolution authorizing a preference for bids that include cement as a component of the bid and where that cement is produced by cement manufacturing facilities that meet or are below the source cap limits for emissions established by the Texas Commission on Environmental Quality (“TCEQ”); preference may only be given if the total cost of the goods or services would not exceed 105% of the cost of goods or services provided by a vendor who does not meet or are below the TCEQ standards; authorizing the City Manager to approve any documents necessary to effectuate this resolution; and providing an effective date.	
(m)	To approve the settlement between the City of Plano and Plano International Preschool, Inc. in the amount of \$109,940; authorizing the City Manager to execute any and all documents necessary to finalize such settlement; and providing an effective date.	
<u>Adoption of Ordinances</u>		
(n)	To transfer the sum of \$29,700 from the Property Management Fund Unappropriated Fund Balance for Fiscal Year 2008-09 to the Property Management Fund Operating Appropriation for the purpose of providing additional funding for the demolition of Downtown Center South; amending the budget of the City and Ordinance 2008-9-15, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date.	
(o)	To amend Section 12-100 of Article V. Stopping, Standing and Parking of Chapter 12. Motor Vehicles and Traffic of the Code of Ordinances of the City of Plano to prohibit stopping, standing or parking a motor vehicle in certain specified places; providing a repealer clause, a savings clause, a severability clause, a penalty clause; and providing an effective date.	
(p)	To abandon all right, title and interest of the City, in and to that certain Park Vista Road Right-of-Way being situated in the M.R. Foster Survey, Abstract Number 332, which is located adjacent to the Grand Estates of Breckinridge Addition, within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such right-of-way to the abutting property owners, Anis Rahman, Edgar Zuniga, and Esmeralda V. Zuniga, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary, and providing an effective date.	

ITEM NO.	EXPLANATION	ACTION TAKEN
(q)	<p>To amend Ordinance No. 2006-6-29, currently codified under Chapter 12 (Motor Vehicles and Traffic), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, to delete school zones on Independence Parkway from north of Prairie Creek Drive to south of Mollimar Drive, and from north of Vidalia Lane to south of Oakland Hills Drive, and from north of Ridge Creek Lane to south of Ridge Creek Lane; to revise the designated times of operation for the school zone on Westwood Drive between Aldridge Drive to south of Janwood Drive; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.</p> <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>An Ordinance to terminate the Water and Wastewater Impact Fee Program and repealing Article X Impact Fee Advisory Committee of Chapter 2 Administration of the City of Plano Code of Ordinances in its entirety and repealing Article VI Impact Fees of Chapter 21 Utilities of the City of Plano Code of Ordinances in its entirety; and providing a repealer clause, a savings clause, a severability clause, and an effective date.</p>	
(2)	<p>Discussion and Direction Regarding Budget Recommendations for 2009-2010</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

August 20, 2009

Harry LaRosiliere
Mayor Pro Tem

Lee Dunlap
Deputy Mayor Pro Tem

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

Pat Miner
Place 1

Ben Harris
Place 2

Honorable Mayor and City Council:

Mabrie Jackson
Place 3

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

Lissa Smith
Place 4

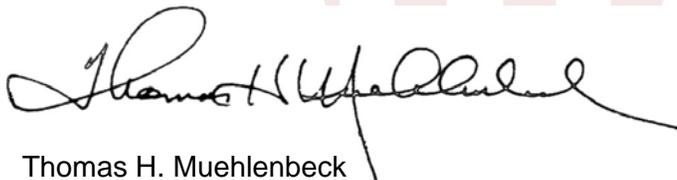
The Preliminary Open Meeting will begin with the DART Report by Faye Wilkins and continue with the Mobility Report and the Comprehensive Monthly Financial Report. Following these items, the Council will receive reports regarding the On-Line Check Register and Ambulance Billing.

Jean Callison
Place 7

I look forward to seeing you on Monday.

Thomas H. Muehlenbeck
City Manager

Sincerely yours,



Thomas H. Muehlenbeck

II. DART Report - Faye Wilkins



Transportation Engineering Division

Transportation Mobility / Safety Report

July 2009

- Traffic Signals
 - ✓ **Developed temporary signal timing adjustments to accommodate overpass closure at Custer/121.**
 - ✓ **Conducted pedestrian Safety Audits at Russell Creek/Independence, Custer/Scenic, Custer/USA Drive, and Independence/Micarta.**
 - ✓ **Solved signal communication problems at the Coit Elevated Tank. This restored communications between our Traffic Management Center and 30 intersections in the north central Plano area.**
 - ✓ **Implemented new off-peak signal timing at thirty-four signals along Legacy Drive, Spring Creek Parkway, Parker Road, Park Boulevard and Plano Parkway.**
 - Citywide Speed Zone Survey Project (**70%** completed)
 - Rasor @ McDermott – Design New Traffic Signal (**80%** completed)
 - Rasor @ Ohio - Design New Traffic Signal (**60%** completed)
 - Completed 2 as-built signal plans.

- Traffic Safety
 - ✓ **U.S. 75 at Parker Road – Coordinated westbound traffic switch on Parker Road.**
 - Spring Creek Parkway at Roundrock Trail - Request to increase the curb radius on the southwest corner of the intersection for fire trucks – **Request denied.**
 - Wimbledon Lane at Garner Lane – request for a STOP sign – Installation pending.
 - Infinity Avenue at Elijah Drive – Request for a STOP sign – Installation by the Legacy Association pending.
 - HAL/HARS 2008-2009 projects list – **List complete and projects selected for 2008-2009 program.**
 - Reviewed **56** temporary traffic control plans for CIP projects and utility work in city rights-of-way.
 - Speed trailer deployment:
 - **Hawkhurst Drive between Robinson Road and Preston Meadow Drive.**
 - **Russell Creek Drive between Independence Parkway and Gifford Drive.**

- PISD/FISD
 - Anderson Elementary School – Independence Parkway near Oakland Hills Drive - request to remove the existing school speed zone on the school attendance boundary – **Study complete – removal recommended.**
 - Andrews Elementary - Request for All-Way Stop control at the Sutherland Lane/Scenic Drive intersection – Review in progress.
 - Barron Elementary - Request for a school zone on Parker Road at P Avenue – **Zone installed.**
 - Clark High School - Request to lengthen the school zone on Spring Creek Parkway – Review in progress.
 - Forman Elementary
 - Request for review of pick-up/drop-off operation impacts on Hendrick Drive – Review in progress.
 - Request for All-Way Stop control at the Hendrick Drive/Timberline Drive intersection – Review in progress.
 - Request to extend afternoon school zone hours for the Shiloh Road school speed zones for tutorials – **Request approved. Signs modified.**

- Jackson Elementary - Request for new No Parking signs, crosswalks, and removal of existing No Parking signs on streets abutting the school (Jackson Drive, Colchester Drive, Jomar Drive) – Review in progress.
 - Jasper High School – Alcove Lane west of Archgate Drive - Request for No Parking zone due to student drop off and pick-up – Ordinance for City Council consideration under development.
 - McCall Elementary
 - Request for modifying the times on No Left Turn signs on Cloverhaven Way at the school driveway – Review in progress.
 - Request for crosswalks across Cloverhaven Way – Installation pending.
 - Rice Middle
 - Independence Parkway at Russell Creek Drive - Request for extended school zone hours for the Independence Parkway school speed zone – **Request approved. Signs modified.**
 - Request to evaluate pick-up/drop-off operations. The circular drive in front of school (Gifford Drive) has been closed since the day after the spring break – Review in progress.
 - Request to change the times on the NO PARKING signs adjacent to the drive – Review in progress.
 - Sigler Elementary - Request to review the school zones on Alma Drive and 15th Street and Alma Drive and Plano Parkway – Review in progress.
 - Taylor Elementary School – Independence Parkway at Ridge Creek Lane - Request to evaluate the use of the existing school crossing - **Ordinance being prepared for City Council consideration.**
 - Identify school zones located on attendance boundaries. Six zones identified – **4 zones approved for modification by PISD and FISD. Ordinance being prepared for City Council consideration.**
 - Install/modify parking restrictions around 8 campuses – Ordinance being prepared for City Council consideration.
- Safe Streets Program (SSP)
 - Robinson Road – **Permanent Plan installation complete.**
 - Russell Creek Drive East of Independence Parkway – **Permanent Plan installation complete.**
 - Woodburn Corners – **Follow-up study complete.**
 - Participating Neighborhoods Active in the Program
 - Royal Oaks Drive - Permanent plan ballot packets to be mailed 7/09
 - Denham Way - Comment forms received
 - Micarta Drive – Permanent Plan failed to pass.
 - Robinson Road – Permanent Plan complete.
 - Russell Creek Drive East of Independence Parkway – Permanent Plan complete.
 - Oklahoma Avenue – Heavy enforcement completed, Follow-up study pending start of school.
 - Harrisburg Lane/Sutherland Lane – Follow-up study pending start of school.
 - Woodburn Corners – Follow-up study complete.
 - Teakwood Lane from Custer Road to Roundrock Trail – Petition process pending.
 - Wesson Drive – Petition process pending.
 - Merriman Drive neighborhood streets – Petition process pending.
 - Long Range Planning:
 - ✓ **Starting Long Range Transportation Planning Model Update**
 - Attended monthly DRMC, RTC, TAC, STTC, and ITE meetings

**Summary of Transportation Legislation
81st Texas Legislature**

HB 55 – Relating to an offense of using a wireless communication device while operating a motor vehicle.

This bill prohibits the use of cell phones and other wireless communication devices within school crossing zones unless the vehicle is stopped or a hands-free device is used. Any city or county enforcing this prohibition must place signs at the entrance to each school crossing zone to notify drivers. There is an exception for calls placed to emergency services or by emergency personnel. This bill will take effect on September 1, 2009.

HB 339 – Relating to driver education and driver’s licensing requirements.

This bill requires that all people under the age of 21 be required to show proof of completing a driver education course before a driver’s license may be issued. In addition, the Department of Public Safety will collect data on collisions involving students whom have completed a driver education course. Based on that data, a collision rate will be developed and published for each driver education entity and instructor. This bill will take effect on September 1, 2009.

HB 432 – Relating to the acquisition by state agencies of low-emissions vehicles and vehicles using alternative fuels.

This bill adds additional types of low-emissions vehicles, including biodiesel or biodiesel/diesel blends of 20 percent or greater and plug-in hybrid vehicles, to the list of vehicles state agencies can purchase. Expands requirements for state agencies to use alternative fuel or low-emissions vehicles to be 50 percent of the fleet by September 30, 2010 (previous requirement was 50 percent of the fleet be *capable* of using alternative fuels). This bill will take effect on September 1, 2009.

HB 469 – Relating to the establishment of incentives by this state for the implementation of certain projects to capture and sequester carbon dioxide that would otherwise be emitted into the atmosphere.

This bill creates a franchise tax credit of up to 10 percent of the total costs or \$100 million (whichever is less) for entities implementing a clean energy project in connection with the construction of a new electric generating facility. The tax credit will be available for up to three entities that construct and operate a facility that will sequester at least 75 percent of carbon dioxide emissions. This bill will take effect on September 1, 2009.

HB 646 – Relating to the participation of this state in the Southern High-Speed Rail Compact.

This bill authorizes the Governor to enter into a compact with the states of Mississippi, Louisiana, and Alabama to join the Southern High-Speed Rail Compact. Texas would hold seven seats on the Commission representing the Governor, Texas Department of Transportation, and five public members. The FY 10-11 appropriations bill does include contingency funding of \$70,000 per year to the Compact from general revenues. This bill will take effect on September 1, 2009.

HB 715 – Relating to motor vehicle inspection stations that perform emissions inspections using only the onboard diagnostic system of inspected vehicles.

This bill modifies the number of vehicle inspections that can be performed by low-volume inspection stations that only have equipment to perform inspections of 1996 and newer vehicles. Previously, these stations were limited to 100 inspections per month, but will now be able to perform 150 inspections per month. This bill will take effect on December 31, 2010.

HB 768 – Relating to the requirement that a new road ordered by the commissioners court of a county be laid out by a jury of view.

This bill formally repeals the authority for a jury of view to determine the path of a county road and just compensation for any property required. The eminent domain procedure will be required. This bill will take effect immediately.

HB 1343 – Relating to blind and disabled pedestrians and failure of the operator of a motor vehicle to yield the right-of-way.

This bill creates a penalty for causing serious injury to a blind or disabled pedestrian when a vehicle operator fails to yield the right-of-way to the pedestrian. The penalty is a fine of up to \$500 and 30 hours of community service. This bill will take effect immediately.

HB 1770 – Relating to the Tax Increment Financing Act.

This bill clarifies that cities are allowed to create a reinvestment zone in both contiguous and non-contiguous areas. In addition, cities may create a reinvestment zone that contains land in the city's extraterritorial jurisdiction and the designation of such a zone is not affected by a subsequent annexation. This bill will take effect immediately.

HB 1796 – Relating to the development of carbon dioxide capture and sequestration in this state.

This bill allows the Texas Commission on Environmental Quality to establish standards for the location, construction, maintenance, monitoring, and operation of a carbon dioxide repository.

In addition, this bill adds a new program to be eligible to receive Texas Emissions Reduction Plan funding. The new program is called the New Technology Implementation Grant Program and will be focused on reducing emissions from facilities and stationary sources. Eligible projects include advanced clean energy projects, major capital projects to reduce emissions (costing more than \$500 million), and renewable energy electricity storage projects. This program will expire on August 31, 2019. Funding for this program will come from the 87.5 percent of TERP funds allocated to the diesel emissions reduction program, although a specific percent is not provided.

This bill also makes changes to the AirCheck Texas program. Payments to automobile dealers must be made within 10 business days, rather than the current requirement of 5 business days. Local initiative funds may not be used for local government fleet or vehicle acquisition or replacement. The local match requirement for the local initiative funds may be reduced from the current 50 percent amount for counties implementing fraud detection programs to reduce the number of counterfeit state inspection stickers.

Additional provisions in this bill include an extension of the Texas Emissions Reduction Plan program through August 31, 2019, direction to state agencies to participate in the federal process for developing greenhouse gas reporting and registry requirements, and establishment of an inventory of voluntary actions taken by businesses or state agencies to reduce carbon dioxide emissions.

This bill will take effect on September 1, 2009.

HB 2004 – Relating to a breach of computer security involving sensitive personal information and to the protection of sensitive personal information and certain protected health information.

This bill requires state agencies and local governments to comply with notification requirements businesses must follow in the event of a breach of system security that affects sensitive personal information. This requirement includes notification to any person in the State whose information has been, or is believed to have been, acquired by an unauthorized party as quickly as possible. Notice may be withheld if providing the notice will impede a criminal investigation by law enforcement. This bill will take effect on September 1, 2009.

HB 2012 – Relating to the criminal consequences of operating without a valid driver’s license a motor vehicle for which financial responsibility is not established. (Eric’s Law)

This bill increases the penalty for driving both without a valid driver's license and without insurance to a Class B misdemeanor. In addition, if a person drives without a valid driver's license, without insurance, and is at fault in an accident that causes serious injury or death, the penalty is increased to a Class A misdemeanor. This bill will take effect on September 1, 2009.

HB 2219 – Relating to the public transportation advisory committee.

This bill changes the membership of the Public Transportation Advisory Committee. Membership will go from 11 members down to 9 members. Previously, the Texas Transportation Commission appointed members, but appointments will now be made by the Governor, Lt. Governor, and Speaker of the House to reflect the diversity of the State. Each office will appoint three members: one to represent a cross-section of public transportation providers, one to represent a cross-section of transportation users, and one to represent the general public. Current PTAC members may serve out the remainder of their terms and the first two positions to either expire or become vacant will not be replaced. This bill will take effect on September 1, 2009.

HB 2314 – Relating to the designation of the Texas Department of Transportation as the contracting agent for certain airports.

This bill authorizes any airport eligible to receive grant funds under the federal airport improvement program (not just local governments) to designate the Texas Department of Transportation as its agent for contracting. This bill will take effect on September 1, 2009.

HB 2318 – Relating to the fuel ethanol and biodiesel incentive program of the Department of Agriculture.

This bill adds renewable methane production to the list of fuels that may receive grants under the incentive program. This bill will take effect immediately.

HB 2434 – Relating to the supervision by the Texas Department of Transportation of money appropriated by the federal government for the construction and maintenance of rail facilities.

This bill adds entities that are exempt from a statewide requirement that federal funds allocated to Texas for the construction and maintenance of rail facilities be under the supervision of the Texas Department of Transportation. Currently, transit authorities (including Dallas Area Rapid Transit, Denton County Transportation Authority, and The Fort Worth Transportation Authority) are exempt from this provision and may receive federal funds directly. This bill provides exemptions to freight rail districts, intermunicipal commuter rail districts, and commuter rail districts. This bill will take effect immediately.

HB 2462 – Relating to the authority of a county to clarify the existence of a public interest in certain roads.

This bill extends the authority for counties to declare a public interest in roads and create a county road map until September 1, 2011. This bill will take effect immediately.

HB 2553 – Relating to the registration and operation of certain motor vehicles.

This bill makes several changes to registration of vehicles:

- Removes a separate section of the Transportation Code related to mopeds. Mopeds will be charged \$30 for registration and be grouped with motorcycles.
- Municipal buses and private buses will no longer be grouped with passenger cars for determining the registration fee.
- All vehicles that weigh 6,000 pounds or less will be charged \$50.75 (as opposed to a rate between \$40.50 and \$58.50, depending on the age of the vehicle), unless otherwise designated.
- The current fee schedule for commercial motor vehicles and truck-tractors that are related to vehicle weight and tire equipment is repealed.
- All vehicles that weigh over 6,000 pounds (including passenger vehicles or commercial vehicles) will be charged an amount based on weight from \$54.00 to \$840.00.
- The separate fee calculation for a road tractor is repealed. The fee will be based on weight and the same as a fee for vehicles under or over 6,000 pounds, depending on the tractor's weight.
- The separate fee calculation for a trailer, travel trailer, or semitrailer is repealed. If any of the trailers weighs less than 6,000 pounds, the fee is \$45.00. For any trailer weighing more than 6,000 pounds, the fee is calculated in the same way the fee for vehicles over 6,000 pounds is calculated.
- The separate fee calculation for a truck-tractor or commercial motor vehicle combination is repealed. The fee will be calculated in the same way the fee for vehicles over 6,000 pounds is calculated.
- The separate fee calculation for a motor bus is repealed. The fee will be based on weight and the same as a fee for vehicles under or over 6,000 pounds, depending on the bus's weight.
- The fee for a replacement registration insignia is increased to \$6 (from \$5).
- A provision is added for purchasing replacement license plates, which may be done for a fee of \$6.
- Additional fees for issuing specialty license plates for cotton vehicles, forestry vehicles, tow trucks, volunteer firefighters, and vehicles carrying mobile amateur radio equipment are repealed. The additional fee for a golf cart specialty license plate is reduced to \$6 (from \$10).

The changes made to registration fees by bill will take effect on September 1, 2011.

HB 2572 – Relating to the authority of a gas corporation to use a public right-of-way.

This bill provides that municipalities may not charge a fee for the placement, construction, maintenance, repair, replacement, operation, use, relocation, or removal of a gas pipeline facility under any public right-of-way, but may charge fees to maintain public facilities. The gas pipeline must follow federal and State safety regulations, regulations for accommodation of pipelines on, along, or under public rights-of-way, and the owner must ensure that public rights-of-way and associated facilities will be promptly restored after installation or maintenance of the pipeline.

In addition, a gas corporation will be required to consider a route for a pipeline that uses existing easements or public rights-of-way unless it is not economically practical, there is not enough space, or it will violate safety regulations. If a pipeline must be relocated for a transportation project, the cost of relocation will be based on whether the pipeline is located on public right-of-way or private property. The Texas Department of Transportation will develop regulations for allowing pipelines under public right-of-way which must be reasonable and allow for an appeals process. This bill will take effect immediately.

HB 2582 – Relating to the production and taxation of renewable diesel fuel.

This bill adds renewable diesel production to the list of fuels that may receive grants under the fuel ethanol and biodiesel incentive program. This bill will take effect immediately.

HB 2642 – Relating to a program to designate historic roads and highways in this state.

This bill directs the Texas Transportation Commission and the Texas Department of Transportation to establish a program to designate, interpret, and market Texas historic roads and highways. A designation under this program does not confer federal historic designation. Federal transportation enhancement funds may be pursued to supplement revenue for the program. Funding from a grant or a donation must be received before TxDOT may design or erect a marker. This bill will take effect on September 1, 2009.

HB 2682 – Relating to the authority of municipalities to alter speed limits.

This bill changes the procedures and eligibility for municipalities to alter speed limits. Municipalities will only be able to lower the speed limit for a two-lane, undivided highway that is not part of the state highway system. This provision will now apply to any portion of the state, instead of only in urban districts of the Texas Department of Transportation. Any municipality that does lower the speed limit in this manner must submit a report to TxDOT and publish the report on the municipality's website comparing the number of traffic citations for speed limit violations, the number of warning citations for speed limit violations, and the number of injury or fatality accidents resulting from speed limit violations for the previous two years. This bill will take effect immediately.

HB 2730 – Relating to the continuation and functions of the Department of Public Safety of the State of Texas and the Texas Private Security Board; providing a penalty.

Only portions of this bill related to vehicle inspections and the driver responsibility program are summarized.

This bill requires the vehicle inspection program to be managed by a program director that is not a commissioned officer. The program director will be responsible for ensuring the quality of the program, coordinating regional offices, compiling performance data, establishing best practices, setting goals and monitoring progress, and coordinating enforcement activities. In addition, this bill requires the Vehicle Inspection Advisory Committee to meet quarterly.

This bill requires the Department of Public Safety to notify a person whom has been assessed a surcharge under the driver responsibility program as a result of receiving points for traffic violations within five days of the surcharge being assessed. The notice must state the dollar amount of the surcharge and explain the process for entering into an installment payment plan. A second notice must be sent to the person if he/she did not make the payment or enter into a payment plan 45 days after the first notice was sent. A third notice, which includes notice that driving privileges have been suspended, must be sent if no payment has been made 60 days after the second notice was sent. The bill also modifies the amount of time a surcharge may be paid by installments depending on the amount of the surcharge. An indigent person (defined as a person with a household income of 125 percent or less of the federal poverty guidelines) may not be assessed a surcharge. Additionally, this bill requires the Department of Public Safety to establish a procedure to deduct one point from a person's driver's license for each year in which that person does not accumulate any points.

In addition, this bill provides that if a person fails to show proof of insurance to a peace officer, that person may not receive a citation if the peace officer can verify by other means through a verification database program that the person has insurance.

This bill will take effect on September 1, 2009.

HB 2983 – Relating to the electronic transmission of motor vehicle rental information in connection with the payment of tolls.

This bill allows TxDOT, county toll road authorities, the North Texas Tollway Authority, and Regional Mobility Authorities to receive information from motor vehicle rental companies electronically, as opposed to only via standard mail. This would be used when a person that has rented a vehicle does not pay a toll and the car rental company is providing that person's information in order for the tolling entity to bill the renter for payment of the toll. This bill will take effect on September 1, 2009.

HB 3070 – Relating to the administration and powers of a coordinated county transportation authority.

This bill clarifies the manner in which the Denton County Transportation Authority is required to hold an election before issuing bonds with terms of five years or longer. The election is only required to be held in cities in which DCTA is authorized to collect sales tax revenue and an election is not required for refunding bonds or bonds to fund self-insurance, pension, or retirement accounts. In addition, the bill authorizes DCTA to issue obligations and enter into credit agreements. This bill will take effect on September 1, 2009. (SB 1876 was also passed and is identical to HB 3070.)

HB 3089 – Relating to the disposition of vehicles by a local government participating in a program designed to encourage the use of low-emission vehicles.

This bill will allow counties participating in a program to replace high-emitting vehicles with low-emission vehicles to order the retired vehicles be crushed and recycled without a competitive bid or auction. This bill will take effect on September 1, 2009.

HB 3097 – Relating to the creation, organization, governance, duties, and functions of the Texas Department of Motor Vehicles, including the transfer of certain duties to the Texas Department of Motor Vehicles and the Texas Department of Licensing and Regulation, and to the regulation of certain franchised motor vehicle dealers; providing a penalty.

This bill creates the Texas Department of Motor Vehicles and transfers duties from the Texas Department of Transportation related to vehicle registration and titling, automobile dealers, and motor carriers. The duties are to be transferred on November 1, 2009. A transition team and board appointments must be made by October 1, 2009. This bill will take effect on September 1, 2009.

HB 3139 – Relating to discount programs for certain veterans provided by toll project entities.

This bill authorizes toll project entities to establish a discount program for disabled veterans that use electronic toll collection systems to receive free or discounted toll rates. This bill will take effect on September 1, 2009.

HB 4031 – Relating to the agricultural biomass and landfill diversion incentive program.

This bill expands the scope of the agricultural biomass and landfill diversion incentive program to include renewable biomass aggregators and bio-coal fuel producers to the list of eligible recipients of grant funds. This bill will take effect on September 1, 2009.

HB 4586 – Relating to making supplemental appropriations and reductions in appropriations and giving direction and adjustment authority and prescribing limitations regarding appropriations.

This bill makes a supplemental appropriation to the Texas Department of Transportation of \$662.2 million over the biennium from funds received from the American Recovery and Reinvestment Act of 2009 for highway and bridge construction. The bill also makes a supplemental appropriation to the Texas Commission on Environmental Quality of \$37 million over the biennium from the Texas Emissions Reduction Plan Account for implementing the TERP program. This bill allows funds appropriated to the Texas Emerging Technology Fund in the general appropriations bill to be used for clean energy programs or projects.

In addition, this bill requires any state agency that receives ARRA funds to provide a detailed plan for use of the funds to the Legislative Budget Board and the Governor that will also be posted to the agency's Web site. The first report must be submitted by September 30, 2009, and quarterly reports are required following the initial report. This bill will take effect immediately.

HJR 14 – Proposing constitutional amendments limiting the public taking of private property, establishing the national research university fund to fund emerging research universities, and eliminating the higher education fund.

If approved by voters, this resolution will amend the constitution to limit the use of eminent domain. Eminent domain will only be allowed for public uses. The resolution specifically states that public use does not include the taking of property for transfer to a private entity or for the primary purpose of economic development or enhancement of tax revenues. In addition, this resolution will amend the constitution to require a two-thirds vote of the Legislature to grant eminent domain to any entity on or after January 1, 2010. This resolution will be on the November 3, 2009 statewide ballot.

HJR 132 – Proposing a constitutional amendment relating to the financing, including through tax increment financing, of the acquisition by municipalities and counties of buffer areas or open spaces adjacent to a military installation for certain purposes.

If approved by voters, this resolution will amend the constitution to allow the Legislature to pass a law allowing cities and counties authority to issue bonds to finance the acquisition of buffer areas or open spaces adjacent to military installations. The purpose of the property acquisition would be to prevent development encroachment or for constructing infrastructure needed to protect the mission of the military installation. Bonds issued for this purpose could be secured by increases in property tax. The enabling legislation, HB 4130, was not passed by the Legislature; therefore this authority will not be able to be used until a general law can be passed in a future legislative session. This resolution will be on the November 3, 2009 statewide ballot.

SB 1 – General Appropriations Act.

This is the two-year budget bill that specifies revenues and appropriations for Fiscal Years 2010-2011.

Texas Department of Transportation

Total funding for the Department of Transportation is approximately \$17.1 billion over the biennium. This represents a very small increase over the previous biennium; however, the bill does appropriate \$2 million in Proposition 12 General Obligation bonds that did not receive statutory authority during the session, so those bonds will not be issued until statutory authority is received. This bill does specifically appropriate approximately \$1 billion for projects funded from the SH 121 payment made to the Dallas-Fort Worth region.

New Requirements:

- TxDOT is currently required to submit a report to the Legislative Budget Board before it can expend concession fees that outlines the estimated funding and use of the funds. This requirement will be extended to surplus toll revenue payments. In addition, TxDOT will have to submit the report for concession fees and surplus toll revenue payments to the Governor and receive written approval from the Legislative Budget Board and the Governor before any funds can be expended.
- Provided that Proposition 12 General Obligation Bonds are statutorily authorized in a special session, there are several provisions TxDOT must meet before revenues may be expended:
 - TxDOT must submit an annual report to the Legislative Budget Board and the Governor on the agency's progress towards implementing the recommendations of the Sunset Advisory Commission.
 - TxDOT must submit an annual report to the Legislative Budget Board and the Governor on the proposed construction and maintenance projects proposed to be funded and the benefit to traffic congestion or pavement scores.
 - The Legislative Budget Board and the Governor must approve the use of the bond funds.
- The bill states that \$2 billion in planning/design, right-of-way acquisition, and construction is contingent on statutory authority for TxDOT to issue Proposition 12 General Obligation bonds. In addition, the bill adds legislative intent that when Proposition 12 General Obligation bonds are issued, they are intended to construct non-tolled highway projects.
- TxDOT must post the top 100 congested road segments in the state on its Web site. Information must be posted on the Traffic Congestion Index of each segment as well as the hours of delay and economic value of delay on each segment. TxDOT must also develop a congestion mitigation plan in coordination with the Metropolitan Planning Organization and provide quarterly updates on progress towards meeting the plan for each of the top 100 congested road segments. The mitigation plan and progress reports must be posted online. The bill prohibits any revenue from being distributed to a department district that contains one of these road segments until these requirements are met.
- A study will be conducted on the costs and feasibility of reducing the TxDOT engineering staff and a plan for the staffing reduction.

SB 1, continued

- TxDOT must submit an annual report to the Legislative Budget Board providing information on all pass-through financing agreements. In addition, TxDOT is required to provide an equal amount of funding for pass-through agreements during the FY 10-11 biennium as it funded in the previous biennium.
- District discretionary funds will be allowed for project cost overruns, but this bill requires an annual report to the Legislative Budget Board and the Governor on the amount of district discretionary funds used for this purpose.
- The bill requires that public transportation funding from the State Highway Fund may not be reduced.
- One item is modified in an annual report related to public transportation. Previously, TxDOT was required to report on the percent of public transportation consumed of the available capacity. The new measure reported will be service effectiveness as determined by passengers per revenue mile, or similar measure.
- A contingency appropriation of \$182 million over the biennium is made to the Rail Relocation Improvement Fund from the State Highway Fund only if an equal or greater amount is certified to be available from non-dedicated revenues to the State Highway Fund for the FY 10-11 biennium over the previous biennium. Should the RRIF receive this funding, there is an earmark for Tower 55 of no more than \$35 million contingent on TxDOT applying for, and subsequently not receiving, a discretionary grant from the American Recovery and Reinvestment Act.

Earmarks:

- Earmarks \$10 million in federal Transportation Enhancement Program funds for the Woodall Rodgers Highway Enhancement Park, unless the project has received sufficient funding through other appropriations.
- The earmark for constructing and maintaining park roads was increased to \$10 million per year (up from \$5 million per year), but the bill removes the requirement for TxDOT to construct, repair, and maintain roads to and from Camp Mabry. In addition, an earmark of \$7.5 million per year for facility enhancements at the University of Texas of the Permian Basin has been removed.

Texas Commission on Environmental Quality

Total funding for the Commission on Environmental Quality is approximately \$964 million over the biennium. This represents a slight decrease in funding over the previous biennium.

New Requirements:

- A previous requirement for evaluation of all Congestion Mitigation Air Quality (CMAQ) expenditures for Statewide Implementation Plan credit has been removed.
- The bill states that the Legislature intends for TCEQ to negotiate state contract pricing for equipment purchased under the Texas State Clean School Bus Initiative, which is funded through the Texas Emissions Reduction Plan.

Earmarks:

- Appropriates \$90 million for the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program over the biennium. This program is known as AirCheck Texas in the Dallas-Fort Worth region.

SB 1, continued

- Appropriates \$10 million over the biennium for enhanced air quality programs including AirCheck Texas expansion, remote emissions sensing, and the Smoking Vehicle Program.
- Appropriates \$233 million to the Texas Emissions Reduction Plan over the biennium. This is a \$100 million reduction from the previous biennium, although \$74 million of that amount was restored through the supplemental appropriations bill, HB 4586.

State Highway Fund Diversions

Diversions from the State Highway Fund have slightly decreased, but are still near \$1 billion over the biennium.

SB 129 – Relating to the maximum speed limit for a neighborhood electric vehicle being operated on a street or highway and to the operating of a motorcycle.

This bill allows neighborhood electric vehicles to operate on or across streets with a speed limit of 45 miles per hour or less (up from streets with a speed limit of 35 mph or less). Neighborhood electric vehicles may never exceed the lesser of the posted speed limit or 35 miles per hour. This bill will take effect on September 1, 2009.

SB 161 – Relating to specialty license plates supporting the Safe Routes to School Program.

This bill changes how funding from specialty license plates that is allocated to the Safe Routes to School Program will be distributed and used. Funds may only be used by the Texas Education Agency to support a statewide nonprofit organization dedicated to promoting bicycle safety, education, and access through education and outreach programs. Funds may be used to secure matching federal funds for similar programs. This bill will take effect immediately.

SB 184 – Relating to “no regrets” greenhouse gas emissions reduction strategies.

This bill requires the Comptroller to prepare a report by December 31, 2010 that inventories strategies for reducing greenhouse gas emissions. The strategies developed must result in net savings for businesses and consumers, be achieved without a financial cost to businesses and consumers, and help businesses maintain global competitiveness. The Comptroller shall consider strategies implemented by other states or nations when preparing the report. For each strategy developed, the report must provide information on initial, short-term capital costs and lifetime costs and savings to businesses and consumers. This bill will take effect on September 1, 2009.

SB 254 – Relating to the exemption of volunteer fire departments from certain motor fuel taxes.

This bill exempts volunteer fire departments from being required to pay state gasoline and diesel fuel taxes. This bill will take effect on July 1, 2009.

SB 293 – Relating to the pledge of certain revenue of a regional transportation authority to the payment of bonds.

This bill allows Dallas Area Rapid Transit to pledge all revenues to the expansion of its transit system. This bill will take effect immediately.

SB 337 – Relating to the designation of a segment of Interstate Highway 30 in Hunt County as the Martin Luther King, Jr., Freeway.

This bill designates the portion of Interstate Highway 30 within the city limits of Greenville, in Hunt County, as the Martin Luther King, Jr., Freeway. If TxDOT receives donated funds, memorial markers will be constructed. This bill will take effect on September 1, 2009.

SB 348 – Relating to the Texas Transportation Commission's authority to establish advisory committees.

This bill authorizes the Texas Transportation Commission to establish advisory committees on any matter under the Commission's jurisdiction. The purpose, duties, and membership of each advisory committee may be determined by the Commission. This bill will take effect immediately.

SB 405 – Relating to compensation for the use of the public transportation system of a regional transportation authority.

This bill allows Dallas Area Rapid Transit and The T to establish parking fees and fares according to a zone system. This bill will take effect on September 1, 2009.

SB 448 – Relating to the authority of the Texas Department of Transportation to mitigate adverse environmental impacts resulting from the construction, improvement, or maintenance of state highways or state highway facilities.

This bill expands the authority of the Texas Department of Transportation to transfer any interest (including a less-than-fee-simple interest) in property for environmental mitigation necessary as a result of the construction, improvement, or maintenance of a state highway or state highway facility. This bill will take effect immediately.

SB 480 – Relating to the authority of the Texas Transportation Commission to enter into a covenant for environmental remediation of real property owned by the Texas Department of Transportation.

This bill authorizes the Texas Transportation Commission to enter into an environmental covenant for environmental remediation approved by the Texas Commission on Environmental Quality or a federal agency. The environmental covenant must provide a legal description of the property, describe the nature of the contamination, and describe the activity and use limitations on the property. The environmental remediation must meet federal and state standards and also bring the property into compliance with applicable local government zoning or land use controls. At least 30 days before entering into an environmental covenant, the Commission must notify adjacent landowners and applicable local governments. This bill will take effect immediately.

SB 576 – Relating to the implementation of a project plan or financing plan for a reinvestment zone under the Tax Increment Financing Act and the granting of exemptions from ad valorem taxes imposed on real property in a reinvestment zone under that Act.

This bill will allow revenue in Tax Increment Finance districts to be used to construct infrastructure leading into and out of the district boundaries. This bill will take effect immediately.

SB 585 – Relating to standards of conduct and ethics policies for metropolitan planning organizations.

This bill establishes new ethics policies for policy board members and employees of metropolitan planning organizations. Members and employees may not accept or solicit any gift, favor, or service that is intended to influence official conduct if the member/employee knows or should know the intent. Members and employees may not accept employment or engage in business/professional activity that may require/induce disclosure of confidential information. Members and employees may not accept employment or compensation that could impair independence of judgment in performance of duties. Member and employees may not make personal investments that could reasonably be expected to create a conflict of interest. Members and employees may not intentionally or knowingly solicit, accept, or agree to accept any benefit for exercising official powers or performing official duties.

In addition, this bill provides that employees who violate the above standards of conduct, or an ethics policy are subject to termination or other employment-related sanction. If a violation of the above standards of conduct by either a member or employee is a violation of another statute or rule, the person may be subject to applicable criminal or civil penalties.

SB 585, continued

The bill also requires modifications to previously-established ethics policies. The ethics policy must be established in the MPO bylaws and apply to both policy board members and employees consistent with the standards of conduct described above. The bill requires the ethics policy to be distributed to new employees within three business days of the person beginning employment. The bill also requires the ethics policy to be distributed to new policy board members within three business days of the person qualifying for membership.

In addition, this bill provides that if an individual is aware of a violation of the ethics policy that is also a criminal offense; the individual may report the violation to an appropriate prosecuting attorney. If there is a reasonable basis to initiate an investigation, the prosecuting attorney will notify the Texas Ethics Commission within 60 days. The Texas Ethics Commission may assist in the investigation.

If an employee of an MPO is also subject to the ethics policy of another governmental entity and the two ethics policies conflict, the ethics policy of the other governmental entity prevails. MPO policy boards must adopt bylaws containing the new ethics policy by January 1, 2010. This bill will take effect on September 1, 2009.

SB 882 – Relating to the powers and duties of a regional tollway authority.

This bill grants the North Texas Tollway Authority powers and duties provided to all toll project entities for toll collection and enforcement. In addition, this bill authorizes NTTA to provide a stipend to an unsuccessful design-build firm. This bill also repeals a provision that created a Class A misdemeanor for an NTTA board member to accept a gift or for a person to offer a gift to a board member. This bill will take effect immediately.

SB 883 – Relating to the use of the state highway fund to participate in the costs associated with a toll facility of a public or private entity.

This bill prohibits the Texas Department of Transportation from using money in the State Highway Fund to guarantee a loan obtained, or to insure bonds issued, by a public or private entity for construction of a toll facility. The following projects are exempt from this prohibition:

- State Highway 161 in Dallas County
- Southwest Parkway/Chisholm Trail Parkway from IH 30 to US 67
- Trinity Parkway in the City of Dallas

This bill will take effect immediately.

SB 926 – Relating to the imposition of a civil penalty against the owner of an authorized emergency vehicle for a violation recorded by a photographic traffic signal enforcement system.

This bill prohibits local governments from imposing a civil penalty on the owner of an authorized emergency vehicle for a violation recorded by a red-light camera. This bill does allow for an employee to be disciplined for the violation if it is a violation of a policy of the employer. This bill will take effect September 1, 2009.

SB 970 – Relating to the qualifications required of the executive director of the Texas Department of Transportation.

This bill removes the requirement for the Executive Director of the Texas Department of Transportation to be a registered professional engineer. In addition, the bill requires the Executive Director to be experienced and skilled in transportation planning and development and in organizational management. This bill will take effect immediately.

SB 1016 – Relating to the continuation and functions of the Department of Agriculture and the Prescribed Burning Board, the creation of the Texas Bioenergy Policy Council and Texas Bioenergy Research Committee, and the abolition of the Texas-Israel Exchange Fund Board; providing penalties.

Only portions of this bill related to alternative fuels are summarized.

This bill creates the Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee. The goal of these groups is to promote the goal of making biofuels a significant part of the State's energy industry by January 1, 2019.

In addition, the bill requires the Texas Commission on Environmental Quality to seek a decision from the U.S. Environmental Protection Agency by October 1, 2009 related to whether Texas will lose nitrogen oxide emission reduction credits currently recognized in the State Implementation Plan if Texas allows the use of biodiesel and biodiesel blends with no additives and the final blend complies with federal and State standards for cetane and aromatic hydrocarbon content. If a positive determination is made that emission reduction credits will not be lost, TCEQ may not adopt or implement rules to restrict the production of biodiesel in a manner more stringent than federal law. This bill will take effect on September 1, 2009.

SB 1107 – Relating to the requirement that driver education curriculum includes information regarding distractions while driving.

This bill requires that driver education or driver safety courses include information about the effect of using a cell phone while driving or engaging in other distraction behaviors while driving. This bill will take effect on September 1, 2009.

SB 1218 – Relating to the collection of data by the Texas Department of Transportation regarding bridge collapses.

This bill adds a requirement that the Texas Department of Transportation report on the number of fatalities caused by a bridge collapse to an annual report on vehicle accidents. This bill also requires medical examiners to include, in monthly reports on traffic accidents to TxDOT, any accidents that resulted from a bridge collapse and the location of the bridge. This bill will take effect on September 1, 2009.

SB 1382 – Relating to the coordination of the planning, construction, operation, and maintenance of a statewide passenger rail system by the Texas Department of Transportation.

This bill requires the Texas Department of Transportation to coordinate activities related to planning, construction, operation, and maintenance of statewide passenger rail systems and work with governmental, private, and nonprofit entities.

In addition, this bill requires TxDOT to prepare a long-term plan for a statewide passenger rail system and update the plan annually. The following items must be included in the plan: a description of existing and proposed passenger rail systems, the status of passenger rail systems under construction, analysis of potential interconnectivity difficulties, ridership projections for proposed passenger rail projects, and ridership statistics for existing passenger rail systems. This bill will take effect on September 1, 2009.

SB 1387 – Relating to the implementation of projects involving the capture, injection, sequestration, or geologic storage of carbon dioxide.

This bill authorizes carbon dioxide to be captured and sequestered into injection wells in Texas. The Railroad Commission will have jurisdiction over permitting of such wells and must ensure that the wells will not impact human health, water quality, or oil and gas operations and that the wells will not allow the carbon dioxide to be released.

In addition, this bill creates the Carbon Dioxide Storage Trust Fund. The fund shall consist of permit fees for carbon dioxide injection wells and any penalties for violations of Railroad Commission rules. The fund may only be used to inspect, monitor, or repair wells; to plug abandoned wells; for training on carbon dioxide injection and geologic storage; and compliance and enforcement activities.

This bill also requires the Commissioner of the General Land Office to submit a report to the Legislature by December 1, 2010 related to issues surrounding allowing carbon dioxide sequestration on state-owned land. The bill also requires the Texas Commission on Environmental Quality and the Railroad Commission to submit a report to the Legislature by December 1, 2010 related to permitting issues for carbon dioxide sequestration. This bill will take effect on September 1, 2009.

SB 1609 – Relating to the control of access to state highways by the Texas Department of Transportation.

This bill codifies procedures for access management by the Texas Department of Transportation. If a TxDOT district office denies an access request, the denial must be presented in writing and include reasons for the denial. TxDOT must provide an appeals process for an applicant to appeal a denial of access to the Design Division within 31 days of the denial. The appeal must be decided within 91 days after the Design Division of the access request must be granted. In addition, there must be further appeals to the TxDOT Executive Director and then to a board of variance.

In addition, the access management procedures must provide that properly platted access points to an undeveloped property are subject to the access management standards in place at the time the property was platted if the access application is received within five years of the plat being recorded and if the design of the highway has not been substantially changed.

The access management procedures must also require that TxDOT notify adjacent property owners at least 60 days in advance of a construction project that will permanently alter access to the property. Criteria for granting a variance to the access management standards must be developed and include criteria related to the impact on the property owner or businesses of denying a request for access. This bill will take effect immediately.

SB 1759 – Relating to the extended registration of a commercial fleet of motor vehicles.

This bill requires the Texas Department of Transportation to implement an extended registration program for fleets of 25 or more vehicles for registration from 1 to 8 years. Payment for all registration years for all vehicles must be made up front. The registration will also be subject to a commercial fleet registration fee of \$10 per vehicle and a one-time license plate manufacturing fee of \$1.50 per vehicle, but the license plate may include the business logo for a fee of \$8.00 per vehicle. TxDOT must adopt rules to implement the new extended fleet registration by January 1, 2010.

This bill also creates the Texas Clean Fleet Program, which is designed to encourage an entity who owns a fleet of diesel-powered vehicles to replace them with alternative fuel or hybrid vehicles. This program will be funded through a set-aside in the Texas Emissions Reduction Plan of five percent of the funding for the diesel emissions reduction incentive program. The Texas Clean Fleet Program is open to an entity that operates at least 100 vehicles and that places 25 or more qualifying vehicles in service that will be used entirely in Texas during a calendar year. Qualifying vehicles must be certified to meet federal emissions standards, replace a diesel-powered vehicle of the same weight classification, and be a hybrid vehicle or alternative fuel vehicle. A council of governments may apply for the program. Several criteria for participation are established including that the vehicles being replaced must have been registered in Texas for two years and have two years of useful life remaining as well as the replacement vehicles must be used in Texas for five years.

SB 1759, continued

Grants made under this program will be for a portion of the incremental costs of the replacement, which varies based on the emissions reduction. The Texas Clean Fleet Program will expire on August 31, 2017.

In addition, this bill requires the Texas Commission on Environmental Quality to conduct a study related to alternative fuels. In the study, the TCEQ must assess the correlation between the installation of alternative fueling facilities in a nonattainment area and the deployment of fleet vehicles that use alternative fuels. The study will also determine the emissions reductions received from replacing a diesel-powered engine with an alternative fuel engine. Based on this information, TCEQ will determine an amount of emissions reductions that can be attributed to the installation of an alternative fueling facility. The TCEQ is directed to seek credit in the State Implementation Plan for emissions reductions directly attributed to an alternative fueling facility and emissions that can be achieved as a result of the alternative fueling facility encouraging the use of alternative fuel vehicles. The findings of the study will be reported to the Legislature in the TCEQ's biennial report to the Legislature. This bill will take effect on September 1, 2009.

SB 1876 – Relating to the administration and powers of a coordinated county transportation authority.

This bill clarifies the manner in which the Denton County Transportation Authority is required to hold an election before issuing bonds with terms of five years or longer. The election is only required to be held in cities in which DCTA is authorized to collect sales tax revenue and an election is not required for refunding bonds or bonds to fund self-insurance, pension, or retirement accounts. In addition, the bill authorizes DCTA to issue obligations and enter into credit agreements. This bill will take effect on September 1, 2009. (HB 3070 was also passed and is identical to SB 1876.)

SB 1967 – Relating to the safe operation of motorcycles and other vehicles in this state; providing penalties.

This bill requires the Texas Department of Transportation to conduct a public awareness campaign to promote motorcyclist safety and the concept of sharing the road with motorcyclists. Information will be included in driver education courses about the dangers of failing to yield the right-of-way to a motorcyclist and on the need to share the road with motorcyclists.

In addition, the bill requires that applicants for a Class M driver's license (motorcycle operator's endorsement), must have completed a basic motorcycle operator training course.

This bill also increases the penalties for a person who causes an accident as a result of failing to yield the right-of-way and a person other than the driver of the vehicle at fault is injured. This bill will take effect on September 1, 2009.

SB 2041 – Relating to requiring an applicant for a driver’s license to demonstrate knowledge of motorists’ rights and responsibilities in relation to bicyclists.

This bill requires that the test to receive a driver’s license include questions regarding a motorist’s rights and responsibilities in relation to bicyclists. The driver’s license test does not have to include these questions until February 1, 2010. This bill will take effect on September 1, 2009.

SB 2052 – Relating to projects that may be undertaken by development corporations for the development, retention, or expansion of certain transportation facilities.

This bill allows development corporations to finance inland ports or railports as part of transportation facilities such entities are able to finance. This bill will take effect on September 1, 2009.

**Summary of Transportation Legislation
81st Texas Legislature – 1st Called Special Session**

HB 1 – Relating to certain sources of revenue for the funding of highways and transportation projects.

This bill statutorily authorizes the Texas Transportation Commission to issue general obligation bonds, as approved by voters statewide in November 2007 as Proposition 12. The FY 10-11 appropriations bill passed during the regular session appropriates \$2 billion in general fund revenues to fund the bonds. Bonds can be issued for the following purposes: to pay all or part of the costs of highway improvement projects, to pay administration costs of authorized projects, to pay the cost of issuing bonds, and to make any payment owed under a credit agreement. In addition, this bill directs \$1 billion of the general obligation bonds into the State Infrastructure bank for the purpose of making loans to public entities provided that none of the funds loaned may be for converting a non-tolled road into a tolled road. This bill will take effect immediately.

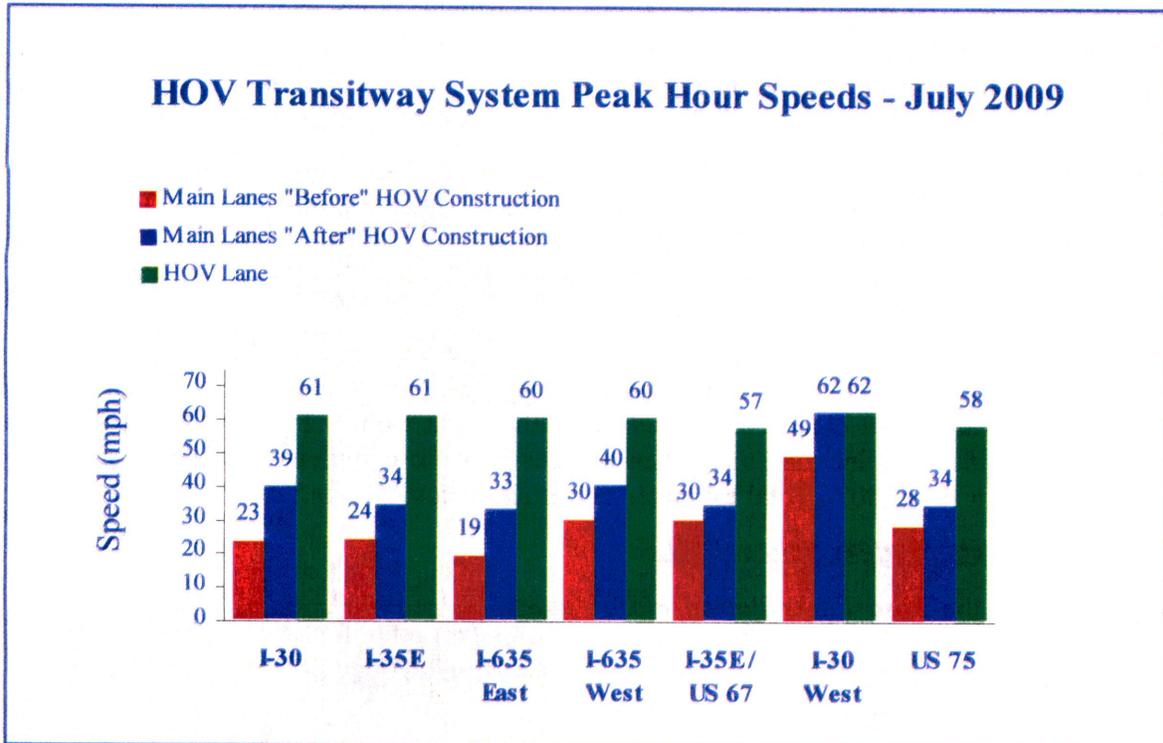
SB 2 – Relating to governmental entities subject to the sunset review process.

This bill extends the sunset date of the Texas Department of Transportation to September 1, 2011. The Sunset Advisory Commission is directed to carry out a limited review of agencies just reviewed for the 81st Texas Legislature. In addition, this bill moves up the sunset date for the Texas Commission on Environmental Quality to September 1, 2011. This bill will take effect immediately.

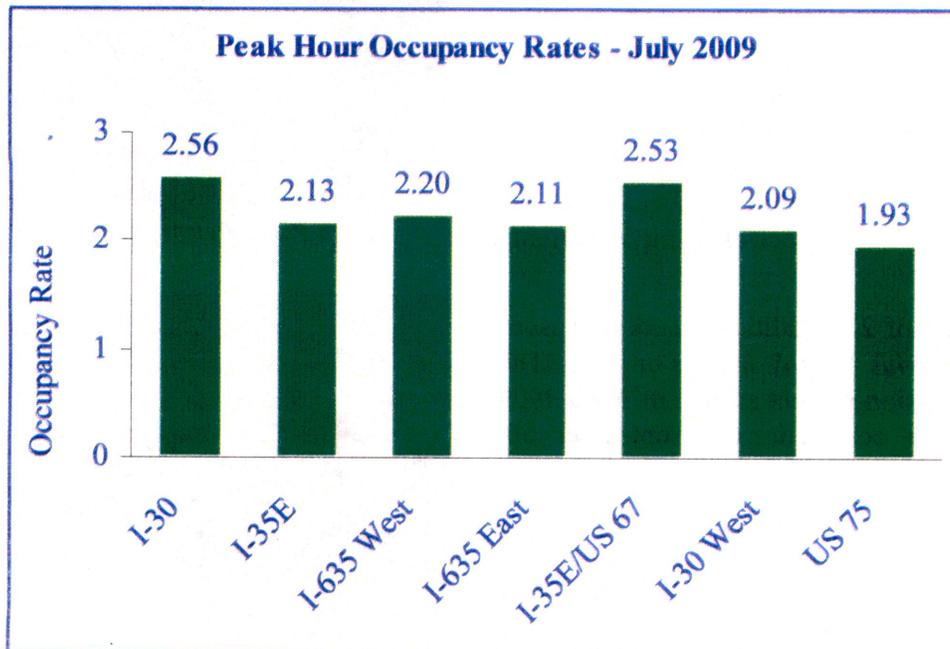
DART UPDATE

HOV Transitways

- The I-30 East, I-35E, I-635, I-35E/US 67, I-30 West and US 75 HOV lanes carried an average of 161,800 weekday passengers last month.
- The graph below shows peak-hour speeds for freeways with HOV lanes "before" and "after" their construction.



