

PLANO CITY COUNCIL

WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M., JANUARY 24, 2005, AND PRELIMINARY OPEN MEETING IMMEDIATELY THEREAFTER, IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:

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

EXECUTIVE SESSION

- | | | | |
|-----|---------------------------------------------------------------|-----------|--------|
| I. | Legal Advice | Wetherbee | 10 min |
| A. | Respond to questions and receive legal advice on agenda items | | |
| II. | Real Estate Acquisition of Property - Park Vista Drive | Upchurch | 5 min. |

PRELIMINARY OPEN MEETING

- | | | | |
|-------|----------------------------------------------------------------------|-------------------|---------|
| I. | Consideration and action resulting from executive session discussion | Council | 5 min. |
| II. | DART Status Report | Pope | 10 min. |
| III. | Mobility Report | Neal | 10 min. |
| IV. | WMD Grant Update | Peterson | 10 min. |
| V. | Railroad Crossing Quiet Zone Study | Upchurch | 10 min. |
| VI. | Solicitation Subcommittee Report | Dyer/
Magnuson | 10 min. |
| VII. | Comprehensive Monthly Financial Report | McGrane | 10 min. |
| VIII. | Personnel Appointments | Council | 10 min. |
| A. | Plano Transition and Revitalization Member and Chair | | |
| B. | Public Arts Committee | | |
| C. | Transportation Advisory Committee | | |

- | | | | |
|-----|--------------------------------------------------------------------------------------------------------------------|---------|--------|
| IX. | Council items for discussion/action on future agendas | Council | 5 min. |
| X. | Consent and Regular Agenda | Council | 5 min. |
| XI. | Council Reports | Council | 5 min. |
| | A. Council May Receive Information, discuss and provide direction on the following reports: | | |
| | B. Council may receive reports from its other members who serve as liaisons to boards, commissions, and committees | | |

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: January 24, 2005

CALL TO ORDER: 7:00 p.m.

INVOCATION: Pastor Gene Wilkes
Legacy Drive Baptist Church

PLEDGE OF ALLEGIANCE: Cub Scout Pack 225
Weatherford Elementary

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><u>GENERAL DISCUSSION</u></p> <p>In accordance with the Open Meeting Act, the City Council will hear comments of public interest, but any discussion shall be limited to placing the item on a future agenda for further consideration.</p> <p>Remarks are limited to five (5) minutes per speaker, with a maximum of 30 total minutes of testimony. Other time restraints may be directed by the Mayor.</p> <p>Specific factual information or an explanation of current policy may be made in response to an inquiry; but any discussion or decision must be limited to a proposal to place the item on a future agenda.</p> <p>Speakers will be notified when speaking time has expired. The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p>CONSENT AGENDA</p> <p><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial.</u></p> <p><u>Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. The Council will then take action on the remainder of the Consent Agenda items. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(a)	<p>Approval of Minutes</p> <p>December 21, 2004 January 10, 2005 January 12, 2005</p> <p><u>Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following:</u></p>	
(b)	<p>Bid No. B184-04 for the purchase of W.O. Haggard Library Furniture Part 2 – Project No. 5216 in the amount of \$86,748.</p>	
(c)	<p>Bid No. B045-05 for East Side Fire Hydrant Project #1 in the amount of \$57,400 for the purchase of fire hydrants, tapping sleeves and valves.</p>	
(d)	<p>Bid No. B137-04 for Median and ROW Maintenance Multiple Locations II in the estimated annual amount of \$108,108 for an annual contract of two years with three City optional one-year renewals for labor, materials and equipment utilized for the median and right-of-way mowing services.</p>	
(e)	<p>Bid No. C187-04 for Standard Lot Mowing and Accumulated Trash Removal, Shrub and Tree Trimming in the estimated annual amount of \$35,000 for an annual contract of one year with two City optional one-year renewals.</p>	
(f)	<p>Bid No. C188-04 for an annual fixed-price contract for Oversized Lot, Acreage & Perimeter Lot Mowing and Accumulated Trash Removal, Shrub and Tree Trimming in the estimated annual amount of \$27,500 for an annual contract of one year with two City optional one-year renewals.</p>	
	<p><u>Adoption of Resolutions</u></p>	
(g)	<p>To urge the Texas Legislature not to impose additional limits on property appraisals and local government revenues; and providing an effective date.</p>	
(h)	<p>To adopt a 2005 State Legislative Program for the City of Plano; directing the City Manager to act with regard to the City's Legislative Program; and providing an effective date.</p>	
(i)	<p>To oppose any school finance or tax reform measures that would negatively affect local government revenues and services; and providing an effective date.</p>	
(j)	<p>To adopt Parks and Recreation Development Priorities for submission to the Texas Parks and Wildlife Department to comply with the Texas Parks and Wildlife Department's requirements for approved Park Master Plans.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(k)	To authorize intervention before the Railroad Commission of Texas in Gas Utilities Docket (GUD) No. 9530; authorizing participation with other cities served by Atmos Energy Corporation, formerly known as TXU Gas Company, in administrative and court proceedings involving a gas cost prudence review related to a filing made in September 2004 as required by the final order in GUD No. 8664; designating two representatives of the City to serve on a steering committee; requiring reimbursement of reasonable legal and consultant expenses.	
(l)	To suspend the proposal by Atmos Energy Corp. to implement interim GRIP Rate Adjustments for gas utility investment in 2003; authorizing participation with other cities served by Atmos Energy Corp., Mid-Tex Division, in a review and inquiry into the basis and reasonableness of the proposed rate adjustments; authorizing intervention in administrative and court proceedings involving the proposed GRIP Rate Adjustments; designating two representatives of the City to serve on a steering committee; requiring reimbursement of reasonable legal and consultant expenses.	
(m)	To approve the hiring of an Assistant City Attorney by the City Attorney; and providing an effective date.	
(n)	To approve and authorize refunds of property tax overpayments; and providing an effective date.	
(o)	To accept the findings and opinions of the Annual Audit; authorizing the City Manager to publish the results thereof; and providing an effective date.	
(p)	To authorize the City Manager to enter into an agreement with the Plano Independent School District and Frisco Independent School District for the purpose of conducting a Joint General Election and City of Plano Special Bond Election, Special Charter Amendment Election and Special Local Option Elections on May 7, 2005; and providing an effective date.	
(q)	To approve the terms and conditions for the purchase of a containment vessel and trailer from Nabco, Inc., authorizing the City Manager to take such action and execute such documents as necessary to effectuate the purchase of the equipment; and providing an effective date.	
	<u>Adoption of Ordinances</u>	
(r)	To repeal Ordinance No. 2004-9-29; establishing the number of certain classifications within the Police and Fire Departments for fiscal year 2004-2005; establishing the authorized number and effective dates of such positions for each classification effective October 4, 2004 and April 1, 2005 and July 1, 2005 respectively; establishing a salary plan for the Police and Fire Departments effective October 4, 2004; and providing a repealer clause, a severability clause and an effective date.	
(s)	To amend Chapter 14, Offenses – Miscellaneous, of the Code of Ordinances of the City of Plano, Texas, by adding Article II, Shopping Carts, regulating the use of shopping carts within the City of Plano, and providing a repealer clause, a severability clause, a publication clause, and an effective date.	

ITEM NO.	EXPLANATION	ACTION TAKEN
(t)	To order a Special Election to be held in conjunction with the General Election in and throughout the City of Plano, Texas on Saturday, May, 7, 2005 for the purpose of approving the legal sale of mixed beverages in restaurants by food and beverage certificate holders only; designating locations of polling places; ordering notices of election to be given as prescribed by law in connection with such election; and providing an effective date.	
(u)	To order a Special Election to be held in conjunction with the General Election in and throughout the City of Plano, Texas on Saturday, May 7, 2005 for the purpose of approving the legal sale of beer and wine for off-premise consumption only; designating locations of polling places; ordering notices of election to be given as prescribed by law in connection with such election; and providing an effective date.	
	<p><u>Approval of Agreement</u></p>	
(v)	To approve Geographic Information System (GIS) Annual Maintenance with Environmental Research Systems Institute (ESRI) in the amount of \$54,351.	
	<p><u>Award of Contract</u></p>	
(w)	To approve and authorize the selection of EHP Consulting, L.L.C. to provide Professional Environmental Services in connection with the City of Plano Asbestos Operation and Maintenance Program and authorizing the City Manager to execute all necessary documents to effectuate the contract.	
(x)	To approve and authorize for the selection of Birkhoff, Hendricks & Conway L.L.P. to provide Professional Engineering Services for an amount not to exceed \$27,800 in connection with the design of Parker Road Elevated Tank Repaint project and authorizing the City Manager to execute all necessary documents to effectuate this contract.	
	<p><u>Approval of Expenditure</u></p>	
(y)	To approve an expenditure to purchase Lightbar/Siren/Speaker units in the amount of \$81,774, through an Interlocal Agreement with Tarrant County, pursuant to Chapter 271, Section 271.102 of the Local Government Code, and authorizing the City Manager to execute all documents necessary to effectuate the purchase.	
	<p><u>Reimbursement of Oversize Participation</u></p>	
(z)	To approve and authorize reimbursement to Legacy/Monterey Homes, L.P. for oversize participation for paving improvements associated with construction of Deerfield North, Phase I in the amount of \$76,168.	
(aa)	To approve and authorize reimbursement to EDS Information Services, L.L.C. for oversize participation for paving improvements associated with construction of Headquarters Drive and Parkwood Boulevard in the amount of \$258,900.	

ITEM NO.	EXPLANATION	ACTION TAKEN
(bb)	<p>To approve and authorize reimbursement to EDS Information Services, L.L.C. for oversize participation for paving improvements associated with construction of Parkwood Boulevard from Legacy Drive to Headquarters Drive in the amount of \$153,013.</p> <p><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></p> <p><u>The purpose of a Public Hearing is to receive input and information with the clarification that the focus of the City Council is on the singularly presented position, and not on repetition. To more effectively consider all presentations, applicants will limit their presentations to 15 minutes with a five (5) minute rebuttal time, if needed. All other speakers will be limited to a maximum of 30 total minutes of testimony, and three minutes per individual on any single issue. Other time restraints may be imposed at the discretion of the Mayor.</u></p>	
(1)	<p>Public Hearing and a resolution to adopt the Park Forest Neighborhood Action Plan as proposed by the Park Forest Neighborhood Planning Team and approving its use by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development and provision of City services within the Park Forest Neighborhood; and providing an effective date.</p>	
(2)	<p>Public Hearing by the City Council of the City of Plano, Texas, pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of a City of Plano park and known as Bluebonnet Trail Linear Park for a License Agreement for installation of cellular technology incorporated with the existing TXU transmission towers.</p>	
(3)	<p>An ordinance to approve a project for installation of cellular technology incorporated with the existing TXU transmission towers through a ground license agreement to Sprint Spectrum, L.P. requiring the use or taking of a portion of City of Plano public park land, known as Bluebonnet Trail Linear Park east of Custer Road; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park resulting from the use; and providing an effective date.</p>	
(4)	<p>A resolution to grant a license agreement to Sprint Spectrum, L.P. for installation of cellular technology incorporated with the existing TXU transmission towers being in the George Perrin Survey, Abstract No. 722 City of Plano, Collin County, Texas across a portion of the City of Plano park known as Bluebonnet Trail Linear Park east of Custer Road and authorizing the execution of the license agreement by the City Manager; and providing an effective date.</p>	
(5)	<p>Public Hearing by the City Council of the City of Plano, Texas, pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of City of Plano park land known as Russell Creek Park Athletic Complex for a drainage easement.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(6)	<p>An ordinance of the City of Plano, Texas, approving a project for a drainage easement at Russell Creek Park Athletic Complex-YMCA, requiring the use or taking of a portion of City of Plano public park land known as Russell Creek Park Athletic Complex; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park resulting from the use; and providing an effective date.</p>	
(7)	<p>A resolution of the City Council of the City of Plano, Texas, granting the use or taking of a portion of Russell Creek Park Athletic Complex for a drainage easement being in the Grizzell Kennedy Survey, Abstract No. 499, City of Plano, Collin County, and authorizing the approval by the City Manager; and providing an effective date.</p>	
(8)	<p>A resolution to approve the terms and conditions of a Public Right-of-Way Use Agreement by and between the City of Plano, Texas and Medical Center of Plano, a Texas Corporation, to locate, place, attach, install, operate, and maintain a communications system in certain specific portions of the public rights-of-way in the City of Plano; authorizing its execution by the City Manager; and providing an effective date.</p>	
(9)	<p>An ordinance to transfer the sum of \$14,251 from the Convention & Tourism Unappropriated Fund Balance to the Convention & Tourism Operating Appropriation for Fiscal Year 2004-05 for the purpose of additional funding for the Plano Balloon Festival; amending the budget of the City and Ordinance 2004-9-15, as amended to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date.</p>	
(10)	<p>A resolution to approve the terms and conditions of a funding agreement between the City of Plano, Texas and the Plano Balloon Festival, Inc.; authorizing its execution by the City Manager; and providing an effective date.</p>	
(11)	<p>An ordinance to transfer the sum of \$176,495 from the General Fund Unappropriated Fund Balance to the General Fund Operating Appropriation for Fiscal Year 2004-05 for the purpose of funding the creation of three Fire Battalion Chief positions and increasing the Assistant Fire Chief compensation by 2% effective April 1, 2005; amending the budget of the City and Ordinance No. 2004-9-15, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date.</p>	
(12)	<p>An ordinance to transfer the sum of \$95,651 from the General Fund Unappropriated Fund Balance to the General Fund Operating Appropriation for Fiscal Year 2004-05 for the purpose of funding the creation of the Office of Homeland Security; amending the budget of the City and Ordinance No. 2004-9-15, as amended, to reflect the actions taken herein; declaring this action to be a case of public necessity; and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(13)	<p>Public Hearing and an ordinance as requested in Zoning Case 2004-54 – A request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses), and Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding superstore use. Applicant: City of Plano</p>	
(14)	<p>A Resolution to suspend enforcement of parking regulations on Quincy Lane between Ohio Drive and Family Farm Lane in the corporate City limits of Plano, Texas, for thirty (30) days from the effective date of this resolution so that a traffic study may be conducted to determine the appropriateness of allowing curb side parking along Quincy Lane between Ohio Drive and Family Farm Lane; and providing an effective date.</p> <p><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A is located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></p>	



Pat Evans
Mayor

Shep Stahel
Mayor Pro Tem

Ken Lambert
Deputy Mayor Pro Tem

Scott Johnson
Place 2

Phil Dyer
Place 3

Sally Magnuson
Place 4

Steve Stovall
Place 5

Jean Callison
Place 7

Thomas H. Muehlenbeck
City Manager

January 19, 2005

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

Honorable Mayor and City Council:

We will begin our meeting Monday evening in Executive Session with legal advice and real estate.

The Preliminary Open Meeting agenda consists of the DART Status Report, the Mobility Report, and an update on the Weapons of Mass Destruction Grant. Mr. Upchurch will provide a report on the Railroad Crossing Quiet Zone Study and there will be an update from the Solicitation Subcommittee. John McGrane will present the Comprehensive Monthly Financial Report and you have personnel appointments to consider.

I look forward to seeing you Monday evening.

Sincerely yours,

Thomas H. Muehlenbeck
City Manager

THM/bn

Preliminary Open Meeting Item II.

Dart Status Report
Robert Pope

RMIIA



Transportation Mobility / Safety Report

December 2004

- Traffic Signals:
 - ✓ **Completed staff training and initial installation of new traffic signal controllers**
 - ✓ **Met with the Dallas Area Traffic Management Team to discuss proposed use of 'Flashing yellow arrow' signal display**
 - ✓ **Installed count-down pedestrian signals for 60 day test at two intersections**
 - Continuing optimization of Zone 1 (central portion of the city) traffic signals (90% completed)

- 1) *New Signal Construction/Design -*
 - ✓ **Design traffic signal at Custer and Ridgeview (5% complete)**
 - Design traffic signal at Ohio and McDermott (60% complete)
 - Design traffic signal at Dublin and 14th Street (20% complete)
 - Construct traffic signal at Plano Parkway and Parkwood Blvd. (On hold until Summer 2005)
 - Design traffic signal for Independence @ Glenciff (60% complete)
 - Construct traffic signal for Plano Parkway @ Marsh Lane (Turn-on by 2/2005)
 - Construct traffic signal at Coit @ Ridgeview (Turn-on by 3/2005)

- Traffic Safety:
 - ✓ **Implemented on-street parking restrictions at the request of Baylor Hospital**
 - ✓ **Removed school zone on Jupiter Road @ Winona Drive**
 - Continued staff discussion on Solicitation Ordinance revisions
 - Continued working with EDS on a traffic sign replacement program in the Legacy Area
 - Develop 2005 HAL/HARS Program (20% complete)
 - Attended monthly DRMC, TAC, STTC, and ITE meetings

- Dallas Area Rapid Transit (DART):
 - Attended monthly DART Board and Regional Rail Board meetings

- Safe Streets Program (SSP)
 - ✓ **Held TAC public meeting (12/9/04) to obtain public input on developing a Share the Road program**
 - ✓ **Neighborhood (65%) approves removal of traffic circle at Silver Creek and Charles Place. Coordination of removal underway**

Participating Neighborhoods

- Royal Oaks Drive (heavy enforcement continues through 4/2005)
- Mission Ridge from Parker to Matterhorn (Begin heavy enforcement phase)
- Blue Ridge Trail north of Spring Creek (Heavy enforcement phase begins 2/2005)
- Parkhaven Drive (heavy enforcement ends 12/2004)
- Winding Hollow Lane (new participating neighborhood)
- Russell Creek Drive (Temporary devices to be installed)
- Hawkhurst Drive (Temporary Plan installed. Devices are being damaged by vehicles hitting them. Will continue monitoring)

Pomilla

- Ranier Road (Temporary devices installed)
 - Seabrook (Temporary devices to be installed)
 - Cumberland Trail (Temporary devices to be installed)
 - Crossbend from Tumbri Lane to Coit (Temporary devices to be installed)
 - Sailmaker Drive (Temporary *substitution* devices to be installed)
 - Ranier Road south of Spring Creek Parkway (**Permanent plan being sent for resident approval 1/2005**)
 - Travis Drive (Temporary devices to be installed)
 - Crossbend Drive from Alma to Ranier (**neighborhood survey results due 2/2005**)
 - Lexington Drive (Temporary plan being developed)
 - Country Place Drive north of Park Boulevard (Temporary plan being developed)
 - Peachtree Lane (Temporary Plan being developed)
 - Silverstone Drive (Temporary traffic plan being developed)
 - Parkhaven Drive (Temporary Plan stage)
 - Mission Ridge North of Spring Creek (**Heavy enforcement phase continues**)
- Long Range Planning:
 - ✓ **Revised the Transportation Division web page**
 - Phase IIC - US-75 Ramp Reversal project. (Contract development **95%**)
 - Phase IIB - US-75 Ramp Reversal project. (Working with TxDOT (Austin) on Environmental Assessment document approval)
 - Revise Plano Thoroughfare Standards (95% completed)
 - Continued working on revisions to the Transportation Planning Model
 - Attended DRMC, RTC, STTC meetings

POM III &



Memorandum

Date: January 11, 2005
To: Thomas H. Muehlenbeck, City Manager
Through: Bruce Glasscock, Executive Director
From: William Peterson, Fire Chief 
Subject: City Council Weapons of Mass Destruction Grant Briefing

Attached is a copy of the presentation to Council on WMD Grants which the City has received over the past three years, to be presented in City Council work session on January 24, 2005.

Since late 2001, the City of Plano has received approximately \$1.7 million, primarily through the State of Texas, in WMD grant appropriations designated to be used for equipment, personal protective equipment (PPE), training and exercises to improve our first response capabilities to deal with incidents involving terrorism and other risks likely to be encountered in our region. We have used this funding to meet the following criteria identified in the National Response Plan (NRP):

- Save lives and protect the health and safety of the public, first responders, and recovery workers.
- Ensure security of the homeland (Plano).
- Protect and restore critical infrastructure and key resources.
- Conduct law enforcement investigations to resolve the incident.
- Protect property and mitigate damage and impact to individuals, the community, and the environment.
- Support the ability of Police, Fire, Public Health and Medical, Emergency Management and other personnel who are responsible for incident management at the local level.

WMP IVK

Our efforts, to date, have been geared to improve our emergency response and management capabilities in order to be able to handle high impact, low probability incidents, including natural disasters and terrorist attacks that result in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure of the City, environment, economy, community morale, and/or government functions.

Our primary focus has been to develop a response capability adequate to meet the expected challenges until such time that state and/or federal resources can be called, respond, and be integrated into our operations when an incident exceeds our local capabilities.

Our ability to successfully handle large scale incidents will take years to develop and maintain. While we have received in excess of \$1.7 million from the state and federal government, it must be recognized that a substantial local investment of City funding has been made in the past, and will continue to be required in the future, to maximize our potential for successfully handling these large scale incidents with minimum impact on the community and our citizens.

I am prepared to supply additional information or answer questions you or members of the City Council may have, either before or after the presentation on January 24.

/sd

Attachments

IV ch



PRE-2003 - 2004 WMD GRANTS

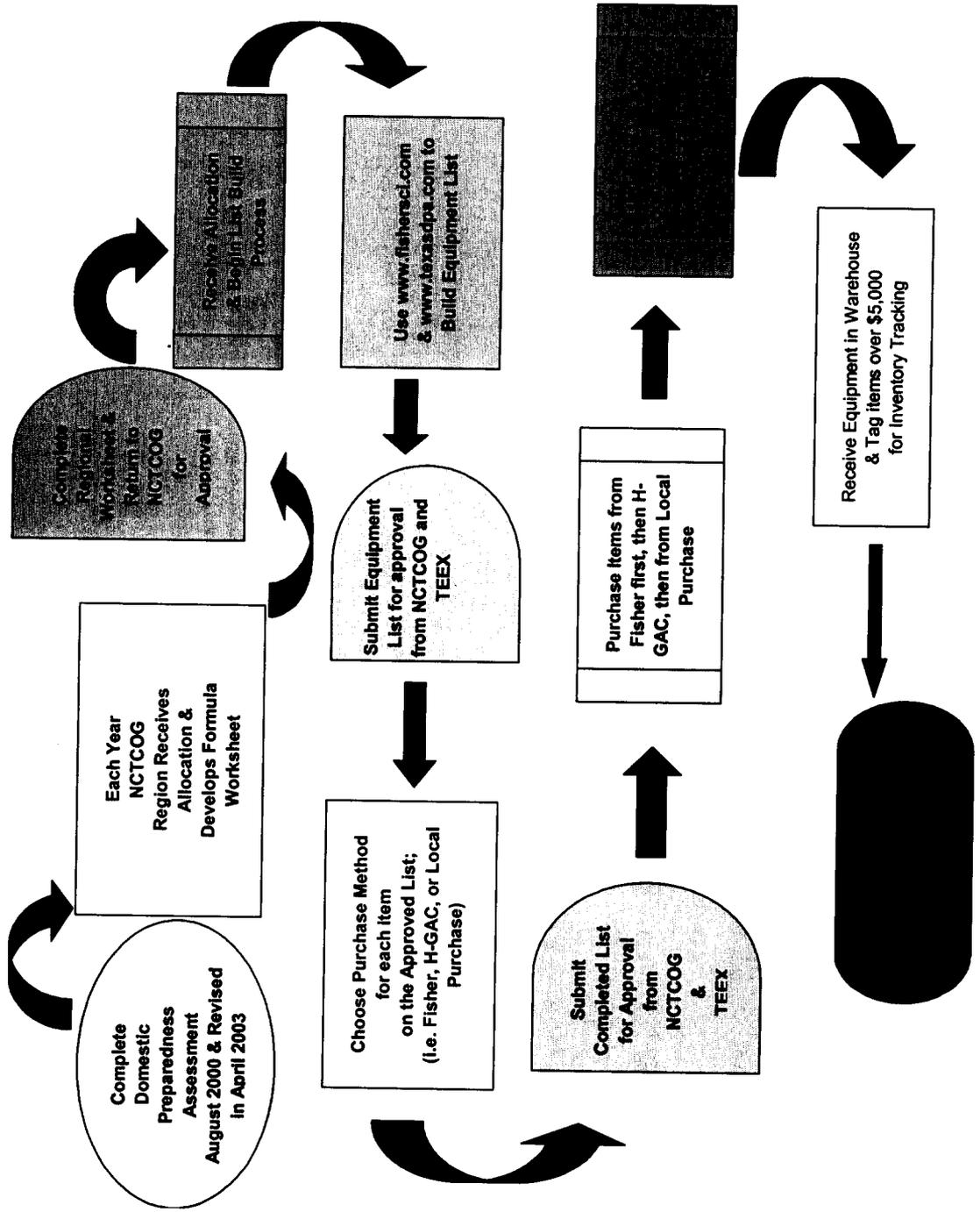
PROCESS FLOWCHART

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EQUIPMENT CAPABILITY OVERVIEW

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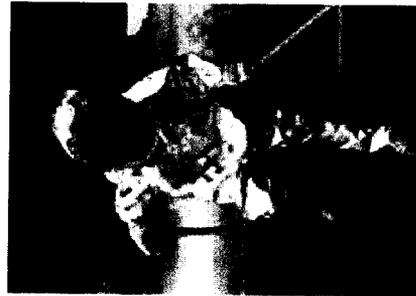
2002 – 2004 SHSP, UASI, & LETPP GRANTS FLOWCHART



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2002 State Homeland Security Grant (\$273,163)

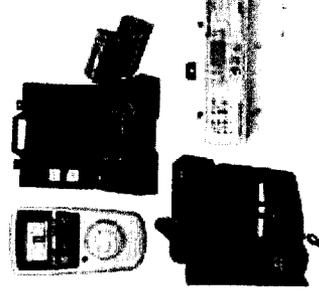
Technical DECON Trailer for Mass Decontamination following any event involving a chemical release on the population.



Personal Protective Suits for First Responders during events Involving Weapons of Mass Destruction.



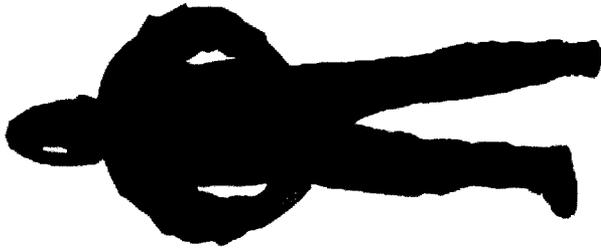
CBRNE Detection Equipment



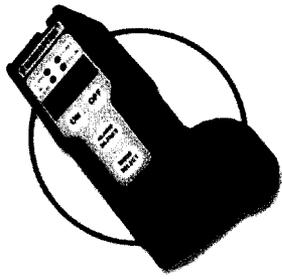
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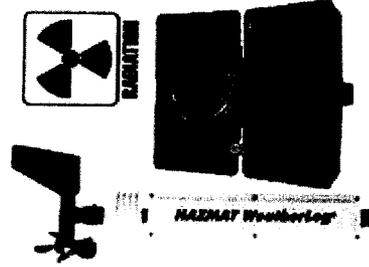
Pre-2004 State Homeland Security Grant (\$445,709)



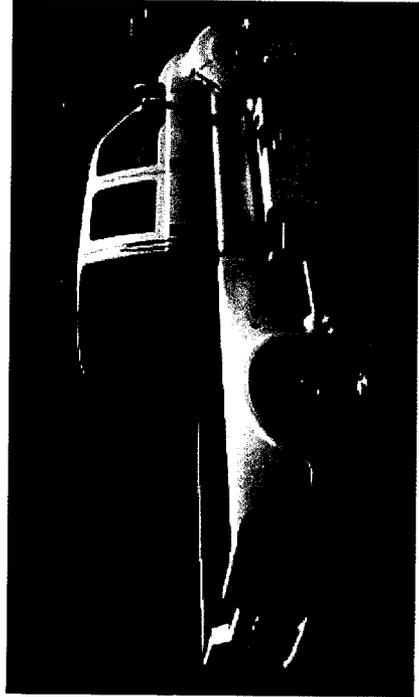
Personal Protective
Equipment
For Police, Fire, Health,
Public Works and Hospitals



CBRNE
Detection Devices



Portable
Weather
Stations



Prime Mover for HAZMAT
and DECON Trailer

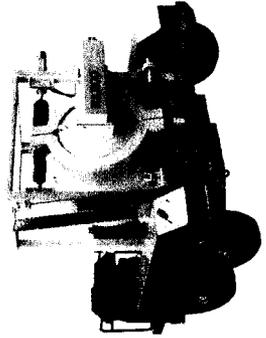
2003 Urban Area Security Initiative II (\$305,681)



Thermal Imaging Cameras for all Fire Apparatus
to aid in firefighting and search & rescue



Various Personal Protective
Equipment (PPE)



Total Containment Vessel
For Police Department
Hazardous Device Unit
(Bomb Team)

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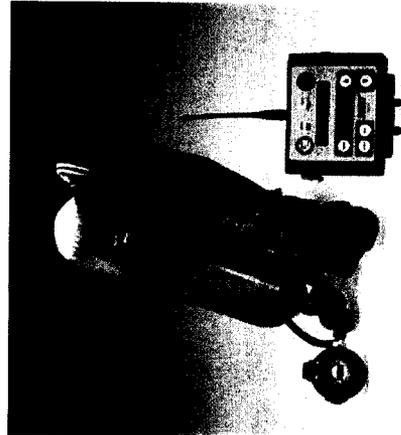
2004 State Homeland Security Grant (\$227,391)



Plasma Screen Televisions
For Public Safety Communications

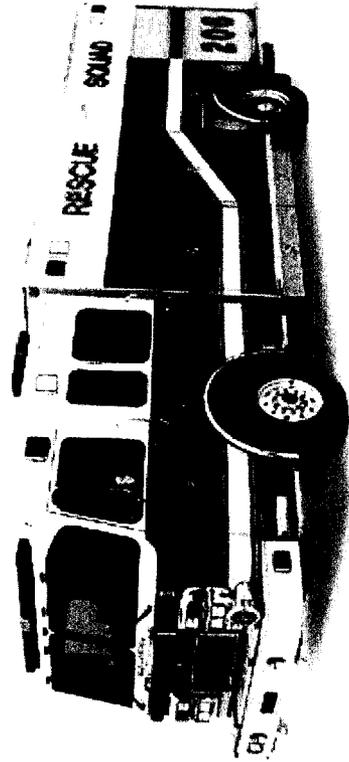


Security Camera System
for
Plano Municipal Building



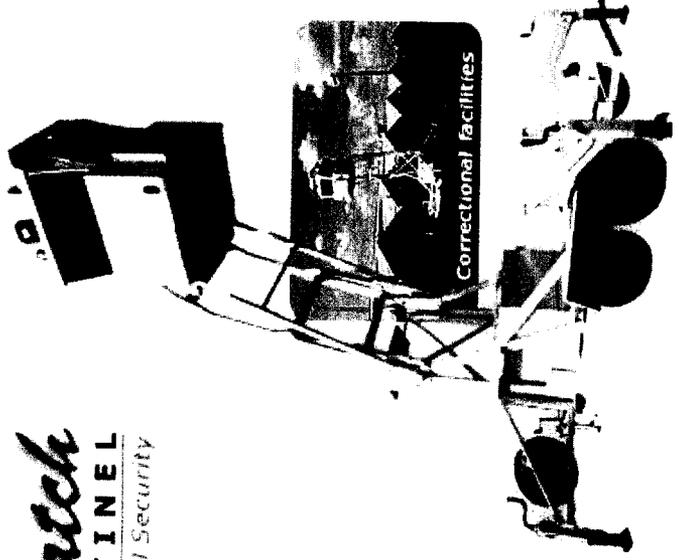
Scott Electronic Management System (SEMS)
Air Management System for first responders

2004 Urban Area Security Initiative (\$434,201)



Heavy Duty
Search and Rescue
Vehicle

Sky Watch
SENTINEL
High-Level Security



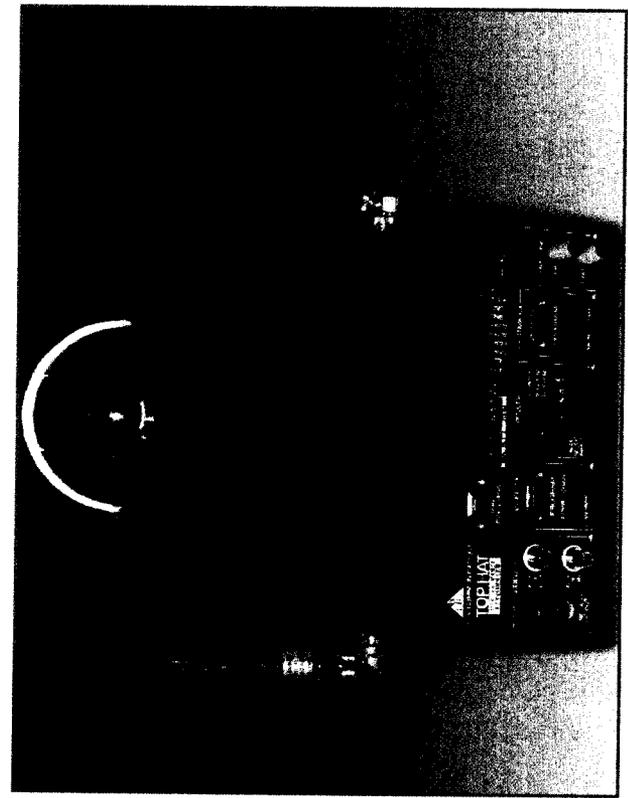
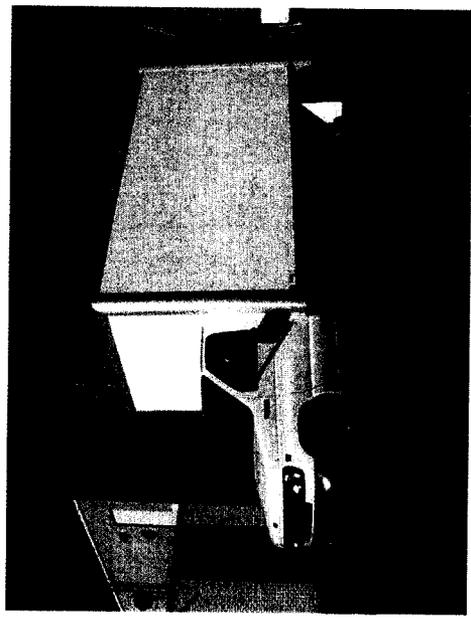
Hydraulic Surveillance Towers for Police Department

1.Ve.

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2004 Law Enforcement Terrorism Prevention Program (\$58,277)

Ford E-450 Custom Built
Hazardous Device Unit
Response Vehicle for
Plano Police Department
(Bomb Squad)



Video Surveillance Camera
(Top Hat with Dyna-Dome II) for
Police Department to conduct
surveillance

Collin County Grants

- **2003 Bio-Terrorism Grant (\$743,425)**
 - \$10,000 for Satellite Dish at Fire Admin.
 - \$1,296 for Two Satellite Telephones
 - \$1,200 for Monthly Service Fees
- **2004 Bio-Terrorism Grant (\$845,368)**
 - \$1,944 for Three Satellite Telephones
 - \$3,600 for Monthly Service Fees
 - \$1,000 for Training
- **2005 Bio-Terrorism Grant (\$828,340)**
 - Plano's Share - \$0



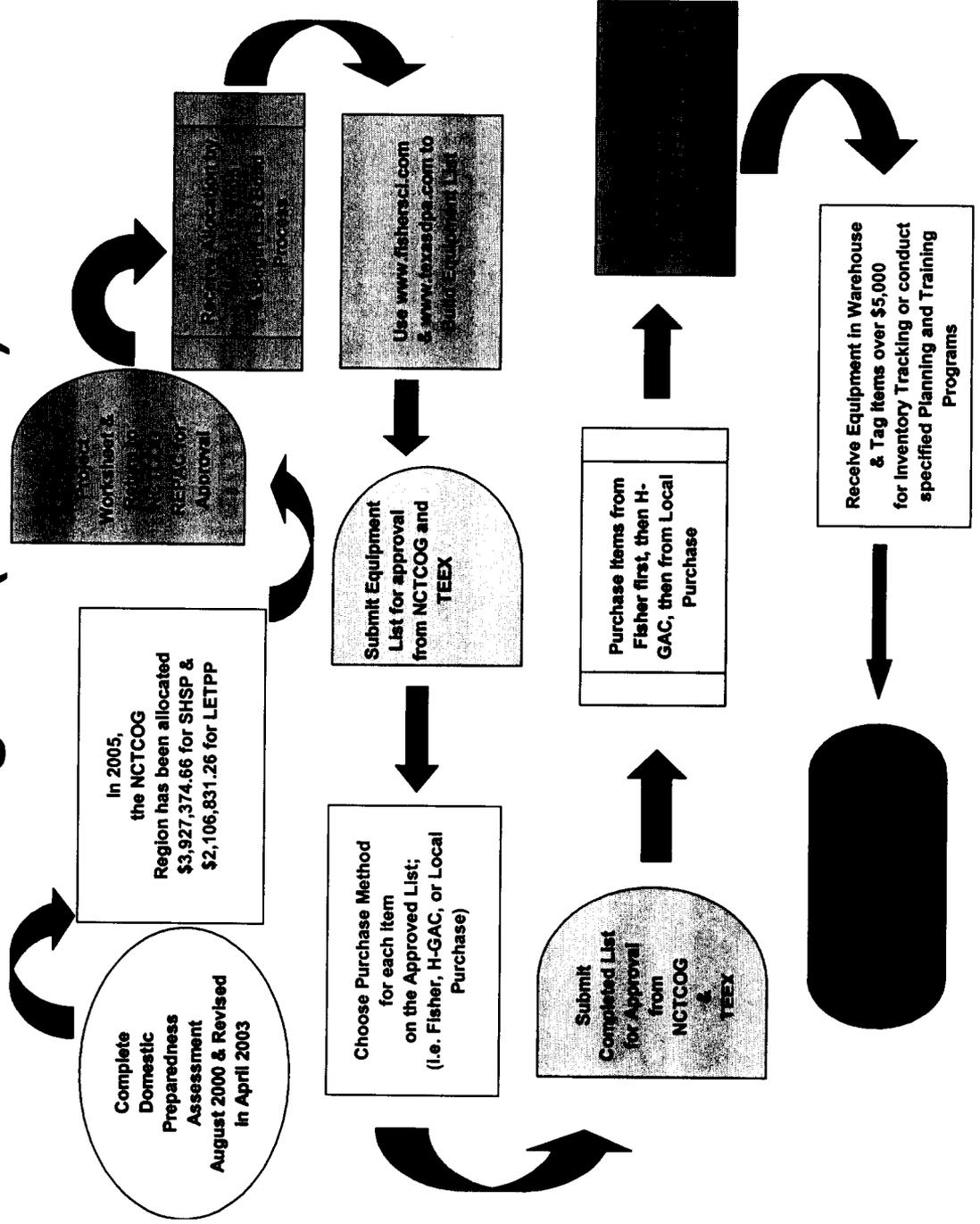
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Miscellaneous Grants

- **2003 Texas Department of Health Grant**
 - \$35,000 for 4 Desktop Computers, Satellite Dish installation and Maintenance
- **2003 UASI Grant**
 - \$71,800 for Communications Equipment to include ACU 1000's (Plano, McKinney, Frisco, Allen, Wylie and Collin County will each receive the same package of equipment)

2005 State Homeland Security Program (SHSP) & Law Enforcement Terrorism Prevention Program (LETPP)



WJM

1/14

2005 Grants Approval Process

- **EPPC – Emergency Preparedness Planning Council**
 - Elected officials who represent participating counties and cities within the designated planning area.
- **REPAC – Regional Emergency Preparedness Advisory Council**
 - The REPAC is a multi-disciplinary technical committee of the EPPC that is established by NCTCOG Executive Board

SCORING

NCTCOG has provided REPAC with a scoring sheet that will be used to evaluate each project worksheet by category. To include:

- Regional Impact
- Regional Goals
- Local Funding Support
- Supporting Resources
- Number of Disciplines Involved
- Emergency Operations Plan (Yes/No)
- Implementation Plan
- Mutual Aid Agreements
- Training Needs
- Geographic Location of Teams and Equipment
- Anticipated or Demonstrated Benefits

12/4

2005 Grant Submittals

SHSP

- Regional USAR Team \$463,197.50
- Personal Protective Equipment \$72,775
- Communications Tower Trailer \$48,480
- Personal Protective Equipment for Hospital DECON \$116,499
- Hospital Security (Electronic Door Locks) \$8,180.22

LETPP

- Total Containment Vessel Upgrade \$68,675
- Rifles for Patrol Officers \$102,500

UASI

- SCBA \$179,375
- Virtual Communications Center (JIC) \$67,770
- Mass DECON Vehicle & Equipment \$37,755
- DECON Transport (Ford F-350) \$45,108.74

TOTAL SUBMITTED \$1,210,315.40

2005 Dallas Urban Area Security Initiative (UASI)

The 2005 UASI Project Worksheets will be sent to the Dallas Urban Area Working Group (UAWG) and will be handled in the same manner as the SHSP and LETPP.