- Peak hour occupancy rates for the HOV lanes are shown below.





CITY OF PLANO

comprehensive **monthly**
finance report



About This Report

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

This report is comprised of five sections:

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

We would like to acknowledge those responsible for this report: Steve Okunfulure for the Financial Summary, Brianna Alvarado and Myra Conklin for the Economic Analysis Report, Investment Report and Quarterly Investment Report.

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



Denise Tacke
Director of Finance
P.O. Box 860358
Plano, TX 75006-0358
972-941-7135

This page is intentionally left blank

SECTION 1

FINANCIAL ANALYSIS

City of Plano

Comprehensive Monthly Finance Report

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

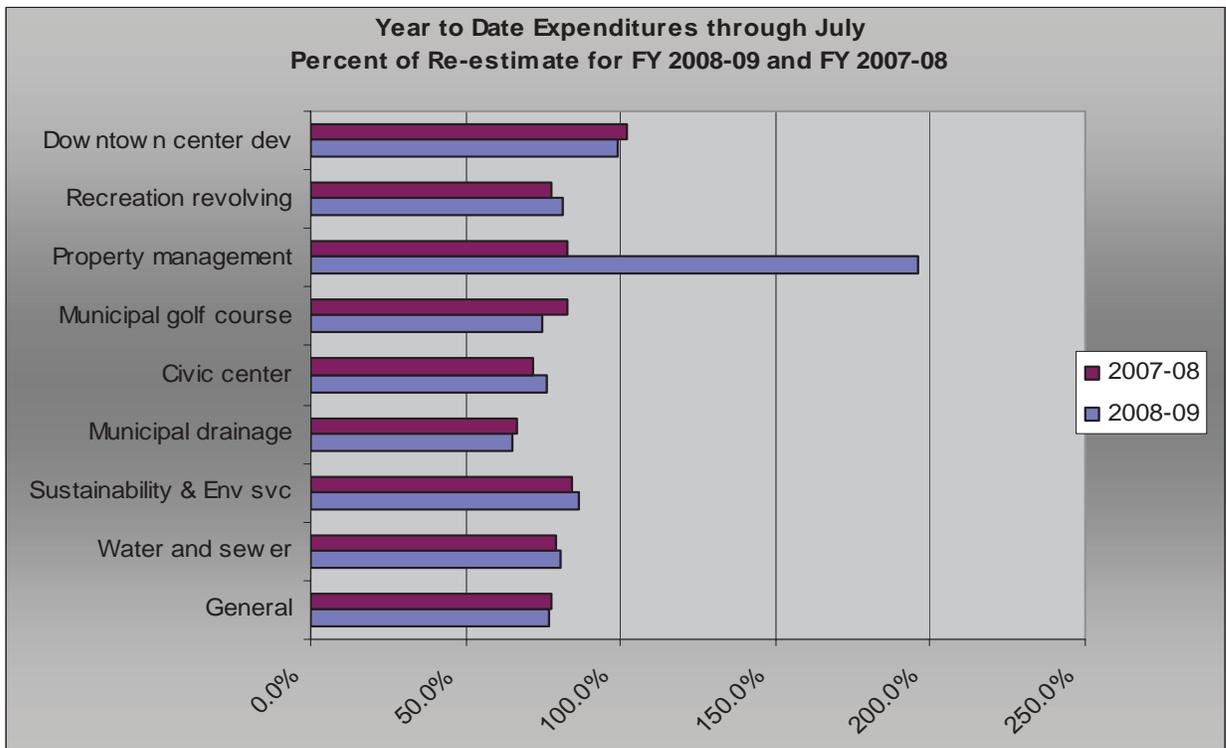
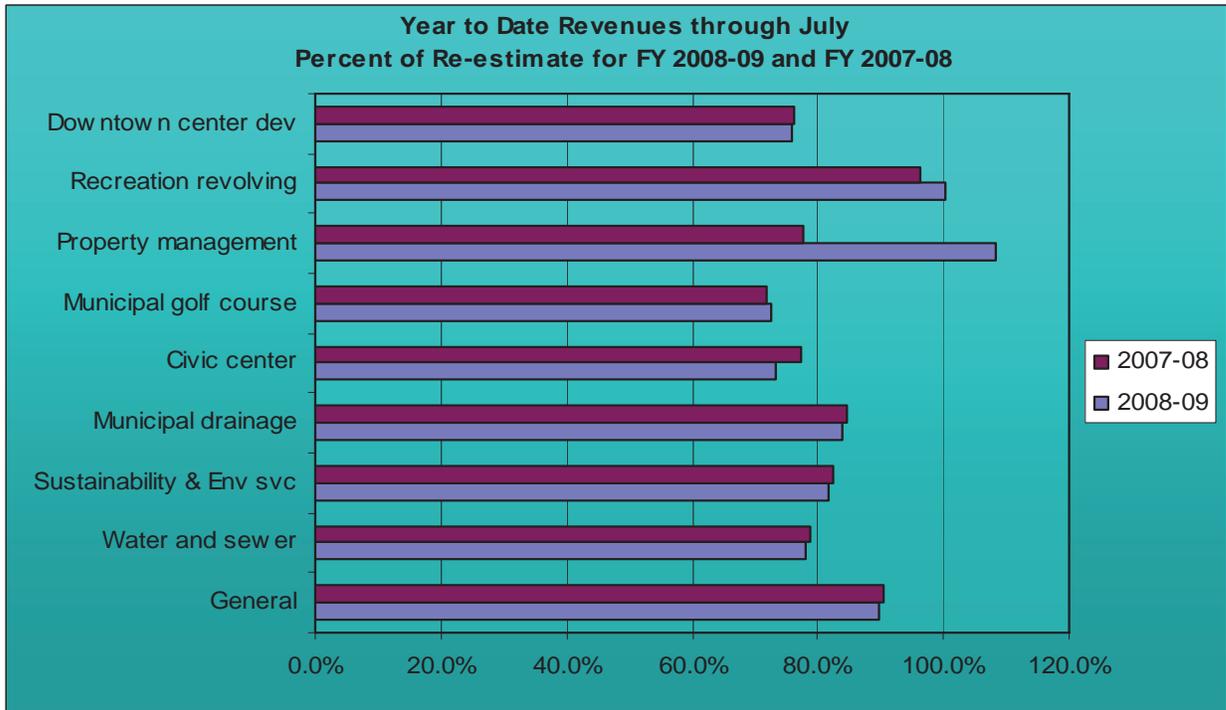


Report Notes July, 2009

The information represented in this report provides a summary of the General Fund and Business-type revenues and expenses which offers readers an overview of the City of Plano's finances.

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

The graphs below represent year to date revenues and expenses as a percent of budget comparing the current and prior fiscal years.



Report Notes cont.

July, 2009

FINANCIAL HIGHLIGHTS

GENERAL FUND VARIANCES

REVENUES

- Ad valorem tax revenue increases over prior year of \$5,246,060 are primarily attributable to an increase in existing property values and new property coming on-line.
- Sales tax revenues decreased from the prior year by \$4,589,840 as a result of the declining economy. There was a \$1,455,351 unfavorable audit adjustment in the current period compared to a \$82,687 unfavorable adjustment in the same period of the prior year. Unfavorable audit adjustments through July of the current year are recorded at \$790,499. Unfavorable audit adjustments through July 2008 were recorded at \$519,693. Excluding audit adjustments, July collections decreased \$452,267 from the prior year.
- Gas franchise revenues increased over the prior year by \$619,425, as the result of a 1% increase in gross revenues by Atmos Energy.
- CATV franchise revenues increased over the prior year by \$170,934 due to an increase in subscribers over the past three quarters.
- Electric franchise revenues are lower by \$160,194 primarily due to a decrease in usage and milder weather.
- Telephone franchise fee revenues increased \$84,186 in the current year due to a migration of people and businesses to smaller providers. The City does not collect franchise fees from digital and cellular users.
- Court fines and forfeitures increased \$1,261,179 as a result of efforts by the Collections Unit, increased case filings, and a successful state-wide warrant round up.
- Alarm permit revenues increased \$401,430 due to an increase in the number of new permits and renewals and a yearly fee increase for both residential and business permits effective October 1, 2008.
- Ambulance service revenues increased \$262,830 due to the timing of collections. However, downward trends are noted in patient collections and the volume of ambulance transports.
- Reimbursements received from Collin County Community College and the City of Allen for shared maintenance costs have increased \$85,819.
- Swimming fees increased \$154,285 over prior year due to overall increase in daily admission fees.
- Revenues generated from issuance of building permits decreased \$654,658 due to an overall decrease in new residential and commercial construction, alterations, remodels and interior finish outs.
- Parks and Recreation athletic field user fees decreased over the prior year by \$35,686. This is primarily due to timing of payments made by youth and adult sports organizations.
- Engineering inspection revenues decreased \$210,728. Several large private development projects are being withheld at this time due to the declining economy. Also, fewer and smaller projects are being released in the current year.
- Although membership to recreation center has declined, membership rate increases have resulted in additional membership revenues of \$270,873.
- In the current fiscal year, General Fund departments received reimbursements of \$188,960 for insurance and damages related to accidents involving City fleet and equipment. This represents a decrease of \$169,923 as compared to the prior year.
- Interest income decreased \$826,562 due to a decline in the market.

EXPENDITURES

- Personal services increased \$5,363,326 over the prior year primarily due to increases in salary and benefits costs. Of this increase, General Fund funding for the City's Section 115 Trust began in December 2008 and totals \$3,476,385. The Trust is required by Governmental Accounting Standards Board Statement (GASB) No. 45, "Accounting and Financial Reporting by Employers for Postemployment Benefits other than Pensions".
- Electric payments increased \$821,083 over the prior year. This increase is attributable to higher temperatures in the current year resulting in additional electricity being used to cool down facilities.

Report Notes cont.

July, 2009

- Also, several traffic signals, streetlights and new facilities have been added.
- Expenditures for interdepartmental water billings increased \$350,489 due to increased consumption as a result of less rainfall in the current fiscal year. Water rate increases implemented March 1st 2009 also contributed to the increase.
 - Transfers to Technology Services increased over the prior year by \$951,829 due to higher costs budgeted in the current year.
 - Municipal garage charges to maintain city fleet decreased by \$832,780. The decrease is attributable to lower fuel rates and implementation of new fuel conservation measures.
 - Replacement charges for city rolling stock and equipment decreased \$491,707 due to timing differences between when vehicles are received and placed into service.
 - The Safe Streets Program experienced a decrease of \$78,810 due to rebidding of the contract. In addition, fewer lighting installations are being done this fiscal year.
 - Expenditures and encumbrances for police training decreased \$97,638. Costs are incurred on an "as needed" basis.
 - Storage cabinets to house microfilm at the libraries were purchased in the current year at a cost of \$84,604.
 - In the current year, the city reimbursed the Department of Urban Development \$183,610 for sub-recipient grants to Plano International Preschool which did not meet national objective requirements. The City expects to collect approximately \$109,000 from the preschool.

BUSINESS-TYPE FUND VARIANCES

WATER & SEWER

- Water and sewer revenues increased over the prior year by \$3,526,548 and \$3,758,594, respectively. Water and sewer rate increases were implemented March 1st, 2009, contributing to the increase in revenues. Additionally, water consumption for the current year is up as compared to the same time period in the prior year. Sewer revenues are directly related to water consumption and therefore increased as well. Expenses and encumbrances for maintenance parts for automated meter readers increased over the prior year. \$2,700,000 was spent and encumbered in the prior fiscal year and \$4,792,567 in the current year. The encumbered balance at July 31 is \$475,486. Water meter purchases increased by \$270,407 as a part of a new program which began in the current fiscal year and will continue over the next several years to replace water meters and AMR devices. Contractual payments to North Texas Municipal Water District (NTMWD) for wastewater and pre-treatment services and water usage increased by \$3,142,696 and \$2,010,971, respectively. Personal services costs increased \$543,386 primarily due to benefit related costs and funding of the City's 115 Trust of \$320,490.

SUSTAINABILITY & ENVIRONMENTAL SERVICES

- Residential solid waste revenues are \$845,889 higher than the prior year primarily due to a \$1.25 rate increase for use of 95-gallon carts. Recycling revenues are down \$882,420 as a result of a decline in the recycling market. Compost revenues are higher by \$250,295 primarily due to an increase in the volume of products sold. The Sustainability and Environmental Services Department received reimbursements of \$119,204 in insurance and damage receipts for City fleet involved in accidents. Tipping fees decreased \$152,488 due to the discontinuation of using treated fencing as a feedstock for compost. Expenses and encumbrances increased over the prior year by \$548,393. Personal services costs increased \$387,571 due to increased salary and benefit related costs as well as funding of the City's 115 Trust of \$194,130. Contractual payments to NTMWD increased \$741,795 over the prior year. The contract with Otto Container Management has increased over the prior year by \$118,300. A new front end loader was added to the Compost Operations department in the prior year costing \$290,242. Municipal garage charges to maintain city fleet decreased over the prior year by \$329,369 due to lower fuel rates and new procedures being implemented to address fuel conservation measures.

Report Notes cont.

July, 2009

MUNICIPAL DRAINAGE

- Interest income decreased \$92,526 due to a decline in the market. Personal services increased \$112,292 over the prior year due to increased salary and benefit related costs including the addition of a position. Of the benefit cost increase, year to date funding for the City's Section 115 Trust is \$41,310. Reimbursements to the Water and Sewer fund increased \$31,341 for shared salary costs of a Water Education and Services Supervisor. Costs for mowing services decreased \$57,701 due to timing issues.

CIVIC CENTER

- Hotel/motel tax revenues decreased \$501,600 primarily due to an increase in hotel/motel tax exemptions and decline in travel due to the economy. Inside catering revenues are down \$189,112 from the prior year. Plano Centre lost a top revenue-producing event this current fiscal year due to a customer's decision to cancel its annual conference. Revenue generated from this event last year was approximately \$85,000. Overall, catering and equipment revenues are down as a result of decreased corporate spending in response to the downturn in the economy. Interest income decreased \$85,913 as compared to the prior year due to a decline in the market. Expenses and encumbrances increased \$97,526 when compared to last year. Personal services increased \$102,368 due to increased salary and benefit related costs. Costs associated with funding of the city's 115 Trust was \$72,090. Costs of building design services spent and encumbered to expand the Plano Centre in the current fiscal year are \$179,592. The Plano Convention & Tourism department has contracted services to assist in promotional efforts of area events and activities in the current year for \$48,000. Costs associated with remodel work in the restrooms at Plano Centre are \$75,236. Funds are encumbered in the amount of \$43,871 for replacement of an outdoor marquee.

GOLF COURSE

- Personal services decreased \$31,947 due to a reduction in staff in the current year. Pecan Hollow Golf Course purchased a greens mower in prior year costing \$22,104.

RECREATION REVOLVING

- Revenues for recreational classes increased over the prior year by \$218,840. Because the Tom Muehlenbeck Center opened in November 2007 an additional month of revenue has been collected from that facility in the current year. Class participation increased at the Center resulting in higher costs of contractual services for instructors in the amount of \$81,977. Costs for temporary employees increased \$92,682 primarily as a result of increased swim programs at the Tom Muehlenbeck Center.

PROPERTY MANAGEMENT

- Rental revenues are down \$21,710 due to Downtown South tenants moving to other properties. Expenses and encumbrances decreased over prior year by \$16,637. Appraisal services pertaining to Downtown Center South were rendered in prior year at a cost of \$3,800. Other prior year expenses also included \$4,224 to a management company for lease extensions and \$6,000 to an architectural firm for a review of improvements at a facility owned by the City.

SECTION 1A

FINANCIAL SUMMARY

City of Plano

Comprehensive Monthly Finance Report



Monthly Financial Summary Report

Through July 31 of Fiscal Years 2009, 2008, and 2007

General Fund

	Fiscal Year	Annual Budget	Re-estimated Budget	10 Months Actual	Actual/ Re-estimate	Performance Index
REVENUES:						
Ad valorem tax	2009	\$ 83,068,770	82,840,550	82,236,897	99.3%	119.13
	2008	77,466,721	77,641,257	76,990,837	99.2%	118.99
	2007	69,461,175	69,461,175	69,231,967	99.7%	119.60
Sales tax	2009	57,417,708	55,795,630	47,226,768	84.6%	101.57
	2008	61,181,328	59,193,513	51,816,608	87.5%	105.05
	2007	57,606,179	61,181,328	53,171,973	86.9%	104.29
Other revenue	2009	52,721,887	51,082,104	40,815,830	79.9%	95.88
	2008	48,068,964	49,514,758	39,962,202	80.7%	96.85
	2007	46,258,634	48,421,923	39,034,852	80.6%	96.74
TOTAL REVENUE	2009	193,208,365	189,718,284	170,279,495	89.8%	107.70
	2008	186,717,013	186,349,528	168,769,647	90.6%	108.68
	2007	173,325,988	179,064,426	161,438,792	90.2%	108.19
EXPENDITURES & ENCUMBRANCES:						
Current operating	2009	\$ 201,136,043	203,161,320	156,303,180	76.9%	92.32
	2008	199,162,227	195,544,248	151,502,147	77.5%	92.97
	2007	188,783,677	184,220,586	146,368,114	79.5%	95.34
Capital outlay	2009	2,505,307	3,361,732	1,875,971	55.8%	66.96
	2008	2,254,500	3,059,097	2,251,115	73.6%	88.31
	2007	1,465,905	2,077,408	3,893,649	187.4%	224.91
Total expenditures and encumbrances	2009	203,641,350	206,523,052	158,179,151	76.6%	91.91
	2008	201,416,727	198,603,345	153,753,262	77.4%	92.90
	2007	190,249,582	186,297,994	150,261,763	80.7%	96.79
Excess (deficiency) of revenues over (under) expenditures	2009	(10,432,985)	(16,804,768)	12,100,344	-	-
	2008	(14,699,714)	(12,253,817)	15,016,385	-	-
	2007	(16,923,594)	(7,233,568)	11,177,029	-	-
OTHER FINANCING SOURCES (USES)						
Transfers in	2009	17,634,574	18,513,598	16,736,457	90.4%	108.48
	2008	16,609,119	16,945,554	13,840,933	81.7%	98.01
	2007	16,396,879	15,862,631	13,664,066	86.1%	103.37
Transfers out	2009	(19,678,201)	(20,577,987)	(16,645,715)	80.9%	97.07
	2008	(21,947,400)	(21,095,076)	(19,076,546)	90.4%	108.52
	2007	(21,055,472)	(21,094,614)	(17,810,919)	84.4%	101.32
NET CHANGE IN FUND BALANCES	2009	(12,476,612)	(18,869,157)	12,191,086		
	2008	(20,037,995)	(16,403,339)	9,780,772		
	2007	(21,582,187)	(12,465,551)	7,030,176		
FUND BALANCES-BEGINNING	2009			44,741,546		
	2008			45,683,660		
	2007			48,804,662		
FUND BALANCES-ENDING JULY 31	2009			56,932,632		
	2008			55,464,432		
	2007			55,834,838		

Monthly Financial Summary Report

Through July 31 of Fiscal Years 2009, 2008, and 2007

Water and Sewer Fund

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>Re-estimated Budget</u>	<u>10 Months Actual</u>	<u>Actual/ Re-estimate</u>	<u>Performance Index</u>
REVENUES:						
Water and sewer revenue	2009	\$ 110,225,529	105,076,022	81,892,274	77.9%	93.52
	2008	96,339,563	94,628,518	74,631,694	78.9%	94.64
	2007	93,433,871	81,485,007	63,549,300	78.0%	93.59
Other fees and service charges	2009	2,572,861	2,604,594	2,090,888	80.3%	96.33
	2008	2,693,389	2,489,957	1,845,578	74.1%	88.95
	2007	<u>2,556,353</u>	<u>2,697,507</u>	<u>1,883,542</u>	69.8%	83.79
TOTAL REVENUE	2009	112,798,390	107,680,616	83,983,162	78.0%	93.59
	2008	99,032,952	97,118,475	76,477,272	78.7%	94.50
	2007	<u>95,990,224</u>	<u>84,182,514</u>	<u>65,432,842</u>	77.7%	93.27
EXPENSES & ENCUMBRANCES:						
Capital outlay	2009	-	1,470,584	82,304	5.6%	6.72
	2008	1,245,000	1,323,720	212,668	16.1%	19.28
	2007	80,000	397,000	148,958	37.5%	45.03
Other expenses & encumbrances	2009	75,009,576	75,183,189	61,653,260	82.0%	98.40
	2008	66,173,780	65,561,128	52,664,888	80.3%	96.40
	2007	<u>63,809,634</u>	<u>63,045,197</u>	<u>49,824,180</u>	79.0%	94.84
Total expenses and encumbrances	2009	75,009,576	76,653,773	61,735,564	80.5%	96.65
	2008	67,418,780	66,884,848	52,877,556	79.1%	94.87
	2007	<u>63,889,634</u>	<u>63,442,197</u>	<u>49,973,138</u>	78.8%	94.52
Excess (deficiency) of revenues over (under) expenses	2009	37,788,814	31,026,843	22,247,598	-	-
	2008	31,614,172	30,233,627	23,599,716	-	-
	2007	32,100,590	20,740,317	15,459,704	-	-
TRANSFERS IN (OUT)						
Transfers in	2009	-	-	-	-	-
	2008	254,530	254,530	212,108	83.3%	100.00
	2007	267,877	291,986	223,231	76.5%	91.74
Transfers out	2009	(34,349,069)	(35,381,788)	(28,624,224)	80.9%	97.08
	2008	(30,888,665)	(31,439,292)	(25,740,554)	81.9%	98.25
	2007	<u>(30,207,670)</u>	<u>(35,009,201)</u>	<u>(25,052,252)</u>	71.6%	85.87
CHANGE IN NET ASSETS	2009	\$ 3,439,745	(4,354,945)	(6,376,626)		
	2008	980,037	(951,135)	(1,928,730)		
	2007	2,160,797	(13,976,898)	(9,369,317)		
TOTAL NET ASSETS-BEGINNING	2009			321,538,734		
	2008			315,705,835		
	2007			<u>324,870,706</u>		
TOTAL NET ASSETS-ENDING JULY 31	2009			315,162,108		
	2008			313,777,105		
	2007			<u>315,501,389</u>		

Monthly Financial Summary Report

Through July 31 of Fiscal Years 2009, 2008, and 2007

Sustainability and Environmental Services Fund

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>Re-estimated Budget</u>	<u>10 Months Actual</u>	<u>Actual/ Re-estimate</u>	<u>Performance Index</u>
REVENUES:						
Commerical solid waste franchise	2009	\$ 6,496,731	6,481,522	5,300,353	81.8%	98.13
	2008	6,351,573	6,421,781	5,288,633	82.4%	98.83
	2007	5,900,620	6,266,842	5,168,462	82.5%	98.97
Refuse collection revenue	2009	13,316,939	12,885,908	10,600,375	82.3%	98.72
	2008	12,272,746	12,733,933	10,606,922	83.3%	99.96
	2007	12,077,759	12,189,134	10,125,545	83.1%	99.68
Other fees and service charges	2009	2,502,911	2,416,866	1,867,253	77.3%	92.71
	2008	2,100,592	1,920,660	1,486,610	77.4%	92.88
	2007	1,545,269	1,627,446	1,141,034	70.1%	84.13
TOTAL REVENUE	2009	22,316,581	21,784,296	17,767,981	81.6%	97.88
	2008	20,724,911	21,076,374	17,382,165	82.5%	98.97
	2007	19,523,648	20,083,422	16,435,041	81.8%	98.20
EXPENSES & ENCUMBRANCES:						
Capital outlay	2009	256,170	203,311	191,759	94.3%	113.18
	2008	141,500	480,367	367,000	76.4%	91.68
	2007	312,000	459,693	131,426	28.6%	34.31
Other expenses & encumbrances	2009	21,440,299	20,457,974	17,727,074	86.7%	103.98
	2008	19,969,352	20,061,030	17,003,440	84.8%	101.71
	2007	18,531,094	18,284,224	15,684,684	85.8%	102.94
Total expenses and encumbrances	2009	21,696,469	20,661,285	17,918,833	86.7%	104.07
	2008	20,110,852	20,541,397	17,370,440	84.6%	101.48
	2007	18,843,094	18,743,917	15,816,110	84.4%	101.26
Excess (deficiency) of revenues over (under) expenses	2009	620,112	1,123,011	(150,852)	-	-
	2008	614,059	534,977	11,725	-	-
	2007	680,554	1,339,505	618,931	-	-
TRANSFERS IN (OUT)						
Transfers in	2009	100,000	100,000	83,333	83.3%	100.00
	2008	100,000	100,000	83,333	83.3%	100.00
	2007	84,758	84,758	70,632	83.3%	100.00
Transfers out	2009	(1,223,535)	(1,276,335)	(946,784)	74.2%	89.02
	2008	(1,174,818)	(1,207,278)	(979,015)	81.1%	97.31
	2007	(1,205,184)	(1,180,428)	(922,160)	78.1%	93.74
CHANGE IN NET ASSETS	2009	\$ (503,423)	(53,324)	(1,014,303)		
	2008	(460,759)	(572,301)	(883,957)		
	2007	(439,872)	243,835	(232,597)		
TOTAL NET ASSETS-BEGINNING	2009			1,690,291		
	2008			2,308,223		
	2007			1,759,463		
TOTAL NET ASSETS-ENDING JULY 31	2009			675,988		
	2008			1,424,266		
	2007			1,526,866		

Monthly Financial Summary Report

Through July 31 of Fiscal Years 2009, 2008, and 2007

Municipal Drainage Fund

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>Re-estimated Budget</u>	<u>10 Months Actual</u>	<u>Actual/ Re-estimate</u>	<u>Performance Index</u>
REVENUES:						
Fees and service charges	2009	\$ 4,928,110	5,000,113	4,199,842	84.0%	100.79
	2008	4,723,698	4,908,476	4,153,404	84.6%	101.54
	2007	4,700,197	4,700,197	4,080,207	86.8%	104.17
Miscellaneous revenue	2009	150,000	80,000	62,412	78.0%	93.62
	2008	125,000	175,000	151,935	86.8%	104.18
	2007	108,500	145,000	174,225	120.2%	144.19
TOTAL REVENUE	2009	5,078,110	5,080,113	4,262,254	83.9%	100.68
	2008	4,848,698	5,083,476	4,305,339	84.7%	101.63
	2007	4,808,697	4,845,197	4,254,432	87.8%	105.37
EXPENSES & ENCUMBRANCES:						
Capital outlay	2009	-	54,000	38,505	71.3%	-
	2008	-	54,000	-	-	-
	2007	28,000	28,200	25,147	89.2%	107.01
Other expenses & encumbrances	2009	2,803,503	2,922,639	1,889,551	64.7%	77.58
	2008	2,579,209	2,618,950	1,786,987	68.2%	81.88
	2007	2,681,621	2,453,294	1,751,692	71.4%	85.68
Total expenses and encumbrances	2009	2,803,503	2,976,639	1,928,056	64.8%	77.73
	2008	2,579,209	2,672,950	1,786,987	66.9%	80.23
	2007	2,709,621	2,481,494	1,776,839	71.6%	85.92
Excess (deficiency) of revenues over (under) expenses	2009	2,274,607	2,103,474	2,334,198	-	-
	2008	2,269,489	2,410,526	2,518,352	-	-
	2007	2,099,076	2,363,703	2,477,593	-	-
TRANSFERS OUT						
Operating transfers out	2009	(2,867,538)	(2,892,152)	(2,389,615)	82.6%	99.15
	2008	(2,710,706)	(2,785,741)	(2,258,922)	81.1%	97.31
	2007	(2,558,951)	(2,623,293)	(2,132,459)	81.3%	97.55
CHANGE IN NET ASSETS						
	2009	(592,931)	(788,678)	(55,417)		
	2008	(441,217)	(375,215)	259,430		
	2007	(459,875)	(259,590)	345,134		
TOTAL NET ASSETS-BEGINNING						
	2009			21,003,753		
	2008			21,105,863		
	2007			20,753,610		
TOTAL NET ASSETS-ENDING						
	2009			20,948,336		
JULY 31	2008			21,365,293		
	2007			21,098,744		

Monthly Financial Summary Report

Through July 31 of Fiscal Years 2009, 2008, and 2007

Non-Major Business Type Funds

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>Re-estimated Budget</u>	<u>10 Months Actual</u>	<u>Actual/ Re-estimate</u>	<u>Performance Index</u>
REVENUES:						
Hotel/motel tax	2009	\$ 4,964,601	4,428,065	2,986,295	67.4%	80.93
	2008	4,518,066	4,773,655	3,487,895	73.1%	87.68
	2007	4,008,677	4,407,869	3,380,692	76.7%	92.04
Other revenue	2009	6,974,294	6,709,879	6,022,920	89.8%	107.71
	2008	6,695,120	6,958,820	6,113,406	87.9%	105.42
	2007	6,325,693	6,314,613	5,582,826	88.4%	106.09
TOTAL REVENUE	2009	11,938,895	11,137,944	9,009,215	80.9%	97.07
	2008	11,213,186	11,732,475	9,601,301	81.8%	98.20
	2007	10,334,370	10,722,482	8,963,518	83.6%	100.31
EXPENSES & ENCUMBRANCES:						
Capital outlay	2009	-	75,236	112,406	149.4%	179.29
	2008	80,500	111,925	144,920	129.5%	155.38
	2007	51,500	78,000	306,566	393.0%	471.64
Other expenses & encumbrances	2009	12,550,538	11,737,633	9,075,282	77.3%	92.78
	2008	11,659,342	11,920,700	8,794,019	73.8%	88.53
	2007	10,469,418	10,700,491	7,645,792	71.5%	85.74
Total expenses and encumbrances	2009	12,550,538	11,812,869	9,187,688	77.8%	93.33
	2008	11,739,842	12,032,625	8,938,939	74.3%	89.15
	2007	10,520,918	10,778,491	7,952,358	73.8%	88.54
Excess (deficiency) of Revenues over (under) expenses	2009	(611,643)	(674,925)	(178,473)	-	-
	2008	(526,656)	(300,150)	662,362	-	-
	2007	(186,548)	(56,009)	1,011,160	-	-
TRANSFERS OUT:						
Operating transfers out	2009	(1,444,860)	(1,407,362)	(1,204,050)	85.6%	102.66
	2008	(1,120,300)	(1,146,201)	(933,584)	81.5%	97.74
	2007	(670,346)	(688,910)	(558,622)	81.1%	97.31
CHANGE IN NET ASSETS	2009	(2,056,503)	(2,082,287)	(1,382,523)		
	2008	(1,646,956)	(1,446,351)	(271,222)		
	2007	(856,894)	(744,919)	452,538		
TOTAL NET ASSETS-BEGINNING	2009			13,062,762		
	2008			13,467,830		
	2007			12,925,456		
TOTAL NET ASSETS-ENDING JULY 31	2009			11,680,239		
	2008			13,196,608		
	2007			13,377,994		

Monthly Financial Summary Report

Through July 31 of Fiscal Years 2009, 2008, and 2007

Economic Development Fund

	Fiscal Year	Annual Budget	Re-estimated Budget	10 Months Actual	Actual/ Re-estimate	Performance Index
REVENUES:						
Miscellaneous revenue	2009	\$ 310,000	200,000	182,038	91.0%	109.22
	2008	185,000	361,420	330,794	91.5%	109.83
	2007	-	210,000	229,853	109.5%	131.34
EXPENSES & ENCUMBRANCES						
Personal services	2009	559,469	585,390	466,244	79.6%	95.58
	2008	550,728	534,882	430,473	80.5%	96.58
	2007	528,912	526,928	427,481	81.1%	97.35
Materials and supplies	2009	23,452	25,835	12,319	47.7%	57.22
	2008	23,500	25,883	19,791	76.5%	91.76
	2007	26,000	49,809	37,764	75.8%	90.98
Contractual / professional and other	2009	5,485,693	5,532,993	3,351,231	60.6%	72.68
	2008	6,275,424	12,015,451	1,155,102	9.6%	11.54
	2007	6,275,727	6,334,327	330,158	5.2%	6.25
Capital outlay	2009	-	-	-	-	-
	2008	-	-	-	-	-
	2007	-	6,599	6,599	100.0%	120.00
Total Expenses and Encumbrances	2009	6,068,614	6,144,218	3,829,794	62.3%	74.80
	2008	6,849,652	12,576,216	1,605,366	12.8%	15.32
	2007	6,830,639	6,917,663	802,002	11.6%	13.91
Excess (Deficiency) of Revenues Over (Under) Expenses	2009	(5,758,614)	(5,944,218)	(3,647,756)		-
	2008	(6,664,652)	(12,214,796)	(1,274,572)		-
	2007	(6,830,639)	(6,707,663)	(572,149)		-
TRANSFERS IN						
Operating transfers in	2009	6,068,614	6,144,218	5,057,178	82.3%	98.77
	2008	6,849,652	6,849,652	5,708,043	83.3%	100.00
	2007	6,830,639	6,917,663	6,692,199	96.7%	116.09
CHANGE IN NET ASSETS						
	2009	310,000	200,000	1,409,422		
	2008	185,000	(5,365,144)	4,433,471		
	2007	-	210,000	6,120,050		
TOTAL NET ASSETS-BEGINNING						
	2009			12,255,577		
	2008			6,940,876		
	2007			1,029,866		
TOTAL NET ASSETS-ENDING JULY 31						
	2009			13,664,999		
	2008			11,374,347		
	2007			7,149,916		

Equity in Treasury Pool

July 2009

FUND NO.	FUND NAME	CASH	EQUITY IN TREASURY POOL	TOTAL 7/31/09	TOTAL 10/1/08	TOTAL 7/31/08
GENERAL FUND:						
01	General	\$ 27,596	49,682,468	49,710,064	41,392,079	49,244,837
77	Payroll	-	2,040,647	2,040,647	1,949,394	2,003,446
24	City Store	-	-	-	9,800	9,917
		<u>27,596</u>	<u>51,723,115</u>	<u>51,750,711</u>	<u>43,351,273</u>	<u>51,258,200</u>
DEBT SERVICE FUND:						
03	G.O. Debt Service	-	33,900,430	33,900,430	5,484,247	35,933,587
		-	<u>33,900,430</u>	<u>33,900,430</u>	<u>5,484,247</u>	<u>35,933,587</u>
CAPITAL PROJECTS:						
22	Recreation Center Facilities	-	587,520	587,520	579,235	541,802
23	Street Enhancement	-	1,652,483	1,652,483	1,629,181	1,561,338
25	1991 Police & Courts Facility	-	1,160,548	1,160,548	1,260,384	1,637,933
27	1991 Library Facility	-	876,820	876,820	864,457	659,301
28	1991 Fire Facility	-	3,513,662	3,513,662	2,276,248	2,013,952
29	Technology Improvements	-	905,965	905,965	745,789	260,536
31	Municipal Facilities	-	449,103	449,103	440,760	431,618
32	Park Improvements	-	6,360,919	6,360,919	5,734,853	4,918,249
33	Street & Drainage Improvement	-	9,667,781	9,667,781	4,778,540	4,751,923
35	Capital Reserve	-	38,645,620	38,645,620	39,462,781	39,612,296
38	DART L.A.P.	-	771,587	771,587	760,707	758,061
39	Spring Creekwalk	-	23,751	23,751	23,416	23,335
52	Park Service Areas	-	5,645,943	5,645,943	5,803,569	5,765,659
53	Creative & Performing Arts	-	2,216,027	2,216,027	2,184,778	2,069,083
54	Animal Control Facilities	-	340,841	340,841	336,035	258,221
59	Service Center	-	132,506	132,506	130,638	130,183
60	Joint Use Facilities	-	637,313	637,313	628,326	593,008
85	Public Arts	-	118,122	118,122	116,457	102,304
110	G.O. Bond Clearing - 1999	-	326,414	326,414	342,544	378,179
190	G.O. Bond Clearing - 2000	-	3,665,668	3,665,668	3,640,760	3,771,174
230	Tax Notes Clearing - 2001	-	1,117,384	1,117,384	1,342,586	1,398,998
240	G.O. Bond Clearing - 2001-A	-	184,793	184,793	182,187	188,713
250	Tax Notes Clearing - 2001-A	-	60,181	60,181	158,395	164,069
270	G.O. Bond Refund/Clearing - 2003	-	124,570	124,570	136,843	169,500
310	G.O. Bond Refund/Clearing - 2005	-	-	-	-	34,775
093	G.O. Bond Clearing - 2006	-	-	-	-	37,002
089	C.O. Bond Clearing - 2006	-	148,848	148,848	268,914	316,815
102	G.O. Bond Clearing - 2007	-	1,348,781	1,348,781	9,664,026	12,786,105
105	Tax Notes Clearing - 2007	-	525	525	555,411	836,431
082	G.O. Bond Clearing - 2008	-	12,673,497	12,673,497	34,778,209	38,943,791
083	Tax Notes Clearing - 2008	-	11,677,536	11,677,536	17,207,111	17,476,980
106	G.O. Bond Clearing - 2009	-	23,295,755	23,295,755	-	-
150	Tax Notes Clearing - 2009	-	6,445,906	6,445,906	-	-
		-	<u>134,776,369</u>	<u>134,776,369</u>	<u>136,033,140</u>	<u>142,591,334</u>
ENTERPRISE FUNDS:						
26	Municipal Drainage CIP	-	295,656	295,656	281,022	280,044
34	Sewer CIP	-	10,409,489	10,409,489	8,134,307	6,979,195
36	Water CIP	-	9,647,654	9,647,654	5,531,294	6,268,370
37	Downtown Center Development	-	128,252	128,252	119,257	109,950
41	Water & Sewer - Operating	1,201,228	(8,694,675)	(7,493,447)	3,227,451	(7,334,019)
42	Water & Sewer - Debt Service	-	1,935,356	1,935,356	207,060	2,287,370
43	Municipal Drainage - Debt Service	-	2,898,016	2,898,016	3,288,284	2,514,086
44	W & S Impact Fees Clearing	-	-	-	3,292,773	3,159,530
45	Sustainability & Environmental Services	650	(797,939)	(797,289)	770,016	358,669
46	Convention & Tourism	4,310	2,979,817	2,984,127	4,248,434	4,003,788
81	Friends of Plano Centre	-	3,948	3,948	3,892	3,879
47	Municipal Drainage	-	4,281,019	4,281,019	4,346,876	4,438,283
48	Municipal Golf Course	-	69,238	69,238	138,945	62,682
49	Property Management	-	468,098	468,098	439,513	431,129
51	Recreation Revolving	350	1,297,849	1,298,199	1,411,929	1,325,363
104	Municipal Drain Bond Clearing-1996	-	-	-	179,811	179,185
320	Municipal Drain Rev Bond Clearing - 2005	-	-	-	152,416	306,729
094	Municipal Drain Rev Bond Clearing - 2006	-	-	-	163,758	378,710
330	Municipal Drain Rev Bond Clearing - 2007	-	1,699,047	1,699,047	2,604,212	3,018,642
340	Municipal Drain Rev Bond Clearing - 2008	-	2,120,613	2,120,613	2,090,710	2,083,439
107	Municipal Drain Rev Bond Clearing - 2009	-	1,804,614	1,804,614	-	-
		<u>1,206,538</u>	<u>30,546,052</u>	<u>31,752,590</u>	<u>40,631,960</u>	<u>30,855,024</u>

Monthly Financial Summary Report

Through July 31 of Fiscal Years 2009, 2008, and 2007

Economic Development Fund

NO.	FUND NAME	CASH	TREASURY POOL	7/31/09	10/1/08	7/31/08
SPECIAL REVENUE FUNDS:						
2	Sproles Library	-	186,116	186,116	184,786	184,143
4	TIF-Mall	-	64,434	64,434	-	(849)
5	TIF-East Side	-	6,637,448	6,637,448	6,002,395	6,825,414
11	LLEBG-Police Grant	-	40,816	40,816	25,970	25,880
12	Criminal Investigation	-	1,307,335	1,307,335	988,895	979,719
13	Grant	95	(429,037)	(428,942)	(68,916)	(122,434)
14	Wireline Fees	-	9,515,939	9,515,939	398,768	367,331
15	Judicial Efficiency	-	124,013	124,013	118,125	116,573
16	Industrial	-	18,250	18,250	17,993	17,930
17	Intergovernmental	-	369,210	369,210	370,126	368,838
18	Government Access/CATV	-	420,562	420,562	430,794	435,798
19	Teen Court Program	-	47,762	47,762	45,649	44,090
20	Municipal Courts Technology	-	1,700,164	1,700,164	1,537,733	1,519,936
24	American Recovery/Reinv Act Grant	-	(265)	(265)	-	-
55	Municipal Court-Building Security Fees	-	1,170,546	1,170,546	1,327,658	1,312,609
56	911 Reserve Fund	-	-	-	8,461,787	8,228,136
57	State Library Grants	-	(19,469)	(19,469)	(53,409)	(29,917)
67	Disaster Relief	-	1,203,543	1,203,543	1,088,243	1,181,702
68	Animal Shelter Donations	-	235,599	235,599	179,916	171,093
73	Memorial Library	-	365,107	365,107	377,874	366,560
86	Juvenile Case Manager	-	245,715	245,715	167,328	158,941
87	Traffic Safety	-	2,077,535	2,077,535	1,212,502	1,142,921
88	Child Safety	-	1,115,602	1,115,602	826,922	975,120
		95	26,396,925	26,397,020	23,641,139	24,269,534
INTERNAL SERVICE FUNDS:						
6	Public Safety Technology	-	1,986,490	1,986,490	1,717,520	1,650,465
9	Technology Infrastructure	-	(8,968)	(8,968)	(107,905)	(113,754)
58	PC Replacement	-	1,150,728	1,150,728	2,024,127	1,842,931
61	Equipment Maintenance	200	658,035	658,235	(4,200,912)	(4,884,579)
62	Information Technology	-	4,019,109	4,019,109	3,260,847	3,925,724
63	Office Services	125	(154,397)	(154,272)	(276,904)	(360,274)
64	Warehouse	100	13,007	13,107	237,638	161,514
65	Property/Liability Loss	-	3,572,474	3,572,474	5,624,465	6,961,207
66	Technology Services	-	6,497,099	6,497,099	12,786,423	11,536,120
71	Equipment Replacement	-	14,569,557	14,569,557	10,279,459	11,507,989
78	Health Claims	-	10,321,552	10,321,552	7,943,436	6,975,917
79	Parkway Service Ctr. Expansion	-	(28,590)	(28,590)	(28,187)	(29,196)
		425	42,596,096	42,596,521	39,260,007	39,174,064
FIDUCIARY FUNDS:						
7	Unclaimed Property	-	58,269	58,269	56,701	56,504
8	Library Training Lab	-	2,735	2,735	5,516	4,072
69	Collin County Seized Assets	-	154,612	154,612	262,791	269,501
74	Developers' Escrow	-	3,552,509	3,552,509	4,184,550	4,231,930
75	Plano Economic Development Trust	-	539,576	539,576	683,273	680,896
76	Economic Development	200	13,251,118	13,251,318	11,727,330	10,797,256
84	Rebate	-	1,498,363	1,498,363	1,016,829	1,020,283
		200	19,057,182	19,057,382	17,936,990	17,060,442
TOTAL		\$ 1,234,854	338,996,169	340,231,023	306,338,756	341,142,185
		CASH	TRUST INVESTMENTS	TOTAL 7/31/09	TOTAL 10/1/08	TOTAL 7/31/08
TRUST FUNDS						
72	Retirement Security Plan	-	61,611,854	61,611,854	61,611,854	70,007,492
91	115 Trust	-	24,822,770	24,822,770	21,299,133	23,720,006
TOTAL TRUST FUNDS		\$ -	86,434,624	86,434,624	82,910,987	93,727,498

A Treasury Pool fund has been created for the purpose of consolidating cash and investments. All City funds not restricted or held in trust are included in this consolidated fund. Each fund's "Equity in Treasury Pool" represents the fund's proportionate share of the Treasury Pool Fund. At July 31, 2009 the Treasury Pool, including an adjustment to Fair Value as required by GASB 31, consisted of the following:

Cash	15,040,064
Local Government Investment Pool	3,141,888
Texas Daily	43,310,695
Federal Securities	184,905,417
Certificates of Deposit	90,199,000
Fair Value Adjustment	1,087,842
Interest Receivable	1,311,263
	338,996,169

A-19

Health Claims Fund

Through July 31 of Fiscal Years 2009 and 2008

Health Claims Fund	6 Month			3 month			1 month			Year to Date		
	FY 08-09 October-March	FY 07-08 October-March	Variance Favorable (Unfavorable)	FY 08-09 April-June	FY 07-08 April-June	Variance Favorable (Unfavorable)	FY 08-09 July	FY 07-08 July	Variance Favorable (Unfavorable)	FY 08-09 Total	FY 07-08 Total	Variance Favorable (Unfavorable)
Revenues												
Employees Health Ins. Contributions	\$ 1,562,494	\$ 1,399,631	162,863	\$ 797,006	\$ 758,175	38,831	\$ 266,457	\$ 250,599	15,858	\$ 2,625,957	\$ 2,408,405	217,552
Employers Health Ins. Contributions	9,478,853	9,659,771	(180,918)	5,305,908	4,655,291	650,618	1,772,942	1,553,387	219,555	16,557,703	15,868,449	689,255
Contributions for Retirees	372,005	353,871	18,134	189,975	195,360	(5,386)	66,156	59,954	6,202	628,136	609,185	18,950
Cobra Insurance Receipts	23,945	32,532	(8,587)	13,779	10,260	3,519	7,139	5,682	1,457	44,863	48,474	(3,611)
Retiree Insurance Receipts	273,428	233,380	40,048	168,252	120,578	47,673	47,136	37,868	9,268	488,816	391,826	96,989
Retiree Contributions	-	-	-	(152,503)	-	(152,503)	(168,252)	-	(168,252)	(320,755)	-	(320,755)
Employer Contribution-OPEB	2,211,975	-	2,211,975	1,639,980	-	1,639,980	544,725	-	544,725	4,396,680	-	4,396,680
Interest	66,712	719,492	(652,780)	52,323	110,210	(57,887)	3,635	23,488	(19,853)	122,670	853,190	(730,520)
Total Revenues	13,989,412	12,398,677	1,590,735	8,014,720	5,849,874	2,164,846	2,539,938	1,930,978	608,960	24,544,070	20,179,529	4,364,541
Transfers Out												
Transfers Out	2,010,628	15,500,000	(13,489,372)	2,021,320	-	(2,021,320)	670,210	7,500,006	6,829,796	4,702,158	23,000,006	18,297,848
Expenses												
Insurance	583,646	702,263	118,617	234,301	349,174	114,873	77,565	116,287	38,722	895,512	1,167,724	272,212
Contracts- Professional Svc.	147,115	108,169	(38,946)	27,627	42,249	14,622	5,449	5,276	(173)	180,191	155,694	(24,497)
Contractual Repair	-	120	120	-	-	-	-	-	-	-	120	120
Contracts- Other	598,428	503,016	(95,412)	324,207	304,505	(19,702)	108,241	100,693	(7,548)	1,030,876	908,214	(122,662)
Health Claims Paid Reinsurance	(674,424)	(507,228)	167,196	(463,509)	(45,444)	418,065	-	(25,111)	(25,111)	(1,137,933)	(577,783)	560,150
Retiree Claims	(685,801)	-	685,801	(672,910)	-	672,910	(124,063)	-	124,063	(1,482,774)	-	1,482,774
Health Claims - Prescription	1,761,414	1,534,767	(226,647)	974,151	774,488	(199,663)	313,819	252,147	(61,672)	3,049,384	2,561,402	(487,982)
Health Claims Paid -UHC	9,357,619	6,551,997	(2,805,622)	3,913,633	3,832,719	(80,914)	1,287,315	1,761,301	473,986	14,558,567	12,146,017	(2,412,550)
Cobra Insurance Paid	1,818	2,384	566	752	1,045	292	172	423	251	2,742	3,852	1,109
Retiree Insurance Paid	39,386	59,489	20,103	19,689	20,783	1,094	6,944	6,871	(73)	66,019	87,143	21,124
Retiree Insurance Paid- Medicare	150,436	57,320	(93,116)	65,979	68,967	2,988	22,281	20,479	(1,802)	238,696	146,766	(91,930)
Total Expenses	11,279,637	9,012,297	(2,267,340)	4,423,922	5,348,486	924,565	1,697,723	2,238,366	540,643	17,401,282	16,599,149	(802,132)
Net increase (decrease)	\$ 699,147	\$ (12,113,620)	(14,165,977)	1,569,478	501,388	1,068,090	172,005	(7,807,394)	7,979,399	\$ 2,440,630	\$ (19,419,626)	21,860,256
Health Claims Fund Balance - Cumulative	\$ 4,678,986	\$ 11,940,264	(7,261,278)	\$ 6,248,464	\$ 12,441,652	(6,193,188)	\$ 6,420,469	\$ 4,634,259	1,786,210			

Analysis of Property Liability Loss Fund Through July 31 of Fiscal Years 2009, 2008, & 2007

<u>PROPERTY LIABILITY LOSS FUND</u>	Fiscal Year 2009	Fiscal Year 2008	Fiscal Year 2007
Claims Paid per General Ledger	\$ 1,396,492	711,305	989,300
Net Judgments/Damages/Attorney Fees	719,582	817,825	629,825
Total Expenses	\$ 2,116,074	1,529,130	1,619,125

This page is intentionally left blank

SECTION 2

ECONOMIC ANALYSIS

City of Plano

Comprehensive Monthly Finance Report



ECONOMIC ANALYSIS

Figure I shows a breakdown of the various sources of revenues for the City's General Fund Year to Date through July 31, 2009. The largest category is Ad Valorem Property Taxes in the amount of \$82.2 million. Closest behind is Sales Tax with a total of \$42.8 million, and Franchise Fees with a total of \$17.9 million.

**General Fund Revenue
July YTD
Figure I**

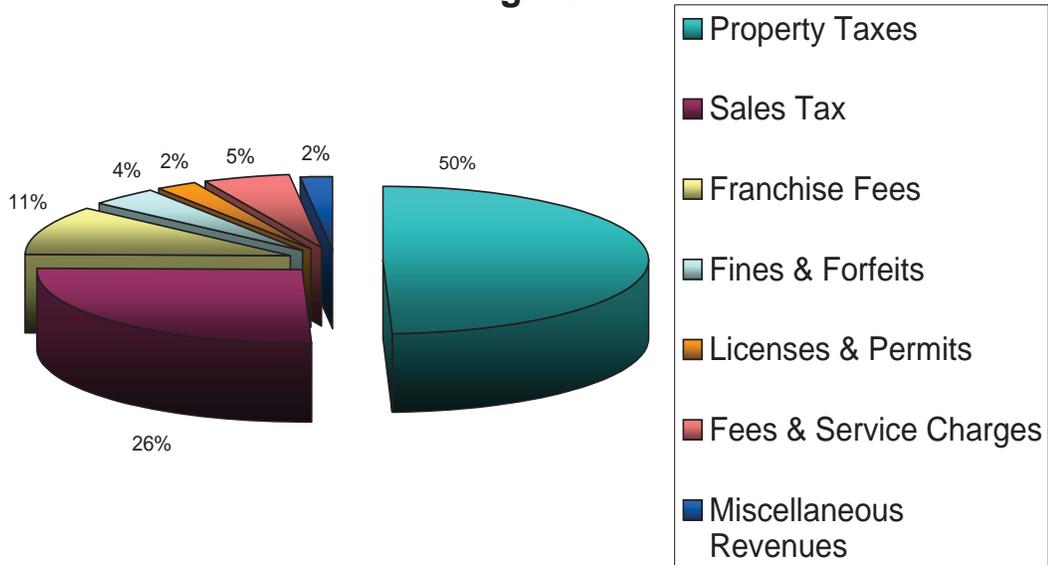
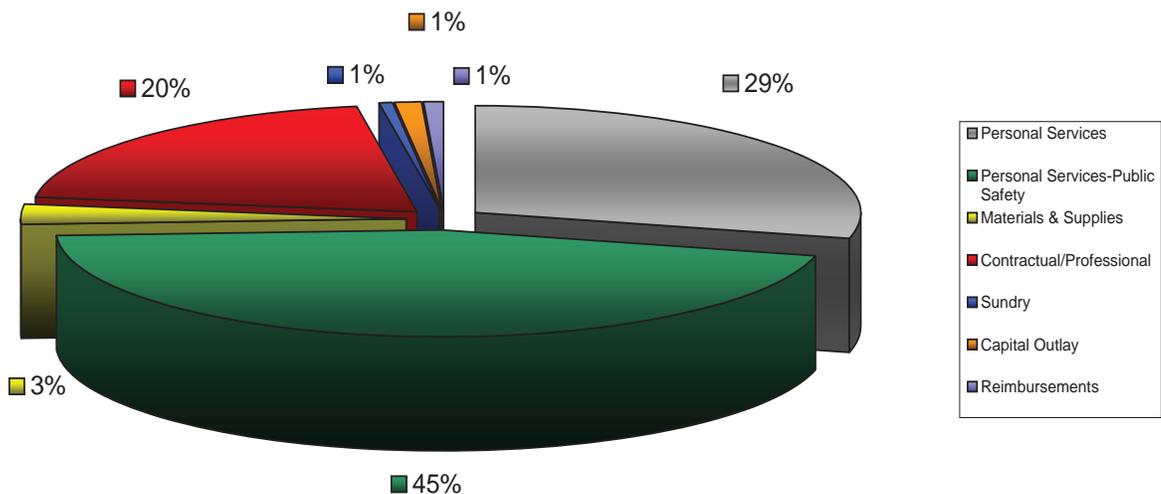


Figure II shows a breakdown of the various expenditures and encumbrances for the City's General Fund Year to Date through July 31, 2009. The largest category is Personal Services-Public Safety in the amount of \$72.5 million which includes the Police, Fire, Fire-Civilian and Public Safety Communications departments. Closest behind is Personal Services (for all other departments) with a total of \$46.6 million, and Contractual/Professional Services totaling 32.5 million.