The Dallas UAWG is comprised of representatives of Collin, Dallas and Denton Counties.

1/12

THE END

WEAPONS OF MASS DESTRUCTION AND TERRORISM GRANTS
Quarterly Status Report as of: January 11, 2005

NAME OF GRANT	REQUEST SUMMARY	AMOUNT ELIGIBLE	AMOUNT APPROVED	SOURCE
2003 Bio-terrorism Preparedness, Response Grant	Health Alert Network, 5 Satellite Phones	\$38,000	\$10,000* (Satellite Dish at Central Fire) \$1,296 Two phones, \$1,200 Monthly Service fees	Collin County Homeland Security Grant
2004 Bio-terrorism Preparedness, Response Grant	Bio-terrorism Coordinator, Data Management Equipment, Sample Collection and Transport Equipment, Five Satellite Phones, Training	\$83,799	\$1,944 Three Satellite phones, \$3,600 Monthly Service Fees \$1,000 Training	Collin County Homeland Security Grant
Texas Department of Health / Texas Association Local Health Officials Communications Grant (2003)	Health Alert Network, Satellite System	\$35,000	\$35,000 Four Desk Top Computers, Satellite Dish installation and maintenance	(Environmental Health Department) Texas Association of Local Health Officials
2003 Firefighters Assistance Grant	Fitness Training Equipment	\$59,914	\$59,914	FEMA
State and Local Emergency Operations Centers	Audio/Video Equipment, video recorder, security camera's	\$53,894	No Award	FEMA
FY03 Urban Areas Security Initiative PT 1	Homeland Security Threat Level Overtime Increase	\$6,374	\$471.92	Office of Domestic Preparedness
FY03 Urban Areas Security Initiative PT 2	Collin County Interoperable Communications Equipment (ACU-1000)	Based on Assessment	\$71,800	Office of Domestic Preparedness
U.S. Attorney Eastern District of Texas	Private consultant to complete needs assessment for multiple jurisdictions within Collin County	\$25,000	\$21,000	Department of Justice - ODP
U.S. Attorney Eastern District of Texas	Terrorism Training Conference	\$25,000	\$20,463	Department of Justice - ODP

Texas WMD/Terrorism Preparedness Program	WMD Functional Exercise Training	N/A	Training Received July 8 - 10, 2003	Texas Division of Emergency Management and TEEEX
	SUB TOTAL	\$326,981	\$227,689.92	

WEAPONS OF MASS DESTRUCTION AND TERRORISM GRANTS

The Office of Domestic Preparedness Funds is based on a formula allocation, similar to Block Grants. No specific dollar requests are made by the City of Plano. Funds are based on the Community Vulnerability Analysis completed by the City.

NAME OF GRANT	REQUEST SUMMARY	AMOUNT ELIGIBLE	AMOUNT APPROVED	SOURCE
2002 State Homeland Security Grant	Equipment, Training, Planning and Technical Assistance	N/A	\$273,163 **	Office of Domestic Preparedness
2003 State Homeland Security Grant	Equipment, Training, Planning and Technical Assistance	N/A	\$224,754**	Office of Domestic Preparedness
2003A State Homeland Security Grant	Equipment, Training, Planning and Technical Assistance	N/A	\$220,955**	Office of Domestic Preparedness
2004 State Homeland Security Grant	Equipment, Training, Planning and Technical Assistance	N/A	\$227,391	Office of Domestic Preparedness
FY 2003 Urban Area Security Initiative PT 2	Funds can be used for equipment, training, exercises and planning	N/A	\$305,681	Office of Domestic Preparedness
FY 2004 Urban Area Security Initiative	Funds can be used for pre-identified regional needs. Equipment, training, exercises, and planning	N/A	\$434,201.00	Office of Domestic Preparedness
FY 2004 Law Enforcement Terrorism Prevention Program (LETTP)	Funds can be used for equipment, training, exercises and planning	N/A	\$58,277	Office of Domestic Preparedness
2004 Texas WMD/Terrorism Preparedness Program	WMD Full-Scale Exercise Training	N/A	Training to be conducted Dec. 14 - 16, 2004	Texas Division of Emergency Management and TEEEX
Community Specific Integrated Emergency Management Course	Functional Exercise Training	N/A	Training conducted August 23 - 27, 2004	FEMA/Emergency Management Institute

FY 2004 Firefighters Assistance Grant	EMS Patient Tracking System	\$286, 563	No Award	FEMA/USFA (Requires Local Share of \$122,812)
	TOTAL RECEIVED 1/14/05	N/A	\$1,972,111.92	

*Estimated Cost for Dish and installation.

** No actual funds are received by the City. Equipment and/or training are procured through TEEEX (Texas A&M University). Thus far the City is still processing request from the 2002 Grant. No funds or submittals have been made as of date of this report for 2003 or 2003A grants. Received 2 satellite phones December, 2003, three additional phones received May, 2004.

1/14/05

MEMORANDUM

TO: Thomas H. Muehlenbeck, City Manager
FROM: Alan L. Upchurch, City Engineer *a*
SUBJECT: Railroad Crossing Quiet Zones
DATE: January 18, 2005

Attached is an executive summary of a Quiet Zone Study prepared for the City by Railroad Controls Limited. The study evaluates all railroad crossings in Plano and provides recommendations for alternate safety measures which could offset the need for the train to sound its horn. Three crossings (West Parker Road, Dallas North Tollroad Service Roads and FM 544) will require approval from other government entities. The KCS line along the southern side of Plano will only require additional barrier curbs and controller upgrade. The KCS/DART line east of US 75 will require major physical changes at several intersections such as F Avenue, 10th/11th Street, N Avenue, Bradshaw and Park Vista.

Also attached are copies of the full study for management and Council. I would like to make a presentation during the January 24 Council Work Session to respond to questions and receive direction to move ahead with the phased implementation of the quiet zones.

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Attachments

EXECUTIVE SUMMARY

The City of Plano contracted with Railroad Controls Limited (RCL) to conduct this Quiet Zone study consisting of the evaluation of at-grade crossings along three separate railroad corridors; one on the Burlington Northern Santa Fe (BNSF) Railroad and two separate Kansas City Southern (KCS) Railway lines. The BNSF segment runs north/south along the western edge of the City of Plano. The first KCS line enters the City from the west, and continues southeast. The second KCS line enters the City of Plano from the southwest, and continues to the north and east, traveling through the downtown area and into the City of Murphy.

This study is based on the information and requirements for the creation of Quiet Zones as outlined in the Federal Railroad Administration's *Interim Final Rule (IFR) on the Use of Locomotive Horns at Highway-Rail Grade Crossings*, published on December 18, 2003. The rule has been delayed to take effect on April 1, 2005 due to the many comments received by the FRA. Some modifications to the recommendations may be necessary based upon the requirements of the final ruling.

The City of Plano has decided to treat all crossings with Supplemental Safety Measures (SSMs) or the wayside horn, unless the crossing currently meets the requirements identified in the *IFR* and will be able to designate the Quiet Zones without approval of the Federal Railroad Administration.

The following Supplemental Safety Measures (SSMs) may be used to mitigate the silencing of locomotive horns at railroad at-grade crossings:

1. Permanent or temporary closure (nighttime closure)
2. Four-quadrant gate systems
3. Gates with medians or channelization devices (traffic separators)
4. Conversion of a two-way street to a one-way street

The first Quiet Zone evaluated consists of a ½ mile section of the BNSF, centered on the crossing with West Parker Road. Due to the number of grade separations to the north on this BNSF line, the creation of this Quiet Zone will effectively create a whistle-free corridor of 7.6 miles. The recommended improvement and estimated construction cost are shown below.

Plano/BNSF Quiet Zone		
West Parker Road	Close median break and construct 7" high curb on median approaches	\$29,700
Total Construction Costs		\$29,700

The first segment of the KCS line evaluated actually begins in the City of Dallas, but has noise impacts on businesses and residents in the City of Plano. Since a portion of this corridor is located in a separate jurisdiction, this segment of the KCS was split into two distinct Quiet Zones. The Dallas/KCS Quiet Zones consists of the two frontage road at-

grade crossings on each side of the Dallas North Tollroad, and the grade separation for the Tollroad. Since the two frontage roads are one-way streets, no improvements are required. This Quiet Zone will have a total length of 0.65 miles, however, the proximity of the Horizon North Parkway crossing to the west results in an effective whistle-free corridor of only 0.23 miles. The crossing improvements for this Quiet Zone are summarized below. It will be the City of Dallas' responsibility to designate this proposed Quiet Zone.

Dallas/KCS Quiet Zone		
Dallas Parkway SB Frontage Road	No improvements necessary	\$0
Dallas Parkway NB Frontage Road	No improvements necessary	\$0
Total Construction Costs		\$0

The next section of the KCS line evaluated for a Quiet Zone begins east of the Dallas North Tollroad at the crossing with Ohio Drive. This West Plano/KCS Quiet Zone begins ¼ mile west of the Ohio Drive crossing, and extends to ¼ mile east of the Coit Road crossing, creating a total Quiet Zone length of 1.67 miles. However, the effective whistle-free corridor, which will extend into the City of Richardson, is 6.18 miles. The recommended improvements, along with the estimated construction costs are summarized below. In addition to the work to be performed by the City of Plano, KCS railroad will need to upgrade the crossing at Ohio Drive with new constant warning time circuitry (CWT).

West Plano/KCS Quiet Zone		
Ohio Drive	Upgrade constant warning circuitry (CWT - 2 Tracks)	\$50,000
Coit Road	Construct 7" high curb on median approaches	\$7,000
Total Construction Costs		\$57,000

The East Plano/KCS Quiet Zone contains the most at-grade crossings of the rail corridors evaluated. This Quiet Zone is comprised of 13 at-grade and one grade separated crossing, beginning ¼ mile west of the US 75 Southbound Frontage Road and extending to ¼ mile east of the crossing with Park Vista Road, creating a total Quiet Zone length of 5.9 miles, which is nearly the same as the effective whistle-free corridor length. The table below summarizes the crossings, recommended improvements and estimated construction costs to create this Quiet Zone.

East Plano/KCS Quiet Zone		
US 75 SB Frontage Road	No improvements necessary	\$0
US 75 NB Frontage Road	No improvements necessary	\$0
East Plano Parkway	Install wayside horn and upgrade CWT	\$75,000
"F" Avenue	Construct 4' wide raised median on each approach and upgrade CWT	\$38,800

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East Plano/KCS Quiet Zone		
10 th /11 th Street	Construct 4' wide raised median on 10 th /11 th Street approaches and a channelization island on Southwestern Ave. and upgrade CWT	\$44,300
"K" Avenue	No improvements necessary	\$0
Municipal / "L" Avenue	No improvements necessary	\$0
"N" Avenue	Construct 2' wide raised median on each approach and upgrade CWT	\$35,100
Jupiter Road	Construct 7" high curb on each median approach, close median break on south side of crossing and remove surfacing between tracks in the median area	\$11,700
Shiloh Road	Construct 7" high curb on median approaches	\$9,100
Los Rios Boulevard	Construct 7" high curb on median approaches and close the median breaks on each approach to crossing	\$16,600
Bradshaw Drive (closure)	Close crossing, remove and salvage crossing equipment, remove pavement approaches and crossing surface	\$17,800
Park Vista Road (closure)	Close crossing	\$2,700
Total Construction Costs		\$251,100

The final Quiet Zone evaluated for this study is located immediately east of the East Plano/KCS Quiet Zone, however, it is located in the City of Murphy. This Quiet Zone consists of the crossing with FM 544, extending ¼ mile on each side of the crossing, for a total Quiet Zone length of ½ mile. Since the median approaches to the crossing provide 100' of guard rail, no improvements to the crossing are required in order to qualify as a Quiet Zone.

Murphy/KCS Quiet Zone		
FM 544	No improvements necessary	\$0
Total Construction Costs		\$0

The City of Plano will be permitted to submit their Quiet Zone notification packets for the three Quiet Zones located within the City limits 30 days after the final rule is proposed to be published on January 10, 2005; however, the effective date of the Quiet Zone can be no sooner than April 1, 2005. The notification packets must be submitted to all railroads operating over the public highway-rail grade crossings within the Quiet Zone, the highway or traffic control authority, or the law enforcement authority with jurisdiction over motor vehicle traffic within the Quiet Zone, landowners with control over any private crossings within the Quiet Zone, the State agency responsible for highway and road safety, and the FRA Associate Administrator.

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The notification packets must include the following information:

- List of Crossings within the Quiet Zone
- Certificates of Service
- Grade Crossing Inventory Form (Initial)
- Grade Crossing Inventory Form (Reflecting Improvements)
- Point of Contact Information
- Chief Executive Officer Statement

All notices must be sent by certified mail, return receipt requested. The notice sent to all parties must designate a specific date on which the routine sounding of horns at crossings within the Quiet Zone shall cease. In no case shall this date be earlier than 21 days after the mailing of the written notification.

The implementation of the Quiet Zone is recommended in the following phases:

Priority	Description	Target Date	Cost Estimate
1	West Plano/KCS Requires KCS upgrade to CWT for two tracks at Ohio Drive	April 1, 2005	\$57,000
2	Dallas/KCS Requires coordination with the City of Dallas and Texas DOT	April 1, 2005	\$0
3	East Plano/KCS US 75 to Bradshaw Drive	October 1, 2005	\$248,400
4	Plano/BNSF Requires closure of median break	April 1, 2005	\$29,700
5	Murphy/KCS Includes closure of Park Vista Road and cooperation with the cities of Richardson and Murphy	October 1, 2005	\$2,700
Total			\$337,800

The above target dates for implementation are proposed to allow phasing of the funding and construction of necessary improvements. They also allow time to coordinate with the railroads and other agencies. Projects providing contiguous Quiet Zones primarily under the City of Plano's control and of reasonable cost are given the highest priority.

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**The Quiet Zone Study is available
for review in the
City of Plano Engineering Department**

vf

DATE: January 11, 2005
TO: Honorable Mayor and Members of Council
FROM: Solicitation Subcommittee
SUBJECT: Solicitation Report Update

On January 10th, Council Member Dyer and staff met with representatives of MDA and the Fire Department to discuss the solicitation ordinance and what limits the City could impose while still allowing solicitation at certain intersections.

Solicitation is not allowed at designated intersections due to safety concerns for the solicitor and traveling public. While safety issues would still be a concern, the concept of allowing solicitation at certain locations for brief and limited times of year, i.e. four times a year restricted to day time hours and weekend use only during the period school is out of session, having a permit requirement, mandatory use of safety vest, and no solicitation by anyone under 18 may be a legally acceptable alternative for solicitation with the following caveats.

The current regulation does not permit solicitation because of safety reasons and is, without question, a legally defensible regulation. To depart from this position and allow a limited amount of solicitation begins to diminish the safety basis for the regulation, but it may still be defensible. While solicitors do not have a right to solicit on all forms of public property, if the government allows limited solicitation, it should have justifiable reasons to support the limitation but still take steps to preserve some element of safety. While there is some compromise for safety concerns by allowing solicitation, there are other safeguards that help to minimize the danger. These are: limiting solicitation to specific periods and for times when there is decreased amount of traffic, such as weekends and when school is out of session. Staff can also review any data that shows which major intersections have the least amount of collisions so the Council may consider whether those should be targeted for the limited solicitation.* Last, the process should ensure that all potential solicitors have a fair chance to request a permit for their activities, and that would be addressed in the permit application process.

It is not recommended that the solicitor be required to show proof of 501(c) (3) status. Further, solicitation is unlikely to cause direct damage to City property, thus the need for insurance or hold harmless agreements may not be needed. If insurance is required, then the City should provide an option for a hold harmless agreement.

If the Council agrees with this proposal, it should provide direction on the frequency that solicitation will be permitted, identify the intersections that it can occur, and any other issues it deems appropriate in this process.

*The lack of frequency of collisions is not a determination that the intersection is safe for solicitation.

c: Thomas H. Muehlenbeck, City Manager

VIA

ABOUT THIS REPORT

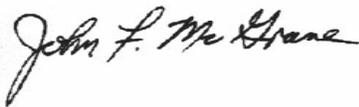
The City of Plano Finance Department is dedicated to excellence in local government, comprehensive fiscal management, compliance and reporting. The Comprehensive Monthly Finance Report (CMFR) is a unique document, directed at providing our audience (internal and external users), with the general awareness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

This report is comprised of five sections:

- I. 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: Allison Friloux for the Financial Summary, Brent Yowell for the Economic Analysis Report and the Investment Report.

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



John F. McGrane
Director of Finance
P.O. Box 860358
Plano, TX 75006-0358
972-941-7135

Section 1

City of Plano Comprehensive Monthly Finance Report

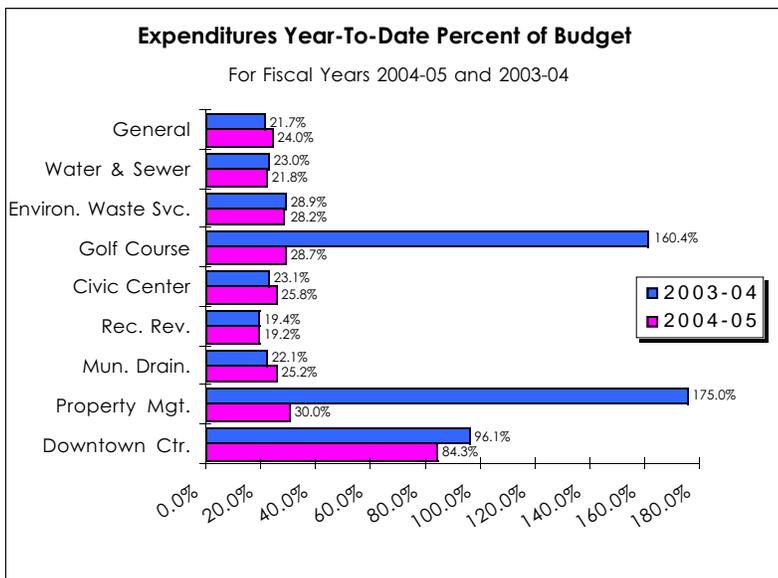
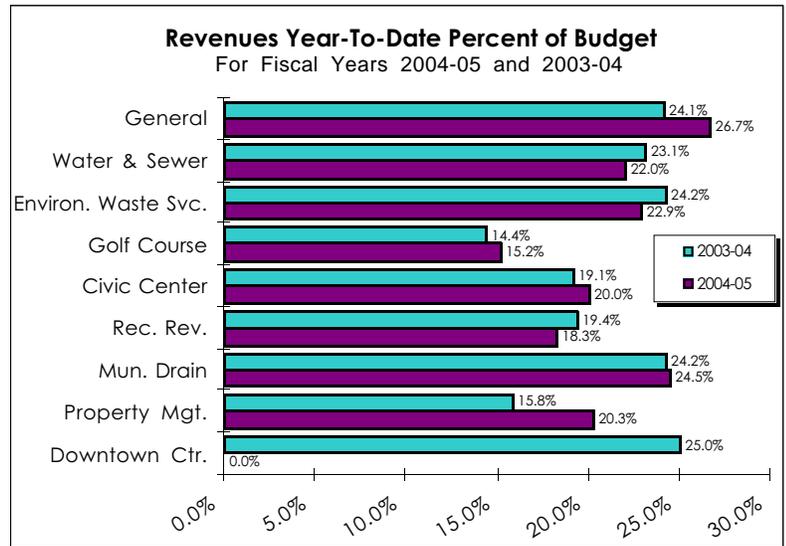
This report is designed for internal use and does not include all the funds and accounts included in the City of Plano's operations. For a complete report, refer to the City of Plano Comprehensive Annual Financial Report, available through the City's Finance Department.

Financial Analysis

REPORT NOTES DECEMBER, 2004

The beginning fund balances in all funds are subject to final audit adjustments.

The graph right compares revenue received to date as a percent of budget for this year and last. Funds showing increases as a percent of budget are the Property Management Fund, 4.5%, General Fund, 2.6%; Civic Center Fund, 0.9%; Golf Course Fund, 0.8%; and the Municipal Drainage Fund, 0.3%. Funds showing decreases as a percent of budget are the Downtown Center Development Fund, 25.0%, Environmental Waste Services Fund, 1.3%, Water & Sewer Fund, 1.1% and the Recreation Revolving Fund, 1.1%.



The graph left compares expenditures and encumbrances to date as a percent of budget for this year and last.

The funds representing increases in expenditures as a percent of budget are the Municipal Drainage Fund, 3.1%, Civic Center Fund, 2.7% and the General Fund, 2.3%. Funds showing decreases as a percent of budget are the Property Management Fund, 145.0%; Golf Course Fund, 131.7%; Downtown Center Development Fund, 11.8%, Water & Sewer Fund, 1.2%, Environmental Waste Services Fund, 0.7% and the Recreation Revolving Fund, 0.2%.

General Fund

Revenues

General Fund total revenues were \$5,322,000 greater than the same period in the prior year. As a percent of budget, revenues increased 2.6%. The increase in revenue over prior year is due to an increase in Ad valorem tax revenue. Ad valorem tax revenue increased \$5,430,000, as compared to the previous year due to increased property valuations and the addition of new property. Emergency 9-1-1 telephone surcharge revenues increased \$129,000 over prior year due to timing of payments received from Verizon. Court fines and forfeitures declined \$517,000 as compared to prior year due to a decrease of citations issued in the current year.

Expenditures

Expenditures and encumbrances increased \$6,610,000 as compared to prior year. Personal services increased over prior year by \$5,535,000 primarily due to salary increases, as well as an increase in health insurance cost. Contractual / professional services increased \$1,211,000 due to an increase of \$159,000 in replacement charges for police and fire equipment. In addition, technology services charges increased over prior fiscal year by \$652,000. Capital outlay decreased \$366,000 as compared to the same period in the prior year. A citywide radio purchase in the amount of \$425,000 occurred in the prior year. Of this purchase, \$13,000 was for the fire department radios and the remaining \$412,000 was for various departments and funded by the equipment replacement fund.

Water and Sewer Fund

Water and Sewer revenues have decreased by \$1,010,000 when compared to prior fiscal year. Water revenues increased \$292,000 while sewer revenues decreased \$1,302,000 over prior year. The result of the decrease in sewer revenues is attributed to winter quarter average billing. As a percent of budget, revenues decreased 1.1%.

Total expenses decreased \$647,000 as compared to prior year. Capital outlay decreased over prior year by \$1,741,000 due to purchase of equipment for the automated meter reading project in the prior fiscal year. Personal services, however, increased \$408,000 over prior fiscal year due to increased salary and health insurance costs. Contractual / professional services increased as well primarily due to increased payments to North Texas Municipal Water District in the current fiscal year. Expenses and encumbrances decreased 1.2% as a percent of budget.

Environmental Waste Services Fund

Revenues in the Environmental Waste Services Fund increased \$15,000 over the prior year due to a refund received from North Texas Municipal Water District for participating in a composting program in the amount of \$28,000. In addition, residential revenue increased \$50,000 as compared to last fiscal year. As a percent of budget, revenues decreased 1.3%.

Total expenses and encumbrances increased \$191,000 over the prior year. The variance is primarily attributed to salary and health insurance cost increases in the current year. As a percent of budget, expenses and encumbrances decreased 0.7%.

Golf Course Fund

Revenues in the Golf Course Fund increased \$5,000 as compared to prior year. As a percent of budget, revenues increased 0.8%.

Total expenses and encumbrances decreased \$1,240,000 as compared to prior year. Capital outlay decreased \$1,315,000 over prior year due to completion of the clubhouse. The certificate of occupancy for the clubhouse was issued in March 2004. As a percent of budget, expenses and encumbrances decreased 131.7%.

Civic Center Fund

Revenues in the Civic Center Fund increased \$61,000 as compared to the prior year. As a percent of budget, revenues increased 0.9%.

Total expenses and encumbrances increased \$157,000 as compared to prior fiscal year. The rise in expenses is primarily attributed to increased salary and health insurance costs in the current year. Expenses and encumbrances increased 2.7% as a percent of budget.

Recreation Revolving Fund

Total revenues are \$31,000 less than prior fiscal year. Fall recreation classes decreased, as well as participation at Carpenter Park Recreation Center and fall aquatics programs. However, revenues for the Liberty Recreation Center have increased over prior year due to this facility opening in June 2004. As a percent of budget, revenues decreased 1.1%.

Total expenses and encumbrances increased \$2,000 over prior year. As a percent of budget, expenses and encumbrances decreased 0.2%.

Municipal Drainage Fund

Municipal Drainage Fund revenues increased \$21,000 over prior year. As a percent of budget, revenues increased 0.3%.

Expenses and encumbrances increased \$87,000 over the prior year. Personal services increased over prior year to due an increase in salary and health insurance costs. In addition, increased expenses for street sweeping occurred in the current year. As a percent of budget, expenses and encumbrances increased 3.1%.

Property Management Fund

Rental revenues increased \$4,000 over prior year. As a percent of budget, revenues increased 4.5%.

Expenses and encumbrances decreased \$29,000 due to funds in the prior year used to resurface Downtown Center South's parking lot. As a percent of budget, expenses and encumbrances decreased 145.0%.

Downtown Center Development Fund

Rental revenues decreased \$17,000 as compared to prior year due to timing of the rent payment received for the Amicus lease. The Amicus first quarter payment was received in December 2003 in the last year and January 2005 in the current year. As a percent of budget, revenues decreased 25.0%.

Expenses and encumbrances decreased \$6,000 as compared to prior year. As a percent of budget, expenses and encumbrances decreased 11.8%.

Section 1A

City of Plano
Comprehensive Monthly Finance Report

Financial Summary

**MONTHLY FINANCIAL SUMMARY REPORT
THROUGH DECEMBER 31 OF FISCAL YEARS 2005, 2004 AND 2003
GENERAL FUND**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>3 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:					
Ad valorem tax	2005	\$ 58,007,000	21,695,000	37.4%	149.60
	2004	58,761,000	16,265,000	27.7%	110.72
	2003	57,432,000	19,570,000	34.1%	136.30
Sales tax	2005	48,668,000	12,139,000	24.9%	99.77
	2004	44,279,000	12,138,000	27.4%	109.65
	2003	45,129,000	10,473,000	23.2%	92.83
Other taxes	2005	688,000	19,000	2.8%	11.05
	2004	631,000	18,000	2.9%	11.41
	2003	589,000	18,000	3.1%	12.22
Franchise fees	2005	19,973,000	1,500,000	7.5%	30.04
	2004	19,001,000	1,474,000	7.8%	31.03
	2003	18,565,000	1,794,000	9.7%	38.65
Fines and forfeitures	2005	9,858,000	1,754,000	17.8%	71.17
	2004	9,216,000	2,225,000	24.1%	96.57
	2003	8,749,000	2,050,000	23.4%	93.72
Licenses and permits	2005	4,483,000	1,175,000	26.2%	104.84
	2004	3,820,000	1,141,000	29.9%	119.48
	2003	3,955,000	1,068,000	27.0%	108.02
Fees and service charges	2005	7,098,000	1,663,000	23.4%	93.72
	2004	7,254,000	1,450,000	20.0%	79.96
	2003	7,613,000	1,293,000	17.0%	67.94
Intergovernmental revenue	2005	566,000	126,000	22.3%	89.05
	2004	562,000	146,000	26.0%	103.91
	2003	558,000	185,000	33.2%	132.62
Miscellaneous revenue	2005	1,669,000	253,000	15.2%	60.64
	2004	1,607,000	145,000	9.0%	36.09
	2003	1,889,000	282,000	14.9%	59.71
TOTAL REVENUE	2005	151,010,000	40,324,000	26.7%	106.81
	2004	145,131,000	35,002,000	24.1%	96.47
	2003	144,479,000	36,733,000	25.4%	101.70

**MONTHLY FINANCIAL SUMMARY REPORT
THROUGH DECEMBER 31 OF FISCAL YEARS 2005, 2004 AND 2003
GENERAL FUND, continued**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>3 Months Actual</u>	<u>Actual/Budget</u>	<u>Performance Index</u>
EXPENDITURES & ENCUMBRANCES:					
Personal services	2005	\$ 127,026,000	29,328,000	23.1%	N/A
	2004	117,516,000	23,793,000	20.2%	N/A
	2003	109,062,000	23,579,000	21.6%	N/A
Materials and supplies	2005	5,482,000	1,477,000	26.9%	107.77
	2004	5,000,000	1,293,000	25.9%	103.44
	2003	5,338,000	1,261,000	23.6%	94.49
Contractual / professional	2005	33,375,000	8,313,000	24.9%	99.63
	2004	30,663,000	7,102,000	23.2%	92.65
	2003	28,806,000	7,665,000	26.6%	106.44
Sundry	2005	981,000	270,000	27.5%	110.09
	2004	838,000	204,000	24.3%	97.37
	2003	873,000	259,000	29.7%	118.67
Reimbursements	2005	(1,432,000)	(334,000)	23.3%	93.30
	2004	(1,419,000)	(314,000)	22.1%	88.51
	2003	(1,176,000)	(273,000)	23.2%	92.86
Capital outlay	2005	1,458,000	938,000	64.3%	257.34
	2004	1,100,000	1,304,000	118.5%	474.18
	2003	1,287,000	1,996,000	155.1%	620.36
Total Expenditures and Encumbrances	2005	166,890,000	39,992,000	24.0%	95.85
	2004	153,698,000	33,382,000	21.7%	86.88
	2003	144,190,000	34,487,000	23.9%	95.67
Excess (Deficiency) of Revenues Over Expenditures	2005	(15,880,000)	332,000	-	-
	2004	(8,567,000)	1,620,000	-	-
	2003	289,000	2,246,000	-	-
TRANSFERS IN (OUT):					
Operating transfers in	2005	13,789,000	3,447,000	25.0%	99.99
	2004	13,158,000	3,290,000	25.0%	100.02
	2003	11,598,000	2,899,000	25.0%	99.98
Operating transfers out	2005	(13,339,000)	(3,335,000)	25.0%	100.01
	2004	(12,879,000)	(3,223,000)	25.0%	100.10
	2003	(13,508,000)	(3,405,000)	25.2%	100.83
Excess (Deficiency) of Revenues and Transfers In Over Expenditures and Transfers Out	2005	(15,430,000)	444,000		
	2004	(8,288,000)	1,687,000		
	2003	(1,621,000)	1,740,000		
OPERATING FUND BALANCE OCTOBER 1	2005		39,497,000		
	2004		29,802,000		
	2003		22,879,000		
OPERATING FUND BALANCE DECEMBER 31	2005		39,941,000		
	2004		31,489,000		
	2003		24,619,000		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.
Encumbrances in current year equal \$2,119,000

**MONTHLY FINANCIAL SUMMARY REPORT
THROUGH DECEMBER 31 OF FISCAL YEARS 2005, 2004 AND 2003
WATER AND SEWER FUND**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>3 Months Actual</u>	<u>Actual/Budget</u>	<u>Performance Index</u>
REVENUES:					
Water and sewer revenue	2005	\$ 80,656,000	17,712,000	22.0%	87.84
	2004	80,768,000	18,718,000	23.2%	92.70
	2003	75,086,000	17,608,000	23.5%	93.80
Other fees and service charges	2005	2,188,000	477,000	21.8%	87.20
	2004	2,382,000	481,000	20.2%	80.77
	2003	<u>2,742,000</u>	<u>606,000</u>	22.1%	88.40
TOTAL REVENUE	2005	82,844,000	18,189,000	22.0%	87.82
	2004	83,150,000	19,199,000	23.1%	92.36
	2003	<u>77,828,000</u>	<u>18,214,000</u>	23.4%	93.61
EXPENSES & ENCUMBRANCES:					
Personal services	2005	8,215,000	1,979,000	24.1%	N/A
	2004	7,819,000	1,571,000	20.1%	N/A
	2003	7,464,000	1,616,000	21.7%	N/A
Materials and supplies	2005	1,672,000	472,000	28.2%	112.92
	2004	1,585,000	494,000	31.2%	124.67
	2003	1,304,000	493,000	37.8%	151.23
Contractual / professional and other	2005	47,595,000	9,870,000	20.7%	82.95
	2004	46,754,000	9,169,000	19.6%	78.44
	2003	44,104,000	9,392,000	21.3%	85.18
Reimbursements	2005	148,000	37,000	25.0%	100.00
	2004	177,000	30,000	16.9%	67.80
	2003	(71,000)	(18,000)	25.4%	101.41
Capital outlay	2005	1,064,000	424,000	39.8%	159.40
	2004	2,020,000	2,165,000	107.2%	428.71
	2003	<u>1,994,000</u>	<u>3,675,000</u>	184.3%	737.21
Total Expenses and Encumbrances	2005	58,694,000	12,782,000	21.8%	87.11
	2004	58,355,000	13,429,000	23.0%	92.05
	2003	<u>54,795,000</u>	<u>15,158,000</u>	27.7%	110.65
Excess (Deficiency) of Revenues Over Expenses	2005	24,150,000	5,407,000	-	-
	2004	24,795,000	5,770,000	-	-
	2003	23,033,000	3,056,000	-	-
TRANSFERS IN (OUT):					
Operating transfers in	2005	469,000	117,000	24.9%	99.79
	2004	469,000	117,000	24.9%	99.79
	2003	469,000	-	-	-
Operating transfers out	2005	(28,413,000)	(7,103,000)	25.0%	100.00
	2004	(27,782,000)	(6,946,000)	25.0%	100.01
	2003	<u>(26,122,000)</u>	<u>(6,531,000)</u>	25.0%	100.01

**MONTHLY FINANCIAL SUMMARY REPORT
THROUGH DECEMBER 31 OF FISCAL YEARS 2005, 2004 AND 2003
WATER AND SEWER FUND, continued**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>3 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
Excess (Deficiency) of Revenues and Transfers In Over Expenses and Transfers Out	2005	\$ (3,794,000)	(1,579,000)		
	2004	(2,518,000)	(1,059,000)		
	2003	(2,620,000)	(3,475,000)		
OPERATING FUND BALANCE OCTOBER 1	2005		319,626,000		
	2004		324,442,000		
	2003		<u>326,581,000</u>		
OPERATING FUND BALANCE DECEMBER 31	2005		318,047,000		
	2004		323,383,000		
	2003		<u>323,106,000</u>		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.
Encumbrances in current year equal \$769,000

**MONTHLY FINANCIAL SUMMARY REPORT
THROUGH DECEMBER 31 OF FISCAL YEARS 2005, 2004 AND 2003
ENVIRONMENTAL WASTE SERVICES FUND**

	<u>Fiscal Year</u>		<u>Annual Budget</u>	<u>3 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:						
Commerical solid waste franchise	2005	\$	5,161,000	1,109,000	21.5%	85.95
	2004		4,963,000	1,206,000	24.3%	97.20
	2003		4,806,000	1,178,000	24.5%	98.04
Refuse collection revenue	2005		11,035,000	2,712,000	24.6%	98.31
	2004		10,444,000	2,629,000	25.2%	100.69
	2003		9,273,000	2,259,000	24.4%	97.44
Other fees and service charges	2005		1,113,000	141,000	12.7%	50.67
	2004		913,000	112,000	12.3%	49.07
	2003		<u>932,000</u>	<u>112,000</u>	12.0%	48.07
TOTAL REVENUE	2005		17,309,000	3,962,000	22.9%	91.56
	2004		16,320,000	3,947,000	24.2%	96.74
	2003		<u>15,011,000</u>	<u>3,549,000</u>	23.6%	94.57
EXPENSES & ENCUMBRANCES:						
Personal services	2005		4,938,000	1,163,000	23.6%	N/A
	2004		4,673,000	885,000	18.9%	N/A
	2003		4,384,000	884,000	20.2%	N/A
Materials and supplies	2005		265,000	44,000	16.6%	66.42
	2004		266,000	49,000	18.4%	73.68
	2003		352,000	65,000	18.5%	73.86
Contractual / professional	2005		10,361,000	3,306,000	31.9%	127.63
	2004		9,979,000	3,353,000	33.6%	134.40
	2003		9,302,000	3,103,000	33.4%	133.43
Sundry	2005		80,000	17,000	21.3%	85.00
	2004		77,000	9,000	11.7%	46.75
	2003		121,000	9,000	7.4%	29.75
Reimbursements	2005		39,000	10,000	25.6%	102.56
	2004		49,000	12,000	24.5%	97.96
	2003		48,000	12,000	25.0%	100.00
Capital outlay	2005		436,000	2,000	0.5%	1.83
	2004		14,000	43,000	307.1%	1,228.57
	2003		<u>21,000</u>	<u>24,000</u>	114.3%	457.14
Total Expenses and Encumbrances	2005		16,119,000	4,542,000	28.2%	112.71
	2004		15,058,000	4,351,000	28.9%	115.58
	2003		<u>14,228,000</u>	<u>4,097,000</u>	28.8%	115.18
Excess (Deficiency) of Revenues Over Expenses	2005		1,190,000	(580,000)	-	-
	2004		1,262,000	(404,000)	-	-
	2003		783,000	(548,000)	-	-
TRANSFERS OUT:						
Operating transfers out	2005		(1,160,000)	(290,000)	25.0%	100.00
	2004		(1,282,000)	(320,000)	25.0%	99.84
	2003		<u>(1,130,000)</u>	<u>(282,000)</u>	25.0%	99.82