**Expenditures and Encumbrances
July YTD
Figure II**



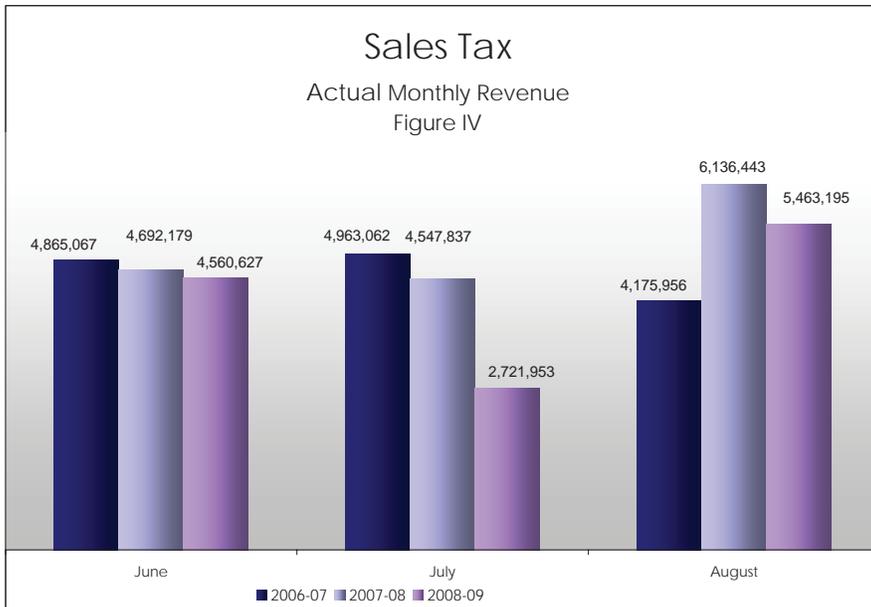
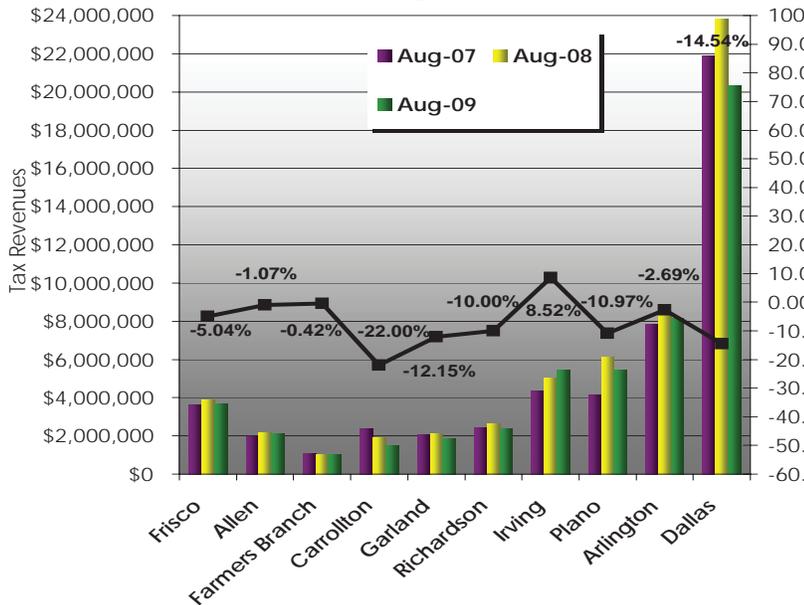
ECONOMIC ANALYSIS

Figure III shows sales tax allocations collected in the months of August 2007, August 2008 and August 2009 for the City of Plano and nine area cities. Each of the cities shown has a sales tax rate of 1%, except for the cities of Allen and Frisco, which have a 2% rate, but distribute half of the amount shown in the graph to 4A and 4B development corporations within their respective cities, and the City of Arlington which has a 1.75% sales tax rate with .25% dedicated to road maintenance and .50% for funding of the Dallas Cowboys Complex Development Project. In the month of August the City of Plano received \$5,463,195 from this 1% tax.

The percentage change in sales tax allocations for the area cities, comparing August 2008 to August 2009, ranged from 8.52% for the City of Irving to -22.00% for the City of Carrollton.

Sales Tax Comparisons City of Plano and Area Cities

Figure III



Sales tax allocation of \$5,463,195 was remitted to the City of Plano in the month of August. This amount represents a decrease of 10.97% compared to the amount received in August 2008. Sales tax revenue for 2006-07 totaled \$63,370,505 and for 2007-08 totaled \$64,114,729. Current year to date sales tax revenue is \$ 53,202,500. Sales tax revenue is generated from the 1% tax on applicable business activity within the City. These taxes were collected by businesses filing monthly returns, reported in June to the State, and received in August by the City of Plano.

Figure IV represent actual sales and use tax receipts for the months of June through August for fiscal years 2006-2007, 2007-2008, and 2008-2009.

ECONOMIC ANALYSIS

The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. Figure V shows the percentage of sales and use tax by NAICS Code for July 2009.

Some examples in each code are as follows:

Sales and Use Tax by NAICS Code
Figure V



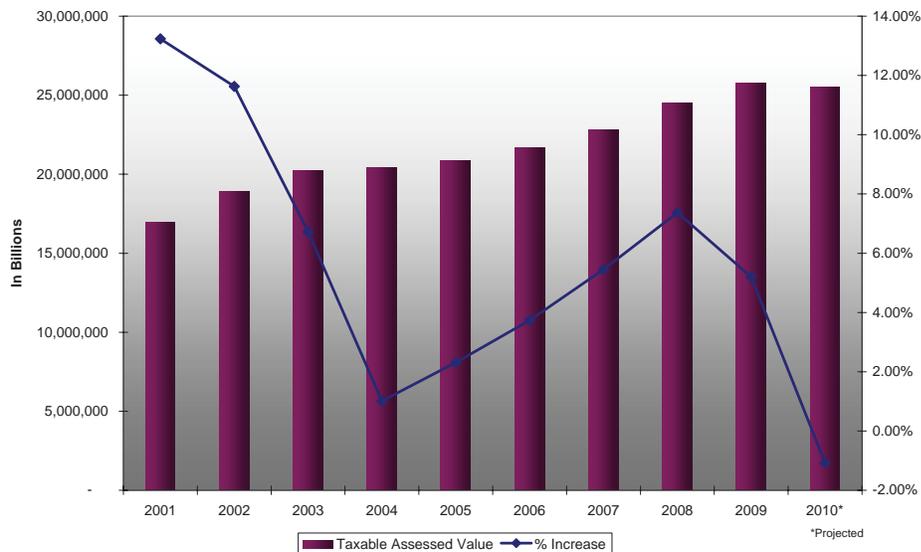
Retail Trade: Wal-Mart, Costco, Kohl's.
Information: AT&T, Verizon, Microsoft licensing.
Accommodation and Food Services: Brinker, Starbucks, Sodexo Services.
Wholesale Trade: Oracle USA, Hewlett Packard, Hobby Lobby.
Professional, Scientific, and Technical Services: EDS, Perot Systems, Cisco Systems.
Manufacturing: Pepsico, TI, Apple, Frito Lay.
Utilities: Reliant Energy, Direct Energy, Green Mountain Energy.
Construction: Texas Custom Pools, Outdoor Lighting Services, Scott and Reid General Contractors.
Administration, Support, Waste Management and Remediation Services: Allied Waste Systems, Trugreen, Hadden Landscaping.
Real Estate and Rental and Leasing: Rent-A-Center, Blockbuster, United Rentals

Northwest.

All other NAIC codes: Finance and Insurance, Other Services, Arts, Entertainment & Recreation, Health Care & Social Services, Public Administration, Transportation & Warehousing, Educational Services, Management of Companies & Enterprises, Mining, Agriculture, Forestry, Hunting & Fishing, and Unknown: Baylor Regional Medical Center, Main Event, 24 Hour Fitness, Becker CPA Review, Aramark Management Services, Coca-Cola, CountryWide, Ace Cash Express.

Property value is assessed by Collin County Appraisal District (CAD) and Denton County (for the area that is in the City of Plano and Denton County). All real estate, mobile homes and business personal property that is owned on January 1 are taxable. Examples of business personal property include equipment, furniture, fixtures and inventory.

Taxable Assessed Value
Figure VI



The City of Plano has the following exemptions to assessed value:

- General Homestead: 20%
- Over 65 Homestead: \$40,000
- Disabled Person: \$40,000
- Property Tax Freeze: Effective with the 2004 tax year, taxes are frozen for taxpayers qualifying for the Over 65 Homestead or the Disabled Person Homestead. Please note that both exemptions cannot be claimed. A choice must be made between the two. There are only two conditions that can increase the amount of the freeze: (1) if there are improvements on the property beyond the normal maintenance and upkeep; and (2) if the property erroneously received an exemption to which it was not entitled in a prior year. The City also grants the State Mandated Disabled Veterans Exemption.

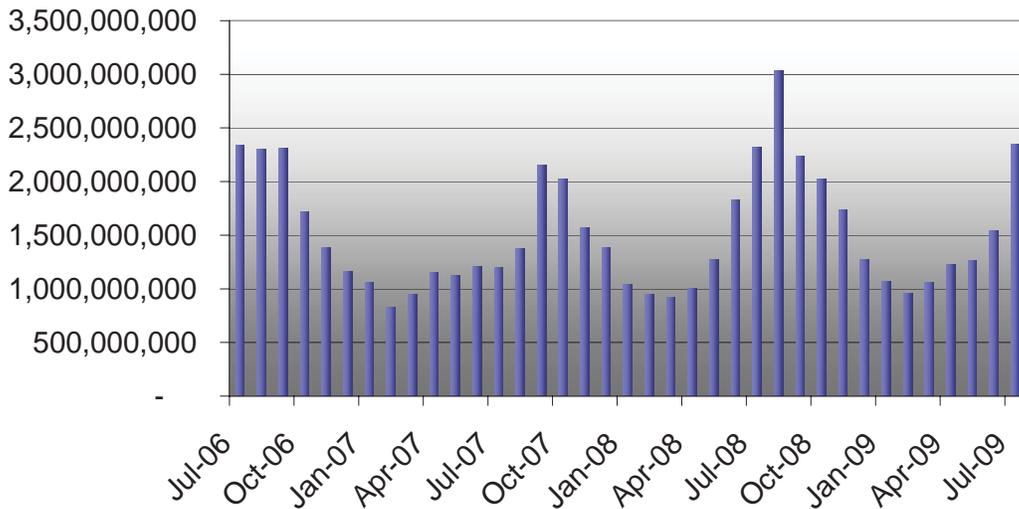
Taxable assessed value for the fiscal year 2009 is \$25,785,315,308 which represents an increase of 5.20% compared to the value in 2008. In 2009, the amount of assessed value that was not taxed due to exemptions and the incremental increase in value of the two Tax Increment Financing units was \$5,115,583,297 which equals \$24,222,287 in lost taxes.

ECONOMIC ANALYSIS

In July, the City of Plano pumped 2,611,194,000 gallons of water from the North Texas Municipal Water District (NTMWD). Consumption was 2,347,238,990 gallons among 78,616 billed water accounts while billed sewer accounts numbered 74,935. The minimum daily water pumpage was 56,049,000 gallons, which occurred on Tuesday, July 28th. Maximum daily pumpage was 101,758,000 gallons and occurred on Thursday, July 13th. This month's average daily pumpage was 84,232,000 gallons.

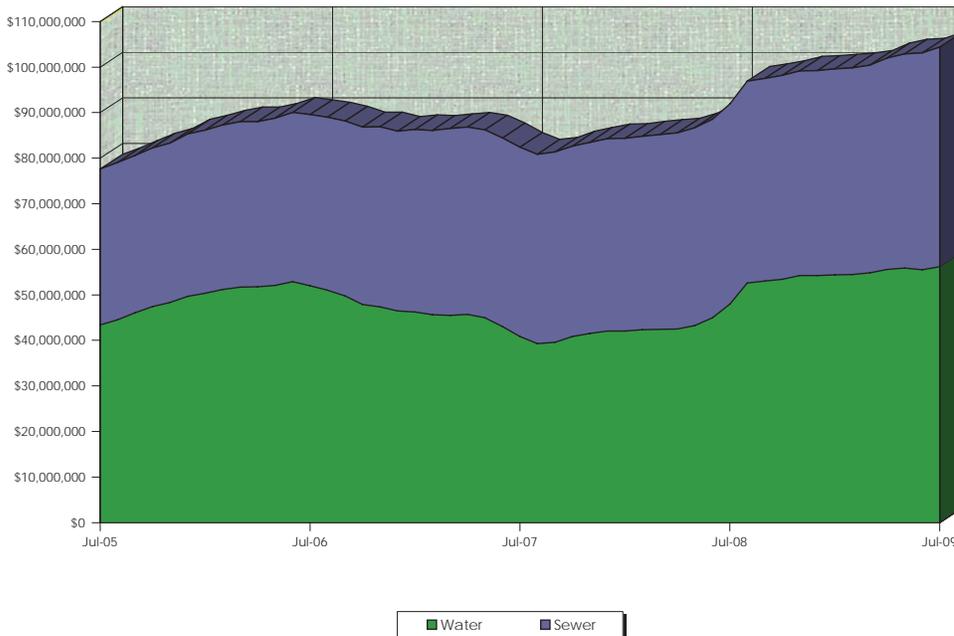
Figure VII shows the monthly actual local water consumption.

**Local Water Consumption
(Gallons)
Figure VII**



The actual water and sewer customer billing revenues in July were \$7,070,229 and \$4,462,045, representing an increase of 10.77% and an increase of 15.67% respectively, compared to July 2008 revenues.

**Annualized Water & Sewer Billings
Figure VIII**



The aggregate water and sewer accounts netted \$11,532,274 for an increase of 12.53%.

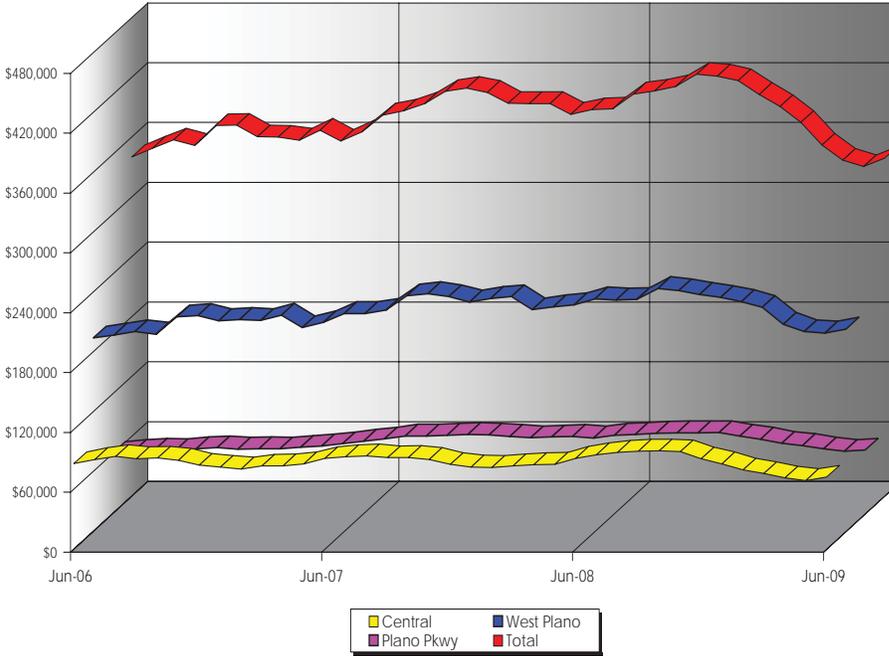
July consumption brought annualized revenue of \$56,208,105 for water and \$48,172,958 for sewer, totaling \$104,381,063. This total represents an increase of 13.62% compared to last year's annualized revenue.

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

ECONOMIC ANALYSIS

June revenue from hotel/motel occupancy tax was \$380,602. This represents a decrease of \$31,562 or -7.66% compared to June 2008. The average monthly revenue for the past six months (see graph) was \$338,946, a decrease of 15.96% from the previous year's average. The six-month average for the

Hotel/Motel Occupancy Tax
Six Month Trend
Figure IX



Central area decreased to \$72,197, the West Plano average decreased to \$202,930, and the Plano Pkwy average decreased to \$63,818 from the prior year.

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

Unemployment Rates
Unadjusted Rate Comparison
Figure X

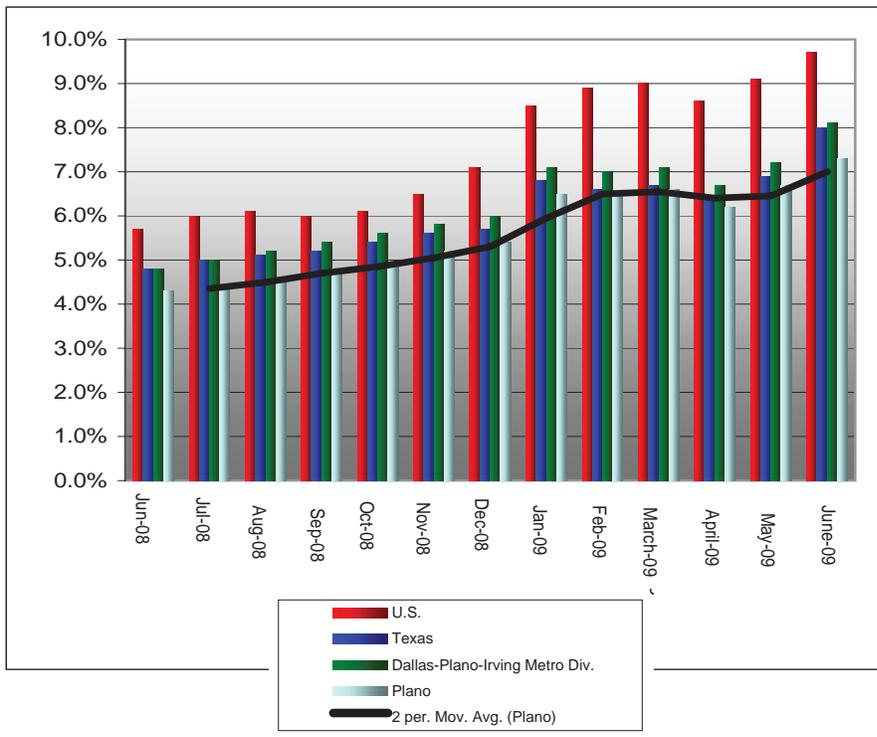


Figure X shows unadjusted unemployment rates based on the Bureau of Labor Statistics U.S. City Average, and Local Area Unemployment Statistics estimates for the State of Texas, the Dallas-Plano-Irving Metropolitan Division and the City of Plano from June 2008 to June 2009.

ECONOMIC ANALYSIS

Figure XI shows the average home selling price for the months of June 2008 and July 2009 for the City of Plano and four area cities. The average price per square foot is also included for each city for the month of July 2009. The average sales price in Plano has decreased \$14,130 from July 2009 to July 2008.

Please note that the average sales price and price per square foot can change significantly from month to month due to the location of the properties sold.

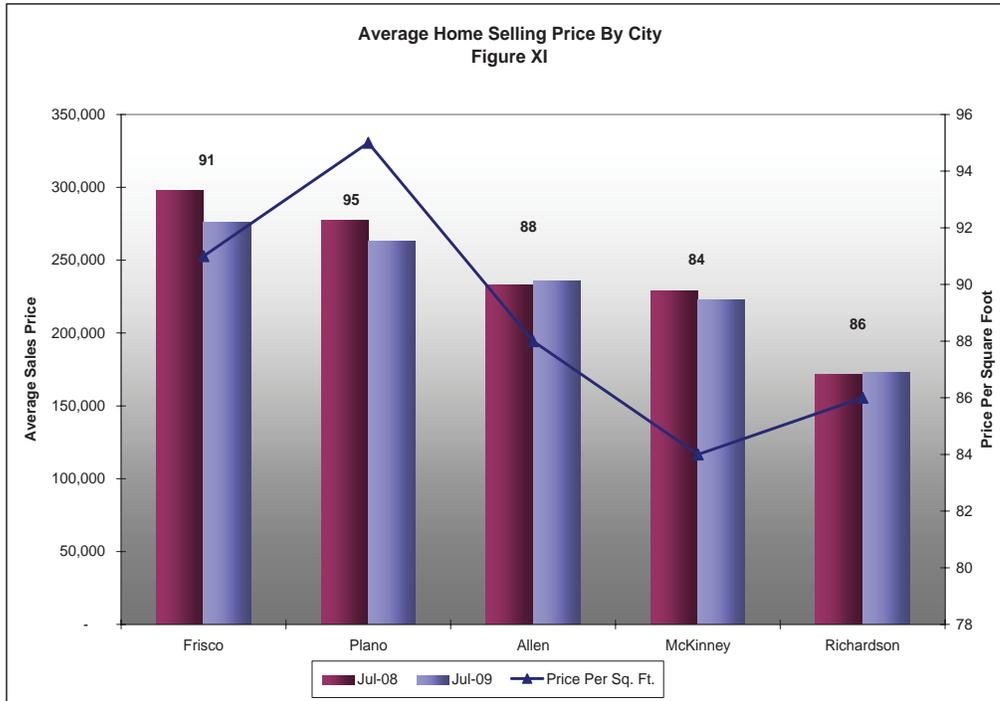
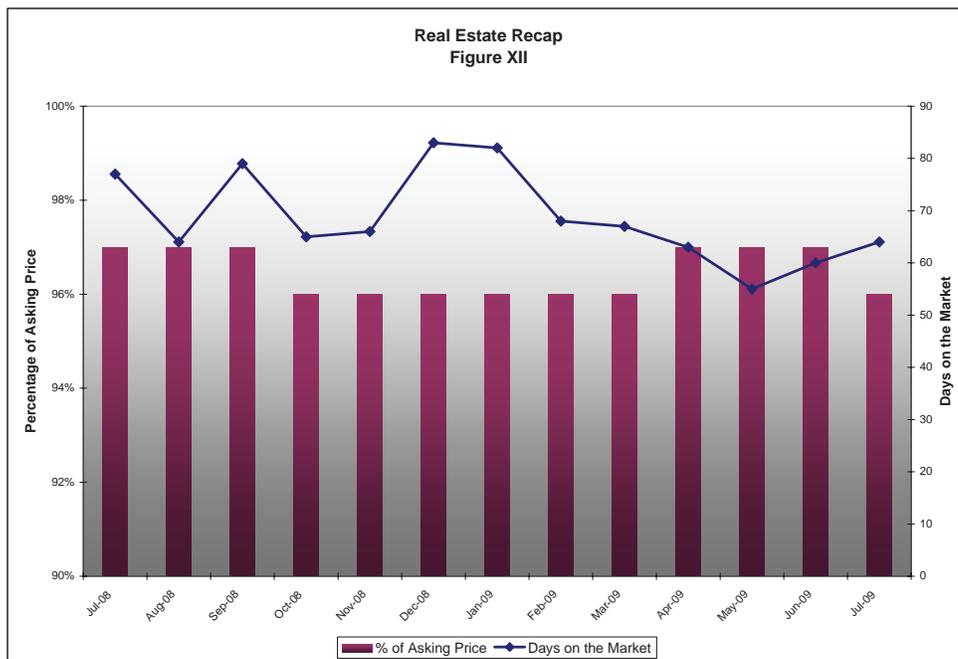


Figure XII represents the percentage of sales price to asking price for single family homes for the past year along with days on the market. The percentage of asking price has decreased from July 2008 at 97% to July 2009 at 96%. Days on the market has decreased by 13 days or 17% from July 2008 to July 2009.

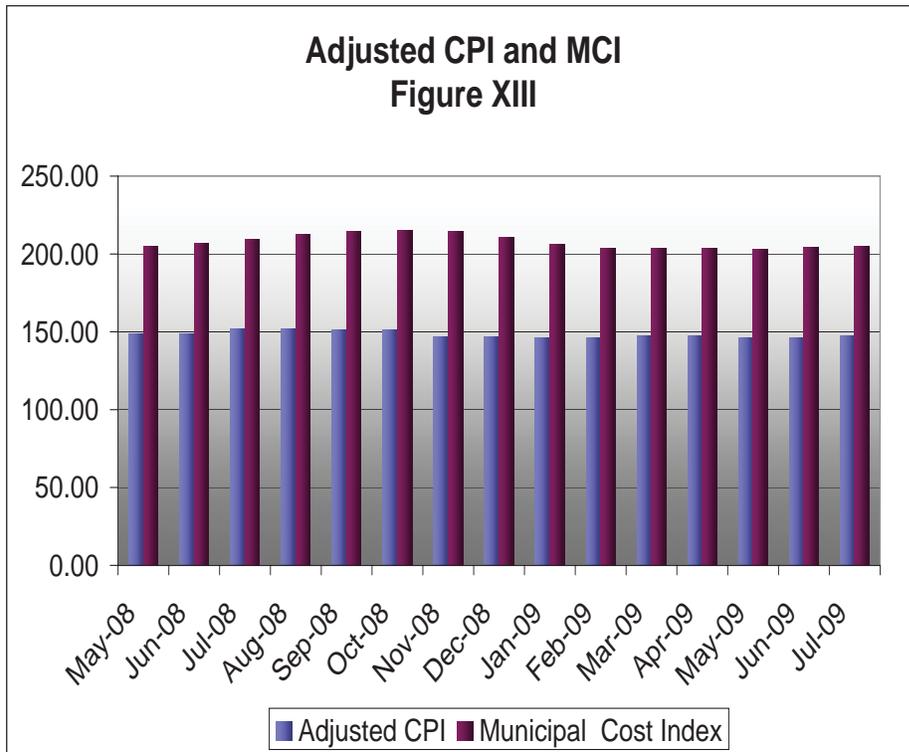


ECONOMIC ANALYSIS

Figure XIII, left, tracks the Dallas-area CPI, using 1982-84 as the base period and the Municipal Cost Index (MCI). For June 2009, the adjusted CPI and MCI were 147.4 and 204.6, respectively.

The consumer price index (CPI) is a measure of the average price of consumer goods and services purchased by households. The consumer price index measures a price change for a constant market

basket of goods and services from one period to the next within the same area city. The percent change in the CPI is a measure of inflation. Since January 1998, the Bureau of Labor Statistics has moved the Dallas-Area pricing cycle for CPI computation to odd-numbered months.



The MCI is designed to show the effects of inflation on the cost of providing municipal services. State and local government officials rely on the MCI to stay on top of price trends, help control price increases for commodities, make informed government contract decisions and intelligent budget planning.

Space intentionally left blank

This page is intentionally left blank



SECTION 3

FINANCIAL SUMMARY

City of Plano

Comprehensive Monthly Finance Report

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

Investment Report

July, 2009

Interest Received during July totaled \$184,276 and represents interest paid on maturing investments and coupon payments on investments. Interest allocation is based on average balances within each fund during the month. The two-year Treasury note yield increased throughout the month of July, starting at 1.05% and ending at 1.13%.

As of July 31, a total of \$330.3 million was invested in the Treasury Fund. Of this amount, \$61.1 million was General Obligation Bond Funds, \$5.6 million was Municipal Drainage Revenue Bond Funds, and \$263.6 million was in the remaining funds.

<i>Metrics</i>	<i>Current Month Actual</i>	<i>Fiscal YTD</i>	<i>Prior Fiscal YTD</i>	<i>Prior Fiscal Year Total</i>
Funds Invested ¹	\$ 51,036,800	\$ 332,346,666	\$ 112,271,015	\$ 132,311,266
Interest Received ²	\$ 302,576	\$ 3,756,005	\$ 11,312,548	\$ 12,955,262
Weighted Average Maturity (in days) ³	289		112	
Modified Duration ⁴	0.7859		0.2794	
Average 2-Year T-Note Yield ⁵	1.02%		2.57%	

* See interest allocation footnote on Page C-3.

- (1) Does not include funds on deposit earning a "NOW" rate, and/or moneys in investment pools or cash accounts.
- (2) Cash Basis. Amount does not include purchased interest.
- (3) The length of time (expressed in days) until the average investment in the portfolio will mature. The Prior fiscal YTD column represents current month, prior year.
- (4) Expresses the measurable change in the value of the portfolio in response to a 100-basis-point (1%) change in interest rates. The modified duration number in the Prior fiscal YTD column represents current month, prior year.
- (5) Compares 2009 to 2008 for the current month.

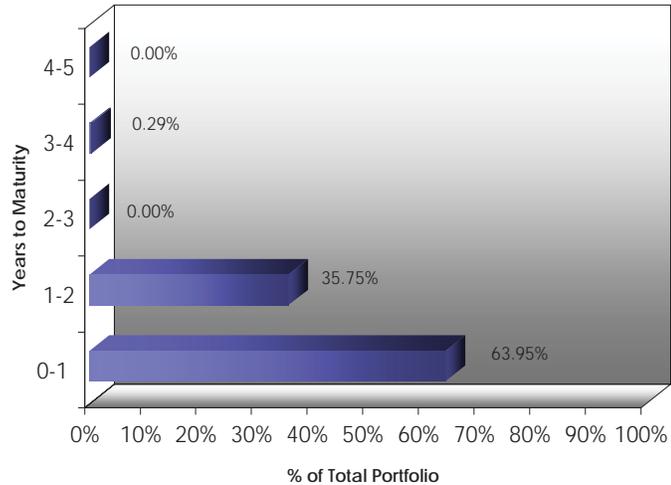
Month-to-Month Comparison

<i>Metrics</i>	<i>Jun-09</i>	<i>Jul-09</i>	<i>Difference</i>
Portfolio Holding Period Yield	1.07%	1.15%	+0.08% (+8 Basis Points)
Average 2-Year T-Note Yield	1.18%	1.02%	-.16% (-16 Basis Points)

Investment Report

Portfolio Maturity Schedule Figure I

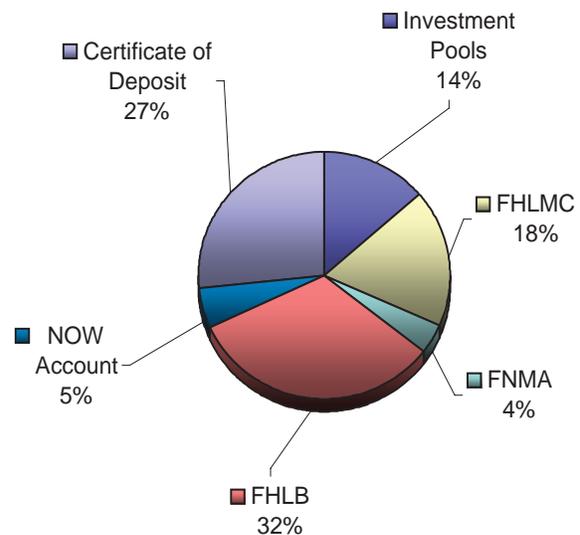
Years to Maturity*	Book Value	% Total
0-1	\$ 216,843,708	63.95%
1-2	121,213,177	35.75%
2-3	0	0.00%
3-4	1,000,000	0.29%
4-5	0	0.00%
Total	\$ 339,056,884	100.00%



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

Portfolio Diversification Figure II

Type	Book Value	% Total
Investment Pools	\$ 46,452,582	13.70%
Commercial Paper	0	0.00%
FHLMC	60,509,617	17.85%
FNMA	13,453,926	3.97%
FFCB	0	0.00%
FHLB	110,788,710	32.68%
NOW Account	17,653,049	5.21%
Certificate of Deposit	90,199,000	26.60%
Total	\$ 339,056,884	100.00%



Report Notes cont.

July, 2009

Allocated Interest/Fund Balances

July 2009

Fund	Beginning Fund Balance 7/31/2009	Allocated Interest Current Month	Fiscal Y-T-D	Ending Fund Balance 7/31/2009	% of Total
General	49,663,011	19,458	769,427	49,682,468	15.04%
G. O. Debt Services	33,888,443	11,987	330,561	33,900,430	10.26%
Street & Drainage Improvements	9,664,739	3,042	94,231	9,667,781	2.93%
Sewer CIP	10,405,840	3,649	129,276	10,409,489	3.15%
Capital Reserve	38,632,119	13,501	535,419	38,645,620	11.70%
Water & Sewer Operating	(8,691,698)	(2,978)	(23,077)	(8,694,675)	-2.63%
Water & Sewer Debt Service	1,934,701	655	13,750	1,935,356	0.59%
W & S Impact Fees Clearing*	-	-	51,687	-	0.00%
Park Service Area Fees	5,643,940	2,003	80,830	5,645,943	1.71%
Property/ Liability Loss	3,618,408	1,285	63,393	3,619,693	1.10%
Information Services	6,635,635	2,357	127,165	6,637,992	2.01%
Equipment Replacement	14,289,935	5,075	154,934	14,295,010	4.33%
Developer's Escrow	3,551,247	1,261	53,640	3,552,509	1.08%
G. O. Bond Funds	61,047,320	22,537	798,669	61,069,857	18.49%
Municipal Drainage Bond Clearing	5,622,271	2,003	63,356	5,624,274	1.70%
Other	94,229,244	32,648	1,301,230	94,261,892	28.54%
Total	330,135,155	118,483	4,544,491	330,253,638	100%

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

*Fund closed during July

Portfolio Statistics

Month	Total Invested (End of Month)	Portfolio Yield	# of Securities Purchased*	Maturities/ Sold/ Called	Weighted Ave. Mat. (Days)	# of Securities
February, 2008	\$ 355,278,178	3.74%	0	47	201	31
March, 2008	\$ 386,936,505	3.15%	2	6	185	27
April, 2008	\$ 381,286,506	2.74%	1	5	139	23
May, 2008	\$ 372,129,934	2.87%	3	1	154	25
June, 2008	\$ 359,631,853	2.80%	3	10	89	18
July, 2008	\$ 336,029,216	2.83%	5	4	114	19
August, 2008	\$ 335,093,919	2.69%	7	6	119	20
September, 2008	\$ 300,699,562	2.55%	1	5	104	16
October, 2008	\$ 288,885,757	2.73%	1	4	266	13
November, 2008	\$ 283,603,783	1.90%	1	5	82	9
December, 2008	\$ 309,132,350	1.49%	2	2	67	9
January, 2009	\$ 337,564,218	1.09%	7	3	98	13
February, 2009	\$ 355,625,399	0.82%	5	2	64	16
March, 2009	\$ 380,327,932	1.00%	4	1	112	19
April, 2009	\$ 364,025,210	1.01%	7	4	153	22
May, 2009	\$ 356,669,678	0.87%	12	3	194	31
June, 2009	\$ 347,628,523	1.07%	8	0	221	39
July, 2009	\$ 339,056,884	1.15%	6	3	289	42

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

Report Notes cont.

July, 2009

Equity in Treasury Pool By Major Category Figure IV

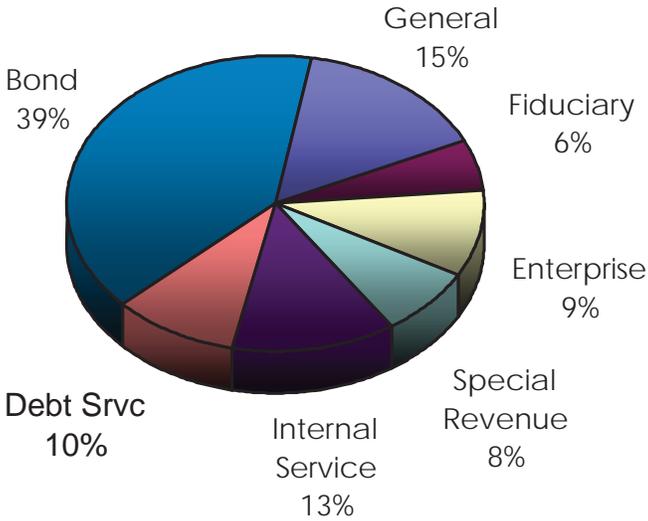
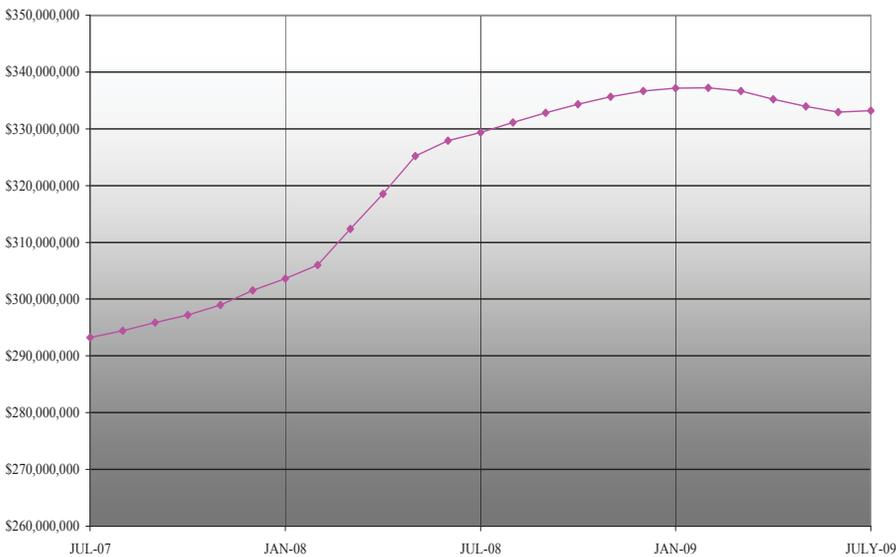


Figure IV shows a breakdown of the various sources of funds for the City's Treasury Pool as of July 31, 2009. The largest category is the Bond Fund in the amount of \$134.8 million. Closest behind is the General Fund with a total of \$51.8 million, and the Internal Service Fund with \$42.6 million.

Annualized Average Portfolio Figure V



The annualized average portfolio for July 31, 2009 was \$333,192,768. This is an increase of \$3,826,883 when compared to the July 2008 average of \$329,365,885.

SECTION 4

QUARTERLY INVESTMENT REPORT

City of Plano

Comprehensive Monthly Finance Report



Hotel / Motel Occupancy Tax Revenue Report

Comparative Quarterly Statistics

Quarter Ending 6/30/09

Table I

	2006-07 Third	2006-07 Fourth	2007-08 First	2007-08 Second	2007-08 Third	2007-08 Fourth	2008-09 First	2008-09 Second	2008-09 Third
Quarterly Total (Actual)*	\$1,195,761	\$1,240,115	\$1,123,539	\$1,174,333	\$1,231,418	\$1,292,456	\$1,111,115	\$986,391	\$1,047,284
Number of Rooms	3,798	3,798	3,972	3,972	4,048	4,048	4,184	4,184	4,184
Average Daily Occupancy	2,596	2,534	2,368	2,254	2,575	2,524	2,201	1,889	2,111
Actual Revenue per Room	\$315	\$327	\$283	\$296	\$304	\$319	\$266	\$236	\$250
Annualized Revenue	\$3,397,293	\$4,637,408	\$4,657,321	\$4,733,749	\$4,769,406	\$4,821,747	\$4,809,322	\$4,621,380	\$4,437,246
Average Room Rate	\$87	\$92	\$90	\$93	\$86	\$90	\$89	\$91	\$89
Average Occupancy Rate	63.09%	60.92%	56.08%	56.11%	64.43%	63.02%	54.24%	46.90%	51.60%

Quarterly Hotel / Motel Tax Revenue

Total tax receipts of \$1,047,284 were received for the 3 months ending June 30, 2009. The number of rooms available in Plano increased by 136 rooms in the first quarter of fiscal year 2008-09 due to the addition of a new hotel. Occupancy tax revenues decreased by 14.95% when compared to the third quarter of fiscal year 2007-2008.

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

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

This page intentionally left blank

Memorandum

Date: August 13, 2009

To: Tom Muehlenbeck, City Manager

From: Denise Tacke, Director of Finance

Subject: On-Line Check Register Cost Estimate

The Finance, Budget & Research and Technology Services Departments have worked together to provide the cost estimates for providing access to the City's check register via the Internet. We have included estimates for the three different types of checks that the City issues: Accounts Payable, Payroll and Risk Management. The Accounts Payable check register is housed in the J.D. Edwards System. The Payroll check register is housed in the PeopleSoft System and the Risk Management check register is housed in a system called Risk Master.

The committee determined that there were two different options for providing the on-line check registers. The first option would include a design that is very similar to the Collin County on-line check register. This register is basically in an excel spreadsheet format and has very little search capability as well as only a month by month snapshot. We also took into consideration the impact that the upgrade to the J.D. Edwards financial system will have on the project. The upgrade has just recently begun with a target completion date in July 2010. With this upgrade comes a change in the technology which will affect how the information is extracted from J.D. Edwards. To provide the check register in this manner immediately would require the purchase of a GL Inquiry software that would assist us in extracting and filtering the data from the AS400 for the Accounts Payable check register. The cost of this software is approximately \$2,780. An annual maintenance cost of \$750 would also be incurred. The staff time required to extract this data from all three check registers would be an estimated 44 hours. The on-line check registers could be provided in a very quick time frame. The Collin County on-line check register can be viewed at www.co.collin.tx.us.

The second estimate is based on providing similar functionality as the State of Missouri Accountability Portal or the State of Rhode Island RI Pay websites. This type of an on-line check register provides a more robust search capability. A Citizen would be able to search on vendor name, dates, employee name, employee title, department, fiscal year or contract. This system would also provide a historical repository so that all data is combined and archived into one database. These websites appear very professional and organized as well as more user friendly for Citizens. However, this type of a presentation of the on-line check register would require a certain amount of programming and web design that we currently do not have. This would require approximately 320 hours staff time for programming and web design and approximately 152 hours of staff time for data extraction. Utilizing this model would not require the purchase of the GL Inquiry software, however, the Accounts Payable check register would not be available in this

format until after the completion of the upgrade. If we did determine that we wanted to moved forward with this type of on-line check register including the Accounts Payable checks prior to the JD Edwards System upgrade, we would still need to purchase the GL Inquiry Software in the interim to extract the data from the system. This would cost \$2,780 for the software and \$750 per year for maintenance costs. The time frame to complete this option would be 3 – 4 months for the Risk Management, Accounts Payable and Payroll check register. If we wanted to avoid the cost of the GL Inquiry software we would need to wait until after the upgrade of the JD Edwards system to put the Accounts Payable check register on-line. The State of Missouri Accountability Portal can be viewed at www.mapyourtaxes.mo.gov. The State of Rhode Island RI Pay Website can be viewed at www.ripay.ri.gov.



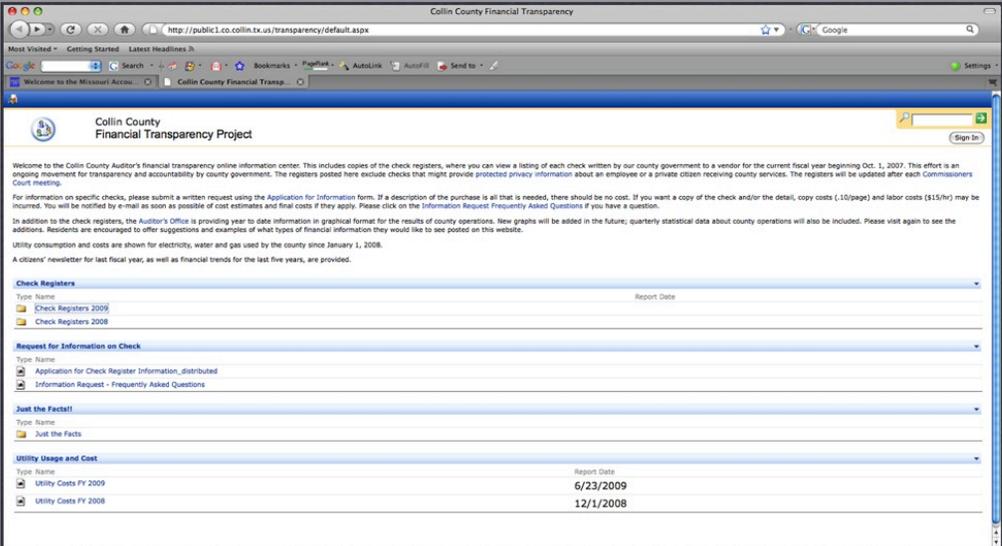
PLANO TRANSPARENCY HUB (PTH) where do we go?

Options: The Plano Way

- * What are our options?
- * What data do we present?
- * How do we present the data?
- * Which way would be best for our citizens?

Data Dump

- ✦ A data dump of all transactions, much like Collin County has on their website in Excel format. This would be a weekly, bi-weekly or monthly dump of the transactions during that time frame. It would be every transaction with no logic built in to combine vendor payments, employee gross pay, etc. Our accounting system is setup differently than the way Collin County has. They look to have everything setup on a project type basis.



Collin County Financial Transparency

Collin County Financial Transparency Project

Welcome to the Collin County Auditor's financial transparency online information center. This includes copies of the check registers, where you can view a listing of each check written by our county government to a vendor for the current fiscal year beginning Oct. 1, 2007. This effort is an ongoing movement for transparency and accountability by county government. The registers posted here exclude checks that might provide protected privacy information about an employee or a private citizen receiving county services. The registers will be updated after each Commissioners Court meeting.

For information on specific checks, please submit a written request using the Application for Information form. If a description of the purchase is all that is needed, there should be no cost. If you want a copy of the check and/or the detail, copy costs (.10/page) and labor costs (\$15/hr) may be incurred. You will be notified by e-mail as soon as possible of cost estimates and final costs if they apply. Please click on the Information Request Frequently Asked Questions if you have a question.

In addition to the check registers, the Auditor's Office is providing year to date information in graphical format for the results of county operations. New graphs will be added in the future; quarterly statistical data about county operations will also be included. Please visit again to see the additions. Residents are encouraged to offer suggestions and examples of what types of financial information they would like to see posted on this website.

Utility consumption and costs are shown for electricity, water and gas used by the county since January 1, 2008.

A citizens' newsletter for last fiscal year, as well as financial trends for the last five years, are provided.

Type Name	Report Date
Check Registers 2009	
Check Registers 2008	
Application for Check Register Information_distributed	
Information Request - Frequently Asked Questions	
Just the Facts!	
Utility Costs FY 2009	6/23/2009
Utility Costs FY 2008	12/1/2008

COLLIN COUNTY WEBSITE

SHAREPOINT WEBSITE

MAIN PAGE BREAKDOWN

ADDRESS: [HTTP://PUBLIC1.CO.COLLIN.TX.US/TRANSPARENCY/DEFAULT.ASPX](http://public1.co.collin.tx.us/transparency/default.aspx)

Collin County Financial Transparency Project

Welcome to the Collin County Auditor's financial transparency online information center. This includes copies of the check registers, where you can view a listing of each check written by our county government to a vendor for the current fiscal year beginning Oct. 1, 2007. This effort is an ongoing movement for transparency and accountability by county government. The registers posted here exclude checks that might provide protected privacy information about an employee or a private citizen receiving county services. The registers will be updated after each Commissioners Court meeting.

For information on specific checks, please submit a written request using the Application for Information form. If a description of the purchase is all that is needed, there should be no cost. If you want a copy of the check and/or the detail, copy costs (.10/page) and labor costs (\$15/hr) may be incurred. You will be notified by e-mail as soon as possible of cost estimates and final costs if they apply. Please click on the Information Request Frequently Asked Questions if you have a question.

In addition to the check registers, the Auditor's Office is providing year to date information in graphical format for the results of county operations. New graphs will be added in the future; quarterly statistical data about county operations will also be included. Please visit again to see the additions. Residents are encouraged to offer suggestions and examples of what types of financial information they would like to see posted on this website.

Utility consumption and costs are shown for electricity, water and gas used by the county since January 1, 2008.

A citizens' newsletter for last fiscal year, as well as financial trends for the last five years, are provided.

Type Name	Report Date
FY 2009 Toll Road Authority Check Register	7/20/2009
FY 2009 Healthcare Check Register	7/20/2009
FY 2009 Direct Deposit Check Register	7/20/2009
General Account Check Register 2009	

Request for Information on Check

Type Name

- Application for Check Register Information_distributed
- Information Request - Frequently Asked Questions

Just the Facts!

Type Name

- Just the Facts

UTILITY Usage and Cost

Type Name

- Utility Costs FY 2009
- Utility Costs FY 2008

Report Date

- 6/23/2009
- 12/1/2008

COLLIN COUNTY WEBSITE

SHAREPOINT WEBSITE

CHECK REGISTERS PAGE

ADDRESS: [HTTP://PUBLIC1.CO.COLLIN.TX.US/TRANSPARENCY/DEFAULT.ASPX](http://public1.co.collin.tx.us/transparency/default.aspx)

Collin County Financial Transparency Project

Welcome to the Collin County Auditor's financial transparency online information center. This includes copies of the check registers, where you can view a listing of each check written by our county government to a vendor for the current fiscal year beginning Oct. 1, 2007. This effort is an ongoing movement for transparency and accountability by county government. The registers posted here exclude checks that might provide protected privacy information about an employee or a private citizen receiving county services. The registers will be updated after each Commissioners Court meeting.

For information on specific checks, please submit a written request using the Application for Information form. If a description of the purchase is all that is needed, there should be no cost. If you want a copy of the check and/or the detail, copy costs (.10/page) and labor costs (\$15/hr) may be incurred. You will be notified by e-mail as soon as possible of cost estimates and final costs if they apply. Please click on the Information Request Frequently Asked Questions if you have a question.

In addition to the check registers, the Auditor's Office is providing year to date information in graphical format for the results of county operations. New graphs will be added in the future; quarterly statistical data about county operations will also be included. Please visit again to see the additions. Residents are encouraged to offer suggestions and examples of what types of financial information they would like to see posted on this website.

Utility consumption and costs are shown for electricity, water and gas used by the county since January 1, 2008.

A citizens' newsletter for last fiscal year, as well as financial trends for the last five years, are provided.

Type Name	Report Date
Period 10 Jul 09 General Account Check Register	7/20/2009
Period 9 Jun 09 General Account Check Register	6/30/2009
Period 8 May 09 General Account Check Register	5/31/2009
Period 7 Apr 09 General Account Check Register	4/30/2009
Period 6 Mar 09 General Account Check Register	3/31/2009
Period 5 Feb 09 General Account Check Register	2/28/2009
Period 4 Jan 09 General Account Check Register	1/31/2009
Period 3 Dec 08 General Account Check Register	12/31/2008
Period 2 Nov 08 General Account Check Register	11/30/2008
Period 1 Oct 08 General Account Check Register	10/31/2008

Request for Information on Check

Type Name

- Application for Check Register Information_distributed
- Information Request - Frequently Asked Questions

COLLIN COUNTY WEBSITE

SHAREPOINT WEBSITE

CHECK REGISTER - GENERAL ACCOUNTING

ADDRESS: [HTTP://PUBLIC1.CO.COLLIN.TX.US/TRANSPARENCY/DEFAULT.ASPX](http://public1.co.collin.tx.us/transparency/default.aspx)

Check Registers

Type Name

-  Period 10 Jul 09 General Account Check Register
-  Period 9 Jun 09 General Account Check Register
-  Period 8 May 09 General Account Check Register
-  Period 7 Apr 09 General Account Check Register
-  Period 6 Mar 09 General Account Check Register
-  Period 5 Feb 09 General Account Check Register

COLLIN COUNTY WEBSITE

SHAREPOINT DETAIL CHECK REGISTER - GENERAL ACCOUNTING

ADDRESS:

[HTTP://PUBLIC1.CO.COLLIN.TX.US/TRANSPARENCY/DEFAULT.ASPX](http://PUBLIC1.CO.COLLIN.TX.US/TRANSPARENCY/DEFAULT.ASPX)

Period 10 Jul 09 General Account Check Register

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Check Number	Check Date	Vendor Name	Transaction Amount	Description	Account Name	Department	Division	MURDER TRIAL								
308727	7/7/09	SHAGGS, J MARK	\$250.00	001-83268-01	COURT APPOINTED ATTORNEY	INDIGENT DEFENSE	INDIGENT DEFENSE	001-83268-01								
			\$250.00													
308728	7/7/09	ALLIED ELECTRONICS INC	\$297.70	BUILDER'S SUPPLIES	BUILDING SUPPLIES	FACILITIES & PARKS	FAC-077 DETENTION	BUILDER'S SUPPLIES								
			\$297.70	BUILDING MAINT. & REPAIR	BUILDING SUPPLIES	FACILITIES & PARKS	FAC-077 DETENTION	BUILDING MAINT. & REPAIR								
			\$996.40													
308730	7/7/09	BOB TOMES FORD	\$260.10	AUTOTRUCK MAINT. ITEMS	AUTO MAINTENANCE	EQUIPMENT SERVICES	EQUIP SERV-SHARED	AUTOTRUCK MAINT. ITEMS								
			\$1,876.84	BLANKET PURCHASE ORDER	AUTO MAINTENANCE	EQUIPMENT SERVICES	EQUIP SERV-SHARED	BLANKET PURCHASE ORDER								
			\$103.17	MISCELLANEOUS SERVICES	AUTO MAINTENANCE	EQUIPMENT SERVICES	EQUIP SERV-SHARED	MISCELLANEOUS SERVICES								
			\$2,260.17													
308731	7/7/09	BOB BARKER CO	\$961.32	CLOTHING AND APPAREL	DETENTION SUPPLIES	SHERIFF'S OFFICE	ORIGINAM SECURITY	CLOTHING AND APPAREL								
			\$961.32	KITCHEN SUPPLIES	KITCHEN SUPPLIES	SHERIFF'S OFFICE	JAIL OPS-ADMIN									
308732	7/7/09	COOLEY LOFT NICHOLS MACHIN	\$1,423.56	BLANKET PURCHASE ORDER	AUTO MAINTENANCE	EQUIPMENT SERVICES	EQUIP SERV-SHARED	BLANKET PURCHASE ORDER								
			\$1,423.56	HEAVY EQUIPMENT REPAIR	HEAVY EQUIPMENT REPAIR	EQUIPMENT SERVICES	EQUIP SERV-SHARED									
			\$1,423.56													
308733	7/7/09	CAW ELECTRIC SUPPLY CO	\$354.38	BLANKET PURCHASE ORDER	BUILDING SUPPLIES	FACILITIES & PARKS	FAC-000	BLANKET PURCHASE ORDER								
			\$511.00	BUILDER'S SUPPLIES	BUILDING SUPPLIES	FACILITIES & PARKS	FAC-SERVICE CENTER	BUILDER'S SUPPLIES								
			\$2,352.78	ELECTRICAL CABLES & WIRES	FACILITIES WAREHOUSE	FACILITIES & PARKS	FAC-MINIMAM SECURITY	ELECTRICAL CABLES & WIRES								
			\$4,995.88	ELECTRICAL EQUIP/SUPPLIES	BUILDING MAINTENANCE	FACILITIES & PARKS	FAC-MINIMAM SECURITY	ELECTRICAL EQUIP/SUPPLIES								
			\$7,314.00													
308734	7/7/09	ECOLAB INC (OSBURN BLDG)	\$1,127.48	JANITORIAL SUPPLIES-GEN	ANNUAL CARE	ANNUAL SHELTER	ANNUAL SHELTER-ADMIN	JANITORIAL SUPPLIES-GEN								
			\$1,127.48	JANITORIAL SUPPLIES	JANITORIAL SUPPLIES	SHERIFF'S OFFICE	JAIL OPS-ADMIN									
308736	7/7/09	MOORE MEDICAL, LLC	\$237.27	HOSPITAL SUPPLIES	LAB SUPPLIES	ANNUAL SHELTER	ANNUAL SHELTER-ADMIN	HOSPITAL SUPPLIES								
			\$237.27	MEDICAL SUPPLIES	MEDICAL SUPPLIES	MEDICAL EXAMINER	ME-ADMIN									
308738	7/7/09	JOS LOCK SHOP	\$20.00	BLANKET PURCHASE ORDER	BUILDING MAINTENANCE	FACILITIES & PARKS	FAC-000	BLANKET PURCHASE ORDER								
			\$20.00													
308737	7/7/09	POWELL, JEFF	\$77.56	TRAVEL REIMBURSEMENT	TRAVEL REIMBURSEMENT	CSCD	CSCD-BASIC SUPERVISION									

COLLIN COUNTY WEBSITE

EXCEL FILE OF DATA CHECK REGISTER - GENERAL ACCOUNTING

ADDRESS:

[HTTP://PUBLIC1.CO.COLLIN.TX.US/TRANSPARENCY/DEFAULT.ASPX](http://PUBLIC1.CO.COLLIN.TX.US/TRANSPARENCY/DEFAULT.ASPX)

Web Portal

- ✦ All data extracted, formatted and combined from multiple systems and presented in such a way to make it easier to search, categorize and find. Vendors payments grouped together, not just for a certain timeframe. Employee groupings by department, position, etc. Ability to add multiple systems and data in the same format and remain consistent.