**MONTHLY FINANCIAL SUMMARY REPORT
THROUGH DECEMBER 31 OF FISCAL YEARS 2005, 2004 AND 2003
ENVIRONMENTAL WASTE SERVICES FUND, continued**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>3 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
Excess (Deficiency) of Revenues Over Expenses and Transfers Out	2005	\$ 30,000	(870,000)		
	2004	(20,000)	(724,000)		
	2003	(347,000)	(830,000)		
OPERATING FUND BALANCE OCTOBER 1	2005		2,902,000		
	2004		2,305,000		
	2003		<u>2,824,000</u>		
OPERATING FUND BALANCE DECEMBER 31	2005		2,032,000		
	2004		1,581,000		
	2003		<u>1,994,000</u>		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.
Encumbrances in current year equal \$947,000

**MONTHLY FINANCIAL SUMMARY REPORT
THROUGH DECEMBER 31 OF FISCAL YEARS 2005, 2004 AND 2003
MUNICIPAL GOLF COURSE FUND**

	Fiscal Year	Annual Budget	3 Months Actual	Actual/Budget	Performance Index
REVENUES:					
Fees and service charges	2005	\$ 1,011,000	162,000	16.0%	64.09
	2004	1,025,000	154,000	15.0%	60.10
	2003	1,072,000	150,000	14.0%	55.97
Miscellaneous revenue	2005	61,000	1,000	1.6%	6.56
	2004	74,000	4,000	5.4%	21.62
	2003	48,000	19,000	39.6%	158.33
TOTAL REVENUE	2005	1,072,000	163,000	15.2%	60.82
	2004	1,099,000	158,000	14.4%	57.51
	2003	1,120,000	169,000	15.1%	60.36
EXPENSES & ENCUMBRANCES:					
Personal services	2005	614,000	161,000	26.2%	N/A
	2004	550,000	118,000	21.5%	N/A
	2003	532,000	120,000	22.6%	N/A
Materials and supplies	2005	151,000	54,000	35.8%	143.05
	2004	157,000	27,000	17.2%	68.79
	2003	157,000	15,000	9.6%	38.22
Contractual / professional and other	2005	171,000	41,000	24.0%	95.91
	2004	234,000	36,000	15.4%	61.54
	2003	216,000	41,000	19.0%	75.93
Capital outlay	2005	-	13,000	-	-
	2004	-	1,328,000	-	-
	2003	1,695,000	1,614,000	95.2%	380.88
Total Expenses and Encumbrances	2005	936,000	269,000	28.7%	114.96
	2004	941,000	1,509,000	160.4%	641.45
	2003	2,600,000	1,790,000	68.8%	275.38
Excess (Deficiency) of Revenues Over Expenses	2005	136,000	(106,000)	-	-
	2004	158,000	(1,351,000)	-	-
	2003	(1,480,000)	(1,621,000)	-	-
TRANSFERS OUT:					
Operating transfers out	2005	(54,000)	(13,000)	24.1%	96.30
	2004	(55,000)	(14,000)	25.5%	101.82
	2003	(56,000)	(14,000)	25.0%	100.00
Excess (Deficiency) of Revenues Over Expenses and Transfers Out	2005	82,000	(119,000)		
	2004	103,000	(1,365,000)		
	2003	(1,536,000)	(1,635,000)		
OPERATING FUND BALANCE OCTOBER 1	2005		2,333,000		
	2004		2,663,000		
	2003		2,717,000		
OPERATING FUND BALANCE DECEMBER 31	2005		2,214,000		
	2004		1,298,000		
	2003		1,082,000		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.
Encumbrances in current year equal \$41,000

**MONTHLY FINANCIAL SUMMARY REPORT
THROUGH DECEMBER 31 OF FISCAL YEARS 2005, 2004 AND 2003
CIVIC CENTER FUND**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>3 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:					
Hotel occupancy tax	2005	\$ 2,936,000	562,000	19.1%	76.57
	2004	2,805,000	565,000	20.1%	80.57
	2003	3,124,000	620,000	19.8%	79.39
Fees and service charges	2005	2,467,000	518,000	21.0%	83.99
	2004	2,535,000	454,000	17.9%	71.64
	2003	2,812,000	485,000	17.2%	68.99
TOTAL REVENUE	2005	5,403,000	1,080,000	20.0%	79.96
	2004	5,340,000	1,019,000	19.1%	76.33
	2003	5,936,000	1,105,000	18.6%	74.46
EXPENSES & ENCUMBRANCES:					
Personal services	2005	2,477,000	559,000	22.6%	N/A
	2004	2,219,000	406,000	18.3%	N/A
	2003	2,250,000	401,000	17.8%	N/A
Materials and supplies	2005	753,000	109,000	14.5%	57.90
	2004	803,000	124,000	15.4%	61.77
	2003	939,000	144,000	15.3%	61.34
Contractual / professional and other	2005	2,408,000	786,000	32.6%	130.56
	2004	2,492,000	766,000	30.7%	122.95
	2003	2,595,000	876,000	33.8%	135.03
Capital outlay	2005	-	2,000	-	-
	2004	99,000	3,000	3.0%	12.12
	2003	119,000	-	-	-
Total Expenses and Encumbrances	2005	5,638,000	1,456,000	25.8%	103.30
	2004	5,613,000	1,299,000	23.1%	92.57
	2003	5,903,000	1,421,000	24.1%	96.29
Excess (Deficiency) of Revenues Over Expenses	2005	(235,000)	(376,000)	-	-
	2004	(273,000)	(280,000)	-	-
	2003	33,000	(316,000)	-	-
TRANSFERS OUT :					
Operating transfers out	2005	(437,000)	(109,000)	24.9%	99.77
	2004	(267,000)	(67,000)	25.1%	100.37
	2003	(544,000)	(136,000)	25.0%	100.00
Excess (Deficiency) of Revenues Over Expenses and Transfers Out	2005	(672,000)	(485,000)		
	2004	(540,000)	(347,000)		
	2003	(511,000)	(452,000)		
OPERATING FUND BALANCE OCTOBER 1	2005		7,504,000		
	2004		7,756,000		
	2003		8,526,000		
OPERATING FUND BALANCE DECEMBER 31	2005		7,019,000		
	2004		7,409,000		
	2003		8,074,000		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.
Encumbrances in current year equal \$64,000

**MONTHLY FINANCIAL SUMMARY REPORT
THROUGH DECEMBER 31 OF FISCAL YEARS 2005, 2004 AND 2003
RECREATION REVOLVING FUND**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>3 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:					
Fees and service charges	2005	\$ 2,522,000	460,000	18.2%	72.96
	2004	2,543,000	492,000	19.3%	77.39
	2003	2,551,000	476,000	18.7%	74.64
Miscellaneous revenue	2005	35,000	8,000	22.9%	91.43
	2004	29,000	7,000	24.1%	96.55
	2003	26,000	4,000	15.4%	61.54
TOTAL REVENUE	2005	2,557,000	468,000	18.3%	73.21
	2004	2,572,000	499,000	19.4%	77.60
	2003	2,577,000	480,000	18.6%	74.51
EXPENSES & ENCUMBRANCES:					
Personal services	2005	1,004,000	171,000	17.0%	N/A
	2004	987,000	143,000	14.5%	N/A
	2003	891,000	140,000	15.7%	N/A
Materials and supplies	2005	174,000	48,000	27.6%	110.34
	2004	203,000	46,000	22.7%	90.64
	2003	212,000	78,000	36.8%	147.17
Contractual / professional	2005	1,220,000	243,000	19.9%	79.67
	2004	1,179,000	271,000	23.0%	91.94
	2003	1,116,000	352,000	31.5%	126.16
Sundry	2005	32,000	4,000	12.5%	50.00
	2004	21,000	4,000	19.0%	76.19
	2003	36,000	4,000	11.1%	44.44
Capital outlay	2005	-	-	-	-
	2004	-	-	-	-
	2003	-	4,000	-	-
Total Expenses and Encumbrances	2005	2,430,000	466,000	19.2%	76.71
	2004	2,390,000	464,000	19.4%	77.66
	2003	2,255,000	578,000	25.6%	102.53
Excess (Deficiency) of Revenues Over Expenses	2005	127,000	2,000	-	-
	2004	182,000	35,000	-	-
	2003	322,000	(98,000)	-	-
TRANSFERS OUT:					
Operating transfers out	2005	(128,000)	(32,000)	25.0%	100.00
	2004	(129,000)	(32,000)	24.8%	99.22
	2003	(129,000)	(32,000)	24.8%	99.22
Excess (Deficiency) of Revenues Over Expenses and Transfers Out	2005	(1,000)	(30,000)		
	2004	53,000	3,000		
	2003	193,000	(130,000)		
OPERATING FUND BALANCE OCTOBER 1	2005		123,000		
	2004		7,000		
	2003		11,000		
OPERATING FUND BALANCE DECEMBER 31	2005		93,000		
	2004		10,000		
	2003		(119,000)		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.
Encumbrances in current year equal \$30,000

**MONTHLY FINANCIAL SUMMARY REPORT
THROUGH DECEMBER 31 OF FISCAL YEARS 2005, 2004 AND 2003
MUNICIPAL DRAINAGE FUND**

	Fiscal Year	Annual Budget	3 Months Actual	Actual/ Budget	Performance Index
REVENUES:					
Fees and service charges	2005	\$ 4,788,000	1,176,000	24.6%	98.25
	2004	4,782,000	1,159,000	24.2%	96.95
	2003	4,415,000	1,142,000	25.9%	103.47
Miscellaneous revenue	2005	35,000	7,000	20.0%	80.00
	2004	20,000	3,000	15.0%	60.00
	2003	5,000	6,000	120.0%	480.00
TOTAL REVENUE	2005	4,823,000	1,183,000	24.5%	98.11
	2004	4,802,000	1,162,000	24.2%	96.79
	2003	4,420,000	1,148,000	26.0%	103.89
EXPENSES & ENCUMBRANCES:					
Personal services	2005	1,005,000	220,000	21.9%	N/A
	2004	912,000	173,000	19.0%	N/A
	2003	864,000	153,000	17.7%	N/A
Materials and supplies	2005	120,000	42,000	35.0%	140.00
	2004	119,000	26,000	21.8%	87.39
	2003	124,000	27,000	21.8%	87.10
Contractual / professional and other	2005	844,000	235,000	27.8%	111.37
	2004	828,000	211,000	25.5%	101.93
	2003	798,000	215,000	26.9%	107.77
Capital outlay	2005	-	-	-	-
	2004	-	-	-	-
	2003	-	-	-	-
Total Expenses and Encumbrances	2005	1,969,000	497,000	25.2%	100.96
	2004	1,859,000	410,000	22.1%	88.22
	2003	1,786,000	395,000	22.1%	88.47
Excess (Deficiency) of Revenues Over Expenses	2005	2,854,000	686,000	-	-
	2004	2,943,000	752,000	-	-
	2003	2,634,000	753,000	-	-
TRANSFERS OUT:					
Operating transfers out	2005	(2,514,000)	(629,000)	25.0%	100.08
	2004	(2,493,000)	(623,000)	25.0%	99.96
	2003	(2,614,000)	(654,000)	25.0%	100.08
Excess (Deficiency) of Revenues Over Expenses and Transfers Out	2005	340,000	57,000		
	2004	450,000	129,000		
	2003	20,000	99,000		
OPERATING FUND BALANCE OCTOBER 1	2005		14,995,000		
	2004		13,749,000		
	2003		13,068,000		
OPERATING FUND BALANCE DECEMBER 31	2005		15,052,000		
	2004		13,878,000		
	2003		13,167,000		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.
Encumbrances in current year equal \$57,000

**MONTHLY FINANCIAL SUMMARY REPORT
THROUGH DECEMBER 31 OF FISCAL YEARS 2005, 2004 AND 2003
PROPERTY MANAGEMENT FUND**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>3 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:					
Rental and other revenue	2005	\$ 79,000	16,000	20.3%	81.01
	2004	76,000	12,000	15.8%	63.16
	2003	<u>76,000</u>	<u>12,000</u>	15.8%	63.16
EXPENSES & ENCUMBRANCES					
Materials and supplies	2005	1,000	2,000	200.0%	800.00
	2004	1,000	-	-	-
	2003	-	-	-	-
Contractual / professional	2005	19,000	4,000	21.1%	84.21
	2004	19,000	19,000	100.0%	400.00
	2003	47,000	4,000	8.5%	34.04
Capital Outlay	2005	-	-	-	-
	2004	-	16,000	-	-
	2003	-	-	-	-
Total Expenses and Encumbrances	2005	20,000	6,000	30.0%	120.00
	2004	20,000	35,000	175.0%	700.00
	2003	<u>47,000</u>	<u>4,000</u>	8.5%	34.04
Excess (Deficiency) of Revenues Over Expenses	2005	59,000	10,000	-	-
	2004	56,000	(23,000)	-	-
	2003	29,000	8,000	-	-
OPERATING FUND BALANCE OCTOBER 1	2005		1,607,000		
	2004		1,615,000		
	2003		<u>1,591,000</u>		
OPERATING FUND BALANCE DECEMBER 31	2005		1,617,000		
	2004		1,592,000		
	2003		<u>1,599,000</u>		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.

**MONTHLY FINANCIAL SUMMARY REPORT
THROUGH DECEMBER 31 OF FISCAL YEARS 2005, 2004 AND 2003
DOWNTOWN CENTER DEVELOPMENT FUND**

	<u>Fiscal Year</u>	<u>Annual Budget</u>	<u>3 Months Actual</u>	<u>Actual/ Budget</u>	<u>Performance Index</u>
REVENUES:					
Rental and other revenue	2005	\$ 68,000	-	-	-
	2004	68,000	17,000	25.0%	100.00
	2003	<u>68,000</u>	<u>28,000</u>	41.2%	164.71
EXPENSES & ENCUMBRANCES					
Contractual / professional	2005	45,000	43,000	95.6%	382.22
	2004	45,000	43,000	95.6%	382.22
	2003	53,000	56,000	105.7%	422.64
Capital outlay	2005	6,000	-	-	-
	2004	6,000	6,000	100.0%	400.00
	2003	<u>3,000</u>	<u>10,000</u>	333.3%	1,333.33
Total Expenses and Encumbrances	2005	51,000	43,000	84.3%	337.25
	2004	51,000	49,000	96.1%	384.31
	2003	<u>56,000</u>	<u>66,000</u>	117.9%	471.43
Excess (Deficiency) of Revenues Over Expenses	2005	17,000	(43,000)	-	-
	2004	17,000	(32,000)	-	-
	2003	12,000	(38,000)	-	-
OPERATING FUND BALANCE OCTOBER 1	2005		53,000		
	2004		28,000		
	2003		<u>(14,000)</u>		
OPERATING FUND BALANCE DECEMBER 31	2005		10,000		
	2004		(4,000)		
	2003		<u>(52,000)</u>		

Note: For annual reporting purposes, a portion of Transfers In (Out) may be reclassified at year end.

EQUITY IN TREASURY POOL

DECEMBER, 2004

FUND NO.	FUND NAME	CASH	EQUITY IN TREASURY POOL	TOTAL 12/31/04	TOTAL 10/01/04	TOTAL 12/31/03
GENERAL FUND:						
01	General	\$ 70,000	33,600,000	33,670,000	31,510,000	24,077,000
77	Payroll	-	2,270,000	2,270,000	1,547,000	1,575,000
24	City Store	-	5,000	5,000	5,000	4,000
		70,000	35,875,000	35,945,000	33,062,000	25,656,000
DEBT SERVICE FUND:						
03	G.O. Debt Service	-	12,792,000	12,792,000	218,000	9,689,000
		-	12,792,000	12,792,000	218,000	9,689,000
CAPITAL PROJECTS:						
22	Recreation Center Facilities	-	753,000	753,000	750,000	714,000
23	Street Enhancement	-	1,174,000	1,174,000	1,170,000	1,122,000
25	1991 Police & Courts Facility	-	871,000	871,000	869,000	807,000
27	1991 Library Facility	-	373,000	373,000	371,000	310,000
28	1991 Fire Facility	-	1,030,000	1,030,000	1,027,000	995,000
31	Municipal Facilities	-	343,000	343,000	342,000	328,000
32	Park Improvements	-	3,455,000	3,455,000	3,446,000	3,307,000
33	Street & Drainage Improvement	-	4,128,000	4,128,000	7,837,000	14,799,000
35	Capital Reserve	-	26,829,000	26,829,000	26,370,000	24,119,000
38	DART L.A.P.	-	750,000	750,000	-	1,147,000
39	Spring Creekwalk	-	20,000	20,000	20,000	20,000
52	Park Service Areas	-	3,893,000	3,893,000	3,910,000	3,454,000
53	Creative & Performing Arts	-	1,390,000	1,390,000	1,386,000	1,272,000
54	Animal Control Facilities	-	219,000	219,000	236,000	244,000
60	Joint Use Facilities	-	483,000	483,000	482,000	139,000
110	G.O. Bond Clearing - 1999	-	2,893,000	2,893,000	3,009,000	3,084,000
190	G.O. Bond Clearing - 2000	-	3,652,000	3,652,000	3,642,000	3,716,000
220	G.O. Bond Clearing - 2001	-	-	-	-	198,000
230	G.O. Bond Clearing - 2001	-	2,741,000	2,741,000	2,765,000	3,223,000
240	G.O. Bond Clearing - 2001-A	-	210,000	210,000	210,000	324,000
250	Tax Notes Clearing - 2001-A	-	525,000	525,000	548,000	603,000
92	G.O. Bond Refund/Clearing - 2002	-	527,000	527,000	592,000	319,000
270	G.O. Bond Refund/Clearing - 2003	-	7,342,000	7,342,000	8,736,000	13,492,000
		-	63,601,000	63,601,000	67,718,000	77,736,000
ENTERPRISE FUNDS:						
26	Municipal Drainage CIP	-	1,197,000	1,197,000	1,661,000	2,374,000
34	Sewer CIP	-	7,168,000	7,168,000	6,581,000	6,110,000
36	Water CIP	-	7,535,000	7,535,000	7,973,000	8,734,000
37	Downtown Center Development	-	2,000	2,000	16,000	3,000
41	Water & Sewer - Operating	73,000	3,162,000	3,235,000	5,423,000	11,075,000
42	Water & Sewer - Debt Service	-	2,494,000	2,494,000	1,514,000	2,500,000
43	Municipal Drainage - Debt Service	-	4,393,000	4,393,000	4,278,000	3,338,000
44	W & S Impact Fees Clearing	-	263,000	263,000	428,000	1,036,000
45	Environmental Waste Services	34,000	155,000	189,000	903,000	(310,000)
46	Convention & Tourism	4,000	1,327,000	1,331,000	1,587,000	1,251,000
47	Municipal Drainage	14,000	1,668,000	1,682,000	1,575,000	1,192,000
48	Municipal Golf Course	-	20,000	20,000	122,000	1,428,000
49	Property Management	-	271,000	271,000	257,000	222,000
51	Recreation Revolving	-	333,000	333,000	621,000	143,000
95	W & S Bond Clearing - 1990	-	174,000	174,000	174,000	171,000
96	W & S Bond Clearing - 1991	-	96,000	96,000	96,000	94,000
101	W & S Bond Clearing - 1993A	-	260,000	260,000	259,000	255,000
103	Municipal Bond Drain Clearing-1995	-	247,000	247,000	246,000	242,000
104	Municipal Drain Bond Clearing-1996	-	155,000	155,000	154,000	151,000
107	Municipal Drain Bond Clearing-1997	-	220,000	220,000	219,000	215,000
108	Municipal Drain Bond Clearing-1998	-	74,000	74,000	73,000	92,000
210	Municipal Drain Bond Clearing-1999	-	137,000	137,000	137,000	234,000
260	Municipal Drain Rev Bond Clearing - 2001	-	114,000	114,000	114,000	394,000
280	Municipal Drain Rev Bond Clearing - 2003	-	30,000	30,000	30,000	1,761,000
		125,000	31,495,000	31,620,000	34,441,000	42,705,000