State of Missouri, Governor Jay Nixon

MAP

Missouri Accountability Portal

MAP Home | Employees | Expenditures | Stimulus | Tax Credits | "Who Is Not Paying?"

Welcome to the Missouri Accountability Portal (MAP).
A MAP to your tax dollars.

The MAP site is presented to the citizens of Missouri as a single point of reference to review how their money is being spent and other pertinent information related to the enhancement of government programs. As you browse the MAP site you will be able to view information about state agency expenditures, the distribution of economic development tax credits, state employee pay information, and revenues and expenditures related to the American Recovery and Reinvestment Act of 2009.

The data on the MAP site is updated each business day. New features are added as they become available. Please visit the site frequently for new information.

Find out what your tax money is doing - with MAP it's easy! To begin, click one of the options above.

What's new...
Check out the new MAP Stimulus Reporting site which displays Missouri's revenues and expenditures relating to the American Recovery and Reinvestment Act of 2009.

State of Missouri | Office of Administration | Department of Economic Development | Contact Information
Copyright © 2007 - Office of Administration

MISSOURI STATE WEBSITE

WEB PORTAL

MAIN PAGE BREAKDOWN

ADDRESS: [HTTP://MAPYOURTAXES.MO.GOV](http://mapyourtaxes.mo.gov)



MAP Home Employees Expenditures Stimulus Tax Credits "Who Is Not Paying?"



Welcome to the Missouri Accountability Portal (MAP). A MAP to your tax dollars.

MISSOURI STATE WEBSITE

WEB PORTAL DETAIL OF INFORMATION

ADDRESS:

[HTTP://MAPYOURTAXES.MO.GOV](http://mapyourtaxes.mo.gov)

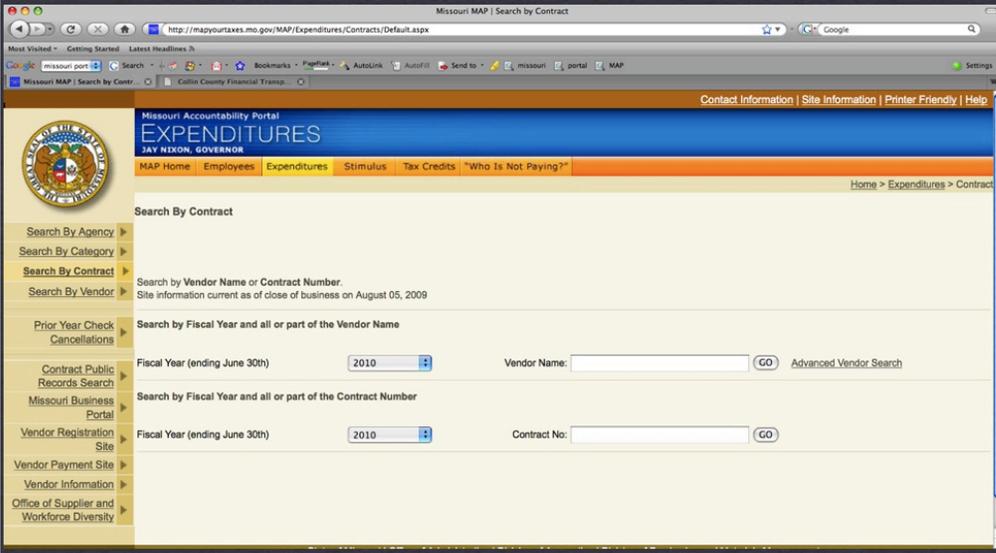


MISSOURI STATE WEBSITE

WEB PORTAL EXPENDITURE SEARCH OPTIONS

ADDRESS:

[HTTP://MAPYOURTAXES.MO.GOV](http://mapyourtaxes.mo.gov)



Missouri Accountability Portal
EXPENDITURES
JAY NIXON, GOVERNOR

MAP Home | Employees | Expenditures | Stimulus | Tax Credits | "Who Is Not Paying?"

Home > Expenditures > Contract

Search By Contract

Search by Vendor Name or Contract Number.
Site information current as of close of business on August 05, 2009

Search by Fiscal Year and all or part of the Vendor Name

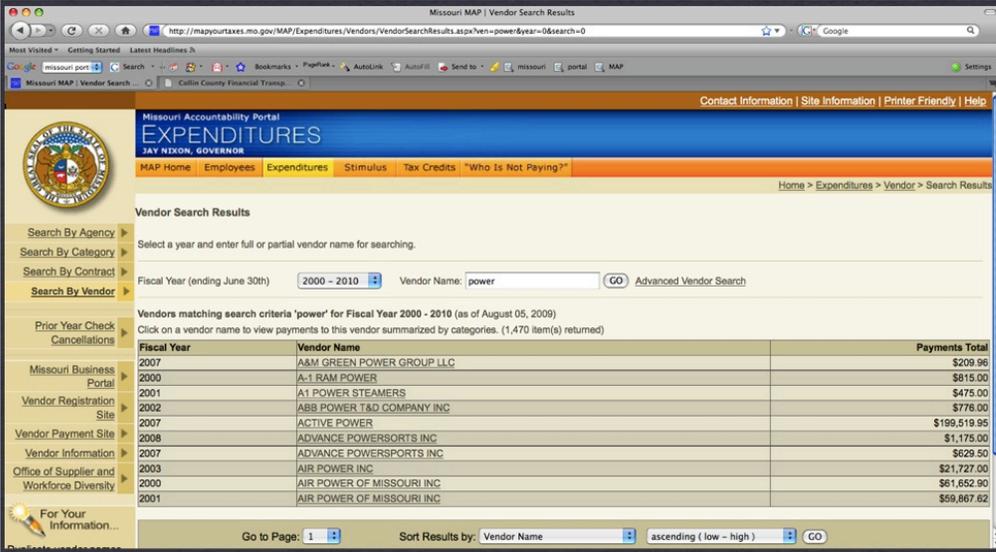
Fiscal Year (ending June 30th): 2010 Vendor Name: GO Advanced Vendor Search

Search by Fiscal Year and all or part of the Contract Number

Fiscal Year (ending June 30th): 2010 Contract No: GO

MISSOURI STATE WEBSITE **WEB PORTAL**
EXPENDITURE SEARCH OPTIONS

ADDRESS: [HTTP://MAPYOURTAXES.MO.GOV](http://mapyourtaxes.mo.gov)



Missouri Accountability Portal
EXPENDITURES
JAY NIXON, GOVERNOR

MAP Home | Employees | Expenditures | Stimulus | Tax Credits | "Who Is Not Paying?"

Home > Expenditures > Vendor > Search Results

Vendor Search Results

Select a year and enter full or partial vendor name for searching.

Fiscal Year (ending June 30th): 2000 - 2010 Vendor Name: power GO Advanced Vendor Search

Vendors matching search criteria 'power' for Fiscal Year 2000 - 2010 (as of August 05, 2009)
Click on a vendor name to view payments to this vendor summarized by categories. (1,470 item(s) returned)

Fiscal Year	Vendor Name	Payments Total
2007	ASM GREEN POWER GROUP LLC	\$209.96
2000	A-1 RAM POWER	\$615.00
2001	A1 POWER STEAMERS	\$475.00
2002	ABB POWER T&D COMPANY INC	\$776.00
2007	ACTIVE POWER	\$199,519.95
2008	ADVANCE POWERSORTS INC	\$1,175.00
2007	ADVANCE POWERSORTS INC	\$629.50
2003	AIR POWER INC	\$21,727.00
2000	AIR POWER OF MISSOURI INC	\$61,652.90
2001	AIR POWER OF MISSOURI INC	\$59,867.62

Go to Page: 1 Sort Results by: Vendor Name ascending (low - high) GO

MISSOURI STATE WEBSITE **WEB PORTAL**
EXPENDITURE SEARCH RESULTS

ADDRESS: [HTTP://MAPYOURTAXES.MO.GOV](http://mapyourtaxes.mo.gov)

Missouri Accountability Portal
EXPENDITURES
 JAY NIXON, GOVERNOR

MAP Home | Employees | Expenditures | Stimulus | Tax Credits | "Who Is Not Paying?"

Home > Expenditures > Vendor > Search Results > Category > Detail

Payments to a Vendor for a Category

Search By Agency | Search By Category | Search By Contract | Search By Vendor

Fiscal Year (ending June 30th): 2010

Payments to MISSOURI POWER TRANSMISSION for SUPPLIES for Fiscal Year 2010 (as of August 05, 2009)
 Click a detail description to see if payments are associated with a contract. (2 item(s) returned)

Detail Description	Payments Total
OTHER REPAIR & MAINTENANCE SUPP.	\$1,085.35
OTHER SPECIFIC USE SUPPLIES	\$850.00

Go to Page: 1 | Sort Results by: Detail Description | ascending (low - high)

MISSOURI
STATE
WEBSITE

WEB PORTAL EXPENDITURE SEARCH RESULTS DETAILS

ADDRESS:

[HTTP://MAPYOURTAXES.MO.GOV](http://mapyourtaxes.mo.gov)

Missouri Accountability Portal
EMPLOYEES
 JAY NIXON, GOVERNOR

MAP Home | Employees | Expenditures | Stimulus | Tax Credits | "Who Is Not Paying?"

Home > Employees > Search By Position Title > Search Results

Position Title Search Results

Search by Agency | Search By Employee Name | Search By Position Title

Calendar Year: 2009 | Position Title: begins with | librarian

Statewide Position Titles matching search criteria 'librarian' for Calendar Year 2009 (as of July 31, 2009, pay date)
 Click on a position title to view position information by agency. (5 item(s) returned)

Position Title	Current Gross Pay	YTD Gross Pay
LIBRARIAN	\$12,304.62	\$217,545.06
LIBRARIAN ASSISTANT	\$1,130.50	\$15,827.00
LIBRARIAN I	\$6,273.00	\$103,889.57
LIBRARIAN II	\$38,749.00	\$536,633.58
LIBRARIAN III	\$2,567.50	\$35,945.00

Go to Page: 1 | Sort Results by: Position Title | ascending (low - high)

MISSOURI
STATE
WEBSITE

WEB PORTAL EMPLOYEE SEARCH RESULTS

ADDRESS:

[HTTP://MAPYOURTAXES.MO.GOV](http://mapyourtaxes.mo.gov)

VI. Ambulance Billing - Chief Esparza

Discussion/Action Items for Future Council Agendas

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
Departmental Briefing – Parks and Recreation/Emergency Management

September 28

Mobility Report
DART Report
Comprehensive Monthly Financial Report

October 5 – City Council Office Hours – BITR – 6-7 p.m.

October 12

Departmental Briefing – Public Works/Engineering

October 13 – National Night Out

October 21-23, TML Conference, Ft. Worth

October 26

Mobility Report
DART Report
Comprehensive Monthly Financial Report

November 2 – City Council Office Hours – BITR – 6-7 p.m.

November 9

Departmental Briefing – Property Standards

November 10 – 14, NLC, San Antonio

08-18-09 – 8:58 a.m.

November 23

ACC Report (Quarterly)

Mobility Report

DART Report

Comprehensive Monthly Financial Report

December 7 – City Council Office Hours – BITR – 6-7 p.m.

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

December 14

Departmental Briefing – Building Inspections

December 22

Mobility Report

DART Report

Comprehensive Monthly Financial Report



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY			Initials	Date
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing		
Council Meeting Date: 08/24/2009		Budget		
Department: City Manager's Office		Legal		
Department Head: Tom Muehlenbech		Assistant City Manager		
Dept Signature:		Deputy City Manager		
		City Manager	<i>JMM</i>	8/17/09
Agenda Coordinator (include phone #): Sharon Wright X7107, Cindy Pierce X7121				
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 PROCLAMATION				
CAPTION				
Proclamation: 30 th Annual Plano Balloon Festival Celebration				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY			Initials	Date
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing		
Council Meeting Date:	08/24/2009	Budget		
Department:	City Manager's Office	Legal		
Department Head	Tom Muehlenbech	Assistant City Manager		
Dept Signature:		Deputy City Manager		
		City Manager	<i>[Signature]</i>	8/17/09
Agenda Coordinator (include phone #): Sharon Wright X7107, Cindy Pierce X7121				
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 PROCLAMATION				
CAPTION				
Proclamation: Swing Fore! Yellow Charity Golf Classic Day				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
August 10, 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 called the meeting to order at 5:10 p.m., Monday, August 10, 2009, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Council Member Smith arrived at 5:22 p.m. 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/Litigation, 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 5:52 p.m. in the Council Chambers where the following matters were discussed:

Consideration and Action Resulting From Executive Session: Personnel Reappointments

Planning and Zoning Commission

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Miner, the Council voted 8-0 to reappoint James Duggan, Christopher J. Caso and Jim Norton.

Personnel: Reappointments/Appointments

Senior Citizens Advisory Board

Upon a motion made by Council Member Harris and seconded by Council Member Callison, the Council voted 8-0 to reappoint Robert D. Albrecht.

Public Arts Committee

Upon a motion made by Council Member Callison and seconded by Council Member Smith, the Council voted 8-0 to reappoint Richard E. Allison and Mary Jo Forbes.

Retirement Security Plan Committee

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Callison, the Council voted 8-0 to appoint Greg Carpenter as an employee member thus confirming City Manager Muehlenbeck's recommendation.

“Plano First” Program

Plano Chamber of Commerce President/CEO Brad Shanklin spoke to the redesign of the program, involvement of the Chamber in supporting the City's economic viability, plans to promote the program, and support received from retailers. Board Member Camille Ussery spoke to the campaign's logo “Plano First – It Makes Cents” and Mr. Shanklin spoke to adaptation for holidays. He responded to the Council advising that no timeframe has been set for the program and spoke to use of the web for promotion, asking the City to provide a link. Deputy Mayor Pro Tem Dunlap spoke to the benefits to all entities in the community and the Council expressed gratitude for the Chamber's efforts.

Department Report - Sustainability

Director of Environmental Services and Sustainability Nevil advised that there has been a 14% decrease in solid waste tonnage for FY 2008-09 and to payment to the North Texas Municipal Water District (NTMWD) based on this figure resulting in a credit of \$675,000 for the City. She spoke to NTMWD projects including construction/debris recovery with the goal to reduce tonnage brought to the site advising that the impact on the City's costs would be significant. Ms. Nevil advised regarding the possible postponement of the Lookout Transfer Station and development of the District's business plan expected in late November.

Ms. Nevil spoke to the City's participation in the RecycleBank Reward Program, its extension to February 2010 in order to more accurately measure participation, impact, and cost. She spoke to work with Homeland Security to develop a Debris Management Plan and the Biomass Facility (compost) providing more efficient operation. Ms. Nevil spoke to increases in product sales, as well as an application to use old fence material and building lumber to create energy. She spoke to efforts to reach the goals of the regional program, internal initiatives related to sustainability, the *Live Green Expo* on April 17, 2010, and the status of the Clean Fleet Strategic Plan to convert refuse vehicles. Ms. Nevil spoke to the Energy Efficiency and Conservation Block Grant Program (EECBG) to be awarded no later than September 30.

Ms. Nevil spoke to providing environmental education and community outreach, participation of 300 residents in the Energy Efficiency Rebate Program, *Live Green* Volunteers, Plano Community Garden and the North Central Texas Council of Governments Grant Cycle with development of a Plastic Bag Awareness Program. Deputy Mayor Pro Tem Dunlap spoke regarding compliments received regarding solid waste services in the City.

Facilities Manager Razinha advised the Council that items included in the EECBG application include microturbines to provide on-site power generation for the Municipal Center offering an approximate savings of \$200-300,000 per year in gas/electricity costs; LED parking lot lighting offering a 60% savings in consumption and lower maintenance costs; and a solar hot water heater for the Environmental Education Building to demonstrate benefits for residents. Ms. Nevil advised that all administration costs will be covered under the grant and that as monies are received for the revolving loan program they will be offered to other users. Mayor Dyer recognized the efforts of the departmental staff.

Consideration of 2010 City Council Meeting Dates

The Council rescheduled the December 28, 2010 meeting to Tuesday, December 7, 2010.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agenda

No items were discussed.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:33 p.m.

ATTEST

Phil Dyer, Mayor

Diane Zucco, City Secretary

PLANO CITY COUNCIL
August 10, 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 Monday, August 10, 2009, at 7:12 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

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

Mayor Dyer presented Special Recognition to the City of Plano Libraries for the 2009 Achievement of Excellence Award and presented the Battle of the Badges Trophy to the Plano Police Department.

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

Council Member Jackson requested Consent Agenda Item "H," to approve the purchase of Annual VMWare Licensing software and support, in the amount of \$149,050, from INX, Inc., be removed for individual consideration.

Deputy Mayor Pro Tem Dunlap requested Consent Agenda Item "O," an ordinance to transfer the sum of \$80,000 from the General Fund Unappropriated Fund Balance for Fiscal Year 2008-09 to the General Fund Operating Appropriation for the purpose of providing additional funding to meet the requirements of HB 55, 81st Texas Legislature for the "Cell Phone Use Prohibited - Up to \$200 Fine" signs at school crossing zone be removed for individual consideration.

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

CONSENT AGENDA

Approval of Minutes (Consent Agenda Item "A")

July 27, 2009

July 29, 2009

Approval of Expenditures

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

Bid No. 2009-120-C for the Supply and Installation of Retro-Reflective Hot-Poured Thermoplastic Pavement Marking Material including Pavement Preparation and Sealer/Primer to A & M Maintenance Services, Inc. in the estimated annual amount of \$89,594 and authorizing the City Manager to execute all necessary documents. This will establish an annual contract with three optional one-year renewals. (Consent Agenda Item "B")

Bid No. 2009-134-C for Installation of Ceramic and Acrylic Pavement Marking Buttons to A & M Maintenance Services, Inc. in the estimated annual amount of \$132,300 and authorizing the City Manager to execute all necessary documents. This will establish an annual contract with three optional one-year renewals. (Consent Agenda Item "C")

CSP No. 2009-66-C for the Utility Bill Printing and Mailing Services to DataProse, Inc. in the amount of \$388,700 and authorizing the City Manager to execute all necessary documents. This is an annual contract with renewals. (Consent Agenda Item "D")

Bid No. 2009-149-B for the construction of Plano Parkway – Midway Road to the West City Limits to McMahon Contracting, L.P. in the amount of \$1,002,848 for the Alternate 2 Bid for low nitrous oxide cement. (Consent Agenda Item "E")

Purchase from an Existing Contract

To approve the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$75,000 from Midwest Tapes through an existing contract/agreement with Texas State Contract 715-N1 Print Materials and Multimedia; authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

To approve the purchase of two (2) Chevrolet ½ Ton Extended Cab Pickup Trucks, one (1) Chevrolet ¾ Ton Regular Pickup Truck and one (1) Chevrolet ¾ Ton Extended Cab with Lift-gate in the amount of \$96,245 from Caldwell Country Chevrolet through an existing contract/agreement with H-GAC Cooperative Purchase Program and authorizing the City Manager to execute any and all necessary documents (Bid No. VE03-06). (Consent Agenda Item "G")

Adoption of Resolutions

Resolution No. 2009-8-1(R): To accept the Certified Appraisal Rolls for Fiscal Year 2009-10 for Collin County and Denton County, and providing an effective date. (Consent Agenda Item "I")

Resolution No. 2009-8-2(R): To ratify expenditures and the terms and conditions of an Agreement by and between Alternative Service Concepts, LLC (ASC), a Delaware corporation and the City of Plano for Third Party Claim Services (a professional service); approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item “J”)

Resolution No. 2009-8-3(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 and repealing Resolution No. 2009-5-21(R); authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2009-8-4(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Denton County, Texas, for the widening of Marsh Lane from Parker Road to Hebron Parkway and Plano Parkway from the Western City Limits to Midway Road; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2009-8-5(R): To approve the Investment Portfolio Summary for the Quarter Ending June 30, 2009 and providing an effective date. (Consent Agenda Item “M”)

Adoption of Ordinances

Ordinance No. 2009-8-6: To repeal Section 12-74. Maximum Limits on Specific Streets (b) State Highway 121, of Chapter 12, Motor Vehicles and Traffic, of the City of Plano Code of Ordinances; adding a new Section 12-74. Maximum Limits on Specific Streets (b) State Highway 121, designating the south service road of the Sam Rayburn Tollway as State Highway 121; and providing a repealer clause, a severability clause, a savings clause, and an effective date. (Consent Agenda Item “N”)

END OF CONSENT

Purchase from an Existing Contract - To approve the purchase from an existing contract/agreement authorizing expenditure for Annual VMWare Licensing software and support, in the amount of \$149,050, from INX, Inc., through an existing contract/agreement, with the Department of Information Resources (DIR) contract, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-621) (Consent Agenda Item “H”)

Upon a motion made by Council Member Jackson and seconded by Deputy Mayor Pro Tem Dunlap, the Council voted 8-0 to table this item until the August 24, 2009 Council Meeting.

Ordinance No. 2009-8-7: To transfer the sum of \$80,000 from the General Fund Unappropriated Fund Balance for Fiscal Year 2008-09 to the General Fund Operating Appropriation for the purpose of providing additional funding to meet the requirements of HB 55, 81st Texas Legislature for the “Cell Phone Use Prohibited - Up to \$200 Fine” signs at school crossing zones; amending the budget of the City and Ordinance No. 2008-9-15, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item “O”)

Deputy Mayor Pro Tem Dunlap spoke to ensuring the public was aware of additional costs resulting from action by the state legislature.

Ordinance No. 2009-8-7 (cont'd)

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Miner, the Council voted 8-0 to approve a transfer of \$80,000 from the General Fund Unappropriated Fund Balance for Fiscal Year 2008-09 to the General Fund Operating Appropriation for the purpose of providing additional funding to meet the requirements of HB 55, 81st Texas Legislature providing signs at school crossing zones and further to adopt Ordinance No. 2009-8-7.

Bid No. 2009-122-B for the Legacy Greenbelt Extension, Denbury to YMCA to Ratliff Hardscape, LTD in the amount of \$213,088. The project is for construction of a concrete recreational trail along White Rock Creek (Legacy Trail) from Tennyson Parkway north through the current YMCA property on the west side of the creek. (Tabled 7/27/09) (Regular Agenda Item "1")

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Callison, the Council voted 8-0 to remove the item from the table.

Upon a motion made by Mayor Pro Tem LaRosiliere and seconded by Council Member Callison, the Council voted 8-0 to approve Bid No. 2009-122-B for the Legacy Greenbelt Extension.

Discussion of Plano Convention Center Feasibility Study (Regular Agenda Item "2")

Deputy City Manager Hogan spoke to Council direction to study Plano Centre and the potential for a hotel and convention center. Thomas Hazinski, Managing Director of HVS, spoke to the Plano Centre hosting more events than the national average for a comparable facility and its narrowing focus as other centers have opened in the area. He spoke to the goals of maximizing economic impact, serving as a local venue for events/culture, providing a positive impact to surrounding neighborhoods and minimizing ongoing operating losses and the current center not generating an impact on hotels or other venues in the City. Mr. Hazinski spoke to the Centre's small meeting rooms, multi-purpose room doubling as a banquet/exhibit hall and the lack of adjacent hotel property. He spoke to consideration of several locations including east S.H. 190 which offers ample space for development and access but lacks a motel, shopping or entertainment; Collin Creek area with walk-ability, parking and proximity to venues but lacking proximity to existing hotel rooms and limited capacity; Dallas North Tollway/Legacy Drive having access, proximity to venues and hotels but having issues of site acquisition and the ability to gain control of the site along with a low degree of walk-ability; and the existing location which is owned by the City and can be expanded but lacks proximity to hotel rooms or other venues and has a low degree of walk-ability.

Mr. Hazinski spoke to preference for the Dallas North Tollway area with the current Plano Centre location ranking second. He spoke to development of a new center with exhibit/ballroom/meeting spaces that are flexible for multiple configurations, and integration with a 500-room hotel with a high-quality brand. Mr. Hazinski spoke to centers being publicly financed and hotels privately developed and significant infrastructure and investment of resources. He advised that the next steps would be to focus on a single site, define the concept, price the project, complete an economic impact analysis, determine a financial plan and determine the structure of the development process.

Mr. Hazinski responded to the Council, advising that the same characteristics that make a hotel site successful are important to a convention center and mass transit is a benefit of lesser importance. Mr. Hogan advised that findings will be presented to the finance committee for consideration before being brought back to Council and that no specific site has been determined. Naomi Hulme, president of Bridal Shows, Inc., spoke to the need for more space at Plano Centre and consideration of an expansion.

Discussion of the FY 2009-10 Proposed Community Investment Program (CIP) (Regular Agenda Item "3")

City Manager Muehlenbeck spoke to focusing on those projects for which bond debt has not yet been issued and consideration of operating costs. Chief Park Planner Reeves spoke to sources of funding for improvements including the Recreation Centers Bond Program, Park Improvements Bond Program, Park Fee Program and Parks Capital Reserve Fund. He reviewed the recreation program including the Aquatic Center Renovation (\$500,000) which will have an operations/maintenance (O&M) impact and Mr. Muehlenbeck spoke to \$500,000 for design with construction costs occurring in 2010-2011 (\$3 million). He advised that the facility is located on school property and who shares in operating costs. Mr. Reeves spoke to the Carpenter Park Expansion (\$5.8 million) which includes an indoor pool for use by seniors and young children and to the O&M of \$576,000 annually. He responded to Council Member Jackson, advising that Staff would review the cost for renovation versus expansion and to use of this pool for classes rather than competitive swimming. Mayor Pro Tem LaRosiliere spoke to the concept of neighborhood recreation centers in the City.

Mr. Reeves spoke to Park Improvement Projects (\$22 million) providing renovations including irrigation, fencing, restrooms, bleacher shade, and parking; land acquisitions, and updates to Pecan Hollow Golf Course. He advised that O&M costs for the Oak Point Visitor's Center are primarily related to facility costs (\$92,000/year) with the total projected for all projects at \$588,034 annually. Mr. Reeves spoke to the Parks Capital Reserve Fund (\$4.6 million) and Park Fee Projects (\$1.9 million) for the area of the City where funds are collected. He responded to Council Member Smith, advising that the current focus is on greenbelt acquisition and trail construction.

Director of Public Works/Engineering Upchurch advised that the engineering portion of the CIP contains the Street Improvements Program including rehabilitation projects (\$10.5 million), design projects (\$3.7 million), capacity improvements (\$9.1 million), funding continuation of previous projects (\$8 million and miscellaneous (\$3.5 million). He spoke to other funding sources including the counties, TIF, TxDOT and RTR contributing \$26.2 million. Mr. Upchurch spoke to municipal drainage (\$6.4 million) paid by the drainage fee and to water improvements (\$10.9 million) associated with road widening and reconstruction of streets. He spoke to sewer improvements (\$9.4 million) and reviewed capital reserve projects (\$9.8 million) including slab replacements, screening wall/sidewalk repair, and pump station rehabilitation. Mr. Upchurch spoke regarding the use of uninterrupted power supply for signals using funding from the red-light camera program and work on the Coit Road/Legacy Drive signals. He responded to Council Member Jackson regarding the mandate to upgrade street name/signs providing more visibility.

Facilities Manager Razinha advised the Council regarding the Facilities Capital Reserve (\$2.3 million) focusing on energy reduction including building modifications and to Facilities Projects (\$10.8 million) including Fire Station #13, renovations to Fire Station #4, technology services facility, and radio system infrastructure. He further spoke to items brought forward from prior years including the emergency operations center, environmental education building and animal shelter expansion.

Public Hearing on the FY 2009-10 Recommended Budget and the FY 2009-10 Proposed Community Investment Program (CIP). “This budget will raise more total property taxes than last year’s budget by \$2,991,076 or 2.5% and of that amount \$1,858,678 is tax revenue to be raised from new property added to the tax roll this year.” (Regular Agenda Item “4”)

Director of Budget and Research Rhodes-Whitley advised that the total CIP is \$112.8 million and Mayor Pro Tem LaRosiliere spoke to the total three-year O&M costs of \$6.5 million. Chief Esparza responded to the Council regarding staffing of fire stations.

Mayor Dyer opened the Public Hearing. Citizen of the City Celeste Bederka commended the City’s police force, spoke to troubled economic times, keeping small businesses viable in the City, and priorities of infrastructure/public safety and security. She stated concern regarding building expansions. No one else spoke and the Public Hearing was closed.

A Vote on a Proposal to Consider an Increase in Total Tax Revenue (Regular Agenda Item “5”)

Director of Budget and Research Rhodes-Whitley advised the Council regarding the requirement for a record vote should the effective tax rate rise even one cent. She spoke to the recommended rate of 48.86 per \$100 valuation with an effective tax rate of 49.04 and a rollback rate of 52.59 which can be petitioned for a vote by citizens. Ms. Rhodes-Whitley stated that the recommended rate would have an impact of \$30.16 on the average home’s tax bill, the effective rate a \$33.76 impact and the rollback rate a \$104.67 impact. She responded to Council Member Jackson regarding anticipated sales tax revenue.

City Manager Muehlenbeck spoke regarding the possible 5% reduction in property values 2010-11 (\$5.2 million), CIP projects (\$5.9 million), TMRS and health insurance increases (\$3 million), CIP O&M costs \$3 million for a total of \$24 million. He advised that the resultant tax rate impact would be 9.9 cents.

The Council discussed taking a vote on increasing the effective tax rate, addressing this year’s budget, monies that could be contributed to the shortfall for future budgets, and the cost of approving all CIP projects. Mayor Pro Tem LaRosiliere spoke to considering discussion of the rollback rate (52.59) and he, Mayor Dyer and Council Member Callison expressed support while the remaining Council members did not. No vote was taken on a proposal to consider an increase in total tax revenue.

Public Hearing and adoption of Ordinance No. 2009-8-8 - Zoning Case 2009-12 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 600 so as to allow the additional use of a Winery on 0.1± acre of land located 240± feet west of Preston Road and 630± feet north of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Planned Development-457-Retail/General Office; 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: Larry Epp (Regular Agenda Item “6”)

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted.

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

Ms. Jarrell responded to Council Member Harris, advising that Council historically has not received copies of letters submitted for zoning cases. Applicant Larry Epp spoke to the process of manufacturing wine and Ms. Jarrell advised Deputy Mayor Pro Tem Dunlap that the difference in licensing is preparation of the product as opposed to sales only.

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

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Callison, the Council voted 8-0 to grant Specific Use Permit No. 600 as requested in Zoning Case 2009-12 and recommended by the Planning and Zoning Commission and further to adopt Ordinance No. 2009-8-8.

Public Hearing and adoption of Ordinance No. 2009-8-9 - Zoning Case 2009-13 to amend Subsection 4.505 of Section 4.500 (Preston Road Overlay District), Subsection 4.605 of Section 4.600 (Dallas North Tollway Overlay District), Subsection 4.705 of Section 4.700 (190 Tollway/Plano Parkway Overlay District), Subsection 4.805 of Section 4.800 (State Highway 121 Overlay District), and Subsection 4.904 of Section 4.900 (Parkway Overlay 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, pertaining to overhead electrical regulations; 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 "7")

Director of Planning Jarrell spoke the difficulty in enforcing underground placement of electrical/communication lines, increased costs of projects, variances received from the Board of Adjustment, cities that do not require such placement and recommendations to repeal the underground placement, the requirement for placement on concrete or steel poles and the 15-foot wide easement requirement. She stated that the Planning and Zoning Commission recommended approval as follows:

Section 4.500 Preston Road Overlay District

Subsection 4.505

~~Electrical and/or communications utility lines shall be installed underground in compliance with utility service regulations as new development or redevelopment occurs. Temporary lines extended across another property to reach a site under development may remain above ground until development or redevelopment of that property occurs. Existing overhead facilities, over 60,000 volts in capacity, which follow existing routes, rights of way, and/or easements may remain and may be repaired, replaced, or upgraded. A 15 foot wide easement shall be provided adjacent to thoroughfare rights of way (Type C and above) for the underground placement of electrical and/or communications utility lines. This easement may be included in the required landscape edge described in Subsection 4.504. The requirement of an easement may be waived at the discretion of the appropriate utility provider.~~

Section 4.600 Dallas North Tollway Overlay District

Subsection 4.605

~~Electrical and/or communications utility lines shall be installed underground in compliance with utility service regulations as new development or redevelopment occurs. Temporary lines extended across another property to reach a site under development may remain above ground until development or redevelopment of that property occurs. Except as noted below, all lines including individual service lines shall be installed underground. (ZC 99-28; Ordinance No. 99-7-9)~~

- (1) ~~Overhead placement is permitted along the outside lanes of the Dallas North Tollway frontage roads for electrical distribution and communications lines sharing the same support structures. Single post concrete and/or steel support structures are required.~~

Ordinance No. 2009-8-9 (cont'd)

- ~~(2) Existing overhead facilities, over 60,000 volts in capacity, which follow existing routes, rights-of-way, and/or easements may remain and may be repaired, replaced, or upgraded.~~

~~A 15-foot wide easement shall be provided adjacent to thoroughfare rights-of-way (Type D and above) for the placement of electrical and/or communications utility lines. This easement may be included in the required landscape edge described in Subsection 4.604. Along the tollway frontage roads, two ten-foot easements shall be required. The requirement of an easement may be waived at the discretion of the appropriate utility provider(s). This requirement shall not apply to Central Business-1 zoned property within the corridor, except along the frontage roads of the Dallas North Tollway.~~

Section 4.700 190 Tollway/Plano Parkway Overlay District

Subsection 4.705

~~Electrical and/or communications utility lines shall be installed underground in compliance with utility service regulations as new development or redevelopment occurs along all roadways (Type C or above). Exceptions to the above requirements are:~~

- ~~(1) Overhead placement is permitted along the northern right of way boundary of the 190 Tollway for electrical distribution and communications lines sharing the same support structures. Single post concrete and/or steel support structures are required.~~
- ~~(2) Existing overhead facilities, over 60,000 volts in capacity, which follow existing routes, rights-of-way, and/or easements may remain and may be repaired, replaced, or upgraded.~~

~~A 15-foot wide easement shall be provided adjacent to thoroughfare rights-of-way (Type C and above) for the placement of electrical and/or communications utility lines. This easement may be included in the required landscape edge described in Subsection 4.704. The requirement of an easement may be waived at the discretion of the appropriate utility provider.~~

Section 4.800 State Highway 121 Overlay District

Subsection 4.805

~~Electrical and/or communications utility lines shall be installed underground in compliance with utility service regulations as new development or redevelopment occurs along all roadways (Type C or above). Exceptions to the above requirements are:~~

- ~~(1) Overhead placement is permitted along the southern right of way boundary of State Highway 121 for electrical distribution and communications lines sharing the same support structures. Single post concrete and/or steel support structures are required.~~
- ~~(2) Existing overhead facilities, over 60,000 volts in capacity, which follow existing routes, rights-of-way, and/or easements may remain and may be repaired, replaced, or upgraded.~~

Ordinance No. 2009-8-9 (cont'd)

~~A 15-foot wide easement shall be provided adjacent to thoroughfare rights of way (Type C and above) for the placement of electrical and/or communications utility lines. This easement may be included in the required landscape edge described in Subsection 4.804. The requirement of an easement may be waived at the discretion of the appropriate utility provider.~~

Section 4.900 Parkway Overlay District

Subsection 4.904

~~Electrical and/or communications utility lines shall be installed underground in compliance with utility service regulations as new development or redevelopment occurs. Temporary lines extended across another property to reach a site under development may remain above ground until development or redevelopment of that property occurs. Existing overhead facilities, over 60,000 volts in capacity, which follow existing routes, rights of way, and/or easements may remain and may be repaired, replaced, or upgraded. A 15-foot wide easement shall be provided adjacent to thoroughfare rights of way (Type C and above) for the underground placement of electrical and/or communications utility lines. This easement may be included in the required landscape edge described in Subsection 4.903. The requirement of an easement may be waived at the discretion of the appropriate utility provider.~~

Mayor Dyer opened the Public Hearing. Cheryl Williams spoke in support of the request, the need for variances under the current regulations and cost burdens for property owners. No one else spoke for or against the request. The Public Hearing was closed.

Ms. Jarrell advised that the intersection of Parker/Custer Roads is not subject to the underground requirements

Upon a motion made by Deputy Mayor Pro Tem Dunlap and seconded by Council Member Miner, the Council voted 8-0 to amend sections of the Comprehensive Zoning Ordinance as requested in Zoning Case 2009-13 and recommended by the Planning and Zoning Commission and further to adopt Ordinance No. 2009-8-9.

Staff Briefing on Public Safety Radio Replacement Project & RFP – Interoperability Issue (Regular Agenda Item “8”)

Deputy City Manager Glasscock spoke to eminent release of the Request for Proposal (RFP) related to the radio replacement project, the limited number of vendors for the system and interoperability between systems scored as a pass/fail factor. Director of Public Safety/Communications Timmons spoke to the wide range of stake holders, the need for compatibility with coverage in neighboring cities, and reviewed the timeline with selection in 2010 and “cut-over” to the new system in spring 2011.

Discussion and Direction Concerning Neighborhood Roundtable Meetings (Regular Agenda Item "9")

Deputy City Manager Glasscock spoke to evolution of the program and the current format in which Staff works with the Mayor and Council district member to develop an agenda, Staff presentations and a general question and answer period. He spoke to attendance average of 55 individuals, notification via postcards, and follow-up responses provided via e-mail. Mr. Glasscock reviewed the total cost of \$60,093 including printing, mailing, postage, rental and refreshments and recommended continuing one meeting per district each year, discontinuing postcard notification saving \$5,000 per year, monitoring effectiveness and reporting to Council.

The Council discussed providing more interaction with those in attendance including a possible Council presentation in the agenda. City Attorney Wetherbee advised that Staff will review parameters for the roundtables and to Council offering policy or factual information. Mayor Pro Tem LaRosiliere spoke to Council discussing long-term planning with Staff addressing specifics. Council Member Harris spoke to referring to the sessions as general roundtables rather than identifying them by specific districts and inclusion of information in the utility bills. The Council stated a consensus to continue with the same format, remove reference to a specific district, revise notification procedures to decrease costs, and possibly a Council Member presentation.

There being no further discussion, Mayor Dyer adjourned the meeting at 10:00 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary

PLANO CITY COUNCIL
Budget Worksession
August 15, 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 Budget Worksession on Saturday, August 15, 2009, at 8:02 a.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

Request for Public Input on Budget and CIP

Kimberly Zech and Debbie and Jerry Graves, residents of Murphy, spoke to errant golf balls and encouraged Council to proceed with plans to redesign Pecan Hollow Golf Course. Jack Lagos, citizen of the City, stated concern regarding posting of the packet on the web site; spoke to funds held by the Plano Economic Development Board and applying these to the budget deficit or reducing the two-cent tax incentive. He spoke to setting a time limit for groundbreaking of the arts center. City Manager Muehlenbeck spoke to payments made this year from the Economic Development Fund and those pending and monies collected from the private sector during the board's inception not representing tax-payer dollars.

Justin Nichols, representing Crossroads Family Services, spoke regarding services provided including victim assistance, counseling and community education; partnership with the Police Department; services for 5,700 community residents and requested Council consideration of \$57,500. He responded to the Council regarding funding received from the Victims of Crime Grant Program and the need for local support.

Collin County Commissioner and City resident Kathy Ward spoke regarding the importance of making cuts to deliver a balanced budget without impacting the areas of Police/Fire.

Budget Worksession Overview

Highlights of 2008-09/Outlook for 2009-10 and 2010-11

City Manager Muehlenbeck spoke to the decline in sales tax revenue of 9.8% and its impact on the City budget, the 15% decline in Building and Development related revenues and a \$2 million loss in interest earnings. He spoke to passage of the 2009 Bond Referendum, the City's total combined budget of \$405.5 million representing a decrease of .55% under the 2008-09 re-estimated budget or an increase of \$4.7 million or 1.17% over the 2008-09 original adopted budget, the early financial forecast projecting a \$13.7 million General Fund budget deficit for FY 2009-10 and \$10.4 million in budget reductions identified during the Core Business Matrix worksession. Mr. Muehlenbeck spoke to City-wide elimination of 61 full-time and 9 part-time employees in addition to the positions previously eliminated from the FY 2008-09 Budget and the shortfall left of \$3.9 million.

Mr. Muehlenbeck spoke to the proposed budget including a tax rate increase of 1.51 cents to 48.86 cents per \$100 of assessed property value, advised that there has not been a property tax rate increase since 1990 to fund general fund services or additional debt and that two-cents would continue to be dedicated to the Economic Development Incentive Program. He spoke to the decrease of property values and projections that sales tax will return to projected figures, advised that the budget does not include any salary increases excluding step increases for civil service, spoke to increases in the retiree payout account of \$1 million to \$3 million in order to account for additional retirements planned for next year and TMRS increases from 14.06% to 15.72%. Mr. Muehlenbeck spoke to the General Obligation bond sale of \$30.57 million for January 2010 with a one-year interest payment in the amount of \$664,898 and issuance of \$10 million in Certificates of Obligations for the Radio System Infrastructure Replacement Project.

Mr. Muehlenbeck spoke to avoiding severe service reductions and concern regarding reducing the budget without reducing the high quality services the citizens of Plano have come to expect. He advised that for every dollar spent on City services, Public Safety expenditures account for .61 cents and working to address future deficits.

Funding Requests

Economic Development – Operating Budget & Incentives

Executive Director of the Plano Economic Development Board Bane spoke to the mission to attract, retain and assist local businesses in their expansion; contribution made to the economic health of the City; and reviewed progress including the reduction in vacant space in the Research/Technology District and projects in the Legacy Town Center. She reviewed Economic Development's role in helping companies select Plano and the 2008 Progress Report indicating placement of 41 projects with 4,520 jobs and spoke to the current year representing 18 projects and 2,400 jobs with an average salary of \$71,000 and \$106 million worth of improvements to the tax rolls. She spoke to aggressive promotion of the new web site, efforts to connect with external markets that represent companies and reaching a lease renewal rate of 75%. She advised that the budget requested has been reviewed by the Board and includes a reduction in costs with an O&M smaller than the marketing budgets of competing cities.

Ms. Bane responded to the Council, advising that the PEDB is a marketing organization and meets with decision-makers and those in the real estate and development community; provides personalized services to those considering Plano; and stated that businesses may fund specific events but do not contribute to the operating budget. She spoke to projects offering local employment and contributing to the tax base thus lowering the impact on residents and the long-term impact on the tax rolls. Director of Budget and Research Rhodes-Whitley advised that the current re-estimated budget is \$933,000 which includes carry forwards and the budget for 2009-10 is \$870,000. Ms. Bane spoke to the vacancy rates in Plano, the potential for an increase in projects with a decline in construction activity and advised that companies are drawn to Plano because of its educated citizenry and diversity.

Buffington Community Services Grants

Community Relations Commission Chair Harvey spoke to board members stepping down from consideration of items where there may be a conflict of interest. Commission Member Aguilar spoke to the history of the grants, funding provided to agencies serving emergency needs, grants limited to 50% of the agency budget and available to non-profits in operation for three years. She spoke to monies provided in 2007-08 to Plano residents, recommendations for 2009-10 (\$527,600) and the number of requests received. Commission Member Grady spoke to the difference between the amount of funding and the requests received and provided information regarding the poverty level in Collin County. Ms. Harvey responded to Council Member Jackson, advising that the application process considers redundancy of services and spoke to consideration of funding for City House and possible redirection of funds from last year to this agency. She spoke regarding measurement of goals, outcomes and tools in considering agency requests. City Manager Muehlenbeck spoke to funds provided at \$2 per capita from the General Fund.

Presentation of Heritage Commission

Heritage Commission Chair Chaput spoke to grant funding equal to 15% of the City's hotel/motel tax (\$661,173). He reviewed the Commission's recommendation to fund \$330,000 for the Heritage Farmstead Museum for operations/maintenance and \$145,000 for the Plano African American Museum (PAAM) for operations/maintenance, museum design and the Underground Railroad project.

PAAM Board of Directors Chair Johnson spoke to successful completion of two audits, the status of the Thornton House, volunteer staffing, research on other grants, in-kind donations, and upcoming events. She reviewed prior funding and projects and responded to the Council regarding restoration of the Thornton House, work on an oral history, development of curriculum, and potential exhibits/collections. Council Member Jackson spoke to the need for exhibits and partnering with members of the community. Mayor Pro Tem LaRosiliere spoke to development of the group and work on a strategic plan to help the organization become more self sufficient.

Mr. Chaput spoke to funding \$9,725 for the North Texas Masonic Museum for displays, Moore House Building Repairs and book publications and \$165,000 for the Plano Conservancy, Inc. for various projects. City Manager Muehlenbeck stated concern regarding the funding of an additional freight car at Haggard Park. Russ Kissick, representing the Conservancy, spoke to researching other avenues of funding and advised that the City provides 80% of operation costs.

Mr. Chaput spoke to the Rowlett Creek Cemetery Association funding of \$11,448 for fence repair/replacement and advised that while the association handles maintenance, they do not have monies for this project. Council Member Smith spoke to encouraging agencies to seek alternate funding.

Mayor Dyer recessed the work session at 10:20 a.m. and reconvened at 10:32 a.m.

City Manager Muehlenbeck spoke to allowable uses for convention and tourism funds including encouraging tourism, convention centers and the City's authority to provide up to 15% for historic and the arts. He advised that a decrease in the percentage provided to agencies would result in funds available for studies related to a civic center.

Presentation of Cultural Affairs Commission and Special Events Grants

Cultural Affairs Commission Chair Griffith reviewed the funding schedule, applicant requirements, evaluation criteria and responsibilities. He advised the Council that agencies may not receive more than 25% of their previous year's budget and to major grant recommendations totaling \$656,173.

Citizen Suzy Jones requested reconsideration of the grant for the ArtCentre of Plano to include in-kind monies and Creative Arts Manager Wear spoke to due diligence in review of this application which revealed it did not provide information on in-kind expenses in the recommended manner. Ms. Jones spoke to documentation provided and Mr. Griffith spoke to providing clear direction in coming years regarding the completion of paperwork. Staff advised that a meeting of the Commission would be called to address this application and possibly rework grant figures.

Mr. Griffith spoke to the Small Grant Program in the total amount of \$5,000 and Special Events Grants in the amount of \$242,328 with all items except the Balloon Festival (\$157,190) funded from the General Fund. Council Member Miner spoke to possible consolidation of festivals for cost savings and Council Member Jackson spoke to positive the positive impact of the Soapbox Derby. Chair Griffith spoke to the growth of Rover Dramawerks.

Plano Early Lions – Parades Applications

Ken Gleason, representing the Plano Early Lions, spoke regarding rental of barricades, police services at parades, and liability insurance and the request for \$10,712 each for the Independence Day and Plano Children's Christmas Parade for an increase of \$312/each from the recommended budget.

Downtown @ Sundown Application

Rick Baldelli, President and Acting Chair of the Historic Downtown Plano Association (HDP), spoke to bringing awareness to downtown Plano, coordinating 2-3 strong events/year including one aimed at children, the Taste of Plano, and an arts event. He spoke to a request for cash and in-kind funding and efforts toward securing sponsors. Director of Budget Rhodes-Whitley advised that \$7,500 has been allocated and to Mr. Baldelli's request for an increase of \$7,500.

The Lights of Legacy Tree Lighting Festival

Andrea Taylor and Silvana Garcia spoke on behalf of the Shops of Legacy regarding activities planned, the percentage of revenue earned by retailers during the holiday season, attendance and the request for a cash grant of \$150,000 for promotion and other expenses. They responded to Council Member Jackson regarding the benefits provided to Children's Medical Center and to Mayor Dyer regarding the overall budget and expansion of the festival with City funding. Ms. Rhodes-Whitley advised that the current budget includes no funding for this item and spoke to previously approved grants ranging from \$40,000 to \$60,000. Community Resources Manager Conklin spoke to determining the number of officers for events. The Council spoke to the sales tax and hotel/motel tax impact and the possibility Children's Medical Center would submit application in the future to qualify eligible funding.

Council Items and Issues for Discussion

No items were discussed.

Mayor Dyer recessed the worksession for lunch at 12:00 p.m. and reconvened at 12:33 p.m.

Operating Budget

Revenues/Ad Valorem Tax Base/Tax Rate/Sales Tax/Water & Sewer Rates – NTMWD Rate Increase/Water & Sewer Debt Issuance

Director of Budget and Research Rhodes-Whitley spoke to an anticipated budget deficit of \$23.9 million in 2010-11 and \$30 million in 2011-12 with a 5% decline in overall property value and the City's property tax rate being one of the lowest in the Metroplex.

Ms. Rhodes spoke to lost revenue from ad valorem tax exemptions and advised Staff would research lost revenues from other exemptions. She spoke to a City tax in the amount of \$976 for the average home if the proposed rate of 48.86 were adopted, the impact of audit adjustments on sales tax revenue and projections of \$57.8 million for the next two years.

Ms. Rhodes-Whitley spoke regarding the Water & Sewer Rates including the revised estimate from NTMWD calling for an increase of 6%, efforts to fund each area (water/sewer) through its own revenue source and a change to the methodology to implement conservation rates year-round resulting in increased costs to some customers. She spoke to the loss of revenue when the City does not reach its "take or pay" allocation, fund reserves of 45 days to anticipate the impact of weather, and the City's "pay as you go philosophy" of funding CIP without debt. Ms. Rhodes-Whitley advised that the cash funding for CIP projects for 2009-10 is \$13.8 million and that if 20-year debt were issued the cost would be \$1.8 million annually. City Manager Muehlenbeck advised that this type of bond is different than others issued and spoke regarding the need for lift stations related to sewer services. Mayor Dyer spoke to the total cost for issuing this debt over 20 years being \$36 million.

Program Changes

Health Insurance

Assistant City Manager Ross spoke to a change in City philosophy moving towards a 90% subsidy for employees and 75% for dependents for health insurance premiums, planned rate increases for the coming year, sharing costs with employees, and changes in the prescription plan. She responded to Council Member Jackson, advising that Staff does not have clear figures on the number of spouses on the plan that might have other coverage and spoke to plans to review all options in January 2010 including self-funding versus fully insured. Ms. Ross advised that a 75% dependent contribution is consistent with other area cities, spoke to opportunities to partner with medical facilities, and the contract in place for five years with an annual review. Ms. Rhodes-Whitley advised that the total budget for medical care is \$31 million and that Staff would bring back figures for a 65% subsidy for dependents. Ms. Ross spoke to prior consideration of a health savings plan and responded to the Council that she would provide information on the number of spouses and families that may be covered under another plan. City Manager Muehlenbeck spoke regarding the cost of health insurance at \$31 million including monies for GASB 45 totaling \$6 million this year with premium costs at \$25 million.

Police Department Staffing Index (SSI)

Deputy City Manager Glasscock spoke to the staffing formula being measurable and definable based on workload of officers and the amount of time they are obligated or able to provide traffic enforcement, patrol and be proactive in the community. He spoke to the impact of public safety officers who take 12% of calls and advised there is no request for first responders in the coming year.

Mr. Glasscock spoke to upcoming implementation of in-car reporting by officers and responded to Council Member Jackson regarding a 12-hour work shift and the need for an affirmative vote by the majority of officers to move in that direction.

Moto-Mesh

Deputy City Manager Glasscock advised that the first two phases of the project are complete including implementation in hot spots and routing on major arterials. He spoke to installation in residential areas and issues of installing antennas on ornamental light fixtures. Mr. Glasscock spoke to providing two systems of transmission, one for public safety and another for City usages such as water meter and facilities and stated that it will not be publicly accessible.