**EQUITY IN TREASURY POOL
DECEMBER, 2004**

FUND NO.	FUND NAME	CASH	EQUITY IN TREASURY POOL	TOTAL 12/31/04	TOTAL 10/01/04	TOTAL 12/31/03
SPECIAL REVENUE FUNDS:						
2	Sproles Library	-	253,000	253,000	252,000	252,000
4	TIF-Mall	-	20,000	20,000	20,000	10,000
5	TIF-East Side	-	3,326,000	3,326,000	3,326,000	846,000
11	LLEBG-Police Grant	-	123,000	123,000	142,000	230,000
12	Criminal Investigation	-	735,000	735,000	737,000	610,000
13	Grant	-	76,000	76,000	-	(71,000)
14	Wireline Fees	-	255,000	255,000	220,000	166,000
15	Judicial Efficiency	-	79,000	79,000	73,000	55,000
16	Industrial	-	16,000	16,000	15,000	15,000
17	Intergovernmental	-	198,000	198,000	175,000	383,000
18	Government Access/CATV	-	333,000	333,000	436,000	499,000
19	Teen Court Program	-	16,000	16,000	15,000	9,000
20	Municipal Courts Technology	-	947,000	947,000	899,000	759,000
55	Municipal Court-Building Security Fees	-	894,000	894,000	871,000	770,000
56	911 Reserve Fund	-	4,480,000	4,480,000	4,281,000	3,750,000
57	State Library Grants	-	(1,000)	(1,000)	-	(1,000)
		-	11,750,000	11,750,000	11,462,000	8,282,000
INTERNAL SERVICE FUNDS:						
6	Public Safety Technology	-	1,954,000	1,954,000	1,271,000	1,194,000
9	Technology Infrastructure	-	3,832,000	3,832,000	3,589,000	3,519,000
58	PC Replacement	-	736,000	736,000	603,000	975,000
59	Service Center	-	112,000	112,000	113,000	111,000
61	Equipment Maintenance	-	(194,000)	(194,000)	-	(96,000)
62	Information Technology	-	3,148,000	3,148,000	2,806,000	3,733,000
63	Office Services	-	(112,000)	(112,000)	-	(53,000)
64	Warehouse	-	23,000	23,000	210,000	51,000
65	Property/Liability Loss	-	5,257,000	5,257,000	5,793,000	5,313,000
66	Technology Services	-	7,581,000	7,581,000	7,558,000	6,798,000
71	Equipment Replacement	-	5,164,000	5,164,000	7,663,000	7,671,000
78	Health Claims	-	8,819,000	8,819,000	6,242,000	5,161,000
79	Parkway Service Ctr. Expansion	-	3,799,000	3,799,000	3,795,000	3,766,000
		-	40,119,000	40,119,000	39,643,000	38,143,000
FIDUCIARY FUNDS:						
7	Unclaimed Property	-	35,000	35,000	29,000	25,000
8	Library Training Lab	-	7,000	7,000	7,000	4,000
69	Collin County Seized Assets	-	132,000	132,000	292,000	255,000
73	Memorial Library	-	158,000	158,000	160,000	197,000
74	Developers' Escrow	-	7,189,000	7,189,000	6,888,000	6,775,000
75	Plano Sister Cities	-	-	-	-	9,000
76	Economic Development	-	928,000	928,000	885,000	875,000
81	Friends of Plano Centre	-	3,000	3,000	3,000	3,000
84	Rebate	-	850,000	850,000	847,000	878,000
		-	9,302,000	9,302,000	9,111,000	9,021,000
TOTAL		\$ 195,000	204,934,000	205,129,000	195,655,000	211,232,000
TRUST FUNDS						
42	Water & Sewer Reserve	\$ -	914,000	914,000	913,000	998,000
72	Retirement Security Plan	-	46,976,000	46,976,000	42,016,000	42,016,000
TOTAL TRUST FUNDS		\$ -	47,890,000	47,890,000	42,929,000	43,014,000

A Treasury Pool fund has been created for the purpose of consolidating cash and investments. All City funds not restricted or held in trust are included in this consolidated fund. Each fund's "Equity in Treasury Pool" represents the fund's proportionate share of the Treasury Pool Fund. At December 31, 2004, the Treasury Pool, including an adjustment to Fair Value as required by GASB 31, consisted of the following:

Cash	89,000
Local Government Investment Pool	31,018,000
Federal Securities	175,019,000
Municipal Bonds	-
Fair Value Adjustment	(2,113,000)
Interest Receivable	921,000
	<u>204,934,000</u>

ANALYSIS OF CLAIMS PAYMENTS

HEALTH CLAIMS FUND THROUGH DECEMBER 31 OF FISCAL YEARS 2005 AND 2004

Health Claims Fund	FY 04-05	FY 03-04	1 month	FY 04-05	FY 03-04	1 month	FY 04-05	FY 03-04	1 month	FY 04-05	FY 03-04	Year to Date
	Oct	Oct	Variance Favorable (Unfavorable)	Nov	Nov	Variance Favorable (Unfavorable)	Dec	Dec	Variance Favorable (Unfavorable)	Total	Total	Variance Favorable (Unfavorable)
Revenues												
Employees Health Ins. Contributions	\$ 171,000	\$ 179,000	(8,000)	\$ 170,000	\$ 179,000	(9,000)	\$ 171,000	\$ 166,000	5,000	\$ 512,000	\$ 524,000	(12,000)
Employers Health Ins. Contributions	1,807,000	1,080,000	727,000	1,804,000	1,074,000	730,000	1,440,000	983,000	457,000	5,051,000	3,137,000	1,914,000
Contributions for Retirees	35,000	34,000	1,000	35,000	34,000	1,000	35,000	35,000	-	105,000	103,000	2,000
Cobra Insurance Receipts	4,000	10,000	(6,000)	4,000	4,000	-	5,000	6,000	(1,000)	13,000	20,000	(7,000)
Retiree Insurance Receipts	23,000	26,000	(3,000)	16,000	20,000	(4,000)	40,000	38,000	2,000	79,000	84,000	(5,000)
City Council Receipts	-	-	-	-	-	-	3,000	-	3,000	3,000	-	3,000
Plano Housing Authority	10,000	3,000	7,000	4,000	3,000	1,000	4,000	3,000	1,000	18,000	9,000	9,000
Interest	12,000	11,000	1,000	23,000	9,000	14,000	(15,000)	(12,000)	(3,000)	20,000	8,000	12,000
Total Revenues	2,062,000	1,343,000	719,000	2,056,000	1,323,000	733,000	1,683,000	1,219,000	464,000	5,801,000	3,885,000	1,916,000
Expenses												
Insurance	90,000	-	(90,000)	90,000	-	(90,000)	90,000	87,000	(3,000)	270,000	87,000	(183,000)
Contracts- Professional Svc.	7,000	74,000	67,000	66,000	5,000	(61,000)	7,000	82,000	75,000	80,000	161,000	81,000
Contracts- Other	70,000	36,000	(34,000)	78,000	36,000	(42,000)	66,000	98,000	32,000	214,000	170,000	(44,000)
Health Claims Paid	(31,000)	(13,000)	18,000	(100,000)	(43,000)	57,000	1,000	(69,000)	(70,000)	(130,000)	(125,000)	5,000
Health Claims Paid -UHC	832,000	-	(832,000)	944,000	-	(944,000)	1,058,000	111,000	(947,000)	2,834,000	111,000	(2,723,000)
Health Claims Paid-EBS	8,000	1,137,000	1,129,000	7,000	1,237,000	1,230,000	13,000	940,000	927,000	28,000	3,314,000	3,286,000
Cobra Insurance Paid	1,000	-	(1,000)	-	1,000	1,000	-	-	-	1,000	1,000	-
Retiree Insurance Paid	6,000	6,000	-	6,000	5,000	(1,000)	6,000	11,000	5,000	18,000	22,000	4,000
Plano Housing Authority	1,000	-	(1,000)	-	1,000	1,000	-	-	-	1,000	1,000	-
Total Expenses	984,000	1,240,000	256,000	1,091,000	1,242,000	151,000	1,241,000	1,260,000	19,000	3,316,000	3,742,000	426,000
Net increase (decrease)	\$1,078,000	\$ 103,000	975,000	\$ 965,000	\$ 81,000	884,000	\$ 442,000	(41,000)	483,000	\$ 2,485,000	\$ 143,000	2,342,000
Health Claims Fund Balance - Cumulative	\$4,824,000	\$1,301,000	3,523,000	\$ 5,789,000	\$ 1,383,000	4,406,000	\$ 6,232,000	\$ 1,342,000	4,890,000			

PROPERTY LIABILITY LOSS FUND THROUGH DECEMBER 31 OF FISCAL YEARS 2005, 2004 AND 2003

	Fiscal Year 2005	Fiscal Year 2004	Fiscal Year 2003
PROPERTY LIABILITY LOSS FUND			
Claims Paid per General Ledger	\$ 450,000	403,000	345,000
Net Judgments/Damages/Attorney Fees	132,000	88,000	212,000
Total Expenses	\$ 582,000	491,000	557,000
Fund Balance	\$ 2,104,000	2,223,000	1,634,000

**CAPITAL IMPROVEMENTS
PROJECTS
AS OF DECEMBER 31, 2004**

	2004-05 BUDGET	LIFETIME ALLOTMENT PROJECTION	INCEPTION TO DATE EXPENDITURES	ENCUMBRANCES	AVAILABLE
00022 Recreation Center Facilities					
23403 Oak Point Recreation Center	-	5,821,000	-	-	5,821,000
23405 Recreation Center 3	3,000,000	10,500,000	167,422	1,502,776	8,829,802
00022 Recreation Center Facilities	3,000,000	16,321,000	167,422	1,502,776	14,650,802
00023 Street Enhancements					
58 Enhancements					
58001 Landscape Entryways	-	750,000	579,442	88	170,470
58002 Downtown Enhancements	122,000	500,000	378,420	-	121,580
58004 Tollroad Landscaping	-	1,412,000	247,649	3,785	1,160,566
58 Enhancements	122,000	2,662,000	1,205,511	3,873	1,452,616
00023 Street Enhancements	122,000	2,662,000	1,205,511	3,873	1,452,616
00025 1991 Police & Courts Facility					
93 Police & Court Facilities					
93105 CJ Exp-II/Police Bldg	-	3,915,000	3,906,796	1,500	6,704
93107 Tri-City Academy Expansion	1,210,000	3,599,000	8,510	-	3,590,490
93 Police & Court Facilities	1,210,000	7,514,000	3,915,306	1,500	3,597,194
00025 1991 Police & Courts Facility	1,210,000	7,514,000	3,915,306	1,500	3,597,194
00026 Municipal Drainage CIP					
94 Erosion Control					
70101 Erosion Control	500,000	14,515,000	6,009,946	4,682	8,500,372
70103 Riverbend Lakes	200,000	1,000,000	478,464	-	521,536
70104 Creek Erosion Projects	650,000	5,824,000	1,949,988	311,782	3,562,230
70105 Erosion Control-Oakwood Glen	-	517,000	467,778	8,786	40,436
70106 Erosion Control-Jasmine Lane	-	14,000	12,697	463	840
70107 Erosion Control-Carmel	-	273,000	224,361	2,951	45,688
26-P01 Oak Grove Drainage Improvements	50,000	50,000	-	-	50,000
94 Erosion Control	1,400,000	22,193,000	9,143,234	328,664	12,671,102
95 Drainage					
71111 Miscellaneous Drainage Improv	500,000	5,075,000	73,650	69,820	4,931,530
71116 Bronze Leaf / Citadel	-	1,333,000	1,252,242	2,270	78,488
71121 Cassidy Drainage Improvements	542,000	1,312,000	296,813	953,845	61,342
71123 Teakwood Drainage	-	243,000	249,413	-	(6,413)
95 Drainage	1,042,000	7,963,000	1,872,118	1,025,935	5,064,947
96 Channelization					
72118 Rice Field Storm Sewer	190,000	500,000	38,080	5,550	456,370
72119 Colling Creek Mall Triple Arches	50,000	100,000	-	29,000	71,000
96 Channelization	240,000	600,000	38,080	34,550	527,370
00026 Municipal Drainage CIP	2,682,000	30,756,000	11,053,432	1,389,149	18,263,419
00027 1991 Library Facilities					
17 Library Facilities					
17107 Haggard Library Expansion	3,500,000	4,143,000	1,349,918	2,547,240	245,842
27-P01 Library Improvements	100,000	2,750,000	-	-	2,750,000
17 Library Facilities	3,600,000	6,893,000	1,349,918	2,547,240	2,995,842
00027 1991 Library Facilities	3,600,000	6,893,000	1,349,918	2,547,240	2,995,842

**CAPITAL IMPROVEMENTS
PROJECTS
AS OF DECEMBER 31, 2004**

	2004-05 BUDGET	LIFETIME ALLOTMENT PROJECTION	INCEPTION TO DATE EXPENDITURES	ENCUMBRANCES	AVAILABLE
00028 1991 Fire Facilities					
10 Fire Facilities					
10105 Station Reconfiguration	-	4,941,000	1,922,197	-	3,018,803
10211 Fire Station #12	2,300,000	5,727,000	4,010	22,980	5,700,010
10212 Fire Station #11	3,100,000	3,337,000	117,059	114,754	3,105,187
10213 Fire Station #13	-	4,256,000	655,952	-	3,600,048
10 Fire Facilities	<u>5,400,000</u>	<u>18,261,000</u>	<u>2,699,218</u>	<u>137,734</u>	<u>15,424,048</u>
00028 1991 Fire Facilities	5,400,000	18,261,000	2,699,218	137,734	15,424,048
00031 Municipal Facilities					
19001 Municipal Center Parking	91,000	850,000	725,726	-	124,274
19002 Downtown Parking	51,000	800,000	710,020	24,879	65,101
00031 Municipal Facilities	142,000	1,650,000	1,435,746	24,879	189,375
00032 Park Improvements					
21 Acquisitions					
21188 White Rock Crk Greenbelt	150,000	7,565,000	1,425	-	7,563,575
21189 16th Steet Land Acquisition	-	365,000	361,818	-	3,182
21192 Oak Point Acquisition	-	6,900,000	6,913,368	-	(13,368)
21195 Douglas Area Land	-	135,000	25	-	134,975
21196 Rec Center/ Pool Land	3,000,000	3,000,000	-	-	3,000,000
21 Acquisitions	<u>3,150,000</u>	<u>17,965,000</u>	<u>7,276,636</u>	<u>-</u>	<u>10,688,364</u>
22 Development					
22327 Arbor Hills Nature Preserve	-	5,545,000	4,359,835	186,896	998,269
22328 Neighborhood Park Improvements	100,000	4,998,000	1,742,058	12,046	3,243,896
22334 Park Improvements	100,000	10,635,000	2,913,681	2,347	7,718,972
22336 Tennyson/Archgate Athletic	1,963,000	8,400,000	579,338	62,560	7,758,102
22337 Preston Meadow Atheletic Site	1,000,000	2,870,000	1,322,856	1,396,355	150,789
22338 Haggard Park	70,000	1,750,000	1,154,156	-	595,844
22339 Indoor Swimming Pool	1,800,000	7,500,000	-	-	7,500,000
22340 Oak Point Park Development	4,297,000	18,850,000	1,830,192	2,377,252	14,642,556
22341 Pool Renovations	555,000	3,200,000	1,515,680	564,200	1,120,120
22342 Trail Connections	1,196,000	9,950,000	569,250	223,881	9,156,869
22 Development	<u>11,081,000</u>	<u>73,698,000</u>	<u>15,987,046</u>	<u>4,825,537</u>	<u>52,885,417</u>
28 Miscellaneous					
28822 Bikeway System	-	853,000	28,349	-	824,651
28824 Maintenance Facility	-	2,955,000	1,014,936	-	1,940,064
28825 Liberty Park Center	-	3,400,000	3,393,662	5,341	997
28 Miscellaneous	<u>-</u>	<u>7,208,000</u>	<u>4,436,947</u>	<u>5,341</u>	<u>2,765,712</u>
00032 Park Improvements	14,231,000	98,871,000	27,700,629	4,830,878	66,339,493
00033 Street & Drainage Improvement					
31 Streets					
31193 Plano Pkwy (Park-International)	1,696,000	2,628,000	969,240	70,523	1,588,237
31277 Park Streets	200,000	3,295,000	2,492,140	-	802,860
31341 Miscellaneous ROW	20,000	5,565,000	5,444,470	1,400	119,130
31342 Misc Oversize Participation	600,000	17,482,000	11,427,177	49	6,054,774
31363 Custer Widn-Spring Ck	-	1,008,000	995,144	12,862	(6)
31364 Hedgcoxe-Custer East&West	-	877,000	864,928	11,913	159
31378 LosRios-Jupiter to Parker	3,750,000	5,652,000	3,641,471	1,095,306	915,223
31387 Hedgcoxe-Custer to Alma	1,150,000	1,300,000	105,670	18,030	1,176,300

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	2004-05 BUDGET	LIFETIME ALLOTMENT PROJECTION	INCEPTION TO DATE EXPENDITURES	ENCUMBRANCES	AVAILABLE
31388 Hedgecoxe Preston to Custer	-	3,215,000	3,133,198	-	81,802
31392 Intersection Improvement	100,000	5,400,000	531,966	94,517	4,773,517
31393 Janwood - Alma to Westwood	985,000	1,105,000	97,065	1,265,324	(257,389)
31394 Jupiter-Spring Creek/Chaparra	-	2,592,000	2,600,300	-	(8,300)
31397 McDermott Widen Coit/Custer	100,000	815,000	50,903	-	764,097
31398 McDermott - Coit to Custer	180,000	2,709,000	-	207,400	2,501,600
31399 Midway - Parker to Spring Creek	200,000	1,900,000	-	-	1,900,000
31402 P Avenue - Park to 18th Street	150,000	1,450,000	19,958	108,542	1,321,500
31403 P Ave-Park to Parker	-	1,293,000	1,079,714	10,050	203,236
31405 Parker - K Avenue to P Avenue	292,000	2,942,000	-	288,057	2,653,943
31409 Premier-Ruisseau to Heritage	1,100,000	1,993,000	842,054	891,915	259,031
31410 Preston/Plano Pkwy Intersection	75,000	400,000	-	-	400,000
31411 Rasor-Ohio to SH 121	500,000	2,600,000	2,000	-	2,598,000
31412 Ridgeview, Custer-W to E of Independence	1,800,000	2,000,000	156,578	40,708	1,802,714
31413 Marsh Ln-Park Blvd North	-	644,000	623,316	2,631	18,053
31418 Spring Creek-Midway to Tollway	-	3,045,000	3,019,204	-	25,796
31424 Tollway Serv Roads-Parker	-	922,000	892,033	10,948	19,019
31425 Traffic Analysis Grade	-	95,000	86,258	-	8,742
31427 Tollway Svc Road-Spring Creek	812,000	1,750,000	175,432	22,645	1,551,923
31429 McDermott-Ohio to Robinson	1,031,000	1,944,000	1,163,907	649,231	130,862
31432 Plano Pkwy-E of Los Rios	2,420,000	3,177,000	202,111	12,598	2,962,291
31433 H Ave-13th to 14th	-	131,000	129,288	-	1,712
31437 Willowbend South of Windhaven	250,000	390,000	51,307	287,711	50,982
31438 Spring Creek at Coit Intersection Improv.	50,000	400,000	-	-	400,000
31439 Jupiter/Plano Pkwy Intersection Improv.	100,000	150,000	8,000	-	142,000
31440 Parker Road at US 75	200,000	6,250,000	38,981	195,875	6,015,144
31441 Preston/Legacy Intersection Improvmt	50,000	500,000	-	-	500,000
31442 2004 Intersection Improvements	791,000	1,036,000	50,675	55,745	929,580
31443 Shiloh-Royal Oaks to Parker	540,000	1,430,000	96,000	72,500	1,261,500
31444 Briarcreek Paving, Phase II	550,000	600,000	12,421	469,377	118,202
31445 View Place - Horizon to Mission Ridg.	176,000	176,000	-	-	176,000
31446 Ravenglass - Park to Faringdon	340,000	340,000	30,435	40,800	268,765
31447 Parkwood - North of Spring Creek Par	475,000	775,000	4,177	22,351	748,472
31448 Intersection Improvements 20	-	-	-	89,326	(89,326)
33-P01 12th Street - K Avenue to Municipal D	138,000	138,000	-	-	138,000
33-P140 Communications - Fall Hill North to P	80,000	780,000	-	-	780,000
33-P11 Legacy - East of K Avenue to Des Moi	500,000	1,500,000	-	-	1,500,000
33-P15 S.H. 121 Traffic Signals	82,000	165,000	-	-	165,000
33-P16 Redevelopment Street Improvements	1,000,000	5,000,000	-	-	5,000,000
31 Streets	22,483,000	99,559,000	41,037,521	6,048,334	52,473,145
32 Mass Transit & Downtown Improvmt					
32492 Downtown Cons-Phase II	-	542,000	539,755	1,848	397
32493 Downtown Street Improvements	-	1,659,000	1,641,445	2,346	15,209
32494 K Avenue Streetscape	200,000	725,000	16,010	14,820	694,170
32 Mass Transit & Downtown Improvmt	200,000	2,926,000	2,197,210	19,014	709,776
34 Sidewalks					
34555 Sidewalks	-	25,000	294,656	-	(269,656)
34556 Barrier Free Ramps	100,000	3,292,000	2,746,817	-	545,183
34 Sidewalks	100,000	3,317,000	3,041,473	-	275,527
36 Traffic Signalization					
36726 Signalization Upgrade	280,000	3,107,000	1,701,088	38,111	1,367,801
36727 Traffic Signalization	500,000	12,670,000	7,579,169	98,483	4,992,348
36742 Computerized Signal System	500,000	3,515,000	272,528	10,305	3,232,167

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36 Traffic Signalization	1,280,000	19,292,000	9,552,785	146,899	9,592,316
37 Misc. Street Improvements					
37752 Roadway Median Landscaping	300,000	3,213,000	1,872,016	105,328	1,235,656
37753 Railroad Crossings	600,000	1,058,000	367,363	10,045	680,592
37760 Street Lighting	400,000	5,417,000	1,875,816	2,230	3,538,954
37766 Alley Reconstruction	50,000	5,775,000	3,525,207	-	2,249,793
37786 New Concrete Alleys	87,000	2,124,000	1,512,004	120,976	491,020
37812 East Side Entryway	30,000	524,000	79,518	1,343	443,139
37818 15th Street Reconstruction	50,000	215,000	98,987	98,944	17,069
37823 J Avenue/12th Street Reconstruction	710,000	710,000	-	48,176	661,824
37826 Ramp Reconstruction US 75	300,000	1,457,000	442,072	629,304	385,624
37830 Spring Creek-White Rock to Tollway	-	3,201,000	3,006,269	16,497	178,234
37831 Landscaping Street Enhancements	330,000	980,000	24,110	410	955,480
37832 Douglas Sidewalks	-	200,000	130,195	-	69,805
37833 Fulgham Street Reconstruction	-	320,000	296,282	231	23,487
37834 Pecan Lane Reconstruction	232,000	550,000	59,188	378,562	112,250
37835 Tollroad/Chapel Hill Ramps	-	5,050,000	12,900	-	5,037,100
37836 Armstrong Alley Reconstruction	-	459,000	335,932	1,372	121,696
37837 Alley Reconstruction-Dallas North 12	349,000	384,000	29,733	224,069	130,198
37838 Screening Wall Reconstruction	1,000,000	3,600,000	-	53,682	3,546,318
37839 Alma Road Whitetopping	1,400,000	1,520,000	-	118,282	1,401,718
37 Misc. Street Improvements	4,438,000	35,237,000	13,667,592	1,809,451	16,331,921
00033 Street & Drainage Improvement	28,501,000	160,331,000	69,496,581	8,023,698	79,382,685
00034 Sewer CIP					
41 Water Main Projects					
41197 Premier-Ruisseau to Heritage	-	35,000	32,368	2,479	153
41 Water Main Projects	-	35,000	32,368	2,479	153
44 Sewer Reserve Projects					
44401 White Rock Sewer Valve Installation	-	31,000	30,114	-	886
44 Sewer Reserve Projects	-	31,000	30,114	-	886
46 Wastewater Mains					
46651 9001-Misc Oversize Participation	25,000	736,000	498,710	-	237,290
46666 Alcatel DSC Infrastructure	50,000	350,000	220,860	-	129,140
46685 Briarcreek San. Swr. Cap. Phll	400,000	1,389,000	276,275	888,415	224,310
46686 Pecan Lane	84,000	185,000	31,860	87,632	65,508
34-P04 Redevelopment Capacity Improvement	1,000,000	6,000,000	-	-	6,000,000
46 Wastewater Mains	1,559,000	2,660,000	1,027,705	976,047	656,248
48 Miscellaneous-Wastewater					
48802 Infrastructure Renovation	500,000	7,670,000	572,505	-	7,097,495
48838 Aerial Cross Eros Control	200,000	1,610,000	504,650	-	1,105,350
48847 Inflow/Infiltration Program	550,000	7,551,000	2,257,899	38,765	5,254,336
48861 I & I Repairs-Contracts	3,500,000	30,161,000	10,199,793	2,723,830	17,237,377
48874 Janwood	210,000	240,000	25,430	225,388	(10,818)
48875 P Avenue - Park to 18th	20,000	220,000	466	2,534	217,000
48876 P Ave-Park to Parker Rehab	-	175,000	167,249	-	7,751
48877 Manhole Sealing	300,000	2,639,000	637,538	-	2,001,462

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	2004-05 BUDGET	LIFETIME ALLOTMENT PROJECTION	INCEPTION TO DATE EXPENDITURES	ENCUMBRANCES	AVAILABLE
48880 RT Zoning Sanitary Sewer Line	-	188,000	43,990	1,000	143,010
48885 Plano Pkwy East I/I Investigation	30,000	177,000	147,816	28,668	516
48888 Ridgeview Dr/SH 121 Sanitary Sewer	300,000	700,000	36,439	57,974	605,587
48889 Wastewater System Analysis	-	54,000	49,504	-	4,496
48890 Parker Rd. Estates Sewer	350,000	630,000	47,617	5,998	576,385
48 Miscellaneous-Wastewater	5,960,000	52,015,000	14,690,896	3,084,157	34,239,947
49 Administration					
49892 Administration	314,293	5,847,966	3,500,357	-	2,347,609
49 Administration	314,293	5,847,966	3,500,357	-	2,347,609
00034 Sewer CIP	7,833,293	60,588,966	19,281,440	4,062,683	37,244,843
00035 Capital Reserve					
51 Streets & Drainage					
51118 Res. St & Alley Replacement	3,000,000	44,755,000	15,660,101	635,995	28,458,904
51120 Screening Wall Repairs	500,000	6,320,000	2,327,761	388,050	3,604,189
51128 Sidewalk Repairs	250,000	16,655,000	9,964,453	414,414	6,276,133
51131 Arterial Concrete Repairs	1,600,000	20,379,000	7,579,524	1,483,684	11,315,792
51134 Undersealing Program	2,300,000	16,990,000	3,174,015	1,174,127	12,641,858
51136 Curb Median Repairs	75,000	925,000	288,815	-	636,185
51138 Traffic Signal Improvement	500,000	3,076,000	759,782	-	2,316,218
35-P01 Coit Road Landscaping	38,000	228,000	-	-	228,000
35-P05 Street Name Sign Replacement	90,000	720,000	-	-	720,000
51 Streets & Drainage	8,353,000	110,048,000	39,754,451	4,096,270	66,197,279
53 Park Improvements					
53307 Athletic Fields	600,000	7,170,000	2,719,989	429,473	4,020,538
53321 Bob Woodruff Park	-	1,847,000	1,238,950	577,199	30,851
53337 Low Water Corssing Replacement	15,000	1,035,000	829,661	-	205,339
53338 Municipal Golf Course	175,000	2,279,000	1,852,006	7,563	419,431
53341 Park Signage Replacement	15,000	143,000	26,029	-	116,971
53345 Accessible Drinking Fountains	-	-	22,193	-	(22,193)
53346 Maintenance Shop Renovations	-	231,000	93,672	-	137,328
53347 Highpoint Tennis Center	95,000	752,000	351,291	20,000	380,709
53351 Restroom Fix Replacement	25,000	296,000	87,520	15,792	192,688
53353 Irrigation Renovations	175,000	6,700,000	628,345	-	6,071,655
53354 Parking Lot Replace	-	1,458,000	1,329,893	10,857	117,250
53356 Playground Replacements	200,000	4,221,000	1,451,960	318,701	2,450,339
53357 Trail Repairs	500,000	7,280,000	598,528	79,581	6,601,891
53362 Park Shelter Replacements	100,000	1,180,000	78,248	131,840	969,912
53363 Park Structures & Equipment	175,000	2,298,000	574,401	26,268	1,697,331
53365 Park Restoration & Cleanup	20,000	79,000	19,450	-	59,550
53366 Preston Meadow Park	-	250,000	122,400	127,600	-
53367 Shawnee Park Renovation	-	244,000	237,529	-	6,471
53368 Silt Removal	35,000	350,000	-	-	350,000
53369 Interurban Building	15,000	25,000	3,825	-	21,175
53370 Recreation Center Equipment	210,000	855,000	92,489	5,760	756,751
53371 Big Lake Park	75,000	650,000	-	-	650,000
53372 Jack Carter Pool Renovation	625,000	625,000	80,578	654,036	(109,614)
53373 Median Renovations	50,000	400,000	4,671	980	394,349
35-P04 Public Building Landscape Renovations	25,000	550,000	-	-	550,000
53 Park Improvements	3,130,000	40,918,000	12,443,628	2,405,650	26,068,722

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54 Municipal Facilities					
54422 Carpenter Park Rec Ctr Renovation	275,000	1,078,000	336,377	850	740,773
54423 Plano Centre Renovation	222,000	1,249,000	507,060	34,630	707,310
54424 Municipal Center Renovations	26,000	1,293,000	805,290	74,932	412,778
54425 Animal Shelter Modifications	-	57,000	60,774	-	(3,774)
54426 Aquatic Ctr Renovation	35,000	323,000	287,387	-	35,613
54432 Schim Brick Sealing	-	285,000	19,230	-	265,770
54436 Douglass Recreation Center	-	211,000	119,885	12,107	79,008
54440 Harrington Library	10,000	267,000	123,751	-	143,249
54443 Municipal Center South	-	204,000	25,484	3,359	175,157
54447 Fire Station #5	-	127,000	1,190	-	125,810
54448 Fire Station #6 Modification	19,000	227,000	15,404	35,683	175,913
54449 Roof Replacements	-	33,000	31,468	1,000	532
54460 Council Chambers Digital	-	1,600,000	1,538,053	8,270	53,677
54462 Neighborhood Revitalization	100,000	1,300,000	-	-	1,300,000
54465 Stadium Pump Station	-	7,000	-	-	7,000
54466 Asbestos Testing & Removal	40,000	218,000	3,132	-	214,868
54467 Fire Station #7 - Bldg #59	94,000	175,000	2,040	-	172,960
54467-P Parkway Operations - Bldg #74	33,000	108,000	-	-	108,000
54468 Property House - Bldg #87	122,000	130,000	8,426	350	121,224
54468-P Douglass Annex	15,000	16,000	-	-	16,000
54474 Mold Testing & Removal	47,000	250,000	-	-	250,000
54475 Dozier Radio Tower	-	20,000	10,740	-	9,260
54476 EOC Radio Tower	-	-	-	10,388	(10,388)
54479 Liberty Recreation Center	35,000	291,000	97,033	1,942	192,025
54481 Fire Station #10	6,000	7,000	5,962	1,605	(567)
54482 Senior Center	-	81,000	18,421	15,199	47,380
54484 Parkway Operations	-	-	4,300	24,518	(28,818)
54484-P Energy Reduction	25,000	625,000	-	-	625,000
54485 Tri-City Gun Range-Bldg #86	-	-	1,290	-	(1,290)
54486 Police Assembly 2-Bldg #58	-	-	3,873	-	(3,873)
54487-P Haggard Library - Bldg #60	175,000	270,000	-	31,294	238,706
54488 Oak Point Rec Center-Bldg #92	-	-	350	-	(350)
54488-P Fire Station No.04 - Bldg #18	12,000	27,000	-	-	27,000
54489-P Oak Point Recreation Center - Bldg #92	18,000	48,000	-	-	48,000
54490 Parkway Park Maint.-Bldg #6	-	-	350	-	(350)
54490-P Fire Station No. 08 - Bldg #79	32,000	44,000	-	-	44,000
54491-P Fire Station No. 09 - Bldg #90	6,000	6,000	3,800	650	1,550
54492 Robinson Justice Center	-	-	-	893	(893)
54 Municipal Facilities	<u>1,347,000</u>	<u>10,577,000</u>	<u>4,031,070</u>	<u>257,670</u>	<u>6,288,260</u>
55 Miscellaneous					
55501 Ligustrum Replacement	5,000	185,000	125,107	-	59,893
55 Miscellaneous	<u>5,000</u>	<u>185,000</u>	<u>125,107</u>	<u>-</u>	<u>59,893</u>
00035 Capital Reserve	12,835,000	161,728,000	56,354,256	6,759,590	98,614,154
00036 Water CIP					
67 Special Projects					
67892 Administration- Water	314,293	6,123,966	2,979,586	-	3,144,380
67 Special Projects	<u>314,293</u>	<u>6,123,966</u>	<u>2,979,586</u>	<u>-</u>	<u>3,144,380</u>
68 Water Projects					
68164 Fire Hydrants	325,000	2,243,000	921,311	11,524	1,310,165
68176 Hedgcoxe Main-East of Custer	-	444,000	389,335	53,410	1,255
68178 Independence Square	-	1,045,000	1,010,787	14,210	20,003
68187 Shiloh - Park to Parker	80,000	235,000	124,877	4,000	106,123

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68313 Monitoring & Control/Ridgeview	-	585,000	74,411	-	510,589
68456 Oversize Participation	100,000	2,563,000	1,380,624	-	1,182,376
68896 Ridgeview Transmission Line East	-	2,857,000	2,840,326	-	16,674
68899 Chaparral - Jupiter to E. City Limits	20,000	170,000	-	-	170,000
68905 Janwood - Alma to Westwood	548,000	605,000	52,507	367,970	184,523
68907 Legacy Business District Area	820,000	840,000	53,083	25,228	761,689
68911 McDermott/Rasor-TXU Easement	-	1,746,000	1,690,314	18,666	37,020
68913 P Ave-Park to 18th	40,000	440,000	7,867	15,204	416,929
68914 P Ave-Park to Parker Rehab	-	275,000	257,088	-	17,912
68920 Stewart Main - Capital to Plano Pkwy	30,000	330,000	-	32,500	297,500
68935 Parkwood Trnk Line-TXU/Tnk Sp	680,000	720,000	53,208	6,180	660,612
68942 Jupiter-Parker to Royal	-	510,000	429,109	59,837	21,054
68943 Kimberlea Water Rehab	-	1,421,000	1,411,824	5,080	4,096
68944 Los Rios-Jupiter to Park	350,000	549,000	489,014	73,243	(13,257)
68949 Waterline Crossing No.1	200,000	615,000	62,730	24,690	527,580
68950 McDermott/Rasor-Ohio to Robinson	75,000	159,000	106,314	38,006	14,680
68951 Plano Pkwy-Los Rios-14th	120,000	172,000	10,733	1,067	160,200
68952 Downtown Fire Protection	23,000	114,000	52,948	35,939	25,113
68953 15th St.-G to I	150,000	170,000	-	17,323	152,677
68956 Dallas N15 Waterline Rehab	1,500,000	1,650,000	151,629	1,307,655	190,716
68957 Briarcreek Waterline	50,000	90,000	11,634	95,651	(17,285)
68959 Landershire Drive Water Rehab	8,000	202,000	119,687	49,015	33,298
68960 Premier-Ruisseau to Heritage	-	175,000	124,085	32,791	18,124
68961 SH 121 Utility Adjustments	50,000	125,000	48,842	16,410	59,748
68962 Water Remodeling Extended	10,000	20,000	16,971	854	2,175
68963 Water Distribution Analysis	10,000	70,000	2,379	7,621	60,000
68964 White Rock Crk Tank Modification	50,000	60,000	94,576	6,289	(40,865)
68965 View Place - Horizon to Mission Ridg	19,000	19,000	-	-	19,000
68966 Dallas North Tollway - N of Spring Cr	-	100,000	-	5,200	94,800
68967 Parker - K Avenue to P Avenue	30,000	270,000	-	8,263	261,737
36-P03 12th Street - K Avenue to Municipal D	32,000	32,000	-	-	32,000
36-P14 Pump Station Improvements	100,000	110,000	-	-	110,000
68968 Whiffletree Water Rehab	150,000	1,600,000	-	155,025	1,444,975
36-P422 Automated Meter Reading Program	160,000	1,130,000	-	-	1,130,000
68 Water Projects	5,730,000	24,461,000	11,988,213	2,488,851	9,983,936
00036 Water CIP	6,044,293	30,584,966	14,967,799	2,488,851	13,128,316
00038 DART Local Assistance					
83 CMS-Technical Support					
83301 CMS Cap Support	-	17,000	16,970	-	30
83302 CMS Trans Staff	-	1,284,000	1,312,262	-	(28,262)
83 CMS-Technical Support	-	1,301,000	1,329,232	-	(28,232)
84 CMS-Capital					
84409 14th st G to K Ave	-	769,000	737,728	10,520	20,752
84413 Westside Intersection Impovements	120,000	1,036,000	679,149	2,600	354,251
84417 W. Intersection-Pkwy/Ohio	-	130,000	95,094	18,755	16,151
84418 W. Intersection-SC/Tollway Rtrun	-	60,000	57,764	-	2,236
84 CMS-Capital	120,000	1,995,000	1,569,735	31,875	393,390
00038 DART Local Assistance	120,000	3,296,000	2,898,967	31,875	365,158
00052 Park Service Area Fees					