Arts of Collin County

Deputy City Manager Turner spoke to the Arts of Collin County established for the purpose of creating a performing arts center and the request for the City's portion of the 2009-10 budget (\$318,727) advising that the cities participate based on a per-capita basis for funding of operating expenses. City Manager Muehlenbeck advised that \$14 million of capital has not been issued and to receiving information on operating expenses.

Mr. Turner responded to Council Member Jackson that the City of Allen provides some administrative support and to working towards a cost for construction this fall. Deputy Mayor Pro Tem Dunlap spoke to the vote of citizens for the hall.

Core Business Matrix

City Manager Muehlenbeck spoke to Staff identifying cuts in the amount of \$10.4 million, reductions in employees and to beginning due diligence reviewing programs and services rather than implementing a 5-10% across the board reduction.

Community Investment Program

City Manager Muehlenbeck spoke to the increase in costs for debt service and capital improvement projects anticipated in the next two years and to Fire Station No. 13 requiring an O&M of \$1.8 million.

Director of Public Works/Engineering Upchurch spoke to road projects which would be leveraged with other monies and those that are currently in design or under construction. Mr. Muehlenbeck spoke to moving into neighborhoods for rehabilitation. Mr. Upchurch spoke to \$10.5 million for rehabilitation, \$8.2 million already under construction, \$9.2 in capacity improvements, \$3.7 in design projects and receipt of outside funding. He responded to the Council regarding new specifications that should provide longer infrastructure life, phasing of projects and Council Member Jackson spoke to the importance of repairs.

Mr. Upchurch spoke to municipal drainage and projects under construction/design paid for by the drainage fee on properties and not by the General Fund. He responded to Council Member Jackson regarding the narrow space available for living walls rather than brick screening walls, the level of expectation of citizens to provide a visual/sound barrier from major thoroughfares and design changes to ensure a longer lifespan. Ms. Rhodes responded to Mayor Pro Tem LaRosiliere, advising that \$10.5 million of monies for projects comes from the General Fund and to Council Member Smith, advising that issuing debt would result in additional monies in the General Fund with a rise in the debt rate. Mr. Upchurch spoke to some repairs being short-lived and Ms. Rhodes-Whitley advised that bonding for such projects may result in a downward movement of the bond rating. Mr. Upchurch spoke to water projects, many of which are constructed in tandem with roads and advised that the Maple Shade Lift Station would not be eligible for impact fees. Council Member Smith spoke to receiving information regarding moving to bonds for these items.

City Manager Muehlenbeck spoke regarding Fire Stations No. 13 and 4 for which bonds will be sold in January and to \$1 million approved in the bond election for a Technology Services Center. He spoke to the radio system infrastructure and the possible need for Certificates of Obligation and advised Council that there is less than one year left on support of the current mobile communication units. Ms. Rhodes-Whitley spoke to costs associated with bond issuance.

Mayor Dyer recessed the work session at 2:51 p.m. and reconvened at 3:03 p.m.

City Manager Muehlenbeck continued discussion of the CIP and spoke to \$4 million for land acquisitions and items included in the 2006 Master Plan, \$3 million in park improvements, and capital reserve to maintain infrastructure. Director of Parks and Recreation Fortenberry spoke to park improvement including new shade and playgrounds rather than renovation. She spoke to working on construction documents related to the Pecan Hollow Golf Course, the need for renovations, the importance of timing to ensure greens are in the proper condition when play begins and possible postponement of the project. Mr. Muehlenbeck spoke to negotiations with Los Rios County Club to offer service during renovation.

Ms. Fortenberry spoke to possible delay in development of the visitor education center at Oak Point Park and Community Resources Manager Conklin advised regarding development of the educational program and stated that nature interpretation can continue forward without construction of the facility. Ms. Fortenberry advised that operational costs are approximately \$100,000 and that the facility would be LEED certified allowing for lower utility costs. She responded to Council Member Smith regarding tennis court lighting advising that the school district installs the lights and the City pays utility costs. Ms. Fortenberry responded to the Council that there is funding for the cart barn at Pecan Hollow but that it can be delayed to coincide with renovations. She spoke regarding \$500,000 for design of the Plano Aquatic Center renovation.

City Manager Muehlenbeck responded to Council Member Jackson, advising that funding for the Carpenter Park Recreation Center Expansion includes bond approval from two elections and Ms. Fortenberry spoke to the planned warm-water pool for seniors and children's classes being a response from requests from citizens. Ms. Jackson spoke to providing essential services and prioritizing projects being mindful of the O&M. Mayor Pro Tem LaRosiliere spoke to the future impact of projects. Mr. Muehlenbeck advised that additional O&M would be \$135,000 without inclusion of the pool and Ms. Fortenberry spoke to additional square footage planned for the center, approval of projects in the 2005 and 2009 bond elections, and updates including HVAC, wood flooring and leaking in the skylight. Mayor Pro Tem LaRosiliere spoke to complete expansion rather than in stages. Ms. Jackson spoke to renovating the existing facility without additional O&M costs. Council Member Callison spoke to voter approval of the project and Ms. Rhodes-Whitley spoke to the high level of cost recovery at the center where property and sales tax provide 11% of costs. Mayor Pro Tem LaRosiliere spoke to possible increases in recreation membership. The Council stated a consensus to include the renovation project in the amount of \$5.8 million.

City Manager Muehlenbeck spoke to the Park Fee Program which is neutral in the budget and proposes \$1.8 million.

Proposed Ad Valorem Tax Rate

City Manager Muehlenbeck spoke to reductions made as a result of the core business matrix and to the recommendation to increase the property tax by 1.51, resulting in an increase of \$30.16 to the average homeowner. He spoke to the effective rate which would raise the same amount of revenue as last year and the rollback rate.

The Council reviewed items on the board and Mr. Glasscock advised regarding services provided as an alternative to Crossroads Family Services and recommended no funding be provided. The Council concurred to remove this item from the list. Council Member Jackson recommended not funding the PAAM request so that the organization may move toward self sufficiency and Mr. Muehlenbeck advised that unused funds from the current year may be provided. Mayor Pro Tem LaRosiliere spoke to the organization spending as directed and looking at the level of self sufficiency of all groups. The Council discussed advising organizations regarding expectations and efforts towards independence including benchmarks, provision of O&M costs versus facility support, funds provided from the hotel/motel tax and funding at an overall level of 10% of hotel/motel taxes setting aside 5% for other areas.

The Council spoke to remanding consideration of additional funding for the ArtsCentre of Plano back to the Cultural Affairs Commission for recommendation. Community Resources Manager Conklin responded to Council Member Miner regarding Special Events Grants, advising that the festivals are different in nature and spoke to in-kind services provided at events. The Council expressed consensus to move ahead as recommended while encouraging organizations to move toward in-kind requests and Council predefining a total grant amount.

The Council stated a consensus to move forward with additional funding of \$624 for the Plano Lions Parades and to hold the grant for Downtown @ Sundown to the \$7,500 budgeted. The Council spoke to future sponsorship of the Lights of Legacy by Children's Memorial Hospital, the return on investment in the area, reflecting a sense of partnership, and stated a consensus to provide \$50,000 of funding for this year.

The Council discussed the possibility of issuing one-time debt for water and sewer projects in the amount of \$13.8 million and Ms. Rhodes-Whitley advised that this would have no impact on the General Fund. Mr. Muehlenbeck advised it would allow for a reduction in water/sewer rates. Council Member Jackson spoke to an agenda item for discussion including the positive and negative implications and long-term ramifications. Ms. Rhodes-Whitley spoke to the tax rate composed of debt which cannot be changed and operations/maintenance and monies to reduce the budget coming from the General Fund. Mr. Muehlenbeck advised that any revisions to the CIP program will impact the debt rate in future years and Deputy Mayor Pro Tem Dunlap spoke to the operation costs for various departments and services. Council Member Harris spoke to receiving information on the impact of cutting \$3.9 million rather than increasing taxes. Mayor Pro Tem LaRosiliere spoke to prior work done by the Staff in preparing the core matrix, Council Member Jackson spoke to receiving a budget with no tax increase and Council Member Smith spoke to receiving information regarding the impact on services.

City Manager Muehlenbeck requested the Council provide parameters for preparation of the 2010-11 and 2011-12 budgets and Ms. Rhodes-Whitley spoke to September 14 as the date to adopt the budget, CIP and set the tax rate and preparation of documents. Mr. Muehlenbeck spoke to consideration of all departments for possible reductions. He advised that following receipt of proposals for a paperless agenda packet Staff requests to move forward without contracting with a provider.

Nothing further was discussed, Mayor Dyer adjourned the meeting at 5:16 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Initials	Date	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	R 9/14/09	
Council Meeting Date:	8/24/2009	Budget	C.S. 8-14-09	
Department:	Fleet Services	Legal <i>deu</i>	<i>ib</i> 8/14/09	
Department Head	Mike Ryan	Assistant City Manager	<i>[Signature]</i> 8-14-09	
Dept Signature:	<i>[Signature]</i>	Deputy City Manager	<i>[Signature]</i> 8/14/09	
		City Manager	<i>[Signature]</i> 8/17/09	
Agenda Coordinator (include phone #): Karen P. Neal-Core Ext. 7074				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Award/ Rejection of Bid/Proposal for Bid No. 2009-140-B for Three (3) 3/4 Ton Pick-Up Trucks with Animal Control Bodies to Philpott Motors LTD in the amount of \$107,661.00.				
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	69,000	0	69,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-107,661	0	-107661
BALANCE	0	-38,661	0	-38,661
FUND(S): EQUIPMENT REPLACEMENT FUND (071)				
COMMENTS: Funds are included in the FY 2008-09 adopted budget for the purchase of Three (3) 3/4 Ton Pick-Up Trucks. The FY 2008-09 adopted budget includes approved funding for the replacement of (2) of the (3) trucks. The third truck will be an unscheduled replacement due to the need of major repairs which has made it non-cost effective to repair. The additional funds of (\$38,661) needed for the third replacement unit will be funded through savings in the Equipment Replacement Fund.				
STRATEGIC PLAN GOAL: Providing new vehicle purchases for the Equipment Replacement Fund relates to the City's Goal of "Service Excellence".				
SUMMARY OF ITEM				
Staff recommends bid of Philpott Motors LTD in the amount of \$107,661.00 be accepted as the lowest responsive, responsible bidder meeting specifications.				



**CITY OF PLANO
COUNCIL AGENDA ITEM**

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



MEMORANDUM

Date: August 5th, 2009
To: Karen Neal-Core, Buyer
From: David Garza, Superintendent
Subject:

_It is the recommendation of Fleet Services to purchase three (3) ¾ ton Pick-up Trucks with Animal Control bodies per BidSync Bid # 2009-140-B, awarded to low bidder Philpott Motors LTD in the amount of \$107,661.00 for Dept. 583 Animal Services.

Two units will be a scheduled replacement for units 03302 and 03303 per Capital Outlay FY08-09. One unit will be an unscheduled replacement for 00340 which has become in need of major repairs and determined not cost effective to repair.



BID No. 2009-140-B
PURCHASE OF ¾ TON EXTENDED CAB/CHASSIS WITH ANIMAL CONTROL BODY

BID RECAP

Opening Date/Time: June 25, 2009 @ 3:00 PM (CDT)

Number of Vendors Notified: 1310

Vendors Submitting "No Bid": 0

Vendors Submitting Proposals: 7

Philpott Motors LTD	\$107,661.00
Hixson Autoplex	\$113,931.00
Baby Jack II Automotive LTD	\$117,861.00
Tommie Vaughn Motors, Inc.	\$119,130.00
Grand Prairie Ford	\$120,999.00
Greg May Chevrolet Fleet Sales	\$124,356.00
Whiteside Chevrolet Olds, Inc.	\$125,970.00

Bids Evaluated Non-Responsive to Specification: 0

Recommended Vendor:

Philpott Motors LTD \$107,661.00

Karen P. Neal-Core

Karen P. Neal-Core, Buyer II
Purchasing Division

June 25, 2009

Date



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Initials	Date		
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	MP 8/12/09		
Council Meeting Date:	8/24/2009	Budget	C.S. 8-12-09		
Department:	Purchasing	Legal	[Signature] 8/12/09		
Department Head	Mike Ryan	Assistant City Manager	[Signature] 8/12/09		
Dept Signature:	[Signature]	Deputy City Manager	[Signature] 8/13/09		
		City Manager	[Signature] 8/15/09		
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					
<i>Award/Rejection of Bid/Proposal for Bid No. 2009-111-C for the Uninterruptible Power Supply System to Paradigm Traffic Systems Inc. the estimated annual amount of \$295,240.00, and authorizing the City Manager or his designee to execute all necessary documents.</i>					
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	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	306,560	0	306,560
Encumbered/Expended Amount		0	0	0	0
This Item		0	-295,240	0	-295,240
BALANCE		0	11,320	0	11,320
FUND(S): TRAFFIC SAFETY FUND (87.283)					
COMMENTS: This item approves price quotes. Expenditures will be made in the Traffic Safety Fund based on need within the approved budget appropriations for each year of the contract. The estimated annual amount is \$295,240.					
STRATEGIC PLAN GOAL: The installation of Uninterruptible Power Sources at City intersections relates to the City's Goal of "Safe, Efficient Travel".					
SUMMARY OF ITEM					
Annual Contract with Renewals					
Staff recommends the bid of Paradigm Traffic Systems Inc in the estimated annual amount of \$295,240.00 be accepted as the lowest responsive, responsible bid, and conditioned upon timely execution of any necessary contract documents. This will establish an annual contract, with three optional one-year renewals for the purchase of Uninterruptible Power Supply System.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Bid Recap			N/A		
Recommendation Memo					



P.O. Box 860358
Plano, Texas 75086-
0358
214-964-440
Fax No. 214-964-4172

MEMORANDUM



DATE: August 4, 2009
TO: Nancy Corwin, Buyer II
FROM: Robert Moore, Traffic Operations Superintendent
SUBJECT: Award recommendation Bid:2009-111-C

Nancy,

I make a recommendation that the bid be awarded to Paradigm Traffic Systems Inc. for the City of Plano on **Contract 2009-111-C UNINTERRUPTIBLE POWER SUPPLY SYSTEM.**

Thank You

Robert Moore
Traffic Operations Superintendent
City of Plano

CITY OF PLANO

BID NO. 2009-111-C UNINTERRUPTIBLE POWER SUPPLY SYSTEM BID RECAP

Vendors Invited 2610

Vendors Viewed 101

No Bid 6 *

*Note: Vendors were contacted for verification of "no bid" responses, and Purchasing is satisfied that the lack of response was a business decision on the vendor's part.

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

Number of Bids Submitted: 1

<u>COMPANY NAME</u>	<u>Total Bid</u>
Paradigm Traffic Systems Inc.	\$295,240.00

Nancy Corwin

Nancy Corwin, Buyer II

August 3, 2009

Date

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

PURCHASING DIVISION
CITY OF PLANO TEXAS



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY			Initials	Date
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	MR	8/14/09
Council Meeting Date:	8/24/2009	Budget	C.S.	8-14-09
Department:	Purchasing	Legal	MR	8-14-09
Department Head	Mike Ryan	Assistant City Manager	[Signature]	8-17-09
Dept Signature:	[Signature]	Deputy City Manager	[Signature]	8-18-09
		City Manager	[Signature]	8/18/09
Agenda Coordinator (include phone #): Dianna Wike x7549 or 5512				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER EXISTING CONTRACT				
CAPTION				
Approval of the purchase of Acoustical and Ventilation Additions to the Gun Range in the amount of \$203,064 from Kellogg, Brown and Root Services, Inc. through an existing contract/agreement with The Cooperative Purchasing Network (TCPN) and authorizing the City Manager or his designee to execute all necessary documents. (TCPN number R4895)				
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	8,029	339,971	0	348,000
Encumbered/Expended Amount	-8,029	-9,172	0	-17,201
This Item	0	-203,064	0	-203,064
BALANCE	0	127,735	0	127,735
FUND(S): CAPITAL RESERVE & CRIMINAL INVESTIGATION FUND				
COMMENTS: Funds are available in the 2008-09 Capital Reserve and the Criminal Investigation Funds within approved budget appropriations. This item, in the amount of \$203,064, will leave a current year balance of \$127,735 for other capital and criminal investigation expenditures. The City of Richardson will reimburse the City of Plano, \$101,532 for half of the cost of this project.				
STRATEGIC PLAN GOAL: Gun range improvements relate to the City's Goal of Service Excellence.				
SUMMARY OF ITEM				
Staff recommends the purchase of Acoustical and Ventilation Additions to the Gun Range from Kellogg Brown and Root Services, Inc. in the amount of \$203,064 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 sealed bids for items. (TCPN Contract Number R4895)				
List of Supporting Documents: Memorandums		Other Departments, Boards, Commissions or Agencies N/A		



P.O. Box 860358
Plano, Texas 75086-0358
972-941-7000
Fax. No. 972-941-0099

MEMORANDUM

DATE: August 14, 2009
TO: Gregory W. Rushin, Chief of Police
FROM: Edward G. Brashear, Administrative Manager
SUBJECT: Gun Range Modifications

In 2008 a new Police pistol range was built and the existing rifle range was remodeled. In September 2008 the new ranges were opened for use. Approximately four weeks after the new pistol range opened, officers shooting on the range noticed that particulate and dust resulting from gun fire was not dissipating on days of little natural air movement. Further, as we advanced over several weeks with in-service firearms qualifications and training we began to receive complaints from nearby residents about the noise.

As a result, staff and management for the Plano and Richardson Police Departments discussed the need to conduct air sampling tests and to measure the sound being produced by the new pistol range. Utilizing the services of an environmental consultant we determined that airborne lead particulate exceeded permissible levels (during the most extreme level of shooting that would be conducted on the range) as established by The United States Department of Labor Occupational Safety and Health Administration's standards. We also enlisted the service of an acoustical consultant who provided data indicating the noise produced by gun fire on the range exceeded the general background noise for the area. Based on this data, Plano and Richardson decided to cease operations on the pistol range in mid-December 2008 until solutions were developed for these issues.

Working with City of Plano Facilities personnel and the consultants, recommendations were developed to mitigate these problems as well as the cost to implement the recommendations. The environmental consultant recommended the installation of some mechanical means to produce air movement that moved airborne particulate away from the persons shooting on the range. Further, he also recommended additional cleaning of the range on a more frequent basis and a regular employee blood lead monitor testing program. The acoustical consultant recommended the installation of sound absorption materials on the walls, overhead ballistic baffles, as well as a sound absorption/sound barrier across the open north end of the pistol range.

City of Plano Facilities personnel subsequently solicited proposals for the installation of a forced air ventilation system and acoustical materials. After numerous weeks of research, specific proposals and costs were developed. The ventilation system solution is the installation of two mechanical blower units from which duct work will enter the range just above the 25 and 50 yard line ballistic baffles and extend the width of the range. These units will produce an even air flow towards the bullet trap.

The acoustical solution is the application of sound absorbing panels on the ballistic baffles

and walls. The selected product, trade name "Phonstop," is a recycled glass material sized in 2x4 foot panels. Of the materials researched it produces the highest sound absorption performance. The second part of the acoustical solution involves the installation of a sound absorbing/sound barrier curtain consisting of fiberglass material inside a quilted vinyl carrier. The acoustical consultant anticipates this will bring down sound levels to the acceptable general background noise level.

We are also moving ahead with the use of ammunition with lead free non-toxic primers which will contribute significantly to the reduction of air-borne lead particulate. We have already instituted a more stringent and more frequent cleaning schedule of the range. Lastly, we are also implementing yearly monitor testing of blood lead levels for personnel using or working on the range.

The total proposed cost for the ventilation system and acoustical materials is \$203,064.00. It has been agreed upon by the Plano and Richardson Police Departments to evenly share the cost and a Resolution is on the August 24, 2009 City Council agenda to authorize a memorandum of understanding to that effect. Upon signing the contract with the vendor installation must be completed within 120 days.

MEMORANDUM

DATE: August 14, 2009
TO: Mike Ryan, Chief Purchasing Official
FROM: Richard Medlen, Facilities Superintendent
SUBJECT: Gun Range Modifications

Quotes were obtained from two vendors for the soundproofing and ventilation requirements for the Gun Range. The quotes obtained were requested through The Cooperative Purchasing Network (TCPN) due to time constraints, as the Gun Range has been shut down due to noise and ventilation issues (i.e. lead particles). The quote obtained from Kellogg Brown and Root Services, Inc. (KBR) provided a cost of \$203,064 which includes the sound proofing and ventilation upgrades recommended by consultants. Another quote was obtained from Weatherproofing Technologies at a cost of \$283,092.70

cc: Jim Razinha
Glen Brashear



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Initials	Date	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	8-11-09	
Council Meeting Date: August 24, 2009		Budget	8-11-09	
Department:	Library Administration	Legal <i>WS</i>	8/11/09	
Department Head	Joyce Baumbach	Assistant City Manager	8/12/2009	
Dept Signature:	<i>Joyce Baumbach</i>	Deputy City Manager	8-12-09	
		City Manager	8/12/09	
Agenda Coordinator (include phone #): Mary Ann Dunnivant - Ext. 4208				
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				
Authorizing the purchase of software maintenance and system support as a sole-source procurement from Polaris Library Systems, exclusive suppliers of software maintenance for Polaris software, in the amount of \$79,662.51 for the Plano Public Library System, authorizing its execution by the City Manager or his authorized designee; to take such action and execute such documents as necessary to effectuate the purchase approved herein, and providing an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	135,741	0	135,741
Encumbered/Expended Amount	0	-34,090	0	-34,090
This Item	0	-79,663	0	-79,663
BALANCE	0	21,988	0	21,988
FUND(s): GENERAL FUND				
COMMENTS: This item is included in the FY 2008-09 approved budget. The remaining balance will be used for other software maintenance requirements. STRATEGIC PLAN GOAL: Funding for software maintenance agreements relates to the City's Goal of "Service Excellence."				
SUMMARY OF ITEM				
Approval of this request in an amount not to exceed \$79,662.51 is made for the purchase of software maintenance and system support from Polaris Library Systems as agreed to on a contract with Polaris Library Systems approved by Plano City Council on April 9, 2007. Polaris Library Systems is a sole source provider of software maintenance for Polaris Software.				
List of Supporting Documents: 1. Sole Source letter from Polaris dated 08.04.2009. 2. Affidavit of No Prohibited Interest from Polaris Library Systems dated 08.04.2009.		Other Departments, Boards, Commissions or Agencies		

POLARIS

LIBRARY SYSTEMS

CONFIDENTIAL

August 4, 2009

Plano Public Library System
Mike Shamel
2501 Coit Road
Plano TX 75075

Polaris Library Systems is the sole source provider of maintenance and support services for the Polaris Integrated Library System currently installed and in operation at the Plano Public Library, Plano, TX.



Greg Brown
Controller
Polaris Library Systems

e-2

AFFIDAVIT OF NO PROHIBITED INTEREST

I, the undersigned declare and affirm that no person or officer of Polaris Library Systems (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.

By: Polaris Library Systems
Name of Contractor
A. Cameron
Signature
A. CAMERON
Print Name
MANAGER
Title
8/4/09
Date

STATE OF NEW YORK §
COUNTY OF Onondaga §
§

SUBSCRIBED AND SWORN TO before me this 4th day of August, 2009.

JACQUELINE K. PURDY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PU6033548
Qualified in Oswego County
My Commission Expires November 22, 2009

Jacqueline K. Purdy
Notary Public, State of New York

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE PURCHASE OF SOFTWARE MAINTENANCE AND SYSTEM SUPPORT AS A SOLE-SOURCE PROCUREMENT FROM POLARIS LIBRARY SYSTEMS, EXCLUSIVE SUPPLIERS OF SOFTWARE MAINTENANCE FOR POLARIS SOFTWARE, IN THE AMOUNT OF \$79,662.51 FOR THE PLANO PUBLIC LIBRARY SYSTEM, AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR HIS AUTHORIZED DESIGNEE; TO TAKE SUCH ACTION AND EXECUTE SUCH DOCUMENTS AS NECESSARY TO EFFECTUATE THE PURCHASE APPROVED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Plano, Texas desires to purchase Polaris software maintenance and system support (See Exhibit "A") for the City of Plano, Plano Public Library System; and

WHEREAS, Polaris Library Systems is the only company that provides software maintenance and system support for Polaris software; and

WHEREAS, Polaris Library Systems has provided a signed "Affidavit of No Prohibited Interest" in compliance with the City of Plano Code of Ordinances Chapter 2, Article IV, Section 2-103, and; Section 11.02, City Charter of Plano; and

WHEREAS, upon full review and consideration of the proposed purchase and all matters attendant and related thereto, the City Council is of the opinion that the purchase should be approved, and that the City Manager or his designee should be authorized to take such action and execute such documents as necessary to effectuate the purchase.

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

Section I. The City Council hereby finds and determines that Polaris Library Systems is the sole source for software maintenance and system support to be purchased by the City, and thus, the purchase is exempt from competitive bid as provided for in V.T.C.A., Local Government Code, Section 252.022 (a) (7).

Section II. The City Manager or his authorized designee is hereby authorized to take such action and execute such documents as necessary to effectuate the purchase of the software maintenance and system support not to exceed the amount of \$79,662.51 from Polaris Library Services, which is the sole source supplier of such services.

Section III. This Resolution shall become effective 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 Wetherbee, CITY ATTORNEY

POLARIS

LIBRARY SYSTEMS

Invoice

Phone: 1-800-272-3414
 Fax: 315-457-5883

Please Mail Payment To:

GIS Information Systems, Inc.
 DBA Polaris Library Systems
 PO Box 4903
 Syracuse, NY 13221-4903

Invoice Date: 8/6/2009

Fed ID 16-1667474

Sold To:

City of Plano
 2501 Coit Rd.
 Plano TX 75075

Ship To:

City of Plano
 Technology Services
 Attn: Lorie Hileman
 1117 E. 15th Street
 Plano, TX 75074

Invoice #	P.O. No.	FOB Shipping Point		Due Date	Terms
09-11139				9/5/2009	Net 30
Item	Description	Ordered	Invoiced	Rate	Amount
S-PSWMAINT	Polaris Software Maintenance for the period of 8/22/09 - 8/21/10		1	63,274.94	63,274.94
S-ZMARC-AUTHONLY	ZMARC Authority subscription for the period of 8/22/09 - 8/21/10 - CCCC		1	650.00	650.00
S-ZMARC-AUTHONLY	ZMARC prorated as follows: Plano: 10/1/09 - 8/21/10 (595.87) APL: 11/1/09 - 8/21/10 (541.70)		1	1,137.57	1,137.57
S-ZMARC-AUTHONLY	ZMARC Authority subscription for the period of 8/22/09 - 8/21/10 - Plano/APL		1	1,300.00	1,300.00
S-PSV3-SYND-SUB-RENEW	Syndetics Solutions Subscription Renewal for the period of 8/22/09 - 8/21/10 - Plano/APL		1	12,750.00	12,750.00
S-PSV3-SYND-SUB-RENEW	Syndetics Solutions Subscription Renewal for the period of 8/22/09 - 8/21/10 - CCCC		1	550.00	550.00
					See enclosed copy of maintenance letter & Syndetics emails
				Sales Tax (0.0%)	\$0.00
Thank you for your business!				Total	\$79,662.51



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY			Initials	Date
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	<i>MR</i>	8/7/09
Council Meeting Date:	8/24/09	Budget	C.S.	8-7-09
Department:	Parks and Recreation	Legal	<i>[Signature]</i>	8-7-09
Department Head	Amy Fortenberry	Assistant City Manager	<i>[Signature]</i>	8-10-09
Dept Signature:	<i>Amy Fortenberry</i>	Deputy City Manager	<i>[Signature]</i>	
		City Manager	<i>[Signature]</i>	8/10/09
Agenda Coordinator (include phone #): Susan Berger (7255)				

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

CAPTION

A Resolution of the City Council of the City of Plano, Texas, ratifying and approving the execution of a Funding Agreement between the Plano Convention and Visitors Bureau and the North Texas Super Bowl XLV Host Committee providing for the payment of \$38,200 as Plano's contribution to support the Super Bowl XLV bid process; and providing an effective date.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2010-11	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	-38,200	-38,200
BALANCE	0	0	-38,200	-38,200

FUND(s): CONVENTION & TOURISM

COMMENTS: This ratification, if approved, will require the City of Plano to enter into a funding agreement with the North Texas Super Bowl XLV Host Committee in the amount of \$38,200. It is anticipated that Super Bowl XLV will generate approximately \$84,000 in Hotel/Motel Tax revenue for the City of Plano and will have other substantial positive economic impacts to the entire area. Funding for this item will be made available from approved budget appropriations within the Convention & Tourism Fund.

STRATEGIC PLAN GOAL: Funding for support of Super Bowl XLV relates to the City's Goal of Diverse Business Center.

SUMMARY OF ITEM

These funds would come out of the hotel occupancy tax and not the General Fund and are based on the same formula for all the cities within Collin, Dallas, Denton, and Tarrant counties.

It is estimated that Plano will have a minimum of 6,000 room nights booked (1,500 rooms x 4 nights) for the event. Based on this estimate and a room rate of \$200.00 per night, Super Bowl XLV will generate \$1.2 million in room revenue and \$84,000 in occupancy tax.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

List of Supporting Documents: Resolution Memorandum	Other Departments, Boards, Commissions or Agencies



PLANO

convention & visitors bureau

MEMORANDUM

Date: June 18, 2009
To: Amy Fortenberry, Director of Parks and Recreation
From: Mark Thompson, Manager of Plano CVB
Subject: Super Bowl XLV

Super Bowl XLV: February 6, 2011, Arlington Texas

City of Plano's investment: \$38,200

These funds would come out of the hotel occupancy tax and not the general fund and are based on the same formula for all the cities within Collin, Dallas, Denton and Tarrant counties.

\$10.00 X the total number of hotel rooms within the CVB's city limits as of May 22, 2007 located beyond 25 miles from the new Cowboys Stadium.

Estimated room nights to be booked in Plano:

1500 rooms for a minimum of 4 nights totaling 6,000 room nights.

Room Nights estimated to be booked in Plano:

Based off of this estimate and a room rate of \$200.00 per night which will be low for this event, Super Bowl XLV will generate \$1.2 million in room revenue and \$84,000 in occupancy tax.

Estimated economic impact on the four county area:

It has been estimated that the Super Bowl generates roughly \$400 million in economic impact with 200,000 people traveling for the game as well as the ancillary hospitality events across the region. There were over 60 events hosted by the NFL and the South Florida Host Committee during the 2007 game alone. There is truly something for everyone and every city. The game itself is broadcast to over 200 countries in 34 languages. This is the kind of media exposure we all want for our area.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, RATIFYING AND APPROVING THE EXECUTION OF A FUNDING AGREEMENT BETWEEN THE PLANO CONVENTION AND VISITORS BUREAU AND THE NORTH TEXAS SUPER BOWL XLV HOST COMMITTEE PROVIDING FOR THE PAYMENT OF \$38,200 AS PLANO'S CONTRIBUTION TO SUPPORT THE SUPER BOWL XLV BID PROCESS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, regional support for the North Texas bid to host Super Bowl XLV brought together 23 convention and visitors bureaus in four counties; and

WHEREAS, it is estimated that Super Bowl XLV will generate roughly \$400 million in economic impact and 200,000 visitors into the area for the game; and

WHEREAS, the Super Bowl XLV Hosting Committee sought a commitment from the Plano Convention and Visitors Bureau to contribute \$38,200 which amount was based on a formula of \$10 for each of the 3,820 rooms located within the Plano Convention and Visitors Bureau's city limits as of May 22, 2007; and

WHEREAS, the Plano Convention and Visitors Bureau entered into an agreement on July 2, 2007 (attached as Exhibit "A") to fund this commitment; and

WHEREAS, it is in the best interest of the citizens of the City of Plano to ratify and approve the execution of this agreement and authorize payment.

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

Section I. The terms and conditions of the funding agreement between the Plano Convention and Visitors Bureau and the North Texas Super Bowl XLV Host Committee attached hereto as Exhibit "A" 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 payment of \$38,200 as provided therein is approved.

Section II. This Resolution shall become effective immediately upon 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

July 2, 2007

Mr. Mark Thompson
Plano Convention & Visitors Bureau
P.O. Box 860358
Plano, TX 75086-0358

Dear Mark,

Thank you for your support of the North Texas bid for Super Bowl XLV. The regional support of this bid process has brought together 23 convention and visitors bureaus in four counties. It is this type of regional support that will allow us to showcase our collective cities to the world.

It has been estimated that the Super Bowl generates roughly \$400 million in economic impact with 200,000 people traveling for the game as well as the ancillary hospitality events across the region. There were over 60 events hosted by the NFL and the South Florida Host Committee during the 2007 game alone. There is truly something for everyone and every city. The game itself is broadcast to over 200 countries in 34 languages. This is the kind of media exposure we all want for our area.

As you know, in order to host an event of this magnitude it takes a tremendous operating budget. We are fortunate to be able to share that fundraising obligation between the state, sponsorship sales, and the hospitality community. The hotels have already supported the bid efforts by agreeing to a rebate structure. We are seeking similar support from the regional CVB's based on an equitable formula detailed below.

- (a) \$15.00 X the total number of hotel rooms within the CVB's city limits as of May 22, 2007 located not more than 25 miles from the new Cowboys Stadium; or
- (b) \$10.00 X the total number of hotel rooms within the CVB's city limits as of May 22, 2007 located beyond 25 miles from the new Cowboys Stadium.

The Plano CVB contribution would be based on 3,820 rooms beyond 25 miles of the stadium for a payment of \$38,200.

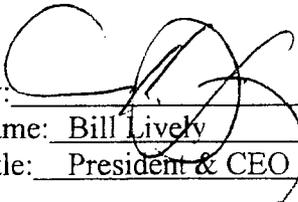
Payment can be made in installments between 2007 and December 2010. Your financial contribution is imperative to our success and greatly appreciated. We will work with your budget process to ensure payment efficiency and coordination.

Page 2

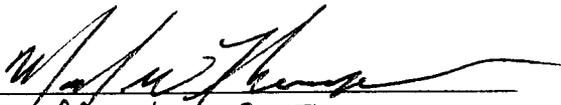
We respectfully request your signature below to evidence your agreement and return the signed letter to the Host Committee prior to September 1, 2007 Thank you.

Sincerely yours,

NORTH TEXAS SUPER BOWL XLV
HOST COMMITTEE

By: 
Name: Bill Lively
Title: President & CEO

AGREED AND ACCEPTED:
Plano Convention & Visitors Bureau

By: 
Name: Mark W. Thompson
Title: Director
Date: 2/09/09



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Initials	Date	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	8-18-09	
Council Meeting Date:	08/24/2009	Budget	8/18/09	
Department:	Police	Legal	8/18/09	
Department Head	Gregory W. Rushin	Assistant City Manager		
Dept Signature:	<i>Gregory W. Rushin</i>	Deputy City Manager	08-18-09	
		City Manager	8/18/09	
Agenda Coordinator (include phone #): Pam Haines, ext 2538				
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 Memorandum of Understanding by and between the City of Richardson and the City of Plano for funding of modifications to the Plano/Richardson Police Training Center Gun Range in the total amount of \$203,064.00; 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 type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
This Resolution supports the Memorandum of Understanding between the City of Richardson and City of Plano for funding of modifications to the Plano/Richardson Police Training Center Gun Range in the total amount of \$203,064 and authorizes execution of MOU by the Chief of Police.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Resolution, Memorandum and Exhibit "A", Memo				



P.O. Box 860358
Plano, Texas 75086-0358
972-941-7000
Fax. No. 972-941-0099

MEMORANDUM

DATE: August 14, 2009

TO: Gregory W. Rushin, Chief of Police

FROM: Edward G. Brashear, Administrative Manager

SUBJECT: Gun Range Modifications

In 2008 a new Police pistol range was built and the existing rifle range was remodeled. In September 2008 the new ranges were opened for use. Approximately four weeks after the new pistol range opened, officers shooting on the range noticed that particulate and dust resulting from gun fire was not dissipating on days of little natural air movement. Further, as we advanced over several weeks with in-service firearms qualifications and training we began to receive complaints from nearby residents about the noise.

As a result, staff and management for the Plano and Richardson Police Departments discussed the need to conduct air sampling tests and to measure the sound being produced by the new pistol range. Utilizing the services of an environmental consultant we determined that airborne lead particulate exceeded permissible levels (during the most extreme level of shooting that would be conducted on the range) as established by The United States Department of Labor Occupational Safety and Health Administration's standards. We also enlisted the service of an acoustical consultant who provided data indicating the noise produced by gun fire on the range exceeded the general background noise for the area. Based on this data, Plano and Richardson decided to cease operations on the pistol range in mid-December 2008 until solutions were developed for these issues.

Working with City of Plano Facilities personnel and the consultants, recommendations were developed to mitigate these problems as well as the cost to implement the recommendations. The environmental consultant recommended the installation of some mechanical means to produce air movement that moved airborne particulate away from the persons shooting on the range. Further, he also recommended additional cleaning of the range on a more frequent basis and a regular employee blood lead monitor testing program. The acoustical consultant recommended the installation of sound absorption materials on the walls, overhead ballistic baffles, as well as a sound absorption/sound barrier across the open north end of the pistol range.

City of Plano Facilities personnel subsequently solicited proposals for the installation of a forced air ventilation system and acoustical materials. After numerous weeks of research, specific proposals and costs were developed. The ventilation system solution is the installation of two mechanical blower units from which duct work will enter the range just above the 25 and 50 yard line ballistic baffles and extend the width of the range. These units will produce an even air flow towards the bullet trap.

The acoustical solution is the application of sound absorbing panels on the ballistic baffles

and walls. The selected product, trade name "Phonstop," is a recycled glass material sized in 2x4 foot panels. Of the materials researched it produces the highest sound absorption performance. The second part of the acoustical solution involves the installation of a sound absorbing/sound barrier curtain consisting of fiberglass material inside a quilted vinyl carrier.

The acoustical consultant anticipates this will bring down sound levels to the acceptable general background noise level.

We are also moving ahead with the use of ammunition with lead free non-toxic primers which will contribute significantly to the reduction of air-borne lead particulate. We have already instituted a more stringent and more frequent cleaning schedule of the range. Lastly, we are also implementing yearly monitor testing of blood lead levels for personnel using or working on the range.

The total proposed cost for the ventilation system and acoustical materials is \$203,064.00. It has been agreed upon by the Plano and Richardson Police Departments to evenly share the cost and a Resolution is on the August 24, 2009 City Council agenda to authorize a memorandum of understanding to that effect. Upon signing the contract with the vendor installation must be completed within 120 days.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF RICHARDSON AND THE CITY OF PLANO FOR FUNDING OF MODIFICATIONS TO THE PLANO/RICHARDSON POLICE TRAINING CENTER GUN RANGE IN THE TOTAL AMOUNT OF \$203,064.00; 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 Memorandum of Understanding between The City of Richardson and the City of Plano, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "MOU"); and,

WHEREAS, upon full review and consideration of the MOU, 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 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 MOU, 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 designee is hereby authorized to execute the MOU 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

MEMORANDUM OF UNDERSTANDING
RICHARDSON POLICE DEPARTMENT
PLANO POLICE DEPARTMENT

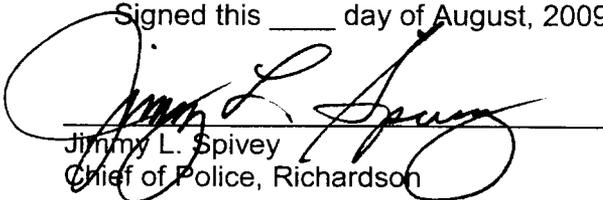
The purpose of this Memorandum of Understanding (MOU) is to evenly divide the costs associated with acoustical and ventilation additions to the Plano/Richardson Police Training Center Gun Range.

This agreement is entered into by the chiefs of the police departments listed above. Each signatory to this MOU represents that he is authorized to execute this document on behalf of his respective city.

The parties agree to the following:

1. It has been determined that there are noise and ventilation problems associated with the gun range that are in need of correction.
2. Correction of these problems will require structural modifications be made to the gun range.
3. The City of Plano obtained a competitive proposal from KBR, Inc., to complete all necessary acoustical and ventilation modifications to the gun range, a copy of which proposal is attached hereto as Exhibit "A". This proposal is valid until August 11, 2009.
4. KBR Inc.'s proposal for all the necessary modifications is \$203,064.00 which includes all fees and bonding costs.
5. Each party to this MOU has agreed to share the total costs of the project as shown in Exhibit "A" equally.
6. Each party agrees to this equal division of costs notwithstanding any language that may exist to the contrary in any provision in the Plano/Richardson Police Training Center Operating Agreement.
7. Richardson agrees to remit its portion of the payment within 30 days of receiving an approved invoice from the City of Plano.
8. This MOU, which consists of this page plus Exhibit "A", represents the complete agreement between the parties for this rehabilitation project and may only be amended in writing by agreement between the parties.
9. Neither party may unilaterally terminate this agreement.

Signed this ____ day of August, 2009.


Jimmy L. Spivey
Chief of Police, Richardson

Gregory Rushin
Chief of Police, Plano

KBR

1444 Oak Lawn Ave. Suite 100 • Dallas, TX 75207
Phone 214.659.8410 • Fax 214.752.8366

July 27, 2009
Letter No.: 09-D-1052-PE

Mr. Richard Medlen
Facilities Maintenance Superintendent
City of Plano
4850 E. 14th Street
Plano, Texas 75074

Subject: Job Order Proposal for RFP# TCPN-SW-10-0003-5015 – **REVISION 2**

Project Location: Tri-City Gun Range – 4850 Plano Parkway, Plano, TX
Project Title: Acoustical and Ventilation Additions to Tri City Gun Range

Dear Mr. Medlen,

Enclosed is our firm fixed price proposal for the above subject RFP. The proposal was prepared using the following data:

Work to be performed under the terms and conditions of the TCPN Statewide Contract.
Pricing is per attached scope and RS Means **2009** Facilities Construction Cost Data

The cost for the PhonStop Materials is:	\$ 86,489.00
The cost for the PhonStop installation labor and fasteners is:	\$ 21,123.00
The cost for the PhonStop sealing is:	\$ 6,995.00
The cost for the Noise Suppression Technologies Rear Curtain is:	\$ 20,916.00
The cost for the installation of the cable clamps is:	\$ 7,676.00
The cost for the Ventilation Work is:	<u>\$ 57,834.00</u>
The subtotal cost for the above work is:	<u>\$201,033.00</u>

The cost for bonding for all of the above is:	\$ 2,031.00
Total Cost	\$ 203,064.00

The proposed project duration is **120** days after notice to proceed.

The proposal is valid for **15** days.

The client is responsible for reimbursement of bond and permit costs.

Please direct any questions to Paul Kunze at (214) 659-8410 or Patrick Eno at (713) 980-3250.

Sincerely,

Patrick Eno
Operations Manager



Attachments: scope, estimate

Funding Approval _____ Date: _____

Customer PO# _____

Price is accepted as a lump sum fixed firm price and the incorporated scope of work becomes the controlling document taking precedence over line item estimate detail.

This proposal includes data that shall not be disclosed outside of addressee and shall not be duplicated, used, or disclosed – in whole or part – for any purpose other than to evaluate this proposal.

KBR - TCPN Statewide JOC
Contract No. R4895
RFP No. TCPN-SW-10-0003-5015
City of Plano
4840 Plano Parkway, Plano, TX
Tri-City Gun Range

Outline

The intent of this project is to provide services to furnish and install Pinta Acoustics 'PhonStop' acoustical materials, furnish and install Noise Suppression Technologies rear curtain, furnish and install 2 cable clamps at each supporting cable of the bullet deflection baffles, and furnish and install ventilation system as detailed in MD Engineering plans dated 6/10/09. All work shall be in accordance with all OSHA standards, applicable federal, state and local codes and regulation and good construction practices.

KBR Scope of Work

Pinta Accoustics - PhonStop

- Provide 1,188 each (9,504 s.f.) 2" X 2' x 4' Phonstop V, Natural Grey panels, with 3/8" chamfer bevel edge
 - Install 1,091 each (8,726 s.f.) 2" X 2' x 4' Phonstop V Panels. As detailed in PMK Engineering's communications dated 7/22/09. Shall be mounted to existing plywood on walls and bullet baffles.
 - Pre-Drill all panels
 - Provide and install fastening system to consist of Plastic ferrule/standoff with round head screw.
 - Unload all freight at jobsite, store 'extra' unused materials in room at rear of range for future repair use.
- Optional sealing (see separate pricing):
- Seal both sides of PhonStop panels with Pinta Acoustics Sealer Pt13. Edges to remain raw.

Noise Suppression Technologies – Rear Curtain 52' x 12'-3"

Materials –

- Provide One (1) - Noise Suppression Technologies, NST QCC10Q-2-2, composite sound barrier and sound absorption flexible curtain system consisting of individual 54" wide x 12'-3" high units to form a suspended system fifty-two (52) feet wide. Each individual panel is quilted front and back with an ultraviolet and weather resistant fabric facing covering 2" thicknesses of absorptive fiberglass on either side of a 1 lb. loaded vinyl flexible barrier septum. Factory built-in wind relief baffles are provided as required in certain curtain modules. Each curtain module is provided with a factory installed bottom steel weighting strap, and a top steel suspension bar and swivel trolley system for use with a fifty-two (52) feet long steel track which will permit the individual panels to be separated, rotated 90 degrees and pushed to either or both ends for storage when not in use. Factory installed vertical Velcro 2" overlap panel joining closures are provided along the bottom (6 to 7 feet, as desired) half of the panel heights. Note: The furnished track is to be rigidly field installed along bottom of the Northernmost bar joist spanning the width of the range.

Installation labor –

- Install all panels provided by Noise Suppression Technologies on provided track to bottom of existing structural bar joist.
- Quick release durable tie-backs to be field provided and installed on the walls at both ends of the sound barrier/absorber curtain system.
- Modify Fire suppression Pipe to accommodate new curtain

Install 2 cable clamps per each supporting cable

- Add two galvanized cable clamps per each supporting cable of the bullet deflection baffles on the existing gun range structure.
- Provide letter stamped by professional engineer specifying this work

Forced Air Ventilation Mechanical and Electrical per MD Engineering 6/10/09 plans

- Provide all NON-Insulated ductwork
- Provide all fans, starters, controls and connections
- Provide equipment pads
- Provide trunk as drawn to allow for future expansion of system
- Provide all fasteners
- Provide all electrical connections, conduits, boxes and devices
- Provide fire alarm devices and connections
- Rear most duct will have to be relocated – it interferes with curtain location

KBR General Notes

- All work shall be in accordance with all OSHA Standards, applicable federal, state, and local codes, and regulations and good construction practices.
- KBR will include all materials, equipment, and labor in his bid to complete the scope of work.
- KBR shall remove from site all spoils, equipment, materials from site after completion of this project.
- Customer is responsible for reimbursing any required permit costs.
- If bonding is required per law, bond costs have been included.
- Approval of this proposal designates acceptance of the scope of work statement and line item estimate which has been used only to develop a mutually agreed price. The price is accepted as a lump sum fixed firm price and the incorporated scope of work becomes the controlling document taking precedence over line item estimate detail.

KBR Exclusions

- Handling or removal of any hazardous material.
- Davis-Bacon Wages and/or Certified Payrolls.
- Hidden or unforeseen conditions.
- Any warranty implied or otherwise on existing plywood or connections thereof.
- Any representations of acoustical improvements or performance. Acoustical reporting, consulting and designing are by others (City of Plano's acoustical engineer 'PMK Consultants'). This scope of work only provides installation of suggested materials of this consultant, acoustical performance of materials is not covered by this scope of work.
- Any work while range is in use.

End of Scope

KBR

**Government
and Infrastructure**

This proposal includes data that shall not be disclosed outside of addressee and shall not be duplicated, used, or disclosed – in whole or part – for any purpose other than to evaluate this proposal.

Project Plano Gun Range - PhonStop Option
Labor Rate Table 2009 RS Means Facilities with O&P
Equipment Rate Table 2009 RS Means Equipment with O&P

Client City of Plano

9-10

7/27/2009

1 of 2

Master Format Level 4	Item Code	Item Description	Quantity	Unit	Labor Gross Total	Mat Gross Total	Equip Gross Total	Gross Costs Total
Phonstop								
07421320	4900	Aluminum siding, sandwich panels, 1" insulation, multi story	9,504.0	SF		86,489.45		86,489.45
Phonstop Total						86,489.45		86,489.45
Phonstop Labor/Install								
05052320	2700	Hollow wall anchor, 1/4" dia short, in gypsum wall board, plaster or tile, excl layout & drilling	4,752.0	EA		2,010.10		2,010.10
Screws per PMK								
05052330	0020	Lag screw, steel, 1/4" dia x 2" L	4,752.0	EA		361.82		361.82
Plastic standoffs per PMK								
07464610	0020	Fiber Cement Siding, lap siding, smooth texture, 5/16" thick x 6" wide, 4-3/4" exposure	8,726.0	SF	18,750.78			18,750.78
Install Phonstop including drilling and unloading truck								
Phonstop Labor/Install Total					18,750.78	2,371.91		21,122.69
Seal Phonstop								
09911390	0390	Paints & Coatings, walls, concrete masonry units (CMU), smooth surface, first coat, waterproof sealer, brushwork	9,504.0	SF	4,985.04	2,010.10		6,995.13
Seal Phonstop Total					4,985.04	2,010.10		6,995.13
Grand Total					23,735.82	90,871.46		114,607.27

Project Police Gun Range - Noise Suppression Technologies - Rear Wall Curtain
Labor Rate Table 2009 RS Means Facilities with O&P
Equipment Rate Table 2009 RS Means Equipment with O&P

Client City of Plano
Address 4850 14th Street
Plano TX 75074

Master Format Level 4	Item Code	Item Description	Quantity	Unit	Labor Gross Total	Mat Gross Total	Equip Gross Total	Gross Costs Total
Accoustical Materials								
05052325	0120	High strength bolt, 1/2" dia x 2" L, A325 Type 1, incl washer & nut	26.0	EA	86.11	14.81		100.92
09811610	3000	Sound Attenuation Blankets, thermal or acoustical batt above ceiling, 2" thick	637.0	SF	235.28	215.35		450.63
09811610	3900	Sound Attenuation Blankets, urethane plastic foam, open cell, on ceiling, 4" thick	637.0	SF	458.61	2,492.42		2,951.03
09811610	4010	Sound Attenuation Blankets, nylon matting, w/carbon black spinerette, plus polyester fabric, on floor, 4" thick	637.0	SF	83.75	992.98		1,076.73
NOISE SUPPRESSION TECHNOLOGIES QCC10Q -Backwall curtain with overhead tracks								
09811610	9000	Sound Attenuation Blankets, minimum labor/equipment charge	24.0	Job	1,592.65			1,592.65
NOISE SUPPRESSION TECHNOLOGIES QCC10Q -Backwall curtain with overhead tracks								
13481350	1800	Sound Curtain, flexible transparent, 100% foam	637.0	SF	3,329.88	4,466.42		7,796.30
NOISE SUPPRESSION TECHNOLOGIES QCC10Q -Backwall curtain with overhead tracks								
26052920	4100	Channels, steel, 3" x 1-1/2"	52.0	LF	374.37	911.51		1,285.89
26052920	4300	Spring nuts, steel channel, long, 1/2"	26.0	EA	118.17	51.92		170.10
26052920	4550	End cap, steel channel	2.0	EA	12.10	2.05		14.15
26052920	5600	Beam clamp, large	26.0	EA	234.39	131.84		366.23
Accoustical Materials Total					6,525.29	9,279.32		15,804.61
Installation								
12221620	0140	BLAST CURTAINS, off-white or gray fabric, drapery system, complete, per LF horizontal opening width, including hardware, maximum	52.0	LF				5,110.99
Installation Total								5,110.99
Grand Total					6,525.29	9,279.32		20,915.60

Project City of Plano Gun Range Cable Clamps
Labor Rate Table 2009 RS Means Facilities with O&P
Equipment Rate Table 2009 RS Means Equipment with O&P

Client City of Plano

9-16

7/20/2009

1 of 2

Master Format Level 4	Item Code	Item Description	Quantity	Unit	Labor Gross Total	Mat Gross Total	Equip Gross Total	Gross Costs Total
Cable Clamps								
05151660	3100	Wire rope clamp, galvanized, 1/8"	936.0	EA	6,369.53	1,306.72		7,676.25
Cable Clamps Total					6,369.53	1,306.72		7,676.25
Grand Total					6,369.53	1,306.72		7,676.25

CSI	Division	Labor	Mat	Subs	Equip	Other	User	Total
05	Metals	10,174	2,087					12,262
						ESC Region #10 Coefficient		-3,188
						Subtotal		9,074
						ESC Region #10 CCI		-1,397
						Total Estimate		7,676

Project Tri-City Gun Range - Ventilation
Labor Rate Table 2009 RS Means Facilities with O&P
Equipment Rate Table 2009 RS Means Equipment with O&P

Client City of Plano

Master Format Level 4	Item Code	Item Description	Quantity	Unit	Labor Gross Total	Mat Gross Total	Equip Gross Total	Gross Costs Total
Mechanical								
03305340	3570	Structural concrete, in place, equipment pad, 6' x 6' x 8", includes forms, reinforcing steel, concrete, and finishing	4.0	EA	553.33	518.36	5.10	1,076.79
03305340	9000	Structural concrete, in place, minimum labor/equipment charge, includes forms(4 uses), reinforcing steel, and finishing	1.0	Job	657.34			657.34
28314650	5420	Detection Systems, smoke detector, duct type, addressable, excl. wires & conduit	2.0	EA	231.63	431.97		663.60
28323350	9410	Radiation monitoring systems, minimum labor/equipment charge	2.0	Job	181.55			181.55
trip charg to set smoke detectors								
23311313	0140	Metal Ductwork, fabricated rectangular, 1000 to 2000 lb., aluminum alloy 3003-H14, includes fittings, joints, supports and allowance for a flexible connection, excludes insulation	1,950.0	lb	17,066.48	2,893.24		19,959.72
Trunk, transition, frame for future and all non spiral ducts								
23311316	7560	Metal Ductwork, spiral preformed, steel, PVC coated both sides, straight lengths, 20" diameter, 24 Ga.	80.0	LF	1,302.16	1,101.83		2,403.99
Use Steel coated PVC in lieu of Aluminum - alum not in book								
23311316	7580	Metal Ductwork, spiral preformed, steel, PVC coated both sides, straight lengths, 24" diameter, 24 Ga.	50.0	LF	954.71	860.81		1,815.52
23311316	8040	Metal Ductwork, spiral preformed, steel, PVC coated both sides, connector, 20" diameter	8.0	EA	160.27	115.19		275.46
23311316	8060	Metal Ductwork, spiral preformed, steel, PVC coated both sides, connector, 24" diameter	5.0	EA	120.51	79.82		200.33
23311316	8820	Metal Ductwork, spiral preformed, steel, PVC coated both sides, elbow, 90 Deg., 20" diameter	1.0	EA	75.12	87.02		162.14
23311316	9180	Metal Ductwork, spiral preformed, steel, PVC coated both sides, reducing coupling, tapered offset diameter x any smaller diameter, 20" x	1.0	EA	43.82	65.11		108.93
23311316	9200	Metal Ductwork, spiral preformed, steel, PVC coated both sides, reducing coupling, tapered offset diameter x any smaller diameter, 24" x	1.0	EA	48.21	88.27		136.48
23311316	9560	Metal Ductwork, spiral preformed, steel, PVC coated both sides, lateral, straight barrel, 45 Deg., 20" size	4.0	EA	483.30	493.32		976.62
23311316	9580	Metal Ductwork, spiral preformed, steel, PVC coated both sides, lateral, straight barrel, 45 Deg., 24" size	3.0	EA	448.87	508.97		957.84
23311316	9710	Metal Ductwork, spiral preformed, steel, PVC coated both sides, register boot, elbow or perimeter, 6" duct diameter	7.0	EA	81.07	127.09		208.16
23311316	9990	Metal Ductwork, minimum labor/equipment charge	16.0	Job	2,003.33			2,003.33
23331316	3400	Duct accessories, fire damper, curtain type, vertical, 24" x 20", U.L. label, 1-1/2 hour rated	4.0	EA	189.06	111.44		300.50
23332313	9438	Duct accessories, turning vane components, double thick, factory fabricated vane, 20" high set	10.0	LF	27.17	17.90		45.07

9-20

7/27/2009

2 of 4

Master Format Level 4	Item Code	Item Description	Quantity	Unit	Labor Gross Total	Mat Gross Total	Equip Gross Total	Gross Costs Total
23332313	9442	Duct accessories, turning vane components, double thick, factory fabricated vane, 24" high set	20.0	LF	60.35	42.95		103.30
23332313	9900	Duct accessories, minimum labor/equipment charge	3.0	Job	281.72			281.72
23341610	5560	Fans, industrial exhauster, 4000 CFM, 7-1/2 H.P.	1.0	EA	469.53	2,989.34		3,458.87
VF-1								
23341610	5580	Fans, industrial exhauster, 8000 CFM, 15 H.P.	1.0	EA	610.39	3,881.45		4,491.84
VF-2								
23371310	0180	Diffuser, aluminum, ceiling, also for sidewall, 6" wide, includes opposed blade damper	42.0	LF	657.34	1,840.56		2,497.90
23371310	9000	Diffuser, minimum labor/equipment charge	7.0	Job	657.34			657.34
23371540	2520	Louver, aluminum, extruded, with screen, mill finish, dual combination, manual operation, intake or exhaust	12.0	SF	229.13	341.82		570.95
26052920	2600	Threaded rod, steel, painted, 3/8" diameter	100.0	LF	181.55	200.33		381.88
26052920	3050	Nuts, galvanized steel, 3/8" diameter	0.5	C		7.20		7.20
26052920	3300	Washers, galvanized steel, 3/8" diameter	0.5	C		7.04		7.04
26052920	5900	Beam clamp, material only, 3/8" clamp, 3/8" threaded drop rod	5.0	EA	57.13	27.39		84.52
26053395	0630	Hole drilling, concrete wall, 12" thick, 4" pipe size, to 10' high	4.0	EA	580.71	50.08	57.85	688.64
penetrations in existing walls								
Mechanical Total					28,413.14	16,888.49	62.94	45,364.58

Electrical

05052320	0200	Anchor, expansion shield, zinc, 1/4" dia x 1-5/16" L, single, in concrete, brick or stone, excl layout & drilling	54.0	EA	197.43	10.48		207.91
05052330	0020	Lag screw, steel, 1/4" dia x 2" L	54.0	EA	89.25	3.04		92.29
26052920	0800	Strap, steel, 2 holes, EMT, 3/4" diameter	18.0	EA	14.76	3.16		17.92
26052920	0850	Strap, steel, 2 holes, EMT, 1" diameter	9.0	EA	8.17	2.93		11.10
26051935	0025	Wire connector, screw type, #18 to #10	10.0	EA	15.09	1.06		16.15
26051935	0045	Wire connector, screw type, insulated, #12 to #6	30.0	EA	60.29	10.33		70.62
26052320	1650	Fire alarm cable, FEP teflon, 150 volt, to 200 Deg.C, #22, 4 pair	1.0	Cif	52.59	133.35		185.93
26051990	1250	Wire, copper, stranded, 600 volt, #10, type THWN-THHN, in raceway	4.0	Cif	145.24	68.86		214.11
ground for VF-1 and 2 and two outlets								
26051990	1300	Wire, copper, stranded, 600 volt, #8, type THWN-THHN, in raceway	8.0	Cif	365.61	240.40		606.01
conductors for Vf-1 and 2 and two outlets								
26053305	5020	Electric metallic tubing (EMT), 3/4" diameter, to 15' high, incl 2 terminations, 2 elbows & 11 beam clamps per 100 LF	175.0	LF	486.43	127.09		613.52
conduit for VF-1 and for Fire alarm (separate conduits) both 3/4"								
26053305	5040	Electric metallic tubing (EMT), 1" diameter, to 15' high, incl 2 terminations, 2 elbows & 11 beam clamps per 100 LF	90.0	LF	283.41	113.81		397.22
26053305	5220	Electric metallic tubing (EMT), field bends, 45 Deg. to 90 Deg., 3/4" diameter	6.0	EA	27.23			27.23

Gun Range Ventilation.est

KBR, Inc.

Master Format Level 4	Item Code	Item Description	Quantity	Unit	Labor Gross Total	Mat Gross Total	Equip Gross Total	Gross Costs Total
26053305	5240	Electric metallic tubing (EMT), field bends, 45 Deg. to 90 Deg., 1" diameter	6.0	EA	29.67			29.67
26053305	5340	EMT offsets, 3/4" diameter, to 15' H	60.0	EA	351.21			351.21
26053305	5360	EMT offsets, 1" diameter, to 15' H	30.0	EA	204.72			204.72
26053305	8710	EMT couplings, compression, steel, 3/4" diameter, to 15' H	18.0	EA		59.72		59.72
26053305	8720	EMT couplings, compression, steel, 1" diameter, to 15' H	9.0	EA		51.55		51.55
26053305	8810	EMT boxes connectors, compression, steel, 3/4" diameter, to 15' H	60.0	EA	197.20	163.40		360.60
26053305	8820	EMT boxes connectors, compression, steel, 1" diameter, to 15' H	30.0	EA	121.14	133.35		254.49
26053395	0110	Hole drilling, concrete wall, 8" thick, 1/2" pipe size, to 10' high	60.0	EA	1,801.08	195.32	182.22	2,178.62
26053335	1090	Flexible metallic conduit, sealite, 3/4" diameter	10.0	LF	36.44	15.84		52.27
26053335	1100	Flexible metallic conduit, sealite, 1" diameter	10.0	LF	51.59	23.85		75.44
26053335	1700	Flexible metallic conduit, sealite, connectors, plain, 3/4" diameter	4.0	EA	28.92	20.16		49.08
26053335	1900	Flexible metallic conduit, sealite, connectors, plain, 1" diameter	4.0	EA	36.69	34.68		71.37
26053335	2400	Flexible metallic conduit, sealite, connectors, plain, 90 Deg., 3/4" diameter	2.0	EA	14.65	12.90		27.55
26053335	2600	Flexible metallic conduit, sealite, connectors, plain, 90 Deg., 1" diameter	2.0	EA	18.16	26.29		44.45
26053350	1460	Outlet boxes, cast, 2 gang, FS, 3/4" hub	10.0	EA	363.10	237.90		601.00
26053350	1600	Outlet boxes, cast, weatherproof receptacle cover	10.0	EA	56.66	54.15		110.81
26053365	2400	Pull boxes, sheet metal, type SC, raintight & weatherproof, 20" L x 20" W x 6" D, NEMA 3R	4.0	EA	363.10	380.63		743.74
VFD enclosures								
26059010	4380	Receptacle devices, resi, decorator style, GFI with #12/2, type EMT & wire, 20', incl box & cover plate	2.0	EA	172.16	95.78		267.95
26059010	4500	Receptacle devices, resi, weather-proof cover or above receptacles, add	2.0	EA	22.79	7.26		30.05
26292310	0100	Variable frequency drives, enclosed, 460 volt, 3 HP motor size, NEMA 1	1.0	EA	453.88	1,079.92		1,533.80
VFD for VF-1								
26292310	0110	Variable frequency drives, enclosed, 460 volt, 5 HP motor size, NEMA 1	1.0	EA	453.88	1,173.83		1,627.70
VFD for VF-2								
26241940	7870	Motor starter & fused disconnect, 3 pole, 600 volt, 5 HP motor	2.0	EA	519.61	763.77		1,283.38
Electrical Total					7,042.13	5,244.82	182.22	12,469.16
Grand Total					35,455.27	22,133.31	245.16	57,833.74

9-22

7/27/2009

4 of 4

CSI	Division	Labor	Mat	Subs	Equip	Other	User	Total
03	Concrete	1,934	828		8			2,770
05	Metals	458	22					480
13	Special Construction	660	690					1,350
15	Mechanical	41,483	24,992					66,475
16	Electrical	12,100	8,823		383			21,306
						ESC Region #10 Coefficient		-24,019
						Subtotal		68,361
						ESC Region #10 - CCI		-10,528
						Subtotal		57,834
						Bonding		584
						Total Estimate		58,418



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY			Initials	Date
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	<i>[Signature]</i>	8-12-09
Council Meeting Date:	08/24/2009	Budget	C.S.	8-12-09
Department:	Police	Legal	<i>[Signature]</i>	8-12-09
Department Head	Gregory W. Rushin	Assistant City Manager		
Dept Signature:	<i>[Signature: Gregory W. Rushin]</i>	Deputy City Manager	<i>[Signature]</i>	8-12-09
		City Manager	<i>[Signature]</i>	8/12/09
Agenda Coordinator (include phone #): Pam Haines, x2538				
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 interlocal agreement by and between the City of Plano, Texas and the Frisco Independent School District: providing terms and conditions for the operation of the Police/School Liaison Program: 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 checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 09/10	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	103,298	103,298
BALANCE	0	0	103,298	103,298
FUND(S): GENERAL FUND (01.532)				
COMMENTS: Frisco Independent School District (FISD) agrees to reimburse the City of Plano Police Department for the total cost of one (1) Police Officer assigned to the School Liaison Program from October 1, 2009 through September 30, 2010.				
STRATEGIC PLAN GOAL: The reimbursement of Plano Police School Liaison Officer in FISD Schools located within Plano city limits relates to the City's Goal of a "Premier City in Which to Live".				
SUMMARY OF ITEM				
This agreement is for the period October 1, 2009 through September 30, 2010. It is an ongoing agreement in which for the fiscal year 2009-2010, FISD is contributing 100% of the funding for one (1) Plano Police Officer assigned to the School Liaison Program.				
List of Supporting Documents: Agreement and Attachments			Other Departments, Boards, Commissions or Agencies	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF PLANO, TEXAS AND THE FRISCO INDEPENDENT SCHOOL DISTRICT FOR THE OPERATION OF THE POLICE/SCHOOL LIAISON PROGRAM; 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 Agreement by and between City of Plano and Frisco Independent School District, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and,

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or 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:

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 from and after 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

POLICE/SCHOOL LIAISON INTERLOCAL AGREEMENT

This Agreement is entered into this 1st day of October 2009 between the City of Plano, a home-rule municipal corporation, Collin County, Texas (hereinafter called "CITY") and the Frisco Independent School District of the City of Frisco, an independent school district of Collin County, Texas (hereinafter called "FISD").

WHEREFORE, for and in consideration of the payments and mutual covenants contained herein, and for other good and valuable consideration, the parties agree as follows:

I.

SCOPE OF AGREEMENT

CITY shall provide one (1) employee who is a certified police officer for the School Liaison Program in the 2009-2010 fiscal year, to be assigned to duties described in the 2009-2010 Memo of Understanding, Administrative Guidelines, attached hereto as Attachment "1" and incorporated herein for all purposes.

II.

TERM OF THE AGREEMENT

The term of this Agreement shall be for a period of one year beginning the 1st day of October 2009 and ending the 30th day of September 2010.

Subject to Section VI availability of funds, this Agreement may be renewed for subsequent fiscal years if FISD provides CITY with written intent of their desire to renew no later than June 15 preceding the fiscal year, AND if CITY provides FISD with written acceptance. Renewals of this Agreement shall be at the then current actual costs for officers.

III.

PAYMENT FOR SERVICES

FISD shall pay CITY the sum of \$8,608.16 per month for twelve (12) months for services rendered. Payment for service shall be made no later than the 15th day of each month following the month in which service is rendered. This payment is for 100% of one (1) certified police officer provided by the CITY.

FISD shall not be relieved of its obligation to pay the entire amount described in this Agreement in the event a liaison officer is absent due to sick leave, training, subpoena or court appearance, compensation time, worker's compensation, holiday, vacation, or emergency, military, or bereavement leave.

In the event CITY exercises its right to reassign one or more liaison officers when in the sole judgment of CITY their services are required in response to a citywide or major emergency for more than thirty (30) consecutive school days, payment for service shall be reduced on a prorated basis.

IV.

INDEPENDENT CONTRACTOR

CITY is and at all times shall be deemed to be an independent contractor and shall be wholly responsible for the manner in which it determines which officers are assigned to the School Liaison Program and the way CITY performs the services required by the terms of this Agreement. Nothing herein shall be construed as creating the relationship of employer and employee, or principal and agent, between FISD and CITY or any of CITY's agents or employees. CITY assumes exclusive responsibility for the acts of its employees as they relate to the services provided during the course and scope of their employment. CITY, its agents and employees, shall not be entitled to any rights or privileges of FISD employees and shall not be considered in any manner to be FISD employees.

V.

INSURANCE

CITY is self-insured, and shall provide FISD documentation of its coverage, said coverage to meet the approval of FISD. CITY shall also provide, during the term of this Agreement, workers' compensation insurance, including liability coverage, in the amounts required by Texas state law, for all employees engaged in work under this Agreement. As to all insurance provided by CITY, it shall provide FISD with documentation indicating such coverage prior to the beginning of any activities under this agreement.

VI.

AVAILABILITY OF FUNDS

Funds are not presently budgeted for performance under this Agreement beyond the end of the 2009-2010 fiscal year. FISD shall have no liability for payment of any money for services performed after the end of any fiscal year unless and until such funds are budgeted and this Agreement renewed upon the terms and conditions set forth for renewal in Section II hereof. Likewise, all expenditures made by City in fulfilling its obligations hereunder shall be paid only from current revenues legally available to City.

VII.

TERMINATION

This Agreement may be terminated by either party at its sole option and without prejudice by giving sixty (60) days written notice of termination to the other party.

VIII.

ASSIGNMENT OF AGREEMENT

Neither party shall assign, transfer, or sub-contract any of its rights, burdens, duties or obligations under this Agreement without the prior written permission of the other party to this Agreement.

IX.

WAIVER

No waiver of a breach or any provision of this Agreement by either party shall constitute a waiver of any subsequent breach of such provision. Failure of either party to enforce at any time, or from time to time, any provision of this Agreement shall not be construed as a waiver thereof.

X.

PLACE OF PERFORMANCE: VENUE

All obligations of each party to this Agreement shall be performed in Collin County, Texas. The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this Agreement, and the exclusive venue for any legal proceedings involving this Agreement shall be Collin County, Texas.

XI.

NOTICES

Notices to FISD shall be deemed given when delivered in person to the Superintendent of Schools of FISD or on the next business day after the mailing of said notice addressed to said FISD by United States mail, certified or registered mail, return receipt requested, and postage paid at 6942 Maple Street, Frisco, Texas 75034

Notices to CITY shall be deemed given when delivered in person to the City Manager of CITY or on the next business day after the mailing of said notice addressed to said CITY by United States mail, certified or registered mail, return receipt requested, and postage paid at P. O. Box 860358, Plano, Texas, 75086-0358.

The place for mailing notices for a party may be changed only upon written notice given to the other in the manner herein prescribed for notices sent to the last effective place of mailing for the notifying party.

XII.

SEVERABILITY PROVISIONS

If any provisions of this Agreement is held to be illegal, invalid or unenforceable under present or future laws, (1) such provision shall be fully severable; (2) this Agreement shall be construed and enforced as if such illegal, invalid or unenforceable provision had never been a part of this Agreement; and (3) the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the illegal, invalid or unenforceable provision or by its severance from this Agreement.

XIII.

MUTUAL HOLD HARMLESS

To the extent allowed by law FISD does hereby agree to waive all claims against, release, and hold harmless CITY and all of its officials, officers, agents, employees, in both their public and private capacities, from any and all liability, claims, suits, demands, losses, damages, attorneys fees, including all

expenses of litigation or settlement, or causes of action which may arise by reason of injury to or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement.

To the extent allowed by law CITY does hereby agree to waive all claims against, release, and hold harmless FISC and all of its officials, officers, agents, employees, in both their public and private capacities, from any and all liability, claims, suits, demands, losses, damages, attorneys fees, including all expenses of litigation or settlement, or causes of action which may arise by reason of injury to or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement.

It is the intention of both parties that this mutual hold harmless clause shall be interpreted to mean each party shall be responsible for the actions of each party's own employees, officials, officers, and agents.

XIV.

ENTIRE AGREEMENT OF PARTIES

This Agreement shall be binding upon the parties hereto, their successors and assigns, and constitutes the entire Agreement between the parties. No other Agreements, oral or written, pertaining to the performance of this Agreement exists between the parties. This Agreement can be modified only by an Agreement in writing, signed by both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement in the year and day first above written.

Approved as to Form:

City of Plano

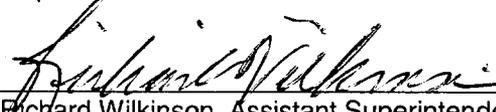


Diane Wetherbee, City Attorney

By: _____
Thomas H. Muehlenbeck, City Manager

Approved as to Form:

Frisco Independent School District

By: 

Richard Wilkinson, Assistant Superintendent
Frisco Independent School District

ACKNOWLEDGMENT

**STATE OF TEXAS
COUNTY OF COLLIN**

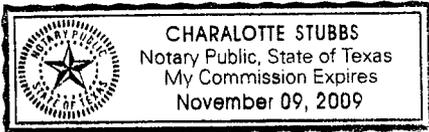
This instrument was acknowledged before me on the _____ day of _____, 2009 by **THOMAS H. MUEHLENBECK, City Manager of the CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of said corporation.

Notary Public in and for the State of Texas

ACKNOWLEDGMENT

**STATE OF TEXAS
COUNTY OF COLLIN**

This instrument was acknowledged before me on the 23 day of July, 2009 by Richard Wilkinson, **Assistant Superintendent, Facilities and Finance of the FRISCO INDEPENDENT SCHOOL DISTRICT**, on behalf of said organization.



Charalotte Stubbs
Notary Public in and for the State of Texas

MEMORANDUM OF UNDERSTANDING
Operational Guidelines
Plano Police Department – Frisco Independent School District
School Year 2009-2010

The following operational guidelines are adopted for school/police operations during school year 2009-2010. In all situations, school authorities will be notified of action taken in accordance with Article 15.27, Texas Code of Criminal Procedure.

1. Incident – Class C misdemeanors (smoking, consumption or possession of an alcoholic beverage, fighting, or other disorderly conduct) that are not observed by a police officer.

Guideline – Except as noted below, police officers will not file complaints on Class C offenses that they do not witness. School administrators who witness the event may file the complaint with the municipal court.

School Liaison Officers will have complaint forms available at their respective schools. Once the complaint form is completed, it should be submitted to the municipal court clerk for consideration. The City Prosecutor will determine if the complaint will be accepted for prosecution.

If the complaint is accepted, the school administrator will be called as a witness.

A school administrator who believes that a person on school property or at a school-related event is intoxicated will notify the police. The responding officer will determine whether the elements justifying an arrest for public intoxication exist. If the elements exist, the officer will arrest and remove the person from school property or the school-related event. If the officer determines that the elements do not exist, the issue will be handled by district officials according to discipline management guidelines.

A school administrator observing a fight will notify a police officer. The officer will determine if the elements justifying an arrest for disorderly conduct or assault are present. If the elements are present the officer will, in his/her discretion, take the appropriate actions as dictated by departmental policy and procedures. If the elements justifying an arrest are not present, the issue shall be handled by the school administrator according to discipline management guidelines.

Officers may investigate incidents reported by parents and issue citations if appropriate under departmental policy and procedures.

2. Incident – Class C misdemeanors that are observed by an officer:

Guideline – Police officers who observe Class C misdemeanors on school property will take action as indicated by departmental policy and procedures. Any decision by the officer not to arrest or issue a citation is not determinative of any action taken by the district under the student code of conduct.

Page 2
Operational Guidelines
School Year 2009-2010

3. Incident – Persons found in possession of any controlled substance on school property.

Guideline – The school administrator shall call the police. The officer shall determine if the elements justifying an arrest are present. If those elements exist, the officer shall have the discretion to arrest, issue a citation, or file at large.

4. Incident – A person is found on school property in possession of a firearm, illegal knife, or prohibited weapon and that possession is listed as a felony in section 46.03 of the Penal Code.

Guideline – The school administrator shall notify the police. The responding officer shall determine whether or not the weapon is listed in the above section. If it is, and if permitted by law, the officer shall arrest and place the person in jail. Officers shall at all times give due consideration to the case law interpreting search and seizure issues.

5. Incident – School administrators are informed that a person has within the past five (5) days possessed a weapon on school property.

Guideline – The school administrator will call the police who will take the information and complete an offense report. A detective will be assigned to investigate the offense.

6. Incident – Trespasser on school property.

Guideline – The school administrator will ask the trespasser to leave. If the trespasser refuses; the administrator will call the police. The responding officer will follow departmental guidelines in handling the call.

7. Incident – A Plano police officer asks to see a student for an interview or to be taken into custody.

Guideline – Police Department Administrative Directive 112.029 (copy attached) will be followed.

8. Incident – A teacher, school counselor, or administrator is assaulted on campus.

Guideline – The school administrator shall immediately report the assault to the police. The responding officer will determine if the elements to justify an arrest are present. If so, the officer shall arrest and remove the student from the campus.

Citations will not be issued for an assault on school personnel engaged in their official duties, but, depending on circumstances, it may be necessary to file at large in lieu of arrest.

Page 3
Operational Guidelines
School Year 2009-2010

9. Incident – Indecent exposure or other sexual offenses.

Guideline – The school administrator shall notify the police. The responding officer shall determine if the elements justifying an arrest exist. If those elements do exist, the officer shall arrest and remove the perpetrator from campus. Depending on the circumstances, an officer may have to file at large.

10. Incident – Bomb threats.

Guideline –Officers responding to the report of a bomb threat on school property shall act in accordance with Police Department Administrative Directive 112.002 (copy attached).

All bomb threats shall be reported to the police and district security in keeping with district procedures listed in the emergency procedure manual. The principal or administrator in charge of the district facility will make the decision whether or not to evacuate the facility unless a device is found. Once a device is found, the senior officer present takes charge of the scene.

11. Incident – Drug Interdiction Program.

Guideline – Frisco ISD has an active drug interdiction program. This is usually done by contract with the private sector. Officers, when called to the scene of a drug interdiction incident, will take appropriate action according to state law and departmental policy and procedures.

These guidelines are generated in an effort to provide a consistent response to the most common events occurring on campus. However, there will be instances where circumstance will dictate a different response by both officers and administrators. Both are encouraged to contact their respective supervisors with questions.

Gregory W. Rushin
Chief, Plano Police Department

Date



Richard Wilkinson
Assistant Superintendent, Facilities and Finances
Frisco Independent School District

7/23/09
Date

ADMINISTRATIVE DIRECTIVE – 112.029
INTERVIEWS OF STUDENTS AT SCHOOLS

EFFECTIVE DATE: March 1, 2000
REVIEW DATE:
AFFECTS: Sworn Personnel

REVISION DATE: February 4, 2009

I. PURPOSE

The purpose of this directive is to provide procedures to be followed by officers of the Plano Police Department who intend to interview students at schools.

II. POLICY

If an interview with a student is to be conducted at a school, it is the policy of the Department to notify school officials. School officials may be notified after contact has been made with a student if the time or circumstances do not allow for prior notification. Such circumstances may include, but are not limited to, situations involving an imminent threat of serious bodily injury, death, or violence. Notification of school officials may also be delayed if the investigating officer determines that such notification may interfere with an investigation. The investigating officer must receive supervisory approval to delay notification to school officials when exigent circumstances do not exist.

III. PROCEDURE

- A. Prior to interviewing any student at a school, the interviewing officer will contact the principal or vice principal of the school concerned when the circumstances do not call for an immediate police response or action be taken.
1. The interviewing officer will notify the school official that the officer needs to interview a student pursuant to an official police investigation, identify the student, and request the official to produce the student for the interview.
 2. As needed, the interviewing officer may seek the assistance of a School Liaison Officer (SLO) for the purpose of ascertaining the student's schedule, arranging for an interview location, and/or providing needed background information. In no case, however, will the SLO be responsible for the notification required above.
- B. Except as noted in Section F below, PISD policy requires a school official to notify the parent/guardian of a student produced for interview by a police officer. This is regardless of the student's age.
1. If the parent objects to the interview, the interviewing officer will be notified immediately, and the interviewing officer will speak directly with the parent/guardian prior to any further interview.
 2. In no case will a school official be placed in the position of serving as an intermediary between the parent/guardian and the officer.
- C. A school official may ask to sit in on an interview with the student, but this will be at the discretion of the interviewing officer. In case of a conflict over this matter, the officer will notify his/her supervisor. The supervisor will attempt to resolve the conflict through appropriate contact with a school administrator.
- D. It is the responsibility of the interviewing officer to notify the parent/guardian after the interview has concluded.
- E. If a juvenile is taken into custody the officer shall comply with Texas Family Code 52.02 (b) which requires prompt parental notification and a statement of the legal reason for taking the child into custody.
- F. An exception to the contact policy exists when articulable circumstances lead the officer to believe the notification would put the student at risk or could otherwise hinder the investigation.
- G. Other Considerations
1. This directive is not intended to inhibit school liaison officers (SLOs) from investigating crimes and interviewing students or to hamper the special relationship an SLO has with his/her

**ADMINISTRATIVE DIRECTIVE – 112.029
INTERVIEWS OF STUDENTS AT SCHOOLS**

EFFECTIVE DATE: March 1, 2000

REVISION DATE: February 4, 2009

REVIEW DATE:

AFFECTS: Sworn Personnel

school. That notwithstanding, an SLO who is conducting an interview of a student pursuant to an official investigation is under the same obligation to notify the appropriate school official as any other investigating officer.

2. At any time an officer becomes aware of a crime which is of a "high profile" nature and which may draw unusual public, media, or political attention, the officer shall notify his/her supervisor immediately. Such crimes will be referred to CISD for investigation. SLOs are specifically prohibited from conducting extensive or prolonged investigations, especially those which may result in excessive public, media, or political attention.

**ADMINISTRATIVE DIRECTIVE – 112.002
BOMB THREATS**

EFFECTIVE DATE: October 15, 1991
REVIEW DATE:
AFFECTS: All Personnel

REVISION DATE: May 30, 2006

This directive establishes procedures for handling bomb threats and actual bomb emergencies and identifies the responsibilities of Communications and Police personnel.

I. POLICY

Bomb threats and actual bomb emergencies present a serious threat to officers, the public and to property. It is the policy of the Plano Police Department to respond effectively to all bomb threats, assess each threat individually, and handle each threat in the manner intended to provide for the greatest safety of the general public.

II. PROCEDURES

A. Notification of Bomb Threat

1. While the method of notification may vary, the Department member receiving the report shall:
 - a. Record as much information as possible regarding:
 - (1) The exact location of the reported bomb,
 - (2) The time set for detonation,
 - (3) Description of the bomb,
 - (4) The type of explosive,
 - (5) The type of bomb (pipe, etc.), and
 - (6) The reason for the bombing.
 - b. Immediately notify Public Safety Communications personnel.
2. Public Safety Communications will notify the following personnel by telephone or personal contact when possible:
 - a. The patrol sergeant and district squad affected,
 - b. The Patrol Shift Supervisor in the affected sector. In the absence of the sector sergeant, a supervisor from an adjacent sector will be notified along with the Watch Commander,
 - c. A member of the Criminal Investigative Services Division,
 - d. The designated departmental bomb investigations personnel,
 - e. The Fire Department,
 - f. Commanders of the Patrol and Criminal Investigative Services Divisions,
 - g. The Field Operations Bureau Commander,
 - h. The person in charge of the involved property or facility affected unless this is the reporting party.

B. Notification of Actual Bomb Emergency

1. While the method of notification may vary, the Department member receiving the report shall:
 - a. Record as much information as possible regarding:
 - (1) The exact location of the bombing,
 - (2) The extent of injury and damage,
 - (3) Identification and location of the reporting person.

**ADMINISTRATIVE DIRECTIVE – 112.002
BOMB THREATS**

EFFECTIVE DATE: October 15, 1991

REVISION DATE: May 30, 2006

REVIEW DATE:

AFFECTS: All Personnel

- b. Immediately notify Public Safety Communications personnel.
 2. Public Safety Communications will notify the following personnel by telephone or personal contact when possible:
 - a. The patrol sergeant and district squad affected,
 - b. The Patrol Shift Supervisor in the affected sector. In the absence of the sector sergeant, a supervisor from an adjacent sector will be notified along with the Watch Commander,
 - c. A member of the Criminal Investigative Services Division,
 - d. Hazardous Device Unit Bomb Technicians,
 - e. The Fire Department,
 - f. Commanders of the Patrol and Criminal Investigative Services Divisions,
 - g. The Field Operations Bureau Commander,
 - h. The person in charge of the involved property or facility affected unless this is the reporting party,
 - i. The Chief of Police
 - j. The local office of the FBI
 - k. Local hospitals, if injuries are extensive enough to exceed normal operating capacities.
- C. Responsibilities
 1. Employee taking the initial call for service
 - a. Employees that receive calls from general public shall maintain a City of Plano Bomb Threat Info Sheet near their phone (found with PPD forms).
 - b. Maintain a calm and professional demeanor when taking the call. Notes should be kept indicating times, places, and other pertinent facts regarding the incident.
 - c. The call taker should attempt to ascertain the location of the bomb and detonation time.
 - d. If an employee of the Police Department receives the actual bomb threat, the call taker should pay attention to distinctive speech patterns of the caller and listen for any background noises.
 - e. If an employee of the Police Department receives the actual bomb threat, he/she should attempt to keep the caller on the line for as long as possible and try to find out the reason for the bomb threat or actual bomb placement, i.e. what he/she is attempting to achieve through this action.
 2. Responding Police Units
 - a. When patrol personnel arrive at the scene they shall advise communications of the situation. **Radio, MDT, and cellular phone use must be avoided and notification made through use of the nearest available telephone. Responding units should turn off all radios, MDCs, and cellular phones. Bomb investigations personnel may also request that pagers be disabled.**
 - b. The shift sergeant and one on-duty patrol officer will respond to the call.

**ADMINISTRATIVE DIRECTIVE – 112.002
BOMB THREATS**

EFFECTIVE DATE: October 15, 1991
REVIEW DATE:
AFFECTS: All Personnel

REVISION DATE: May 30, 2006

- c. The shift sergeant will determine if additional patrol units are needed at the scene and determine if specialized units are needed, i.e., criminal investigators, bomb disposal, or evidence technicians.
- d. The first units to arrive will:
 - (1) Establish a security perimeter,
 - (2) Organize a search team if needed,
 - (3) Coordinate with the Fire Department, and
 - (4) Arrange for post-explosion notifications if the device has already detonated.
- 3. Determination of Actions to Be Taken
 - a. The victim or complainant will be responsible for determining what action he/she wishes to take with respect to evacuation, searching the building or disregarding the threat. Officers at the scene will provide any reasonable assistance.
 - b. The supervisor at the scene may request that the management clear the building. If management will not comply, the name and identification of the person contacted with the request shall be noted. If a bomb is located or there is strong evidence that a bomb is on premises the supervisor may order evacuation of the building.
 - c. Calling for mutual aid assistance may, in some instances, be necessary and will be done based upon the recommendations of the Hazardous Devices Unit Bomb Technicians.
- 4. Searching the Premises
 - a. If the victim or complainant determines that he/she wishes to have the building searched, he/she will provide persons who are familiar with the area to assist in the search.
 - b. The on-scene supervisor will designate search teams based on the number of personnel available and the size and complexity of the area to be searched. The search pattern shall be coordinated to avoid repetition. If possible, a copy of the building floor plan should be used to assist in planning the search.
 - c. Searchers shall be instructed to not use radios or cellular phones and to not smoke. Searchers should be warned not to change the environment of the area to be searched such as turning light switches off or on. Flashlights should be used if auxiliary light is needed.
 - d. All areas open to the public should be given special attention: restrooms, trash receptacles, stairwells, elevator shafts, etc. If possible, workers should be asked to check their own work areas for suspicious or unusual objects.
 - e. Searchers shall use extreme caution not to disturb any suspicious package that may be located. If the search reveals any item that could possibly be an explosive device, searchers should not attempt to remove or disarm it in any way. Searchers should note the location of the device, exit the area, and notify Hazardous Device Unit personnel.
 - f. Upon completion of the search, if a device is not found, the complainant should be informed that the search revealed nothing. The complainant or manager of the building must decide if re-occupation of the area is to be permitted.

D. Reports

- 1. The primary officer will prepare an Offense report at the completion of the incident response.

**ADMINISTRATIVE DIRECTIVE – 112.002
BOMB THREATS**

EFFECTIVE DATE: October 15, 1991

REVISION DATE: May 30, 2006

REVIEW DATE:

AFFECTS: All Personnel

2. The on-scene supervisor shall complete an after action report to the Chief. The report shall identify the extent of personnel and resources utilized and identify any deficiencies in departmental policy or procedure relative to the incident.

MEMORANDUM OF UNDERSTANDING
Campus Crime Stoppers Program
Plano Police Department – Frisco Independent School District
School Year 2009 - 2010

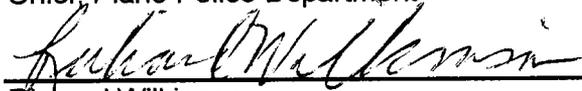
Purpose Statement: Crime Stoppers is a program authorized by state law, and is operated by the North Texas Crime Commission, assisted by the Plano Police Department. This program allows students to report the commission of crime in an anonymous and confidential fashion while performing their civic duties.

The following agreement is adopted for the school year 2009-2010.

1. School Liaison Officers (SLOs) need approximately 20 minutes of core class time during the first three weeks of school to explain the program to students. These presentations should be scheduled so the liaison officers can present the program to the entire student body in groups of no larger than three or four classes.
2. SLOs need to brief all staff members about the program. They will be told when to use the telephone tip number and when to complete a school offense report.
3. Students requesting to call the tip line telephone number while at school should be directed to the S.L.O.
4. All requests for information that pertains to a Crime Stopper tip or records will be forwarded to the coordinator and relayed to North Texas Crime Commission.
5. The NTCC will immediately be notified of any legal action referencing crime stoppers.
6. Unsolved Crime Stopper cases will be announced using the schools existing daily announcement procedures.

Gregory W. Rushin
Chief, Plano Police Department

Date



7/23/09

Richard Wilkinson
Assistant Superintendent, Facilities and Finances
Frisco Independent School District

Date



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY			Initials	Date	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	<i>[Signature]</i>	8-17-09	
Council Meeting Date: 8/24/09		Budget	<i>[Signature]</i>	8-17-09	
Department:	Public Works & Engineering	Legal <i>W</i>			
Department Head	Alan L. Upchurch	Assistant City Manager			
Dept Signature:	<i>[Signature]</i>	Deputy City Manager	<i>[Signature]</i>	8-18-09	
		City Manager	<i>[Signature]</i>	8/18/09	
Agenda Coordinator (include phone #):		Irene Pegues (7198)	Project No. 5388		
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 Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, for Intersection Improvements at Preston Road and Legacy Drive; 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		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	836,523	0	836,523
BALANCE		0	836,523	0	836,523
FUND(S): STREET IMPROVEMENT CIP					
COMMENTS: This item allows the City to enter into an interlocal agreement with Collin County for the Preston/Legacy Intersection Improvements project. If this request is approved, Collin County will remit to the City \$836,523 for intersection improvements to Preston Road and Legacy Drive.					
STRATEGIC PLAN GOAL: Interlocal agreements for intersection improvements relate to the City's Goal of Safe, Efficient Travel.					
SUMMARY OF ITEM					
The attached resolution approves an interlocal agreement with Collin County for participation in the amount of \$836,523 for Intersection Improvements at Preston Road and Legacy Drive. TxDOT is providing \$1,163,477 in ARRA funds. The total project cost is approximately \$2,000,000.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Location Map		N/A			

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF PLANO AND COLLIN COUNTY, TEXAS, FOR INTERSECTION IMPROVEMENTS AT PRESTON ROAD AND LEGACY DRIVE; 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 Interlocal Cooperation Agreement by and between the City of Plano, Texas, and Collin County, Texas, providing terms and conditions for Intersection Improvements at Preston Road and Legacy Drive, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or 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

**INTERLOCAL AGREEMENT
BETWEEN COLLIN COUNTY AND THE CITY OF PLANO
CONCERNING INTERSECTION IMPROVEMENTS AT
PRESTON ROAD AND LEGACY DRIVE**

2007 BOND PROJECT #07-058
2008 Partial Funding

WHEREAS, the County of Collin, Texas ("County"), and the City of Plano, Texas ("City"), desire to enter into an agreement concerning intersection improvements at Preston Road and Legacy Drive (the "Project"), in Plano, Collin County, Texas; and

WHEREAS, the City of Plano has obtained funding from the Texas Department of Transportation under the American Recovery and Reinvestment Act in the amount of \$1,163,477 for the Project, and

WHEREAS, the total project cost is estimated to be \$2,000,000.00, for which \$1,163,477.00 will come from the TxDOT ARRA Funds and \$836,523.00 from Collin County funds, and

WHEREAS, the Interlocal Cooperation Act (Texas Government Code Chapter 791) authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, the City and County have determined that the improvements may be constructed most economically by implementing this agreement.

NOW, THEREFORE, this agreement is made and entered into by the County and the City upon and for the mutual consideration stated herein.

WITNESSETH:

ARTICLE I.

The City shall arrange to construct intersection improvements at Preston Road and Legacy Drive. All improvements shall be designed to meet or exceed the current Collin County design standards and shall be constructed in accordance with the plans and specifications approved by the City.

ARTICLE II.

The City shall prepare plans and specifications for the improvements, accept bids and award a contract to construct the improvements and administer the construction contract. In all such activities, the City shall comply with all state statutory

requirements. The City shall provide the County with a copy of the executed construction contract(s) for the Project.

ARTICLE III.

The City will acquire 0.165 acres of real property for use as right-of-way.

ARTICLE IV.

The City estimates the total actual cost of the project to be \$2,000,000.00. The County agrees to fund a portion of the total cost to construct the improvements in an amount not to exceed \$836,523.00. The County shall remit 50 percent of this amount, \$418,261.50, to the City within thirty (30) days after the City issues a Notice to Proceed to the lowest responsible bidder and the City requests payment. The County will remit the remaining 50 percent within thirty (30) days after receipt of notice from the City that the Project is 50 percent complete. Following completion of the Project, the City shall provide a final accounting of expenditures for the Project. If the actual cost to construct the Project is less than the estimated amount set forth herein, the City shall remit the County 50 percent of the difference between the estimated cost and the actual cost. The Commissioners' Court may revise this payment schedule based on the progress of the Project. The "total cost of the Project" shall include land acquisition, engineering, construction, inspection, testing, street lighting, and construction administration costs including contingencies.

ARTICLE V.

The County's participation in the Project shall not exceed \$836,523.00 unless this agreement is amended by mutual consent.

ARTICLE VI.

The City shall prepare for the County an itemized statement specifying Project costs that have been incurred to date and submit detailed Project cost and progress reports every thirty (30) days until Project completion.

ARTICLE VII.

The City and County agree that the party paying for the performance of governmental functions or services shall make those payments only from current revenues legally available to the paying party.

ARTICLE VIII.

INDEMNIFICATION. To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death),

property damages (including loss of use), and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this agreement.

ARTICLE IX.

VENUE. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this agreement. The parties agree that this agreement is performable in Collin County, Texas, and that exclusive venue shall lie in Collin County, Texas.

ARTICLE X.

SEVERABILITY: The provisions of this agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the agreement shall be enforced as if the invalid provision had never been included.

ARTICLE XI.

ENTIRE AGREEMENT. This agreement embodies the entire agreement between the parties and may only be modified in writing executed by both parties.

ARTICLE XII.

SUCCESSORS AND ASSIGNS. This agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this agreement without the written consent of the other party.

ARTICLE XIII.

IMMUNITY. It is expressly understood and agreed that, in the execution of this agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this agreement shall not create any rights in parties not signatories hereto.

ARTICLE XIV.

TERM. This agreement shall be effective upon execution by both parties and shall continue in effect annually until final acceptance of the Project. This agreement shall automatically renew annually during this period.

APPROVED AS TO FORM:

COUNTY OF COLLIN, TEXAS

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: Keith Self
Title: County Judge
Date: _____

Executed on this _____ date of _____, 2009, by the County of Collin, pursuant to Commissioners' Court Order No. _____

ATTEST:

CITY OF PLANO, TEXAS

By: _____
Name: Diane Zucco
Title: City Secretary
Date: _____

By: _____
Name: Thomas H. Muehlenbeck
Title: City Manager
Date: _____

Executed on behalf of the City of Plano pursuant to City Council Resolution No. _____

APPROVED AS TO FORM:

By: _____
Name: Diane Wetherbee
Title: City Attorney
Date: _____



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Initials	Date	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Purchasing		<i>[Signature]</i>	8/17/09	
Council Meeting Date:	8/24/09	Budget	<i>[Signature]</i> 8/17/09	
Department:	Public Works & Engineering	Legal <i>[Signature]</i>	<i>[Signature]</i> 8/14/09	
Department Head	Alan L. Upchurch	Assistant City Manager		
Dept Signature:	<i>[Signature: Alan L. Upchurch]</i>	Deputy City Manager	<i>[Signature]</i> 8-14-09	
		City Manager	<i>[Signature]</i> 8/16/09	
Agenda Coordinator (include phone #):		Irene Pegues (7198) <i>[Signature]</i>	Project No. 5715	
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 Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, concerning the widening and extension of Razor Road from Ohio Drive to SH 121; 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	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	1,380,000	0	1,380,000
BALANCE	0	1,380,000	0	1,380,000
FUND(S): STREET IMPROVEMENT CIP				
COMMENTS: This item allows the City to enter into an interlocal agreement with Collin County for the Razor – Ohio to SH 121 project. If this request is approved, Collin County will remit to the City \$1,380,000 for widening and extension of Razor – Ohio to SH 121.				
STRATEGIC PLAN GOAL: Interlocal agreements for street improvements relate to the City's Goal of Safe, Efficient Travel.				
SUMMARY OF ITEM				
The attached interlocal agreement provides that Collin County will reimburse Plano \$1,380,000 for the design and construction of Razor Road from Ohio to SH 121. TxDOT will provide 80% of the construction costs, or approximately \$3,200,000, in Regional Tollroad Revenue Funds.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Location Map		N/A		

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF PLANO AND COLLIN COUNTY, TEXAS, CONCERNING THE WIDENING AND EXTENSION OF RASOR ROAD FROM OHIO DRIVE TO SH 121; 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 Interlocal Cooperation Agreement by and between the City of Plano, Texas, and Collin County, Texas, providing terms and conditions concerning the widening and extension of Rasor Road from Ohio Drive to SH 121, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or 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

**INTERLOCAL AGREEMENT
BETWEEN COLLIN COUNTY AND THE CITY OF PLANO
CONCERNING THE WIDENING AND EXTENSION OF RASOR ROAD
FROM OHIO DRIVE TO SH 121**

03-63 BOND PROJECT

WHEREAS, the County of Collin, Texas ("County"), and the City of Plano, Texas ("City"), desire to enter into an agreement concerning the widening and extension of Rasor Road from Ohio Drive to SH 121 (the "Project"), in Plano, Collin County, Texas; and

WHEREAS, the 2003 Collin County Bond Program includes the widening and extension of Rasor Road from Ohio Drive to SH 121, with County allocation of \$1,050,000; and

WHEREAS, the City of Plano has obtained funding from the North Central Texas Council of Governments Regional Tollroad Revenue Fund in the amount of \$3,600,000 for the Project, and

WHEREAS, the total project cost is estimated to be \$4,900,000, for which \$3,600,000 will come from the RTR Funds and \$1,050,000 from Collin County funds, leaving an unfunded balance of \$250,000; and

WHEREAS, the 2003 Collin County Bond Program also includes the widening of McDermott Road from Coit Road to Custer Road, Project #03-54, of which the project is completed leaving an unallocated balance of \$278,717, which the City proposes to reallocate to Rasor Road; and

WHEREAS, the County agrees with the City's proposal to reallocate the County's remaining allocation for McDermott Road of \$278,717 to the County's allocation of \$1,050,000 for Rasor Road, for a total County participation of \$1,328,717; and

WHEREAS, the Interlocal Cooperation Act (Texas Government Code Chapter 791) authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, the City and County have determined that the improvements may be constructed most economically by implementing this agreement.

NOW, THEREFORE, this agreement is made and entered into by the County and the City upon and for the mutual consideration stated herein.

WITNESSETH:

ARTICLE I.

The City shall arrange to construct the widening and extension of Rasor Road from Ohio Drive to SH 121. The project will widen and extend Rasor Road to a six-lane divided

thoroughfare a total distance of approximately one mile. The improvements shall also include construction of underground storm sewers as part of the road improvements. All improvements shall be designed to meet or exceed the current Collin County design standards and shall be constructed in accordance with the plans and specifications approved by the City.

ARTICLE II.

The City shall prepare plans and specifications for the improvements, accept bids and award a contract to construct the improvements and administer the construction contract. In all such activities, the City shall comply with all state statutory requirements. The City shall provide the County with a copy of the executed construction contract(s) for the Project.

ARTICLE III.

The City will acquire six acres of real property for use as right-of-way.

ARTICLE IV.

The City estimates the total actual cost of the project to be \$4,900,000. The County agrees to fund a portion of the total cost to construct the improvements in an amount not to exceed \$1,328,717. The County shall remit 50 percent of this amount, \$664,358.50, to the City within thirty (30) days after the City issues a Notice to Proceed to the lowest responsible bidder and the City requests payment. The County will remit the remaining 50 percent within thirty (30) days after receipt of notice from the City that the Project is 50 percent complete. Following completion of the Project, the City shall provide a final accounting of expenditures for the Project. If the actual cost to construct the Project is less than the estimated amount set forth herein, the City shall remit the County 50 percent of the difference between the estimated cost and the actual cost. The Commissioners' Court may revise this payment schedule based on the progress of the Project. The "total cost of the Project" shall include land acquisition, engineering, construction, inspection, testing, street lighting, and construction administration costs including contingencies.

ARTICLE V.

If the total cost to construct the Project exceeds the amount estimated in Article IV above, the County and City shall share the excess costs equally; however, the County's participation in the Project shall not exceed \$1,328,717.

ARTICLE VI.

The City shall prepare for the County an itemized statement specifying Project costs that have been incurred to date and submit detailed Project cost and progress reports every thirty (30) days until Project completion.

ARTICLE VII.

The City and County agree that the party paying for the performance of governmental functions or services shall make those payments only from current revenues legally available to the paying party.

ARTICLE VIII.

INDEMNIFICATION. To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this agreement.

ARTICLE IX.

VENUE. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this agreement. The parties agree that this agreement is performable in Collin County, Texas, and that exclusive venue shall lie in Collin County, Texas.

ARTICLE X.

SEVERABILITY. The provisions of this agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the agreement shall be enforced as if the invalid provision had never been included.

ARTICLE XI.

ENTIRE AGREEMENT. This agreement embodies the entire agreement between the parties and may only be modified in writing executed by both parties.

ARTICLE XII.

SUCCESSORS AND ASSIGNS. This agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this agreement without the written consent of the other party.

ARTICLE XIII.

IMMUNITY. It is expressly understood and agreed that, in the execution of this agreement, neither party waives, nor shall be deemed hereby to have waived any immunity

or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this agreement shall not create any rights in parties not signatories hereto.

ARTICLE XIV.

TERM. This agreement shall be effective upon execution by both parties and shall continue in effect annually until final acceptance of the Project. This agreement shall automatically renew annually during this period.

APPROVED AS TO FORM:

COUNTY OF COLLIN, TEXAS

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name Keith Self
:
Title: County Judge
Date: _____

Executed on this _____ date of _____, 2009, by the County of Collin, pursuant to Commissioners' Court Order No. _____

ATTEST:

CITY OF PLANO, TEXAS

By: _____
Name: Diane Zucco
Title: City Secretary
Date: _____

By: _____
Name Thomas H. Muehlenbeck
:
Title: City Manager
Date: _____

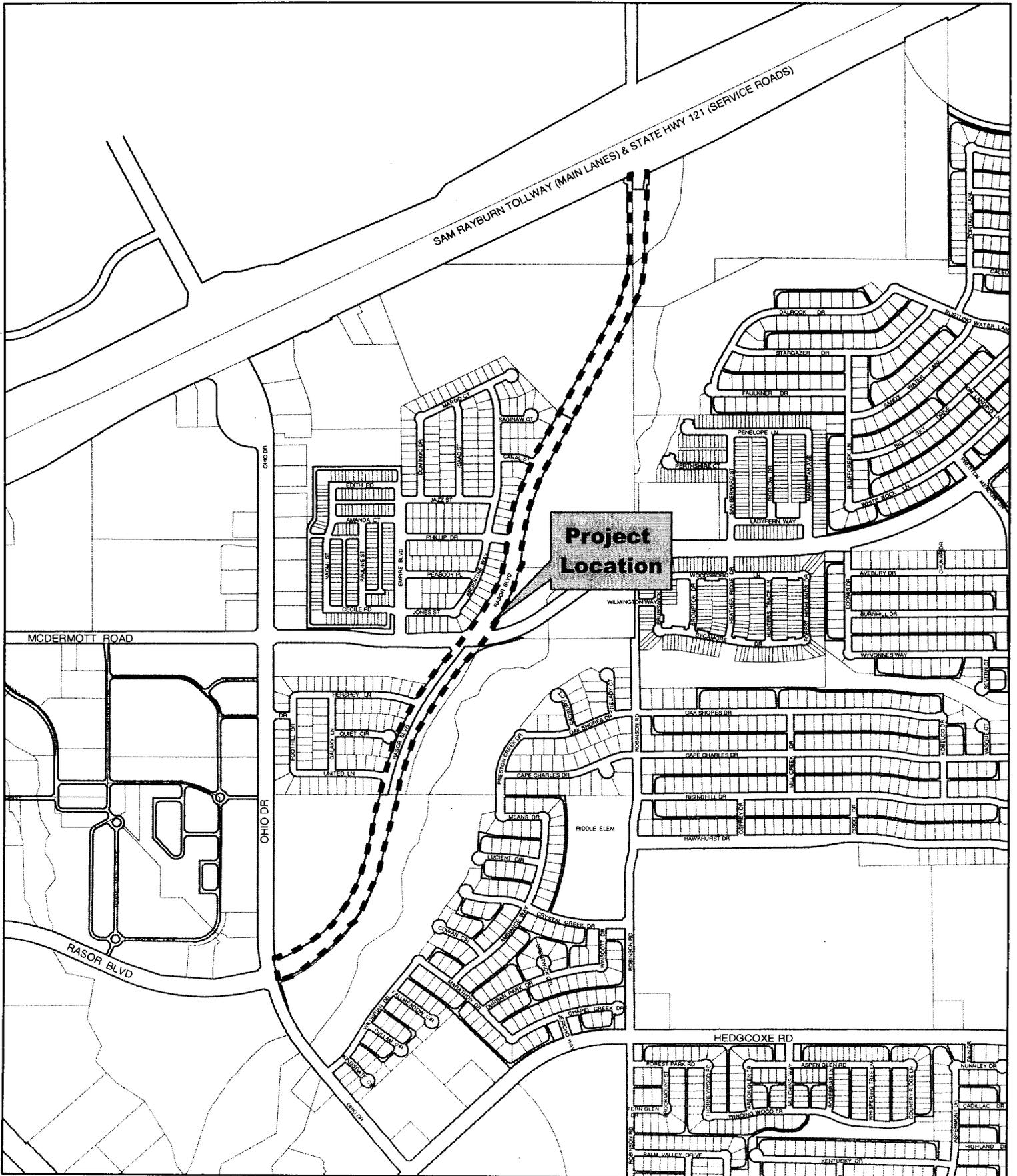
Executed on behalf of the City of Plano pursuant to City Council Resolution No. _____

APPROVED AS TO FORM:

By: _____
Name: Diane Wetherbee
Title: City Attorney
Date: _____

j-7

Razor Blvd Extension and Widening



Project Location



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY			Initials	Date
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	<i>DP</i>	8-18-09
Council Meeting Date:	8/24/09	Budget	<i>MW</i>	8/18/09
Department:	Public Works & Engineering	Legal <i>WJ</i>	<i>WJ</i>	8/18/09
Department Head	Alan L. Upchurch	Assistant City Manager		
Dept Signature:	<i>Alan L. Upchurch</i>	Deputy City Manager	<i>DP</i>	8/18/09
		City Manager	<i>WJ</i>	8/18/09
Agenda Coordinator (include phone #):		Irene Pegues (7198) <i>WJ</i>	Project No. 5703	
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 Takeover Agreement by and between Liberty Mutual Insurance Company and the City of Plano for completion of the Animal Shelter Addition; 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	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				
<p>On May 1, 2009, the 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 Animal Shelter Addition. On May 7, 2009, the 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 18, 2009. Neither did Hisaw correct the reasons City of Plano cited for termination.</p> <p>The City of Plano officially notified Hisaw on May 18, 2009, of the termination of the contract between the City of Plano and Hisaw and Associates General Contractors, Inc., as ratified by the City Council on May 26, 2009.</p> <p>This agenda item ratifies the Takeover Agreement between the bonding company, Liberty Mutual Insurance Company, and the City of Plano by which Liberty Mutual Insurance Company agreed 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 TAKEOVER AGREEMENT BY AND BETWEEN LIBERTY MUTUAL INSURANCE COMPANY AND THE CITY OF PLANO FOR COMPLETION OF THE ANIMAL SHELTER ADDITION; APPROVING ITS EXECUTION BY THE CITY MANAGER OR HIS AUTHORIZED DESIGNEE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Plano and Hisaw & Associates General Contractors, Inc., entered into a contract on February 23, 2009, for the construction of the Animal Shelter Addition; and

WHEREAS, Hisaw and Associates General Contractors, Inc., ceased operations on or about April 29, 2009, before completion of the Animal Shelter Addition; and

WHEREAS, the City of Plano terminated the contract with Hisaw and Associates General Contractors, Inc., on May 18, 2009, a copy of which is attached as Exhibit "A"; and

WHEREAS, the City of Plano notified Liberty Mutual Insurance Company on May 21, 2009, of the termination and made demand on Liberty Mutual Insurance Company to complete the project as Surety for the performance bond, pursuant to the terms of the performance bond; and

WHEREAS, the City of Plano and Liberty Mutual Insurance Company have agreed to the terms for the Takeover Agreement to complete the Animal Shelter Addition, a copy of which is attached as Exhibit "B"; and

WHEREAS, due to the critical nature of the project, City staff has authorized Liberty Mutual Insurance Company to resume construction on the project.

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

Section 1. The Takeover 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, 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 18, 2009

CERTIFIED MAIL
7001 2510 0003 8794 3529

- Pat Evans
Mayor
- Debra Callison
Mayor Pro Tem
- Harry LaRosiliere
Deputy Mayor Pro Tem
- Pat Miner
Place 1
- Scott Johnson
Place 2
- Maribee Jackson
Place 3
- Sally Magnuson
Place 4
- Lee Dunlap
Place 8

- Thomas H. Muehlenbeck
City Manager

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

Re: Animal Shelter Addition - Project No. 5703

Dear Mr. Hisaw:

Per the attached copy of our letter dated May 7, 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 Animal Shelter Addition, Project No. 5703, is terminated effective immediately.

Sincerely,

James Razinha
Facilities Manager

Is

Attachment

- xc: Frank Hucks, Liberty Mutual
- Rebecca Read, Connolly Architects & Consultants
- 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

K-4

TAKEOVER AGREEMENT

This Takeover Agreement (the "Agreement") is made and entered into this the 14th day of August, 2009, by and between Liberty Mutual Insurance Company (the "Surety") and the City of Plano (the "Owner").

RECITALS:

WHEREAS, Hisaw & Associates General Contractors, Inc. (the "Original Contractor") and the Owner entered into a construction contract dated September 12, 2008 (the "Prime Contract") for the construction of The City of Plano, Texas Animal Shelter Addition located at 4028 West Plano Parkway, Plano, Texas 75093 (the "Project");

WHEREAS, as required by Texas law and under the terms of the Prime Contract, Original Contractor and the Surety made, executed and delivered to the Owner Performance Bond No. 22016600 and Payment Bond No. 22016600 (collectively, the "Bonds"), both in the penal sum of \$1,640,000;

WHEREAS, the Original Contractor notified the Surety in writing on April 27, 2009 that it ceased operations, that it would not be completing any projects, and that it was taking all necessary steps to close down the projects;

WHEREAS, the Original Contractor notified the Owner in writing on April 29, 2009 that it ceased operations, that it closed its offices, and that it would not complete the Project;

WHEREAS, the Owner issued a letter dated April 30, 2009 notifying the Surety that Hisaw no longer had a presence on the Project, that progress had stopped on the Project, and that the Owner considered Hisaw in breach of the Prime Contract;

WHEREAS, the Owner formally terminated the Original Contractor under the Prime Contract on May 18, 2009 and made demand on the Surety to complete the Project;

WHEREAS, the Surety obtained a proposal for completion of all obligations of the Prime Contract;

WHEREAS, in fulfillment of the terms of the Performance Bond, the Surety seeks to takeover the Project with a completing contractor to complete work required under the Prime Contract upon the terms set forth therein and in this Agreement; and

WHEREAS, the Surety and the Owner agree that this Agreement shall be entered into so that the remaining work and requirements of the Prime Contract can be completed.

NOW, THEREFORE, based on the exchange of valuable consideration, the receipt and sufficiency of which is acknowledged, and based on the Recitals set forth above which form a part of this Agreement, the Surety and the Owner agree to the following terms and conditions:

AGREEMENTS:

1. The Surety agrees to undertake the completion of the scope of work under the Prime Contract, including all modifications thereto, and agrees to be bound by the Prime Contract and all express warranties contained in the Prime Contract. The Surety will also be bound by the indemnity obligations in the Prime Contract on claims against the Owner that solely relate to work performed on the Project pursuant to this Agreement. The Owner acknowledges that the Surety, by its execution of this Agreement, is acting in its capacity as the surety for the Original Contractor in making arrangements for the performance and completion of the Prime Contract, and not as a completing contractor, and that the Surety is not assuming any obligations or liabilities beyond those set forth in the Bonds. As to the completion of the Prime Contract, except as otherwise provided in this Agreement, the Surety is entitled to all rights, title and interest of the Original Contractor in and to the Prime Contract in all respects as if the Surety were the original party to the Prime Contract. The Surety is not to be considered a contractor, however, for any other purpose.

2. The Owner acknowledges that the Surety will subcontract the performance of the work under the Prime Contract to a completion contractor (the "Completion Contractor"). The Owner consents to the Surety's choice of MART, Inc. as the Completion Contractor. The Surety may satisfy the required insurance obligations under the Prime Contract by providing evidence of the required insurance coverage carried by the Completion Contractor, with the Surety being named as an additional insured under the policy or policies. The Surety reserves the right to require the Completion Contractor to obtain a new payment bond (the "New Bond") covering the completion of the Project. The Surety further reserves the right to contend that any claims against the Completion Contractor are covered by the New Bond. The Surety reserves the right to terminate its contract with the Completion Contractor at any time, subject to seven business days' prior written notice to Owner, and to contract with another Completion Contractor.

3. The Owner and the Surety agree that as of the date of this Agreement:
- (a) The authorized amount of the Prime Contract, including all approved change orders, through Pay Application No. 1 dated March 30, 2009, is the sum of \$1,640,000;
 - (b) The Original Contractor has been paid through Pay Application No. 1 the sum of \$37,188.70;
 - (c) The Owner is holding the sum of \$1,957.30 as retainage pursuant to the terms of the Prime Contract through Pay Application No. 1;
 - (d) The "Contract Balance" shall be hereinafter defined as the sum of \$1,602,811.30. The Contract Balance shall be increased or decreased, as

appropriate, as a result of certain pending change orders to the Prime Contract submitted by the Original Contractor and/or the Owner, and as a result of any change orders for extra work (work that is different from, in excess of, or beyond the scope of the work required by the Prime Contract) requested or required by the Owner after the date of the execution of this Agreement; and

- (e) As of the date of the execution of this Agreement, the Owner represents and warrants that, according to the records available to it, the Contract Balance as defined herein is accurate. The Surety reserves the right to verify the accuracy of the Contract Balance. The Surety's remedy against the Owner for breach of this representation and warranty is reformation of the Contract Balance to the proper amount.

4. The Contract Balance is dedicated to and will be applied to the completion of the Prime Contract pursuant to this Agreement. The payment of any Contract Balance to the Surety shall be made in accordance with the terms of the Prime Contract as to the time, amount and method of payment, and no payment shall be delayed by reason of any slow down or cessation of work in connection with the takeover of the Prime Contract by the Surety. The Contract Balance is not subject to any set-off or back-charges. Liquidated damages under this Agreement shall be calculated using the new completion schedule and dates established pursuant to Paragraph 6 of this Agreement. The assessment of any liquidated damages, if applicable, shall be made against the retainage only.

5. The Owner shall not withhold any payments from the Surety because of or on account of any latent defects caused by any action or inaction of the Original Contractor or the Completion Contractor. The Surety agrees to spend its own funds as may be necessary from time to time to pay for the performance of the Prime Contract by the Completion Contractor in the event that the Contract Balance is insufficient, with any such payments being credited against the penal sum of the Performance Bond.

6. The Surety shall complete the work required under the Prime Contract pursuant to this Agreement and the Prime Contract within 300 calendar days (Monday-Saturday) after the issuance date of a Notice to Proceed (the "Completion Date"). Completion Contractor will begin work on the Project within five (5) days from the issuance date of the Notice to Proceed from the Owner.

7. To the extent the Owner has any right, title or interest therein, the Owner agrees that the Surety and its Completion Contractor shall have the right to use, without charge, any of the equipment, materials and appurtenances furnished or supplied by the Original Contractor which may be stored on or about the premises of the Project site or materials which may have been fabricated for use in connection with the Prime Contract, whether or not presently on the Project site.

8. The Surety shall be represented at the Project by the Completion Contractor with the Completion Contractor having no authority to bind the Surety to any

additional work or changes to the Prime Contract, unless expressly provided in this Agreement. The Surety designates the Completion Contractor to prepare and process pay requisitions on the Prime Contract. However, the Surety will sign all pay requisitions submitted to the Owner. Payments from the Owner shall be made payable to the Surety and transmitted to the Surety at the following address, unless and until the Owner is notified in writing of any different address:

Frank Hucks
Senior Surety Counsel
Interchange Corporate Center
450 Plymouth Road, Suite 400
Plymouth Meeting, PA 19462

The Completion Contractor shall have, on behalf of the Surety, the authority to negotiate and sign change orders for extra work (work that is different from, in excess of, or beyond the scope of the work required by the Prime Contract) requested or required by the Owner (hereinafter "Change Order") without the Surety's prior written approval, provided the Change Order does not exceed \$15,000 and the Completion Contractor is given additional time to perform the Change Order. If no additional time is given to the Completion Contractor to perform the Change Order, then the Surety's prior written approval is required to negotiate the Change Order and the final Change Order must be signed by the Surety. The prior written approval of the Surety shall be required on all other Change Orders. The Completion Contractor has no authority to negotiate deductive Change Orders, credits, backcharges or net deductions from the Prime Contract or the Contract Balance of any nature whatsoever without the Surety's prior written approval. Any agreements with respect to the warranty work of the Original Contractor or corrective work as a result of latent defect in the work performed by the Original Contractor shall require the written approval of the Surety. The written approval requirement of the Surety does not effect the obligations of the Surety related to express warranties under the Prime Contract addressed in Paragraph 1 above.

9. The total liability of the Surety under this Agreement and the Performance Bond for the performance of the work, after the expenditure of the Contract Balance, is limited to and shall not exceed the penal sum of the Performance Bond in the amount of \$1,640,000. All payments properly made by the Surety for the performance of the Prime Contract shall be credited against the penal sum of the Performance Bond. Any costs incurred due to the refusal of the Subcontractors to complete their work shall be credited against the penal sum. Nothing in this Agreement constitutes a waiver of such penal sum or an increase in the liability of the Surety under the Performance Bond.

10. In no event shall the Owner withhold any of the Contract Balance from the Surety because of or on account of any claims, liens, suits or demands by any persons or entities furnishing or alleging to have furnished labor and/or materials to the Project. The Payment Bond shall remain in full force and effect. The total liability of the Surety under the Payment Bond is limited to and shall not exceed the penal sum of the Payment Bond in the amount of \$1,640,000. All Payment Bond payments properly made by the Surety

shall be credited against the penal sum of the Payment Bond. Nothing in this Agreement constitutes a waiver of such penal sum or an increase in the liability of the Surety under the Payment Bond.

11. The Owner agrees that the scope of the work for the Project is confined to terms of the Prime Contract.

12. The Owner agrees to provide the Surety and the Completion Contractor with reasonable access and/or copies of documents submitted by the Original Contractor (or its subcontractors or vendors) to the Owner in connection with the Project or the Contract, including correspondence, contract documents, plans, specifications, and submittals.

13. This Agreement is solely for the benefit of the Owner and the Surety. The Owner and the Surety do not intend by any provision of this Agreement to create any rights in or increase the rights of any third-party beneficiaries, nor to confer any benefit upon or enforceable rights under this Agreement or otherwise upon anyone other than the Owner and the Surety. Specifically, the Owner and the Surety acknowledge that nothing in this Agreement shall extend or increase the rights of any third-party claimants or the liabilities or obligations of the Surety under the Bonds.

14. This Agreement constitutes the whole of the understanding, discussions, and agreements by and between the Owner and the Surety. The terms and provisions of this Agreement are contractual and not mere recitals. The Owner and the Surety acknowledge that there have been no oral, written or other agreements of any kind as a condition precedent to or to induce the execution and delivery of this Agreement. Any written or oral discussions conducted prior to the effective date of this Agreement shall not in any way vary or alter the terms of this Agreement.

15. This Agreement shall not be changed, amended or altered in any way except in writing and executed by both the Owner and the Surety.

16. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original.

17. This Agreement shall be governed by and controlled by the laws of the State of Texas.

18. Any notices which are required to be given by the terms of this Agreement or the Bonds shall be made as follows:

As to the Owner:

Via certified mail, return receipt required, postage prepaid to:

James Razinha
Facilities Manager
City of Plano
P.O. Box 860358
Plano, Texas 75086-0358

As to the Surety:

Via certified mail, return receipt required, postage prepaid to:

Frank Hucks
Senior Surety Counsel
Interchange Corporate Center
450 Plymouth Road, Suite 400
Plymouth Meeting, PA 19462

With a copy to:

Gregory M. Weinstein
Langley Weinstein Hamel LLP
901 Main Street, Suite 600
Dallas, Texas 75202

19. This Agreement is effective as of the date first written above.
20. This Agreement shall be binding upon the parties and their respective successors and assigns.
21. In the event that one or more provisions of this Agreement shall be declared to be invalid, illegal or unenforceable in any respect, unless such invalidity, illegality or unenforceability shall be tantamount to a failure of consideration, the validity, legality and enforceability of the remaining provisions contained in this Agreement shall not in any way be affected or impaired thereby.
22. All representations and warranties made in this Agreement shall survive the execution and delivery of this Agreement and the consummation of the transaction contemplated thereby.
23. The Surety and the Owner mutually reserve all rights, claims, causes of actions, demands and defenses, known or unknown, now existing or accruing after the execution of this Agreement that they have or may have against each other. It is not the intention of the Surety in entering into this Takeover Agreement to waive, prejudice, amend, alter, revise, release or in any way adversely affect any claim, cause of action or defense, known or unknown, that it, as Surety, or the Original Contractor, might have against the Owner or any other person, party, or entity. Furthermore, the Surety explicitly reserves all of the rights available to the Original Contractor under the Contract.

24. All claims, rights, causes of action of or against the Original Contractor arising prior to the execution of this Agreement are preserved. The Surety shall have the right to pursue these claims in its own name or in the name of the Original Contractor. The parties do not intend for this Agreement to be a settlement of claims or an accord and satisfaction.

25. In addition to the contract documents previously referenced in this Agreement, the parties incorporate herein by reference the following documents:

- a. Most Recent Payment Application of the Original Contractor;
- b. Most Recent Unpaid Payment Application of the Original Contractor;
- c. The Prime Contract;
- d. The Bonds;
- e. All Change Orders and Time Extension Requests;
- f. All Notices of Defective Work;
- g. All Claims of Notices on the Project from Subcontracts or Vendors;
- h. A listing of all payments made by the Owner to the Original Contractor, showing the payment date, the amount paid, the check number, and the payee.

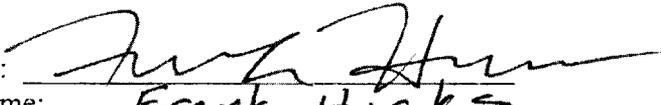
26. In case of conflict between the provisions of this Agreement and the provisions of the Prime Contract and/or the Bonds, the documents in this following order shall control: (1) this Agreement; (2) the Bonds; and (3) the Prime Contract.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date indicated above, and each of the undersigned personally represent and warrant that they have the full right, power and authority to execute this Agreement on behalf of the respective parties.

OWNER

By: _____
Name: _____
Title: _____

SURETY

By: 
Name: Frank Hucks
Title: Senior Surety Counsel



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY			Initials	Date
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	<i>R</i>	8/14/09
Council Meeting Date:	8/24/09	Budget	<i>C.S.</i>	8-14-09
Department:	Legal	Legal	<i>Dew</i>	8/14/09
Department Head	Diane Wetherbee	Assistant City Manager		
Dept Signature:	<i>D. Wetherbee</i>	Deputy City Manager		
		City Manager	<i>DM</i>	8/14/09
Agenda Coordinator (include phone #): Lynne Jones - 7109				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, REPEALING RESOLUTION NO. 2008-4-40; ADOPTING A NEW RESOLUTION AUTHORIZING A PREFERENCE FOR BIDS THAT INCLUDE CEMENT AS A COMPONENT OF THE BID AND WHERE THAT CEMENT IS PRODUCED BY CEMENT MANUFACTURING FACILITIES THAT MEET OR ARE BELOW THE SOURCE CAP LIMITS FOR EMISSIONS ESTABLISHED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ("TCEQ"); PREFERENCE MAY ONLY BE GIVEN IF THE TOTAL COST OF THE GOODS OR SERVICES WOULD NOT EXCEED 105% OF THE COST OF THE GOODS OR SERVICES PROVIDED BY A VENDOR WHO DOES NOT MEET OR ARE BELOW THE TCEQ STANDARDS; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE ANY DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
Staff has studied the issues related to source cap limits and standards for kiln emissions and recommends a new resolution so that any kiln that meets or is below the source cap limits would be eligible as a preferential bid. The delayed effective date is to enable staff to change the specifications for future bid awards and will not affect any bids awarded or in the process before the effective date.				
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, REPEALING RESOLUTION NO. 2008-4-40; ADOPTING A NEW RESOLUTION AUTHORIZING A PREFERENCE FOR BIDS THAT INCLUDE CEMENT AS A COMPONENT OF THE BID AND WHERE THAT CEMENT IS PRODUCED BY CEMENT MANUFACTURING FACILITIES THAT MEET OR ARE BELOW THE SOURCE CAP LIMITS FOR EMISSIONS ESTABLISHED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ("TCEQ"); PREFERENCE MAY ONLY BE GIVEN IF THE TOTAL COST OF THE GOODS OR SERVICES WOULD NOT EXCEED 105% OF THE COST OF THE GOODS OR SERVICES PROVIDED BY A VENDOR WHO DOES NOT MEET OR ARE BELOW THE TCEQ STANDARDS; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE ANY DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Plano is committed to improving the air quality of the Dallas/Fort Worth metroplex; and

WHEREAS, Collin County is classified as a non-attainment area with respect to Environmental Protection Agency eight-hour ozone standard; and

WHEREAS, nitrogen oxide (NOx) is one of the main point source pollutants that contribute to ozone production; and

WHEREAS, cement manufacturing facilities produce nitrogen oxide (NOx) emissions; and

WHEREAS, cement manufacturing facilities are major contributors to air pollution in the D/FW area; and

WHEREAS, technologies used in cement production are undergoing significant changes to reduce air pollution resulting from the manufacturing process; and

WHEREAS, On April 28, 2008 the Council adopted Resolution No. 2008-4-40 assigning preferential purchase authority for cement produced by dry kilns with an emission rate of 1.7 pounds of NOx per ton of clinker or less; and

WHEREAS, the Texas Commission on Environmental Quality ("TCEQ") periodically establishes standards for the source cap limits for cement manufacturing facility emissions; and

WHEREAS, the Council deems it is in the City's best interest to revise its bid policy to allow preferences for any cement supplied as a component of a bid and is supplied by cement manufacturing facilities that meet or are below the source cap limits for emissions set by TCEQ; and

WHEREAS, pursuant to Texas Local Government Code Sec. 271.907 a preference may be given to goods or services of a vendor that demonstrates that the vendor meets or exceeds any state or federal environmental standards relating to air quality, with certain restrictions.

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

Section I. Resolution No. 2008-4-40 is repealed effective September 1, 2009. The repeal of Resolution 2008-4-40 shall not affect the terms or conditions of a bid advertised or awarded prior to such date or any preference permitted under that Resolution.

Section II. The City Council authorizes the City to give preferential bid evaluation to bidders that have cement as a component of the bid and the cement supplied is produced by cement manufacturing facilities that meet or are below the source cap limits for emissions established by TCEQ. Preference may only be given if the total cost for the goods or services would not exceed 105% of the cost of the goods or services provided by a vendor who does not meet the standards.

Section III. This Resolution shall become effective upon its passage and shall apply to bids advertised after September 1, 2009.

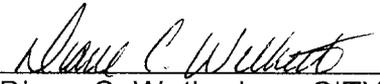
DULY PASSED AND APPROVED this the ____ day of _____, 2009.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY			Initials	Date
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	<i>DEP</i>	8-14-09
Council Meeting Date:	08/24/09	Budget	<i>DEP</i>	8-14-09
Department:	Legal	Legal <i>Wb DW</i>	<i>DEP</i> 8/14/09	8/14/09
Department Head	Diane Wetherbee	Assistant City Manager		
Dept Signature:	<i>D. Wetherbee</i>	Deputy City Manager		
		City Manager	<i>DM</i>	8/14/09
Agenda Coordinator (include phone #): Betsy # 7545				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE SETTLEMENT BETWEEN THE CITY OF PLANO AND PLANO INTERNATIONAL PRESCHOOL, INC. IN THE AMOUNT OF ONE HUNDRED NINE THOUSAND NINE HUNDRED FORTY AND NO/100 DOLLARS (\$109,940.00); AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FINALIZE SUCH SETTLEMENT; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2008/2009	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	109,940	0
BALANCE		0	109,940	0
FUND(S): GENERAL FUND (215)				
COMMENTS: This item, in the amount of \$109,940, is a reimbursement from Plano International Preschool to the General Fund for funds they received under the 2001, 2002, and 2003 agreements for its failure to meet the mandatory national objective as required by such agreements. A supplemental appropriation of \$183,620 was approved by Council on 7/27/09 to reimburse the Grant Fund these funds.				
STRATEGIC PLAN GOAL: Reimbursement to the City relates to the City's goal of "Service Excellence."				
SUMMARY OF ITEM				
Plano International Preschool Inc. ("PIP") is required to reimburse the City of Plano the funds it received under the 2001, 2002, and 2003 agreements for its failure to meet the mandatory national objective as required by such agreements.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE SETTLEMENT BETWEEN THE CITY OF PLANO AND PLANO INTERNATIONAL PRESCHOOL, INC. IN THE AMOUNT OF ONE HUNDRED NINE THOUSAND NINE HUNDRED FORTY AND NO/100 DOLLARS (\$109,940.00); AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FINALIZE SUCH SETTLEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Plano International Preschool Inc. ("PIP") is required to reimburse the City of Plano the funds it received under the 2001, 2002, and 2003 agreements for its failure to meet the mandatory national objective as required by such agreements; and

WHEREAS, the parties agree to settle this obligation by PIP reimbursing the City **ONE HUNDRED NINE THOUSAND NINE HUNDRED FORTY AND NO/100 DOLLARS (\$109,940.00)**; and

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

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

Section I. The City Council approves the settlement of this controversy in the amount of **ONE HUNDRED NINE THOUSAND NINE HUNDRED FORTY AND NO/100 DOLLARS (\$109,940.00)** pursuant to the terms and conditions of the Settlement Agreement.

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

Section III. This Resolution shall become effective immediately after 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



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY			Initials	Date
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	<i>MR</i>	8/14/09
Council Meeting Date:	8/24/09	Budget	<i>KM</i>	8/13/09
Department:	Budget & Research	Legal <i>DU</i>	<i>DU</i>	8/14/09
Department Head	Karen Rhodes-Whitley	Assistant City Manager		
Dept Signature:	<i>Karen Rhodes-Whitley</i>	Deputy City Manager		
		City Manager	<i>MR</i>	8/14/09
Agenda Coordinator (include phone #): E.A. Dorrance x7146				

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

CAPTION

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, TRANSFERRING THE SUM OF \$29,700 FROM THE PROPERTY MANAGEMENT UNAPPROPRIATED FUND BALANCE TO THE PROPERTY MANAGEMENT APPROPRIATION FOR FISCAL YEAR 2008-09 FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDS FOR THE COST OF THE DEMOLITION OF DOWNTOWN CENTER SOUTH; AMENDING THE BUDGET OF THE CITY AND ORDINANCE 2008-9-15, SECTION 1, ITEM "JJ" TO REFLECT THE ACTIONS TAKEN HEREIN; DECLARING THIS ACTION TO BE A CASE OF PUBLIC NECESSITY; AND PROVIDING AN EFFECTIVE DATE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2008-09	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	8,100	0	8,100
Encumbered/Expended Amount	0	0	0	0
This Item	0	29,700	0	29,700
BALANCE	0	37,800	0	37,800

FUND(S): **PROPERTY MANAGEMENT FUND (049)**

COMMENTS: Supplemental appropriations approved to date for the Property Management Fund, including this item, total \$29,700. The current Property Management Fund balance supports this supplemental appropriation.
STRATEGIC PLAN GOAL: Demolition of Downtown Center South relates to the City's Goals of "Service Excellence".

SUMMARY OF ITEM

Supplemental Appropriation No. 4

This supplemental appropriation will allow the City to use Property Management funds for the demolition of Downtown Center South.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

List of Supporting Documents: Supplemental Appropriation Log	Other Departments, Boards, Commissions or Agencies

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, TRANSFERRING THE SUM OF \$29,700 FROM THE PROPERTY MANAGEMENT FUND UNAPPROPRIATED FUND BALANCE FOR FISCAL YEAR 2008-09 TO THE PROPERTY MANAGEMENT FUND OPERATING APPROPRIATION FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE DEMOLITION OF DOWNTOWN CENTER SOUTH; AMENDING THE BUDGET OF THE CITY AND ORDINANCE 2008-9-15, AS AMENDED, TO REFLECT THE ACTIONS TAKEN HEREIN; DECLARING THIS ACTION TO BE A CASE OF PUBLIC NECESSITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City Council of the City of Plano approved and adopted the budget for the City for Fiscal Year 2008-09 setting the appropriations for the Property Management Fund at \$8,100; and

WHEREAS, additional funding is required in order for the City of Plano to provide funding for unanticipated costs related to the needs to demolish Downtown Center South; and

WHEREAS, the City Council deems it to be in the best interest of the City of Plano and its citizens to expend public funds for improvements for the demolition of Downtown Center South; and

WHEREAS, such necessary and essential costs cannot be fully met through appropriations in the existing budget; and

WHEREAS, the City Council now finds that additional appropriations to the Property Management Fund Operating Appropriation should be made in order to provide additional funding for this demolition, and that such action is a public necessity.

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

SECTION I. The sum of TWENTY-NINE THOUSAND SEVEN HUNDRED DOLLARS (\$29,700) is hereby transferred from the Property Management Fund Unappropriated Fund Balance to the Property Management Fund Operating Appropriation.

SECTION II. The budget of the City of Plano for Fiscal Year 2008-09 as adopted by Ordinance No. 2008-9-15 is amended to reflect the action taken herein.

SECTION III. The actions taken herein are found and declared to be a case of public necessity.

Ordinance No. _____

Page 2

SECTION IV. This supplemental appropriation Ordinance No. 4 shall become effective immediately from and after the date of its passage.

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

Phil Dyer, **MAYOR**

ATTEST:

Diane Zucco, **CITY SECRETARY**

Diane C. Wetherbee, **CITY ATTORNEY**

**FY 2008-09
SUPPLEMENTAL APPROPRIATIONS**

Description	Department	Amount
Supplemental Appropriation for reimbursement to Grant Fund for HUD requirements.	Planning	183,610
Supplemental Appropriation for "Cell Phone Use Prohibited" signs in School Zones	Signs & Markings, 744	80,000
TOTAL GENERAL FUND APPROPRIATIONS		\$ 263,610
TOTAL CATV FUND APPROPRIATIONS		\$ -
TOTAL MUNICIPAL DRAINAGE FUND APPROPRIATIONS		\$ -
Supplemental Appropriation for funding increased costs related to the Fixed Network Meter Project.	041 - Water & Sewer	\$ 1,715,906
TOTAL WATER & SEWER FUND		\$ 1,715,906
TOTAL SUSTAINABILITY & ENVIRONMENTAL FUND APPROPRIATIONS		\$ -
TOTAL CONVENTION & TOURISM FUND APPROPRIATIONS		\$ -
TOTAL PROPERTY/LIABILITY FUND APPROPRIATIONS		\$ -
Demolition of Downtown Center South	356 - Downtown Cntr South	\$ 29,700
TOTAL PROPERTY MANAGEMENT FUND APPROPRIATIONS		\$ 29,700
TOTAL GOLF COURSE FUND APPROPRIATIONS		\$ -
TOTAL RECREATION FUND APPROPRIATIONS		\$ -
TOTAL INTERNAL SERVICE FUNDS AND OTHER FUNDS APPROPRIATIONS		\$ -
GRAND TOTAL ALL FUNDS		\$ 2,009,216



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY			Initials	Date
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	<i>JH</i>	8-18-09
Council Meeting Date:	08/24/2009	Budget	<i>CRude</i>	8/18/09
Department:	Police	Legal	<i>JH</i>	8/18/09
Department Head	Gregory W. Rushin	Assistant City Manager		
Dept Signature:	<i>Gregory W. Rushin</i>	Deputy City Manager	<i>JH</i>	08.18.09
		City Manager	<i>JH</i>	8/18/09
Agenda Coordinator (include phone #): Pam Haines, ext 2538				
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
An Ordinance of the City of Plano, Texas amending Section 12-100 of Article V. Stopping, Standing and Parking of Chapter 12. Motor Vehicles and Traffic of the Code of Ordinances of the City of Plano to prohibit stopping, standing or parking a motor vehicle in certain specified places; providing a repealer clause; a savings clause; a severability clause; a penalty clause; and providing an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
This amendment conforms Section 12-100 of the City Code to state law concerning the distance a motor vehicle may stop, stand or park from a crosswalk located at an intersection or from the approach to a flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway.				
List of Supporting Documents: Ordinance, Memo		Other Departments, Boards, Commissions or Agencies		



P.O. Box 860358
Plano, Texas 75086-0358
972-424-5678
Fax 972-424-0099
<http://www.planopolice.org>

MEMORANDUM

DATE: August 17, 2009
TO: Chief Gregory Rushin, via Chain of Command
FROM: Jeff Bray, Senior Legal Advisor, Jay Dominguez, Officer
SUBJECT: Proposed City Ordinance Change

Texas Transportation Code Section 545.302 prohibits parking within 20 feet of a crosswalk and within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway. However, Plano Municipal Ordinance 12-100 prohibits parking only within 15 feet of a crosswalk and “on a crosswalk within 20 feet of a crosswalk.” Our ordinance is more lenient than state law and confusing, as well. We propose changing our ordinance so that it comports with state law. This will allow us to issue municipal violations for illegal parking that will be heard and disposed of in municipal court instead of state violations that must be heard and disposed of in state courts.

Sec. 12-100. Prohibited in specified places.

No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or directions of a police officer or traffic-control devices in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private drive-way;
- (3) Within an intersection;
- (4) Within ~~twenty (20) fifteen (15)~~ feet of a crosswalk at or an intersection, ~~unless the traffic authorities indicate a different length by signs or markings;~~
- (5) ~~On a crosswalk within twenty (20) feet of a crosswalk or intersection unless the traffic authorities indicate a different length by signs or markings;~~ Within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
- (6) Where signs are erected or curbs are painted indicating that such is not allowed.

(Ord. No. 61-9-3, §§ I, II, 9-11-61)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS AMENDING SECTION 12-100 OF ARTICLE V. STOPPING, STANDING AND PARKING OF CHAPTER 12. MOTOR VEHICLES AND TRAFFIC OF THE CODE OF ORDINANCES OF THE CITY OF PLANO TO PROHIBIT STOPPING, STANDING OR PARKING A MOTOR VEHICLE IN CERTAIN SPECIFIED PLACES; PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE; A SEVERABILITY CLAUSE; A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 545.302 of the Texas Transportation Code contains prohibitions on stopping, standing or parking of motor vehicles at certain locations; and

WHEREAS, the City Council deems it necessary to amend its Code of Ordinances so that certain local parking restrictions will be consistent with state law.

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

Section I. Section 12-100 of Article V. Stopping, Standing and Parking of Chapter 12. Motor Vehicles and Traffic of the Code of Ordinances of the City of Plano is hereby amended to read in its entirety as follows:

“Sec. 12-100. Prohibited in specified places.

No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or directions of a police officer or traffic-control devices in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private drive-way;
- (3) Within an intersection;
- (4) Within twenty (20) feet of a crosswalk at an intersection,
- (5) Within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
- (6) Where signs are erected or curbs are painted indicating that such is not allowed.”

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

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

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

Section V. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed TWO HUNDRED AND NO/100 DOLLARS (\$200.00) for each offense. Each and every violation shall be deemed to constitute a separate offense.

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

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

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:



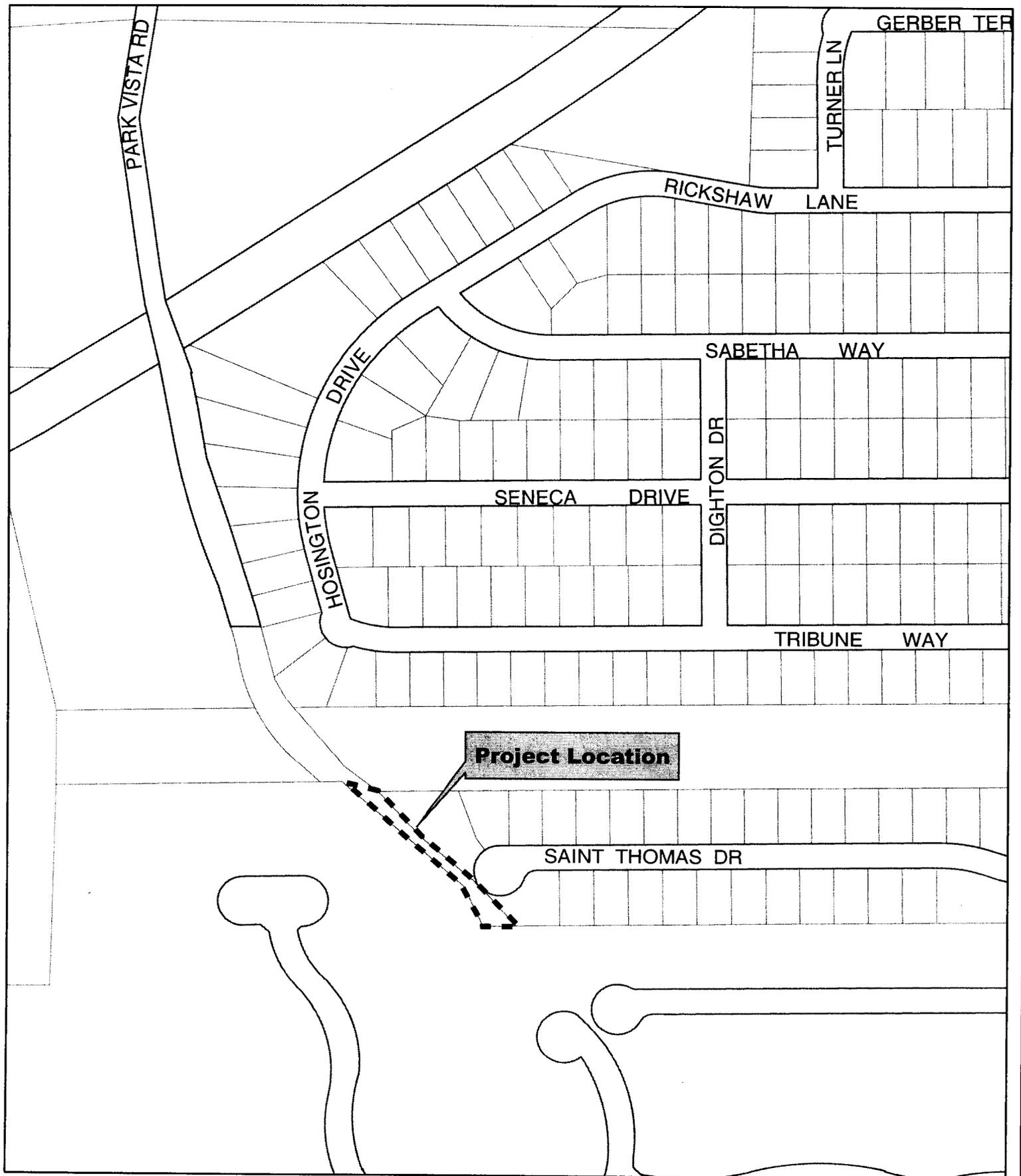
Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY			Initials	Date
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	<i>DP</i>	8-13-09
Council Meeting Date:	8/24/09	Budget	C.S.	8-13-09
Department:	Public Works & Engineering	Legal <i>wh</i>		
Department Head	Alan L. Upchurch	Assistant City Manager		
Dept Signature:	<i>Alan Upchurch</i>	Deputy City Manager	<i>DP</i>	8-14-09
		City Manager	<i>DP</i>	8/14/09
Agenda Coordinator (include phone #):		Irene Pegues (7198) <i>IP</i>		
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
An ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to that certain Park Vista Road Right-of-Way being situated in the M.R. Foster Survey, Abstract Number 332, which is located adjacent to the Grand Estates of Breckenridge Addition, within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such Right-of-Way to the abutting property owners, Anis Rahman, Edgar Zuniga, and Esmeralda V. Zuniga, to the extent of its interest; authorizing the City Manager or his authorized designee, to execute any documents deemed necessary, and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" 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				
Encumbered/Expended Amount				
This Item				
BALANCE				
FUND(S):				
COMMENTS: This item has no fiscal impact.				
SUMMARY OF ITEM				
Park Vista Road adjacent to these properties is no longer open to the public. The westerly portion in the city of Richardson has already been abandoned to the property owners.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Location Map		N/A		

Park Vista Road Right-of-Way Abandonment



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, ABANDONING ALL RIGHT, TITLE AND INTEREST OF THE CITY, IN AND TO THAT CERTAIN PARK VISTA ROAD RIGHT-OF-WAY BEING SITUATED IN THE M.R. FOSTER SURVEY, ABSTRACT NUMBER 332, WHICH IS LOCATED ADJACENT TO THE GRAND ESTATES OF BRECKENRIDGE ADDITION, WITHIN THE CITY LIMITS OF PLANO, COLLIN COUNTY, TEXAS; QUITCLAIMING ALL RIGHT, TITLE AND INTEREST OF THE CITY IN SUCH RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNERS, ANIS RAHMAN, EDGAR ZUNIGA, AND ESMERALDA V. ZUNIGA, TO THE EXTENT OF ITS INTEREST; AUTHORIZING THE CITY MANAGER OR HIS AUTHORIZED DESIGNEE, TO EXECUTE ANY DOCUMENTS DEEMED NECESSARY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Plano has been requested to abandon all right, title and interest of the City in and to that certain Park Vista Road Right-of-Way (hereinafter called "Right-of-Way") being situated in the M. R. Foster Survey, Abstract Number 332 within the City Limits of Plano, Collin County, Texas, and which is more particularly described in Exhibit "A-1" attached hereto and incorporated herein by reference; and

WHEREAS, the Property Owners have filed with the City a Petition for Abandonment, a copy of which is attached hereto as Exhibit "B" (without attached Exhibits) and made a part hereof by reference; and

WHEREAS, the Engineering Department has determined that there will be no detrimental effect on the City if the Right-of-Way is abandoned and quitclaimed to the abutting Property Owners; and has advised that the Right-of-Way should be abandoned;

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

Section 1. All the right, title and interest of the City of Plano, Texas, in and to the Right-of-Way is hereby abandoned, and all right, title and interest of the City in and to the Right-of-Way is hereby quitclaimed to the abutting Property Owners in accordance with its respective interests. A certified copy of this Ordinance may be recorded in the Collin County Land Records to reflect this abandonment and quitclaim. The City Manager or his authorized designee, is hereby authorized to execute on behalf of the City of Plano, Texas, any instruments necessary to complete the abandonment and quitclaim of the Right-of-Way by the City of Plano.

Section II. The abandonment and quitclaim is without prejudice to any and all improvements, facilities, equipment or lines of any public utility, municipal or otherwise, if any, which are presently located within any portion of the Right-of-Way. Any such utility shall have the continued right to locate, maintain, repair, reconstruct, preserve or relocate improvements, facilities, equipment or lines in such portion of the Right-of-Way.

Section III. The City Council hereby finds and determines that the abandonment of the Right-of-Way is in the public interest of the City of Plano, Texas, and its citizens, and will inure to the benefit of the public generally.

Section IV. This Ordinance shall become effective immediately upon its passage as set forth below.

DULY PASSED AND APPROVED this the 24th day of August, 2009.

PHIL DYER, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

p-4

EXHIBIT "B"**PETITION FOR ABANDONMENT**

[For Right-of-Way Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting **PARK VISTA ROAD** (hereinafter called "Right-of-Way"), more particularly described by metes and bounds in the field note description attached hereto and incorporated herein as **Exhibit "A-1"** do hereby request that the City of Plano, Texas (called "City") abandon the Right-of-Way.

1. The Owners are requesting the abandonment of the Right-of-Way for the following reasons:

PARK VISTA ROAD ADJACENT TO THESE PROPERTIES IS NO LONGER OPEN TO THE PUBLIC. THE WESTERLY PORTION IN THE CITY OF RICHARDSON HAS ALREADY BEEN ABANDONED TO THE PROPERTY OWNERS.

2. The following public interest will be served as a result of the abandonment:

ELIMINATION OF EXCESS RIGHT-OF-WAY AND MAINTENANCE RESPONSIBILITY OF THE CITY.

3. Unless the City determines that this abandonment is exempt from payment of fair market value, the Owners agree to pay to the City the fair market value of the Right-of-Way as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the cost of the appraisal and other costs incident to the abandonment (called "Costs"). The Price and Costs shall be paid to the City prior to the abandonment. Should the Plano City Council decide not to abandon the Right-of-Way, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.
4. If the Owners are providing a replacement right-of-way for the Right-of-Way requested to be abandoned herein, Owners will attach a metes and bounds description or plat identifying the replacement right-of-way and attach same to this Petition as **Exhibit "B-1"**.
5. The Owners hereby represent and affirm to the City that no other property owner, lessee, tenant or easement or license holder uses the Right-of-Way to access or to serve their property.
6. **The Owners further agree to release, defend, indemnify and hold the City, its officers, agents and employees harmless from and against any and all**

EXHIBIT "B"

and necessary attorney's fees and expenses, arising out of, related to or resulting from the abandonment and closing of the Right-of-Way by City.

- 7. The Owners understand and agree that the abandonment is in the sole discretion of the Plano City Council. The Owners also understand and agree that the Right-of-Way will be abandoned to them in proportion to their abutting ownership. The abutting ownership will be determined by the number of linear feet of frontage adjacent to the Right-of-Way owned by each property owner. Based on the foregoing, the Owners hereby represent and affirm that they have searched the public land records and determined that the abutting ownership is in the following proportions:

- 8. Owners shall also prepare a map or drawing showing the Right-of-Way to be abandoned along with a designation of all abutting property owners. This map or drawing shall be attached hereto and incorporated herein as **Exhibit "C-1" and "C-2"**.
- 9. Owners shall also prepare a separate field note description for each portion of the Right-of-Way to be quitclaimed to each abutting property owner. This description shall be attached hereto and incorporated herein as **Exhibit "D-1"**.

[Reminder of page blank]

p-6

EXHIBIT "B"

FOR DEPARTMENTAL USE ONLY

The Right-of-Way to be abandoned is to one or more abutting property owners and is exempt from the requirement that fair market value be paid for the following reason(s):

- The Right-of-Way consists of narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development code ordinances;
- The Right-of-Way consists of streets or alleys, owned in fee or used by easement;
- The Right-of-Way consists of land or a real property interest originally acquired for streets, rights-of-way, or easements that the City of Plano has decided to exchange with Owner for other land to be dedicated and used for streets, rights of way, easements, or other public purposes, including transactions partly for cash;
- The Right-of-Way contains land that the City wants to have developed by an independent foundation;
- The Right-of-Way is located within a reinvestment zone designated by law that the City desires to have developed under a project plan adopted by the municipality for the zone.



 Engineering Department
 City of Plano, Texas

EXHIBIT "B"

- 10. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

By: *Anis Rahman*
 Name: **Anis Rahman**
 Address: **5612 Saint Thomas Drive**
Plano, Texas 75094
 Date: 08-04-2009

By: *Edgar Zuniga*
 Name: **Edgar Zuniga**
 Address: **5601 Saint Thomas Drive**
Plano, Texas 75094
 Date: 8/12/09

By: *Esmeralda V. Zuniga*
 Name: **Esmeralda V. Zuniga**
 Address: **5601 Saint Thomas Drive**
Plano, Texas 75094
 Date: 8/12/09

Contact Person for Property Owners:
 Name: EDGAR ZUNIGA
 Phone No: 214 729 4627



P.O. Box 54 ~ Lewisville, Texas 75067
Office: (972) 221-9439 ~ Fax: (972) 221-4675

EXHIBIT "A-1"
0.202 ACRE VARIABLE WIDTH
RIGHT-OF-WAY ABANDONMENT
Page 1 of 3

Being a 0.202 acre tract of land situated in the M. R. Foster Survey, Abstract No. 332, in the City of Plano, Collin County, Texas, and being all of that certain called "VARIABLE R.O.W. DEDICATION" for Park Vista Road (a called 60 foot right-of-way) located on the west side of THE GRAND ESTATES OF BRECKINRIDGE, an addition to the City of Plano, Collin County, Texas, according to the Plat thereof recorded in Cabinet P, Page 930 of the Map Records of Collin County, Texas (M.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with cap stamped "PETTIT-4087" found for the northeast corner of the herein described tract, same point being the northwest corner of Lot 19, Block A of said THE GRAND ESTATES OF BRECKINRIDGE, same point being the northeast corner of said VARIABLE R.O.W. DEDICATION for Park Vista Road, same point being in the south line of a 30 foot wide right-of-way dedication for Park Vista Road as shown on the plat of THE WOODLANDS OF PLANO, an addition to the City of Plano, Denton County, Texas, according to the Plat thereof recorded in Cabinet M, Page 260, M.R.C.C.T.;

THENCE with the east line of said VARIABLE R.O.W. DEDICATION for Park Vista Road and the west line of said Lot 19 and with the west line of Lot 20 of said Block A, the following three (3) courses and distances:

- 1) South 45 degrees 35 minutes 21 seconds East, a distance of 95.65 feet to a 5/8 inch iron rod found for corner;
- 2) South 50 degrees 06 minutes 32 seconds East, a distance of 184.06 feet to a 5/8 inch iron rod found for corner;
- 3) South 41 degrees 48 minutes 39 seconds East, a distance of 112.00 feet to a 5/8 inch iron rod found with cap stamped "PETTIT-4087" found for corner in the north line of Lot 13, Block A of GRAND ESTATES OF BRECKINRIDGE-RICHARDSON, an addition to the City of Richardson, Collin County, Texas, according to the Plat thereof recorded in Cabinet Q, Page 385, M.R.C.C.T.;

THENCE South 89 degrees 41 minutes 19 seconds West, with the south line of said VARIABLE R.O.W. DEDICATION for Park Vista Road and the north line of said Lot 13, a distance of 24.01 feet to a point for corner, same being the northwest corner of said Lot 13 and the northeast corner of a 30 foot wide right-of-way dedication for Park Vista Road as shown on said plat recorded in Cabinet Q, Page 385;



P.O. Box 54 ~ Lewisville, Texas 75067
 Office: (972) 221-9439 ~ Fax: (972) 221-4675

Page 2 of 3

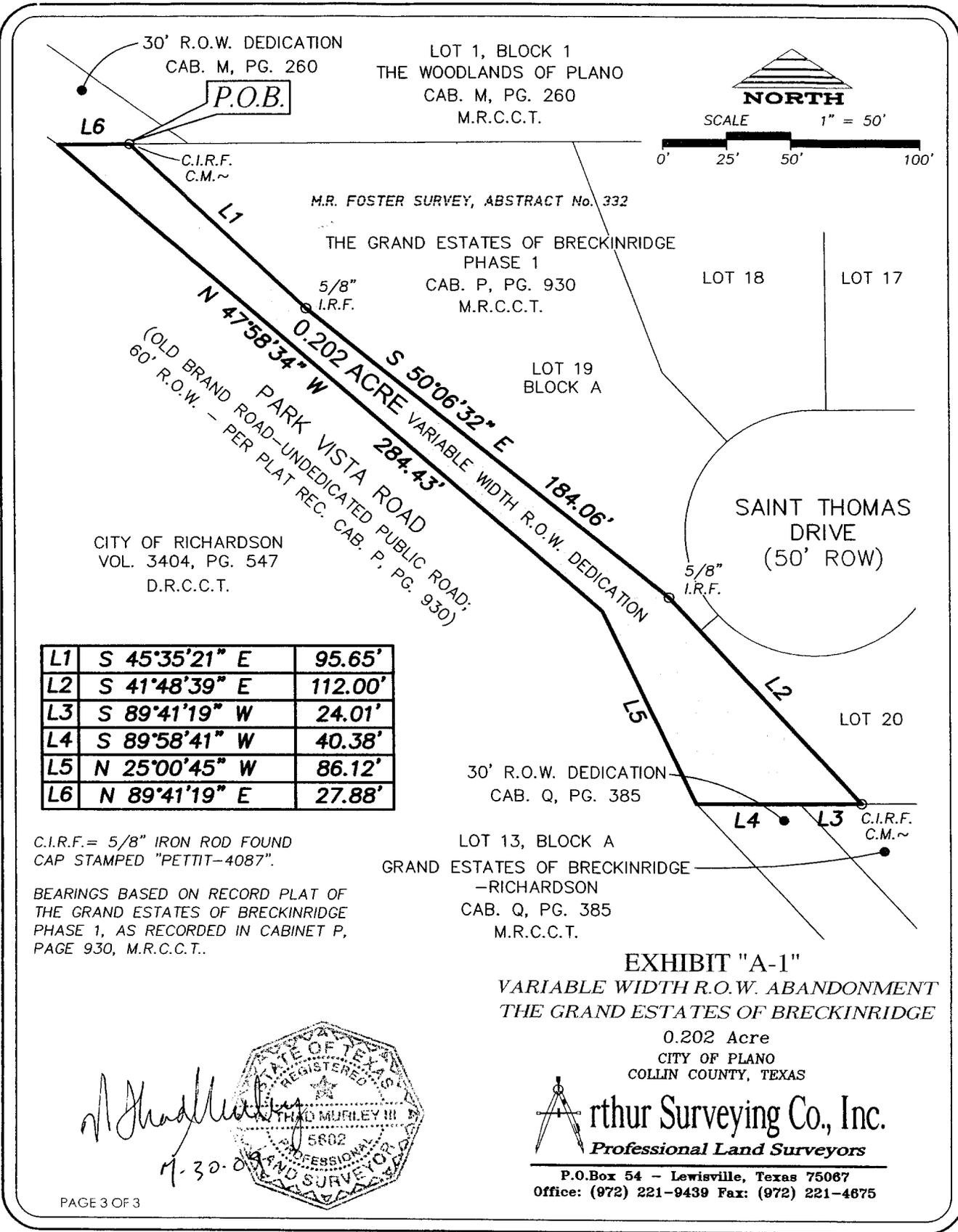
THENCE South 89 degrees 58 minutes 41 seconds West, continuing with the south line of said VARIABLE R.O.W. DEDICATION for Park Vista Road and the north line of said 30 foot wide right-of-way dedication for Park Vista Road as shown on said plat recorded in Cabinet Q, Page 385, a distance of 40.38 feet to a point for corner in the approximate center of said Park Vista Road, same being in the easterly line of a tract of land described by deed to City of Richardson, as recorded in Volume 3404, Page 547, of the Deed Records of Collin County, Texas;

THENCE North 25 degrees 00 minutes 45 seconds West, with the westerly line of said VARIABLE R.O.W. DEDICATION for Park Vista Road and the easterly line of said City of Richardson tract and with the approximate center line of said Park Vista Road, a distance of 86.12 feet to a point for corner;

THENCE North 47 degrees 58 minutes 34 seconds West, continuing with the westerly line of said VARIABLE R.O.W. DEDICATION for Park Vista Road and the easterly line of said City of Richardson tract and with the approximate center line of said Park Vista Road, a distance of 284.43 feet to a point for corner in the south line of said 30 foot wide right-of-way dedication for Park Vista Road as shown on said plat of THE WOODLANDS OF PLANO;

THENCE North 89 degrees 41 minutes 19 seconds East, with the north line of said VARIABLE R.O.W. DEDICATION for Park Vista Road and the south line of said 30 foot wide right-of-way dedication for Park Vista Road as shown on the plat of THE WOODLANDS OF PLANO, a distance of 27.88 feet to the POINT OF BEGINNING and containing a total of 0.202 acre of land, more or less.





C.I.R.F. = 5/8" IRON ROD FOUND
CAP STAMPED "PETTIT-4087".

BEARINGS BASED ON RECORD PLAT OF
THE GRAND ESTATES OF BRECKINRIDGE
PHASE 1, AS RECORDED IN CABINET P,
PAGE 930, M.R.C.C.T.

Arthur Surveying Co., Inc.
1-30-09



Arthur Surveying Co., Inc.
Professional Land Surveyors

P.O. Box 54 - Lewisville, Texas 75067
Office: (972) 221-9439 ~ Fax: (972) 221-4675

EXHIBIT "C-1"
0.071 ACRE VARIABLE WIDTH
RIGHT-OF-WAY ABANDONMENT
Page 1 of 3

Being a 0.071 acre tract of land situated in the M. R. Foster Survey, Abstract No. 332, in the City of Plano, Collin County, Texas, and being a part of that certain called "VARIABLE R.O.W. DEDICATION" for Park Vista Road (a called 60 foot right-of-way) located on the west side of THE GRAND ESTATES OF BRECKINRIDGE, an addition to the City of Plano, Collin County, Texas, according to the Plat thereof recorded in Cabinet P, Page 930 of the Map Records of Collin County, Texas (M.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with cap stamped "PETTTT-4087" found for the southeast corner of the herein described tract, same point being the southwest corner of Lot 20, Block A of said THE GRAND ESTATES OF BRECKINRIDGE, same point being the southeast corner of said VARIABLE R.O.W. DEDICATION for Park Vista Road, same point being in the north line of Lot 13, Block A of GRAND ESTATES OF BRECKINRIDGE-RICHARDSON, an addition to the City of Richardson, Collin County, Texas, according to the Plat thereof recorded in Cabinet Q, Page 385, M.R.C.C.T.;

THENCE South 89 degrees 41 minutes 19 seconds West, with the south line of said VARIABLE R.O.W. DEDICATION for Park Vista Road and the north line of said Lot 13, a distance of 24.01 feet to a point for corner, same being the northwest corner of said Lot 13 and the northeast corner of a 30 foot wide right-of-way dedication for Park Vista Road as shown on said plat recorded in Cabinet Q, Page 385;

THENCE South 89 degrees 58 minutes 41 seconds West, continuing with the south line of said VARIABLE R.O.W. DEDICATION for Park Vista Road and the north line of said 30 foot wide right-of-way dedication for Park Vista Road as shown on said plat recorded in Cabinet Q, Page 385, a distance of 40.38 feet to a point for corner in the approximate center of said Park Vista Road, same being in the easterly line of a tract of land described by deed to City of Richardson, as recorded in Volume 3404, Page 547, of the Deed Records of Collin County, Texas;

THENCE North 25 degrees 00 minutes 45 seconds West, with the westerly line of said VARIABLE R.O.W. DEDICATION for Park Vista Road and the easterly line of said City of Richardson tract and with the approximate center line of said Park Vista Road, a distance of 53.23 feet to a point for corner;



Arthur Surveying Co., Inc.
Professional Land Surveyors

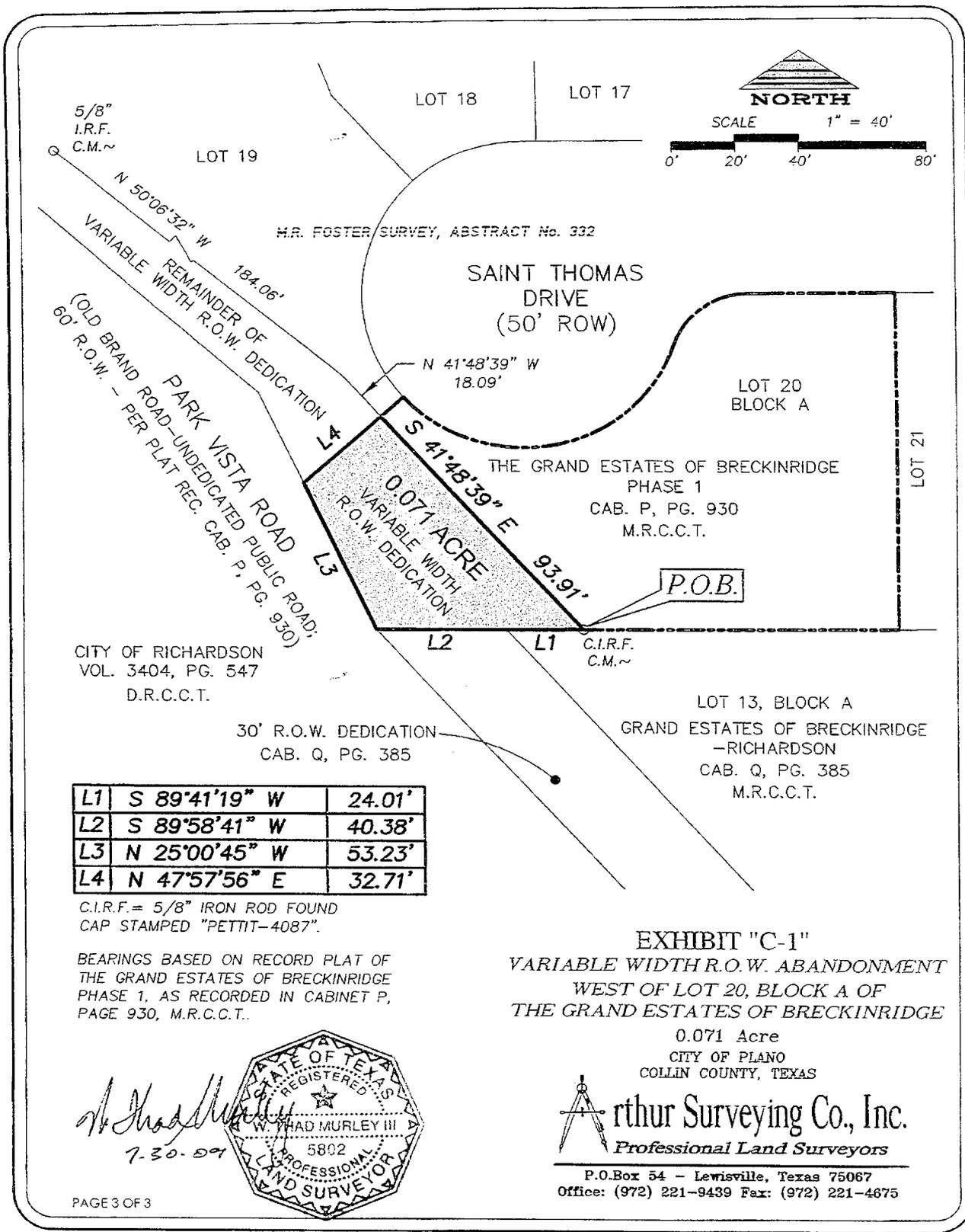
P.O. Box 54 ~ Lewisville, Texas 75067
Office: (972) 221-9439 ~ Fax: (972) 221-4675

Page 2 of 3

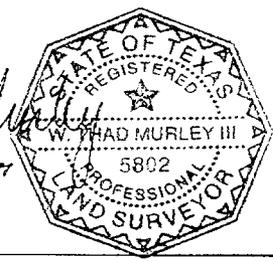
THENCE North 47 degrees 57 minutes 56 seconds East, traversing over and across said VARIABLE R.O.W. DEDICATION for Park Vista Road, a distance of 32.71 feet to a point for corner, same being the southernmost corner of Lot 19 of said Block A of THE GRAND ESTATES OF BRECKINRIDGE and the westernmost corner of said Lot 20;

THENCE South 41 degrees 48 minutes 39 seconds East, with the east line of said VARIABLE R.O.W. DEDICATION for Park Vista Road and the west line of said Lot 20, a distance of 93.91 feet to the POINT OF BEGINNING and containing a total of 0.071 acre of land, more or less.





PAGE 3 OF 3



W. Brad Murley III
 7-30-09

P-14



P.O. Box 54 ~ Lewisville, Texas 75067
Office: (972) 221-9439 ~ Fax: (972) 221-4675

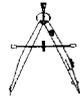
EXHIBIT "C-2"
0.131 ACRE VARIABLE WIDTH
RIGHT-OF-WAY ABANDONMENT
Page 1 of 3

Being a 0.131 acre tract of land situated in the M. R. Foster Survey, Abstract No. 332, in the City of Plano, Collin County, Texas, and being a part of that certain called "VARIABLE R.O.W. DEDICATION" for Park Vista Road (a called 60 foot right-of-way) located on the west side of THE GRAND ESTATES OF BRECKINRIDGE, an addition to the City of Plano, Collin County, Texas, according to the Plat thereof recorded in Cabinet P, Page 930 of the Map Records of Collin County, Texas (M.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with cap stamped "PETTIT-4087" found for the northeast corner of the herein described tract, same point being the northwest corner of Lot 19, Block A of said THE GRAND ESTATES OF BRECKINRIDGE, same point being the northeast corner of said VARIABLE R.O.W. DEDICATION for Park Vista Road, same point being in the south line of a 30 foot wide right-of-way dedication for Park Vista Road as shown on the plat of THE WOODLANDS OF PLANO, an addition to the City of Plano, Denton County, Texas, according to the Plat thereof recorded in Cabinet M, Page 260, M.R.C.C.T.;

THENCE with the east line of said VARIABLE R.O.W. DEDICATION for Park Vista Road and the west line of said Lot 19 and with the west line of Lot 20 of said Block A, the following three (3) courses and distances:

- 1) South 45 degrees 35 minutes 21 seconds East, a distance of 95.65 feet to a 5/8 inch iron rod found for corner;
- 2) South 50 degrees 06 minutes 32 seconds East, a distance of 184.06 feet to a 5/8 inch iron rod found for corner;
- 3) South 41 degrees 48 minutes 39 seconds East, a distance of 18.09 feet to a point for corner, same being the westernmost corner of Lot 20 of said Block A and the southernmost corner of said Lot 19;



Arthur Surveying Co., Inc.
Professional Land Surveyors

P.O. Box 54 -- Lewisville, Texas 75067
Office: (972) 221-9439 ~ Fax: (972) 221-4675

Page 2 of 3

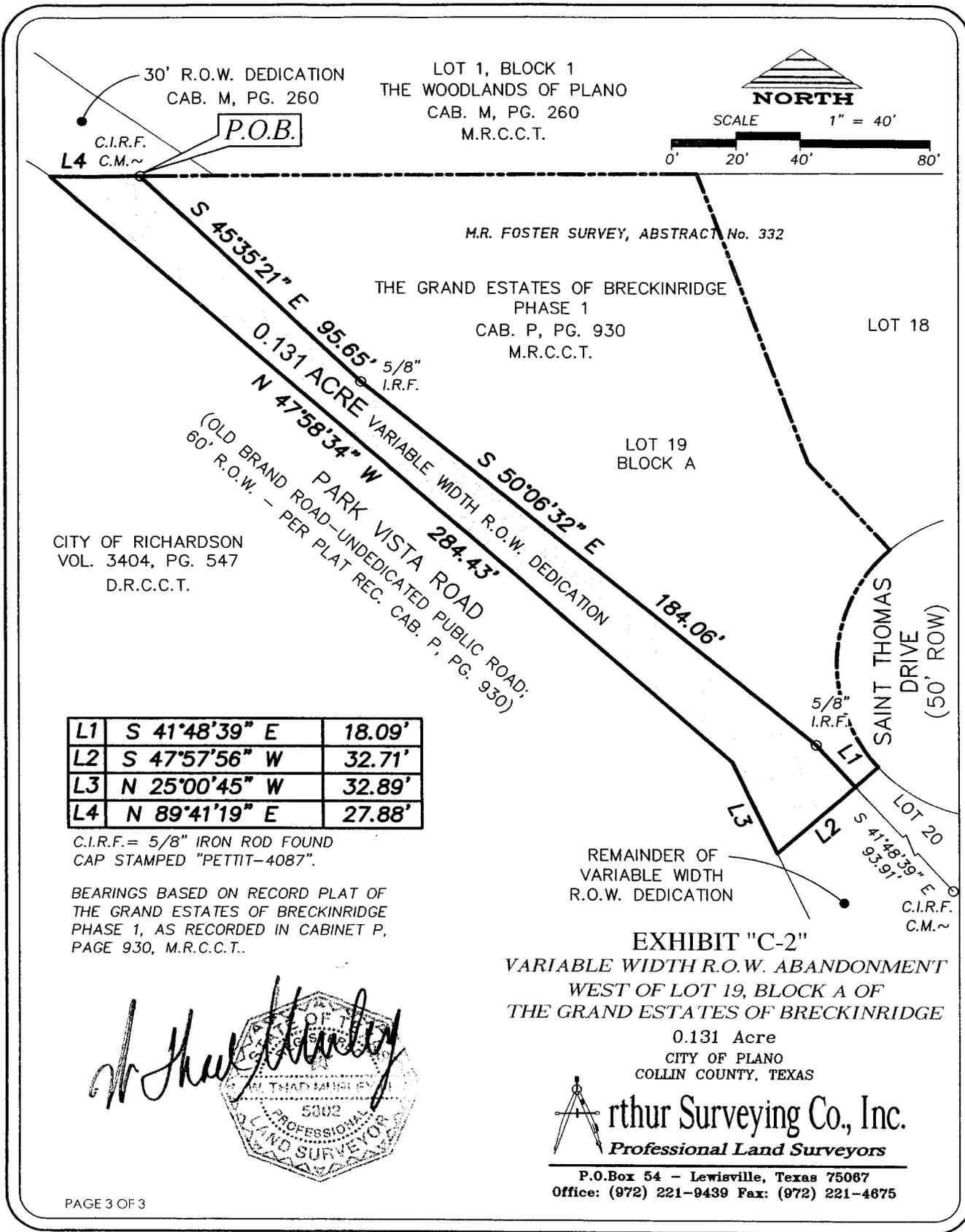
THENCE South 47 degrees 57 minutes 56 seconds West, traversing over and across said VARIABLE R.O.W. DEDICATION for Park Vista Road, a distance of 32.71 feet to a point for corner in the approximate center of said Park Vista Road, same being in the easterly line of a tract of land described by deed to City of Richardson, as recorded in Volume 3404, Page 547, of the Deed Records of Collin County, Texas;

THENCE North 25 degrees 00 minutes 45 seconds West, with the westerly line of said VARIABLE R.O.W. DEDICATION for Park Vista Road and the easterly line of said City of Richardson tract and with the approximate center line of said Park Vista Road, a distance of 32.89 feet to a point for corner;

THENCE North 47 degrees 58 minutes 34 seconds West, continuing with the westerly line of said VARIABLE R.O.W. DEDICATION for Park Vista Road and the easterly line of said City of Richardson tract and with the approximate center line of said Park Vista Road, a distance of 284.43 feet to a point for corner in the south line of said 30 foot wide right-of-way dedication for Park Vista Road as shown on said plat of THE WOODLANDS OF PLANO;

THENCE North 89 degrees 41 minutes 19 seconds East, with the north line of said VARIABLE R.O.W. DEDICATION for Park Vista Road and the south line of said 30 foot wide right-of-way dedication for Park Vista Road as shown on the plat of THE WOODLANDS OF PLANO, a distance of 27.88 feet to the POINT OF BEGINNING and containing a total of 0.131 acre of land, more or less.

Arthur Surveying Co., Inc.



Arthur Surveying Co., Inc.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY			Initials	Date
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	<i>Dep</i>	8-13-09
Council Meeting Date: 8/24/2009		Budget	<i>C.S.</i>	8-13-09
Department:	Public Works & Engineering	Legal <i>WS</i>	<i>DW</i>	8/13/09
Department Head	Alan Upchurch	Assistant City Manager		
Dept Signature:	<i>Alan Upchurch</i>	Deputy City Manager	<i>[Signature]</i>	8-14-09
		City Manager	<i>[Signature]</i>	8/16/09
Agenda Coordinator (include phone #):		Irene Pegues - 7152	<i>[Signature]</i>	
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
An ordinance of the City of Plano, Texas, amending Ordinance No. 2006-6-29, currently codified under Chapter 12 (Motor Vehicles and Traffic), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, to delete school zones on Independence Parkway from north of Prairie Creek Drive to south of Mollimar Drive, and from north of Vidalia Lane to south of Oakland Hills Drive, and from north of Ridge Creek Lane to south of Ridge Creek Lane; to revise the designated times of operation for the school zone on Westwood Drive between Aldridge Drive to south of Janwood Drive; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and 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: This item has no fiscal impact.				
SUMMARY OF ITEM				
During the 2008-09 school year, the Transportation Engineering Division (TED) began reviewing the effectiveness of school zones in the City. The movements of students going to and from school may change over time with the construction of new schools, the balancing of attendance zones and the construction of new roads, trails, and other City infrastructure. Ten school zones were studied during the 2008-09 school year. Six were presented to PISD and FISD officials for revision or removal. From these discussions, PISD staff agreed to the removal of the zone on Independence Parkway from north of Prairie Creek Drive to south of Mollimar Drive, the revision of the effective times for the zone on Westwood Drive between Aldridge Drive to south of Janwood Drive, and for the further study of school zones on Legacy Drive and Parker Road. FISD staff agreed to the removal of the zones on Independence Parkway from north of Vidalia Lane to south of Oakland Hills Drive, and from north of Ridge Creek Lane to south of Ridge Creek Lane. The proposed ordinance reflects the result of discussions between the TED and the school districts. The TED supports approval of this ordinance.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Maps				

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING ORDINANCE NO. 2006-6-29, CURRENTLY CODIFIED UNDER CHAPTER 12 (MOTOR VEHICLES AND TRAFFIC), ARTICLE IV (SPEED), SECTION 12-73(d) OF THE CITY OF PLANO CODE OF ORDINANCES, TO DELETE SCHOOL ZONES ON INDEPENDENCE PARKWAY FROM NORTH OF PRAIRIE CREEK DRIVE TO SOUTH OF MOLLIMAR DRIVE, AND FROM NORTH OF VIDALIA LANE TO SOUTH OF OAKLAND HILLS DRIVE, AND FROM NORTH OF RIDGE CREEK LANE TO SOUTH OF RIDGE CREEK LANE; TO REVISE THE DESIGNATED TIMES OF OPERATION FOR THE SCHOOL ZONE ON WESTWOOD DRIVE BETWEEN ALDRIDGE DRIVE TO SOUTH OF JANWOOD DRIVE; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PUBLICATION CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the primary purpose of school zone speed limits is to reduce the speed of travel on roadways at school crosswalks in order to reduce the potential for catastrophic pedestrian – vehicle collisions; and

WHEREAS, the school zone on Independence Parkway from north of Prairie Creek Drive to south of Mollimar Drive was implemented for the benefit of elementary age school children crossing Independence Parkway; and

WHEREAS, the school zone on Independence Parkway from north of Prairie Creek Drive to south of Mollimar Drive is now on the attendance zone boundary between Weatherford and Shepard Elementary Schools; and

WHEREAS, a study conducted by the City of Plano Transportation Engineering Division (TED) found that the school crossing on Independence Parkway at Mollimar Drive is no longer used by elementary age school children; and

WHEREAS, the school zone on Independence Parkway from north of Vidalia Lane to south of Oakland Hills Drive was implemented for the benefit of elementary age school children crossing Independence Parkway; and

WHEREAS, the school zone on Independence Parkway from north of Vidalia Lane to south of Oakland Hills Drive is now on the attendance zone boundary between Anderson and Taylor Elementary Schools; and

WHEREAS, a study conducted by the TED found that the school crossing on Independence Parkway at Oakland Hills Drive is no longer used by elementary age school children; and

WHEREAS, the school zone on Independence Parkway from north of Ridge Creek Lane to south of Ridge Creek Lane was implemented for the benefit of elementary age school children crossing Independence Parkway; and

WHEREAS, the school zone on Independence Parkway from north of Ridge Creek Lane to south of Ridge Creek Lane is more than one mile from Taylor Elementary School; and

WHEREAS, a study conducted by the TED found that the school crossing on Independence Parkway at Ridge Creek Lane is not being used by elementary age school children; and

WHEREAS, the school zone on Westwood Drive from Aldridge Drive to south of Janwood Drive was implemented for the benefit of elementary and middle-school age school children crossing Westwood Drive; and

WHEREAS, the school zone on Westwood Drive from Aldridge Drive to south of Janwood Drive is now on the attendance zone boundary between Shepard and Sigler Elementary Schools; and

WHEREAS, a study conducted by the TED found that the school crossing on Westwood Drive at Janwood Drive is no longer used by elementary age school children; and

WHEREAS, TED staff consulted with and obtained concurrence from Plano Independent School District and Frisco Independent School District staff in responsible charge for oversight of school crossings; and

WHEREAS, the City Council of the City of Plano finds it is necessary and is the best interest of the city and its citizens to eliminate three school zones on Independence Parkway, and to revise the effective times for the school zone on Westwood Drive.

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

Section I. Chapter 12 (Motor Vehicles and Traffic), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, and Ordinance Number 2006-6-29, are hereby amended to delete the following school zones:

“Independence Parkway:

- (1) Between a point one hundred twenty-five (125) feet north of Prairie Creek Drive and a point one hundred seventy-five (175) feet south of Mollimar Drive on school days between 7:15 a.m. and 8:15 a.m. and between 2:30 p.m. and 3:15 p.m. (P)
- (6) For northbound traffic, between a point two hundred (200) feet south of Ridge Creek Lane and a point fifty (50) feet north of Ridge Creek Lane and for southbound traffic, between a point two hundred (200) feet north of Ridge Creek Lane and a point fifty (50) feet south of Ridge Creek Lane on school

days between 7:15 a.m. and 8:15 a.m. and between 2:45 p.m. and 3:30 p.m.
(F)

- (8) Between a point seventy-five (75) feet north of Vidalia Lane and a point two hundred (200) feet south of Oakland Hills Drive on school days between 7:15 a.m. and 8:15 a.m. and between 2:45 p.m. and 3:30 p.m. (F)”

Section II. Chapter 12 (Motor Vehicles and Traffic), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, and Ordinance Number 2006-6-29, are hereby amended to read as follow:

“Westwood Drive:

- (1) Between Aldridge Drive and a point two hundred twenty-five (225) feet south of Janwood Drive on school days between 8:00 a.m. and 8:45 a.m. and between 3:15 p.m. and 4:00 p.m. (P)”

Section III. All other portions of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances shall remain in full force and effect.

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

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

Section VI. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed TWO HUNDRED AND NO/100 DOLLARS (\$200.00) for each offense. Each and every violation shall be deemed to constitute a separate offense.

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

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

DULY PASSED AND APPROVED this 24th day of August, 2009.

Phil Dyer, MAYOR

ATTEST:

Dianne Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

INDEPENDENCE PARKWAY AT OAKLAND HILLS DRIVE



PROPOSED SCHOOL ZONE
TO BE REMOVED:

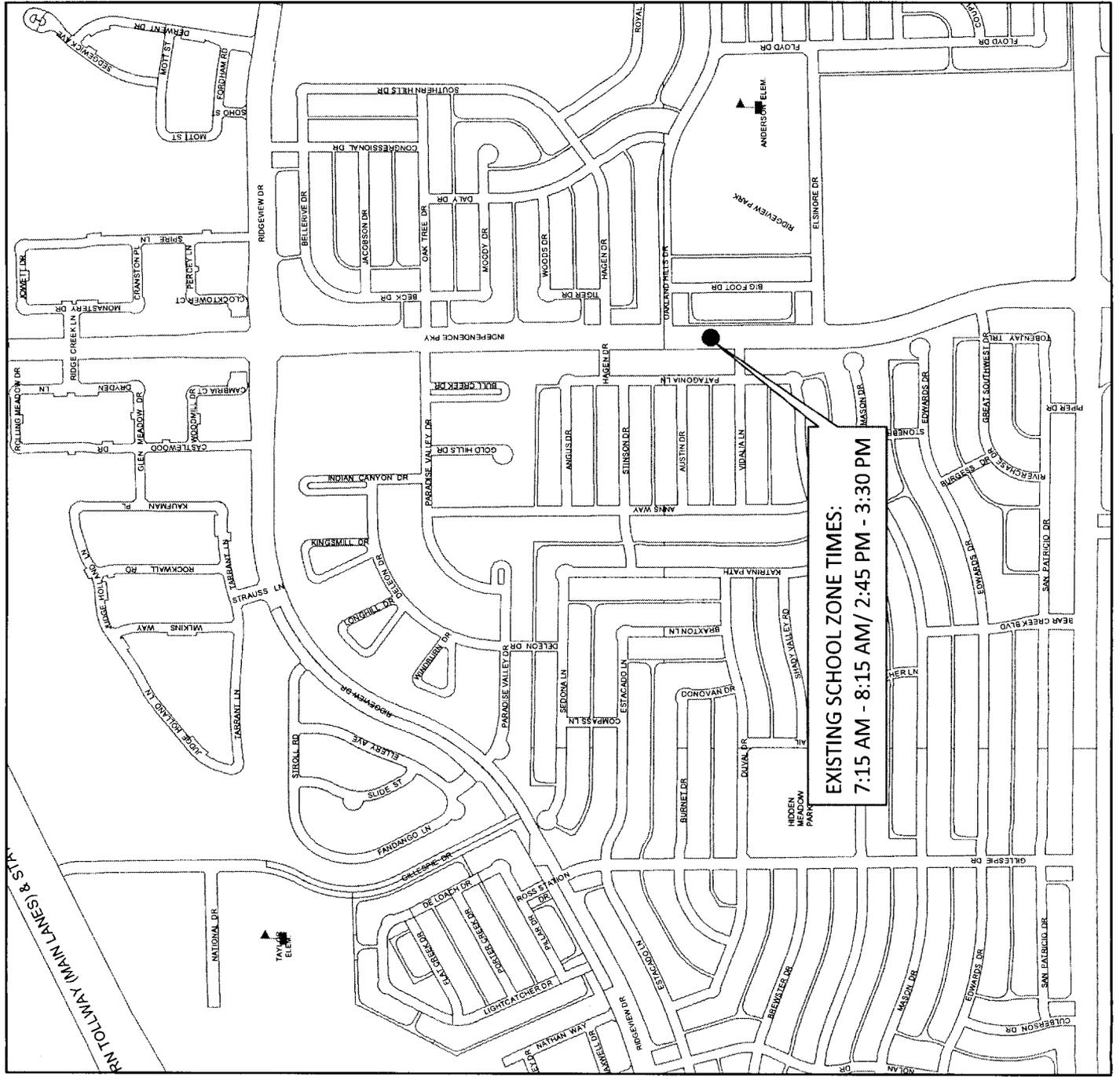
INDEPENDENCE PARKWAY
BETWEEN VIDALIA LANE AND
OAKLAND HILLS DRIVE

* The school zone is located on the
attendance boundary between
Taylor Elementary and Anderson
Elementary.

AUGUST 2009



Transportation Engineering Division



EXISTING SCHOOL ZONE TIMES:
7:15 AM - 8:15 AM / 2:45 PM - 3:30 PM

INDEPENDENCE PARKWAY AT RIDGE CREEK LANE

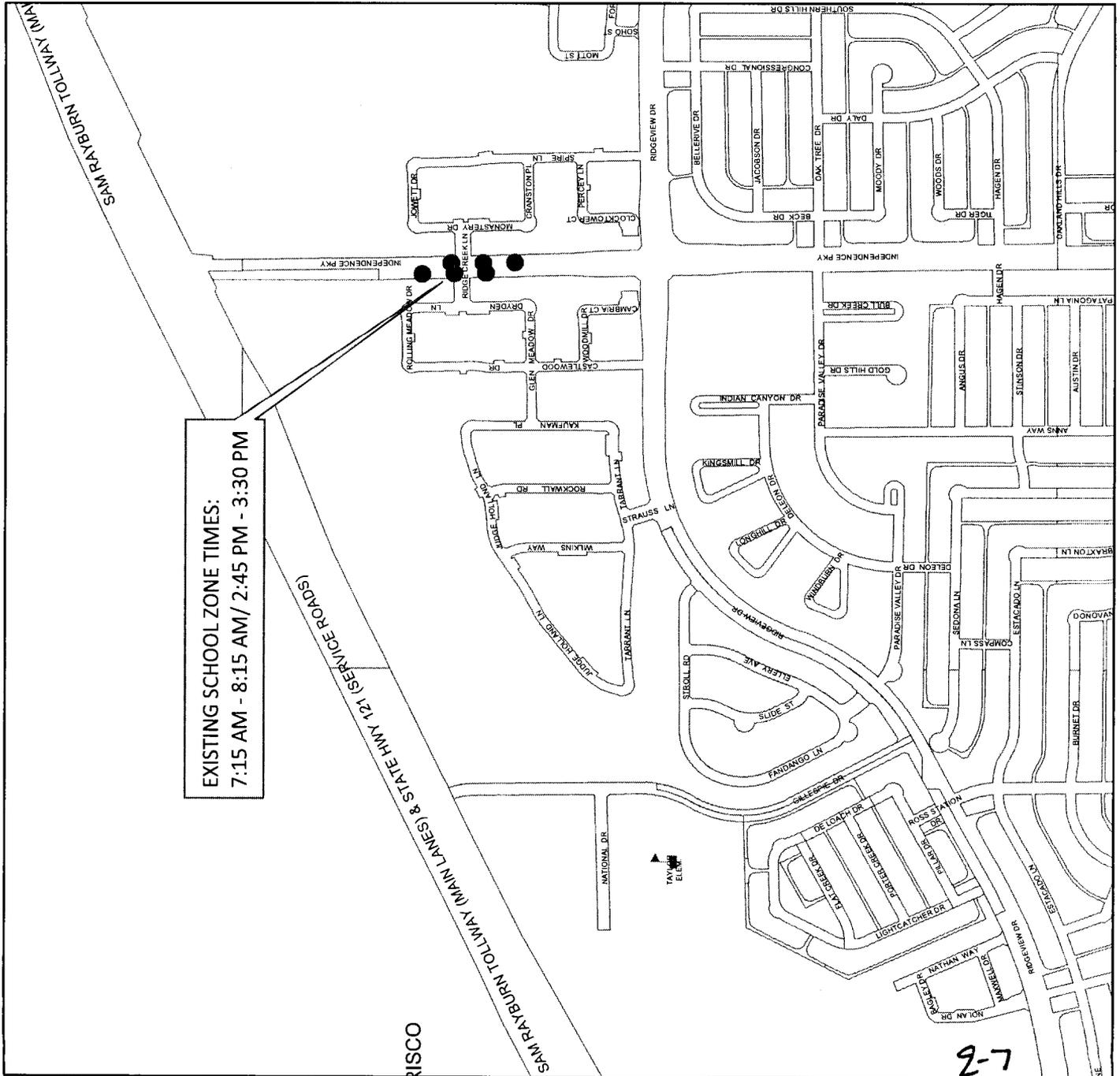


EXISTING SCHOOL ZONE TIMES:
 7:15 AM - 8:15 AM / 2:45 PM - 3:30 PM

PROPOSED SCHOOL ZONE
 TO BE REMOVED:

INDEPENDENCE PARKWAY
 AT RIDGE CREEK LANE

* The school zone is provided to serve
 Taylor Elementary students.

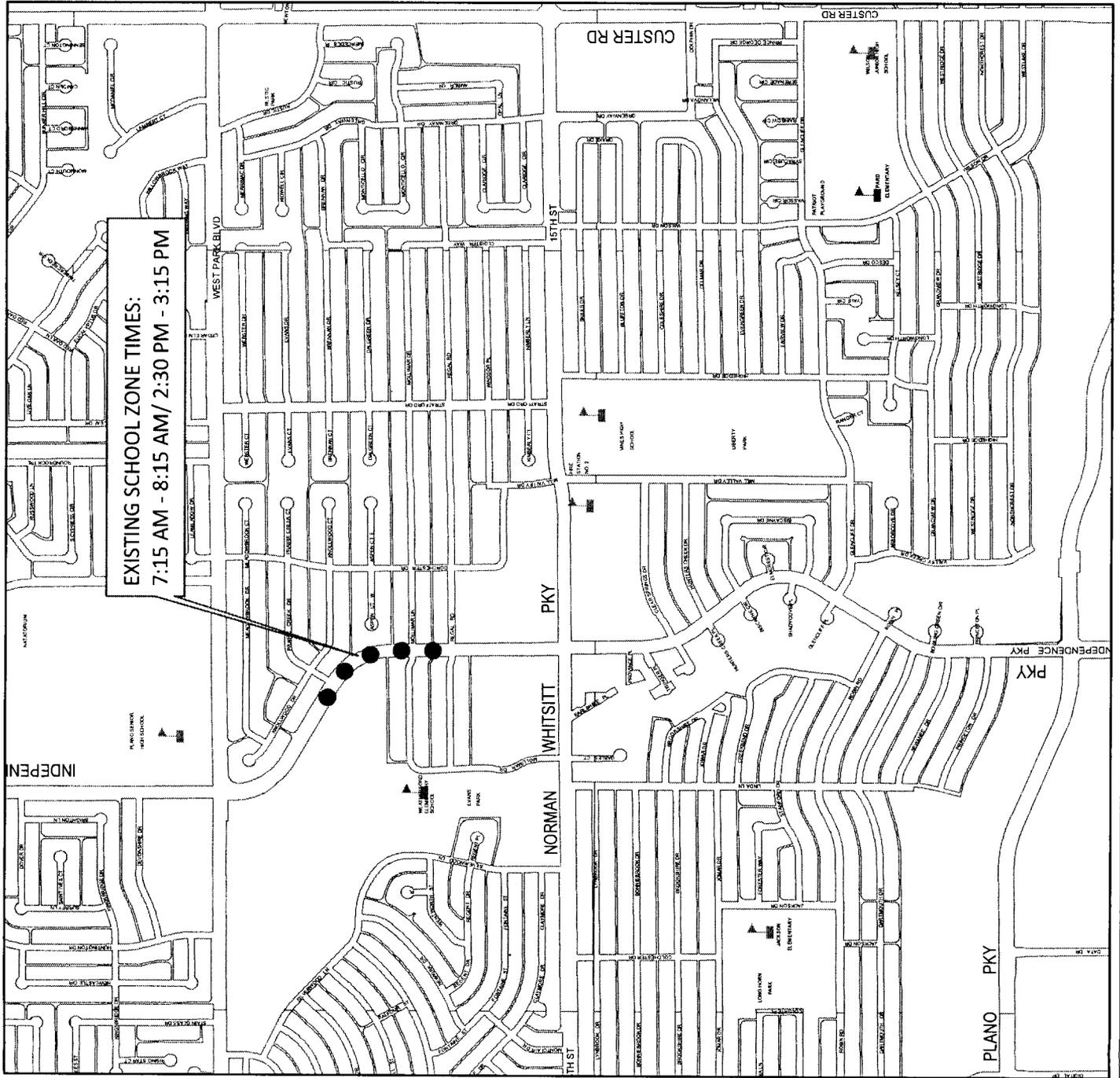


AUGUST 2009



Transportation Engineering Division

INDEPENDENCE PARKWAY AT MOLLIMAR DRIVE



EXISTING SCHOOL ZONE TIMES:
 7:15 AM - 8:15 AM / 2:30 PM - 3:15 PM

**PROPOSED SCHOOL ZONE
 TO BE REMOVED:**

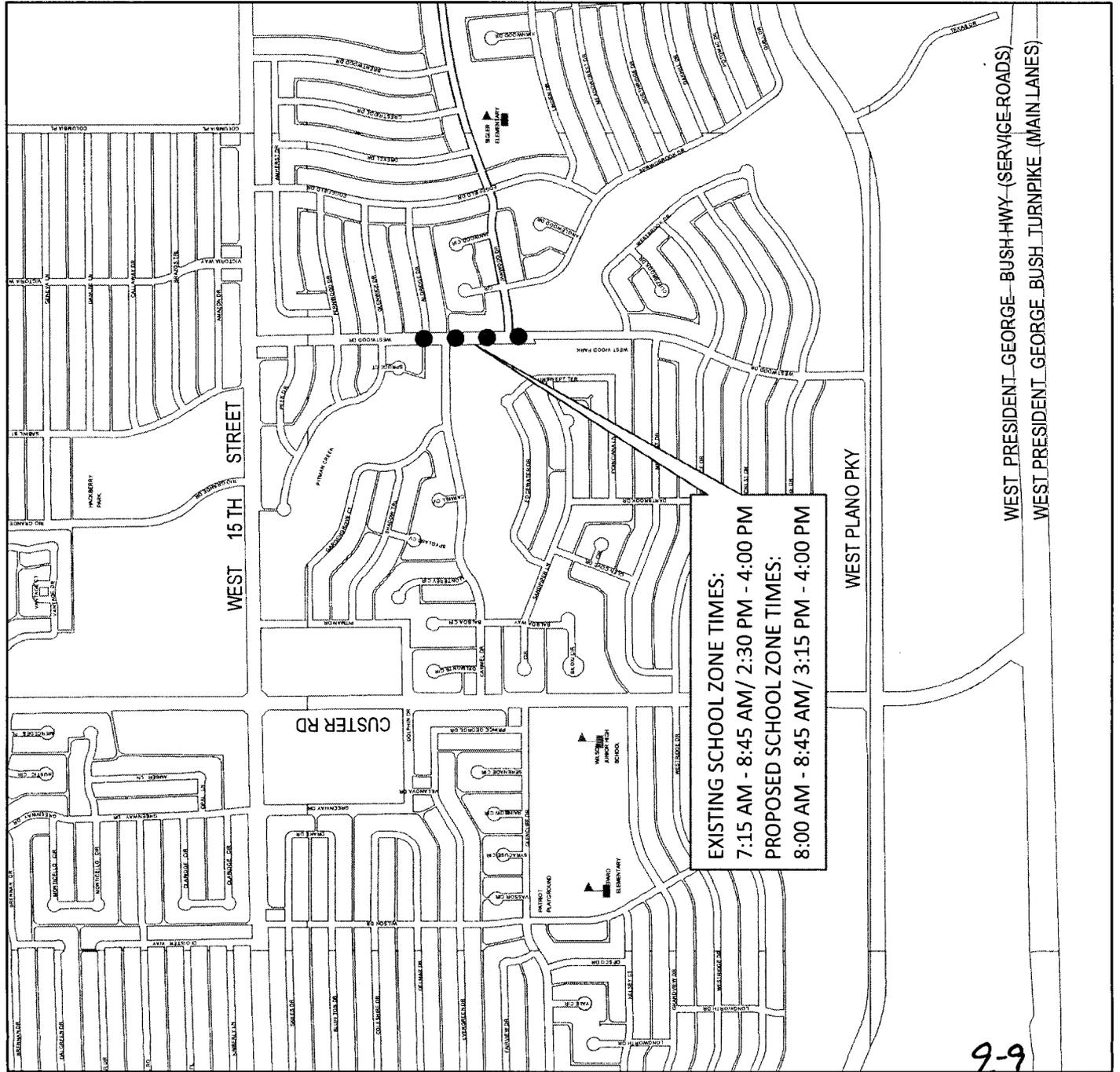
**INDEPENDENCE PARKWAY
 BETWEEN PRAIRIE CREEK DRIVE
 AND MOLLIMAR DRIVE**

* The school zone is located on the attendance boundary between Weatherford Elementary and Shepard Elementary.

AUGUST 2009



WESTWOOD DRIVE AT JANWOOD DRIVE



**PROPOSED SCHOOL ZONE
TO BE MODIFIED:**

**WESTWOOD DRIVE BETWEEN
ALDRIDGE DRIVE AND JANWOOD
DRIVE**

* The school zone is serving middle (Wilson) and elementary schools. It is located on the attendance boundary between Sigler Elementary and Shepard Elementary.

AUGUST 2009

EXISTING SCHOOL ZONE TIMES:
7:15 AM - 8:45 AM / 2:30 PM - 4:00 PM
PROPOSED SCHOOL ZONE TIMES:
8:00 AM - 8:45 AM / 3:15 PM - 4:00 PM



Transportation Engineering Division

WEST PRESIDENT GEORGE BUSH HWY (SERVICE ROADS)
WEST PRESIDENT GEORGE BUSH TURNPIKE (MAIN LANES)

2



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY			Initials	Date
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Purchasing	NR	8/2/09
Council Meeting Date:	08/24/09	Budget	C.S.	8-12-09
Department:	Planning	Legal	PM	8-12-09
Department Head	Phyllis Jarrell	Assistant City Manager	[Signature]	
Dept Signature:	P. Jarrell	Deputy City Manager	[Signature]	8/12/09
		City Manager	[Signature]	8/13/09
Agenda Coordinator (include phone #): Tammy Stuckey, ext. 7156				
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
An Ordinance of the City of Plano, Texas, terminating the Water and Wastewater Impact Fee Program and repealing Article X Impact Fee Advisory Committee of Chapter 2 Administration of the City of Plano Code of Ordinances in its entirety and repealing Article VI Impact Fees of Chapter 21 Utilities of the City of Plano Code of Ordinances in its entirety; and providing a repealer clause, a savings clause, a severability clause, and an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: This item has no fiscal impact.				
SUMMARY OF ITEM				
The City of Plano ceased collection of the Water and Wastewater Impact Fees on February 18, 2009. The proposed ordinance brings final closure to the program through deletion of articles and sections of the Plano Code of Ordinances pertaining to impact fees, repealing ordinances regulating impact fees in entirety, and sunset the Planning & Zoning Commission's role as the Impact Fee Advisory Committee.				
List of Supporting Documents: Planning & Zoning staff write up and follow up memo from the August 3, 2009, meeting, ordinance, and memo from Alan Upchurch to P&Z.		Other Departments, Boards, Commissions or Agencies Public Works & Engineering		

DATE: August 4, 2009
TO: Applicants with Items before the Planning & Zoning Commission
FROM: James Duggan, Chairman, Planning & Zoning Commission *JMF*
SUBJECT: Results of Planning & Zoning Commission Meeting of August 3, 2009

**AGENDA ITEM NO. 9 - DISCUSSION & DIRECTION
WATER AND WASTEWATER IMPACT FEE PROGRAM
APPLICANT: CITY OF PLANO**

The Planning & Zoning Commission, in its capacity as the Impact Fee Advisory Committee (IFAC), by a vote of 6-1, found that the completion of the Water and Wastewater Impact Fee Program results in no perceived inequities in the implementation of the capital improvements plan, and the advisory role of the IFAC is no longer needed.

SS/dw

CITY OF PLANO
PLANNING & ZONING COMMISSION

August 3, 2009

Agenda Item No. 9

Discussion & Direction: Water and Wastewater Impact Fee Program

Applicant: City of Plano

DESCRIPTION:

In its capacity as the Impact Fee Advisory Committee, the Planning & Zoning Commission will consider the request for discussion and direction related to the completion of the Water and Wastewater Impact Fee Program.

REMARKS:

Chapter 395 of the Local Government Code governs the adoption and administration of impact fees in the state. The statute requires that a city designate a separate capital improvements advisory committee for the impact fee program. Since the inception of Plano's impact fee program in 1990, the Planning & Zoning Commission has acted in the capacity as the Impact Fee Advisory Committee (IFAC). The role of the committee has been to provide recommendations regarding the city's land use assumptions and capital improvements plan for updating the impact fee program, as well as monitor implementation of the plan, and update City Council regarding progress and implementation of the plan. Before the Planning & Zoning Commission can review the current status of the impact fee program it must convene as the IFAC.

2007 Impact Fee Update:

In 2007, the City of Plano was ready to update the 2002 land use assumptions and capital improvements plan. After review of both studies, it was determined that a full update and assessment of fees would not be necessary as over 95% of the water and sewer infrastructure was already in place. There were few opportunities to spend impact fee funds to construct infrastructure to serve new development. Any unspent funds would have to be dispersed in accordance with Chapter 395 of the Local Government Code. Staff recommended termination of Plano's impact fee program to City Council.

Program Status:

On February 11, 2008, City Council discontinued the collection of impact fees with building permits issued for projects which had preliminary plats approved by the city after February 18, 2008. However, impact fees for projects that had preliminary plats approved on or before February 18, 2008, were still collected until February 18, 2009. After this date, no impact fees were collected on any projects.

The water and sewer impact fee accounts have a current balance of \$3,882,910 in water fees and \$43,202 in sewer fees. The balance is due to the city not transferring all eligible costs into the Capital Improvement Funds from 2002 through 2006. The city proposes to transfer all of the remaining funds into the appropriate construction funds to close out the accounts. This action will officially close out the city's Water and Wastewater Impact Fee Program.

Upon completion of the program, City Council will then consider the following items at its meeting on Monday, August 24, 2009:

- Sunset the IFAC since its advisory role is no longer needed;
- Repeal Ordinance 89-12-14 regulating the IFAC; and
- Delete Section 21 of Article VI of the city's Code of Ordinances regulating impact fees.

Alan Upchurch, Director of Public Works & Engineering, will be available to answer questions pertaining to the completion of this program.

RECOMMENDATION:

Recommended that the Planning & Zoning Commission, in its capacity as the Impact Fee Advisory Committee (IFAC), find the completion of the Water and Wastewater Impact Fee Program results in no perceived inequities in the implementation of the capital improvements plan, and the advisory role of the IFAC is no longer needed.



August 4, 2009

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

Honorable Mayor and City Council
City of Plano
PO Box 860358
Plano, TX 75086-0358

RE: Water and Wastewater Impact Fee Report

Dear Mayor Dyer and Councilmembers:

In its capacity as the city's Impact Fee Advisory Committee, the Planning & Zoning Commission received a report on August 3, 2009 from staff on the collections and expenditures from the impact fee program. The remaining fees within the impact fee accounts is due to the city not transferring all eligible costs into the Capital Improvement Funds from 2002 through 2006. The city proposes to transfer all of the remaining funds into the appropriate construction funds to close out the accounts. This action will officially close out the city's Water and Wastewater Impact Fee Program. The Commission finds no perceived inequities in the implementation of the capital improvements plan, and the advisory role of the Impact Fee Advisory Committee is no longer needed.

Sincerely,

Jim Duggan, Chairman
Planning & Zoning Commission

XC: Alan Upchurch, Director of Public Works & Engineering
Phyllis M. Jarrell, Director of Planning

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



MEMORANDUM

TO: Planning & Zoning Commission

FROM: Alan L. Upchurch, P.E.
Director of Public Works & Engineering

SUBJECT: Water & Sewer Impact Fee Program

DATE: July 24, 2009

The City of Plano's Water and Sewer Impact Fee Program ended, and we ceased collecting impact fees after February 18, 2009. The 2002 study identified \$15,245,000 in eligible water projects and \$5,961,000 in eligible sewer projects. The collection rate was 55% of the maximum fee or \$912 for water and \$329 for sewer for a typical residential service. These fees were expected to generate \$8,385,000 in water and \$3,276,000 in sewer fees. The City has actually collected \$8,166,300 in water impact fees and \$2,266,749+ in sewer impact fees. The City has collected a total of \$32,936,643 in water and \$14,985,790 in sewer impact fees since the program began.

The water and sewer impact fee accounts currently have a balance of \$3,882,910 in water fees and \$43,202 in sewer fees. This balance is due to the fact that we did not transfer all of the eligible costs into the Capital Improvement Funds in the early years, 2002 to 2006. We propose to transfer all of the remaining funds into the appropriate construction funds to close out the accounts. This will officially close out the City of Plano's water and sewer impact fee program.

ls

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, TERMINATING THE WATER AND WASTEWATER IMPACT FEE PROGRAM AND REPEALING ARTICLE X IMPACT FEE ADVISORY COMMITTEE OF CHAPTER 2 ADMINISTRATION OF THE CITY OF PLANO CODE OF ORDINANCES IN ITS ENTIRETY AND REPEALING ARTICLE VI IMPACT FEES OF CHAPTER 21 UTILITIES OF THE CITY OF PLANO CODE OF ORDINANCES IN ITS ENTIRETY; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, after due study and consideration, it has been determined that there no longer exists a need to collect impact fees to assure the provision of adequate public facilities to serve new development in the city; and

WHEREAS, the City of Plano ceased collecting impact fees on February 18, 2009, and all remaining Water and Sewer Impact Fee account funds will be transferred into the appropriate construction funds to close out the impact fee accounts; and

WHEREAS, with the termination of the City of Plano's Impact Fee program, the duties and responsibilities of the Impact Fee Advisory Committee will be completed; and

WHEREAS, the City Council finds and determines that the repeal of the City of Plano Impact Fee Program in its entirety is in the best interest of the City and its citizens.

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

Section I. The City of Plano Impact Fee Program is hereby terminated and Article X Impact Fee Advisory Committee of Chapter 2 Administration of the City of Plano Code of Ordinances and Article VI Impact Fees of Chapter 21 Utilities of the City of Plano Code of Ordinances are hereby repealed in their entirety.

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

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

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

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

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

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane Wetherbee, CITY ATTORNEY



City Manager's Office
P.O. Box 860358
Plano, Texas 75086-0358
972-941-7121
Fax 972-461-6834
www.plano.gov

MEMORANDUM

DATE: August 20, 2009
TO: Mayor and City Council
FROM: Thomas H. Muehlenbeck, City Manager 
SUBJECT: Additional Budget Information

Thank you for providing us an opportunity to provide additional information for your 2009-2010 budget deliberations.

To better see where we are at this date, I would like to provide a little background in the journey since November, 2008. Staff provided Council with background information on the 2009 budget, derived from best estimates at the time. A novel budget tool, which was discussed with Council, was the development of a Core Business Matrix Model. This document provided a complete breakdown, on a priority basis, of all services provided by the City of Plano. In addition to the service costs and priority, the number of Full Time Equivalents (FTE) and funding sources were identified. Staff made recommendations based on the Core Business Matrix.

Council, in a March meeting, went over the cuts and approved \$10.4 million in reductions for 2009. In a June meeting, the new Council validated cuts approved by the previous Council. The budget reductions were placed in the City Manager's recommended budget in July, 2009. Prior to the budget public presentation, I visited with each member of Council to review my recommendation.

As we have constantly said, the budget problem is larger in 2010-2011 and 2011-2012. As a result, Council was provided information to move the 2009-2010 tax increase up to the rollback rate in an attempt to prefund the looming budget problem.

During a budget worksession held on August 15, 2009, Council added \$50,000 to the General Fund budget and staff was directed to provide alternatives to the tax rate increase.

Council, having twenty-two years of preparing and administering budgets for the City of Plano, I feel we are in a very tenuous position. With falling property values, falling sales tax revenues, falling building revenues, general reduction of fees across the board and a reluctance to consider a tax increase – we are at a point that major services may be ceased.

Although we have accomplished balancing the operating budget for FY 2009-10, we still have much more work to do. Our revised financial forecast for FY 2010-11 now stands at a \$22.8 million deficit and for FY 2011-12, a \$30.5 million deficit.

The FY 2010-11 budget deficit equates to a 9.45 cent tax rate equivalent composed of the following:

- 2.17 cents (\$5.3 million) for a 5% loss in property value;
- 1.98 cents or \$4.8 million in additional debt of which .73 cents or \$1.8 million is directly tied to Public Safety projects;
- 1.24 cents (\$3 million) for health insurance increases and TMRS requirements;
- 1.04 cents (\$2.5 million) for operating expenses for CIP coming on-line, which includes Fire Station #13; and,
- 3.02 cents (\$7.3 million) for fund balance requirements.

To put this in perspective, the entire General Fund is \$219,129,339. Deduct those departments considered as public safety, and the net amount for all other General Fund Departments is \$111,721,827. In the preceding paragraph, we advised the projected shortfall for 2010-2011 and 2011-2012. You can see how large this is once we understand the operating cost of the remaining departments:

Public Works and Engineering	\$17,136,875
Parks	14,918,626
Recreation	7,759,228
Libraries	10,794,589
Planning	3,130,881
Building Inspections	3,465,872
Emergency Preparedness	512,804

We have had discussions with the three bond rating companies regarding sale of debt. We have graded very high to maintain our AAA bond rating. Each has advised that while reducing expenditures to match revenues is commendable, quality of life issues are equally important. Bonds are purchased with some understanding that the projects will continue to enhance the quality of life in the community issuing the debt. Bond rating companies look for a commitment from elected officials to develop revenues through taxes or other fees to maintain that quality of life.

Employees of the City of Plano, under the policy direction of the City Council, have provided excellent services to the citizens of Plano. Day in and day out, over 150 services are provided by City employees.

Council has provided a 5% over median pay philosophy for years and maintained employee benefits which have kept our total compensation package competitive with surrounding cities.

For FY 2009-2010 employees will receive no salary increase, while at the same time be assessed a 33-50% increase in health insurance.

Over 100 jobs have been cut in the past year, requiring remaining employees to take on greater work efforts. I am proud to be City Manager for 2,000 of the finest employees in any city service.

Council, if we cannot find a way to keep Plano services as our citizens have expected, I am concerned that we will move from a city of excellence to one that people no longer use as a comparison; to one that really isn't thought of by its citizens as a desirable place to live; and to one, as an employer, that will have a hard time attracting those employees that can make a difference.

We have provided some suggestions equal to five million dollars' worth of cuts:

- \$2.9 million – Reimbursement from Collin County to reimburse Capital Reserve Fund for thoroughfare rehab projects;
- \$1,093,249 million – Developers escrow for City completed projects; and,
- \$1 million – Equipment Replacement Fund reduction.

Summary:

As directed, I have included additional revenues that make up the following:

- \$4 million to cover the 1.51 cent tax increase
- \$900,000 in reductions to electric franchise taxes due to rulings of the PUC
- \$50,000 Council added to the budget during our Saturday worksession

In addition, I still recommend the tax increase to begin buying down the tax required to support the 2010-2011 budget. Please recall, of the 1.51 being requested, 1.35 is the increase to the debt side for bond referendum approval projects coming on line.