**CAPITAL IMPROVEMENTS
PROJECTS
AS OF DECEMBER 31, 2004**

	2004-05 BUDGET	LIFETIME ALLOTMENT PROJECTION	INCEPTION TO DATE EXPENDITURES	ENCUMBRANCES	AVAILABLE
A01 AREA 01					
01002 Cottonwood Creek Greenbelt	120,000	940,000	469,195	-	470,805
A01 AREA 01	120,000	940,000	469,195	-	470,805
A03 AREA 03					
03033 Jupiter Road Site	-	703,000	626,071	107	76,822
52-P03-1 Rowlett Creek Greenbelt	100,000	100,000	-	-	100,000
A03 AREA 03	100,000	803,000	626,071	107	176,822
A04 AREA 04					
04044 Hoblitzelle Trail	100,000	339,000	238,021	-	100,979
A04 AREA 04	100,000	339,000	238,021	-	100,979
A05 AREA 05					
05051 Chisholm Trail	50,000	248,000	47,993	-	200,007
A05 AREA 05	50,000	248,000	47,993	-	200,007
A06 AREA 06					
06062 Evans Park	-	120,000	98,921	10,991	10,088
A06 AREA 06	-	120,000	98,921	10,991	10,088
A09 AREA 09					
09095 Russell Creek Park	50,000	50,000	150,000	-	(100,000)
A09 AREA 09	50,000	50,000	150,000	-	(100,000)
A10 AREA 10					
10004 Preston Ridge Trail	25,000	821,000	639,180	-	181,820
10005 Legacy Trail	200,000	1,796,000	819,499	3,100	973,401
10007 Bluebonnet Trail	275,000	425,000	-	-	425,000
A10 AREA 10	500,000	3,042,000	1,458,679	3,100	1,580,221
A11 AREA 11					
11114 Preston Ridge Trail	25,000	391,000	140,878	-	250,122
A11 AREA 11	25,000	391,000	140,878	-	250,122
A13 AREA 13					
13133 Marsh Lane Site	-	250,000	200,000	-	50,000
13134 Northwest Greenbelt	75,000	910,000	722,020	-	187,980
A13 AREA 13	75,000	1,160,000	922,020	-	237,980
00052 Park Service Area Fees	1,020,000	7,093,000	4,151,778	14,198	2,927,024
00053 Creative & Perf Arts Facility					
56531 Creative & Perf Arts Facility	-	19,402,000	25,278	-	19,376,722
56532 Collin County Cultural Arts District	-	766,000	100,000	-	666,000
00053 Creative & Perf Arts Facility	-	20,168,000	125,278	-	20,042,722
00054 Animal Control Facility					
57541 Animal Shelter	-	3,754,967	2,280,356	18,769	1,455,842
00054 Animal Control Facility	-	3,754,967	2,280,356	18,769	1,455,842
00059 Service Center Facility					
59592 Parkway Svc Ctr Expansion	-	4,000,000	1,033	3,287,713	711,254
00059 Service Center Facility	-	4,000,000	1,033	3,287,713	711,254
00060 Joint Use Facilities					
61110 Joint Use Facility	-	4,000,000	3,736,264	112,310	151,426
00060 Joint Use Facilities	-	4,000,000	3,736,264	112,310	151,426

Section 2

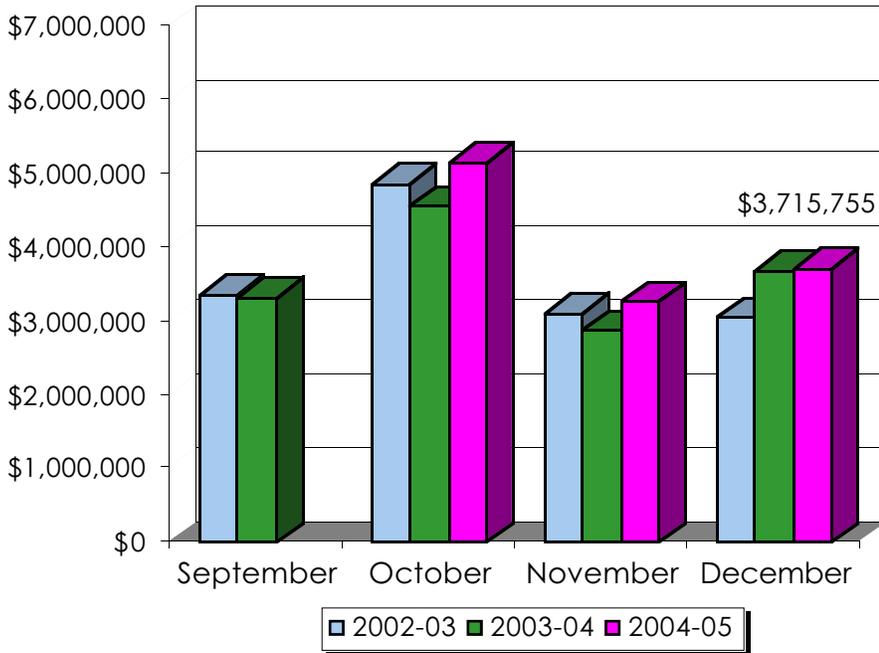
City of Plano
Comprehensive Monthly Finance Report

Economic Analysis

Economic Analysis

Sales tax of \$3,715,755 was reported in December for the City of Plano. This amount represents an increase of 1.16% over the amount received in December 2003.

Sales Tax
Actual Monthly Revenue
Figure I



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

Figure I represents actual sales and use tax receipts for the months of September through December for fiscal years 2002-03, 2003-04, and the months of October, November & December 2004-2005.

Annualized Sales Tax Index
Compared to Dallas Consumer Price Index
Figure II

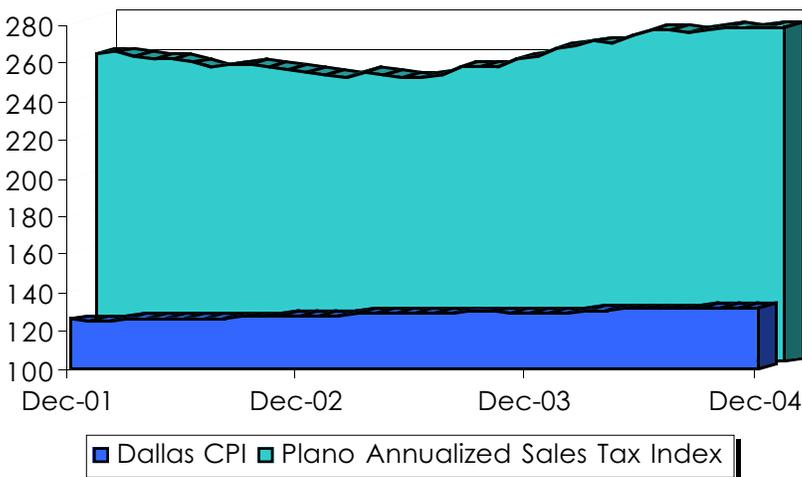


Figure II, left, tracks the percentage change in annualized sales tax revenues compared to the percentage change in the Dallas-area CPI, using 1982-84 as the base period. For December 2004, the adjusted CPI was 132.18 and the Sales Tax Index was 275.23.

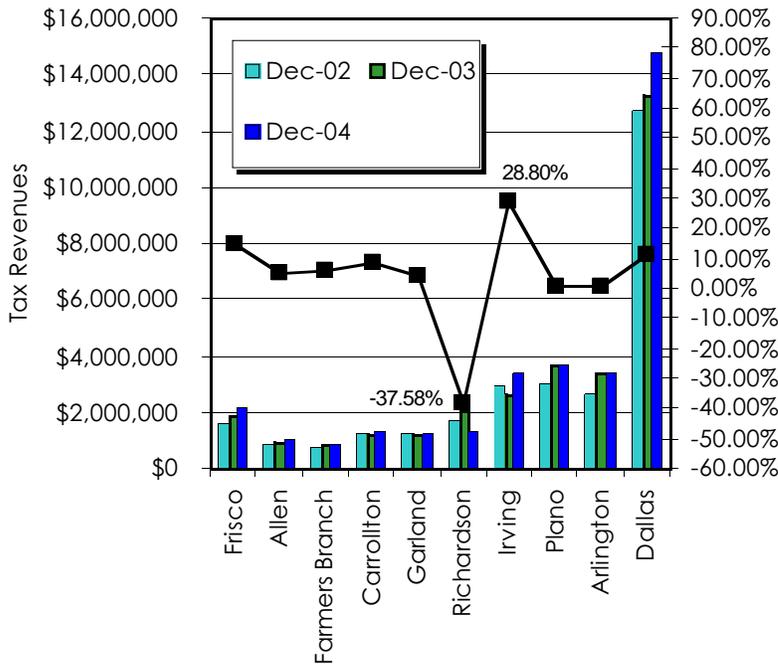
Since January 1998, the BLS has moved the Dallas-Area pricing cycle for CPI computation to odd-numbered months.

Economic Analysis

Figure III shows sales tax receipts from December 2002 – December 2004 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 1.25% sales tax rate with .25% dedicated to road maintenance. For the December reporting month, the City of Plano received \$3,715,755 from this 1% tax.

Sales Tax Comparisons City of Plano and Area Cities

Figure III



The percentage change in sales tax collections for the area cities from December 2003 to December 2004 ranged from 28.80% for the City of Irving to -37.58% for the City of Richardson.

In December 2004, a total of 43 actual single-family housing permits, representing a value of \$10,008,105, were issued. This value represents a 8.61% decrease from the same period a year ago. Annualized single-family housing starts of 729 represent a value of \$141,263,515.

Single Family Housing Starts

Figure IV

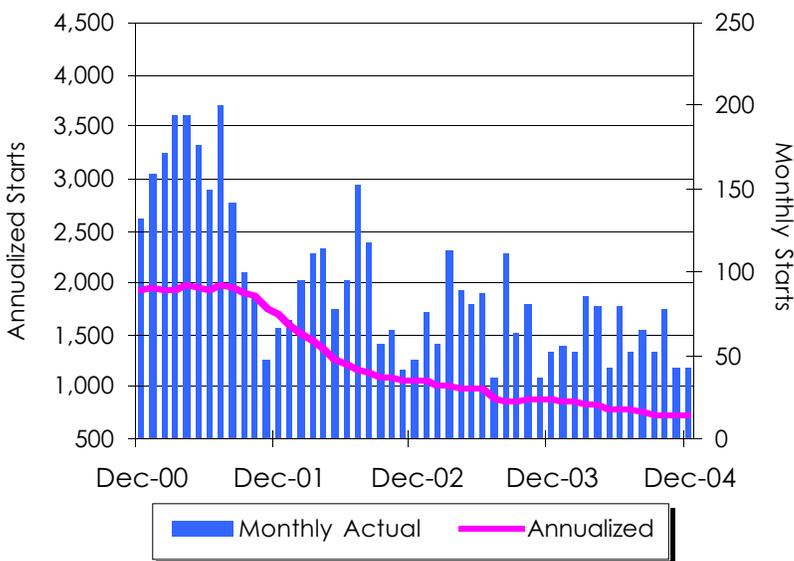


Figure IV above shows actual single-family housing starts versus annualized housing starts for December 2000 through December 2004.

Figure IV above shows actual single-family housing starts versus annualized housing starts for December 2000 through December 2004.

Economic Analysis

Yield Curve
Figure V

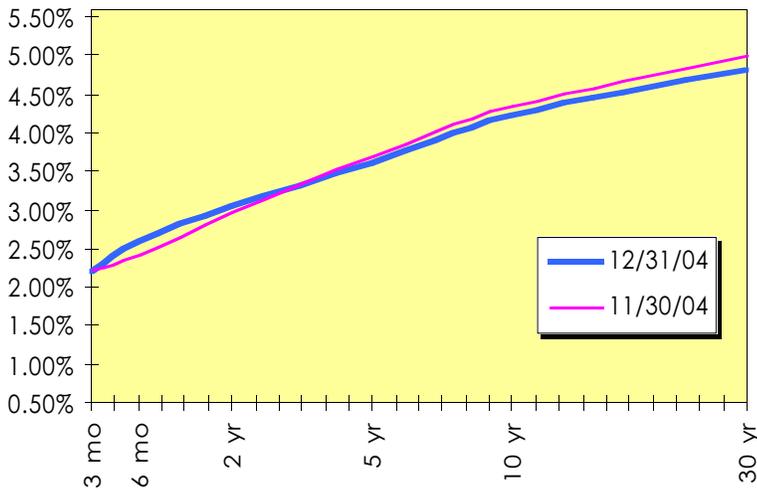


Figure V, left, shows the U.S. Treasury yield curve for December 31, 2004 in comparison to November 30, 2004. A majority of reported treasury yields decreased in the month of December, with the greatest decrease in reported rates occurring in the 30-year sector at -19 basis points, and the greatest increase in rates occurring in the 6-month sector at +19 basis points.

Unemployment Rates
Unadjusted Rate Comparison
Figure VI

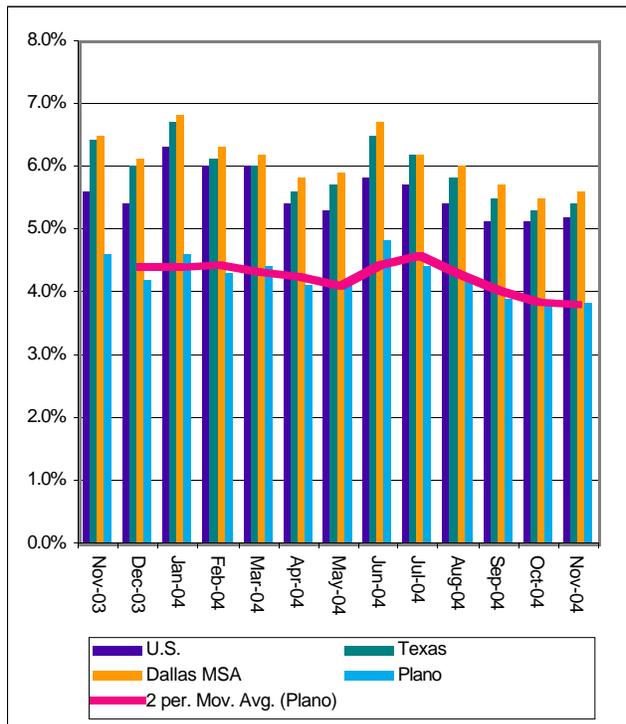


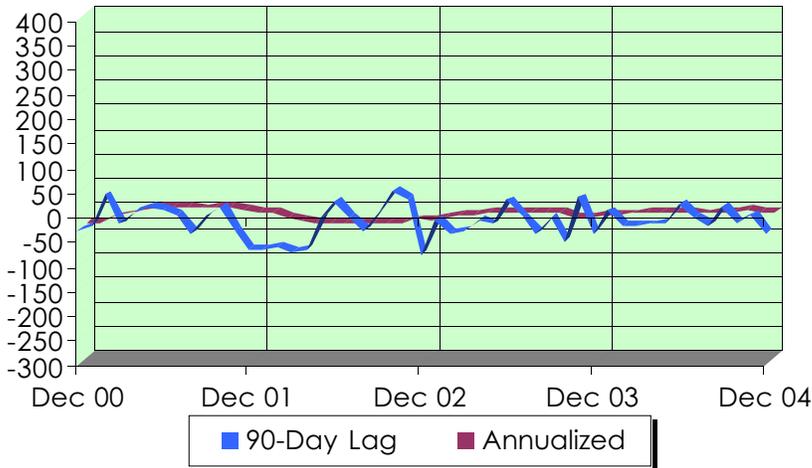
Figure VI shows unadjusted unemployment rates based on the BLS U.S. City Average, and LAUS estimates for the State of Texas, the Dallas Metropolitan Statistical Area (MSA) and the City of Plano from November 2003 to November 2004.

*Due to recent changes in labor force estimates by the BLS, unemployment data from 1990 to present has been revised, and the changes will be reflected in this chart.

Economic Analysis

Figure VII shows the net difference between the number of housing starts three months ago and new refuse customers in the current month (90-day lag) as well as the average difference between these measures for the past four years (annualized).

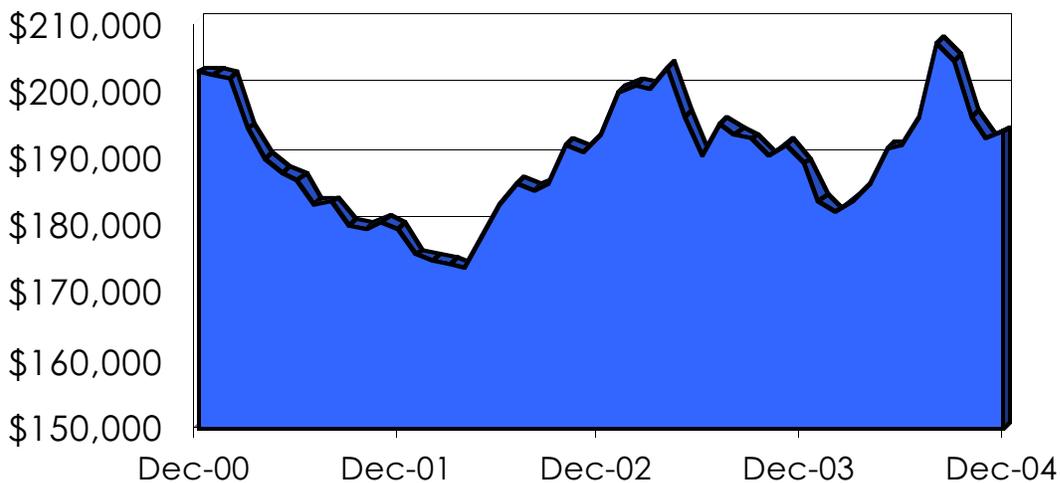
**Housing Absorption
90-Day Lag From Permit Date**
Figure VII



For the current month, the 90-day lag is -36 homes, meaning that in September 2004 there were 36 less housing starts than new refuse customers in December 2004. The annualized rate is -6 which means there was an average of 6 less housing starts than new garbage customers per month over the past year.

The annualized average declared construction value of new homes increased 2.47% to \$193,777 when compared to December 2003.

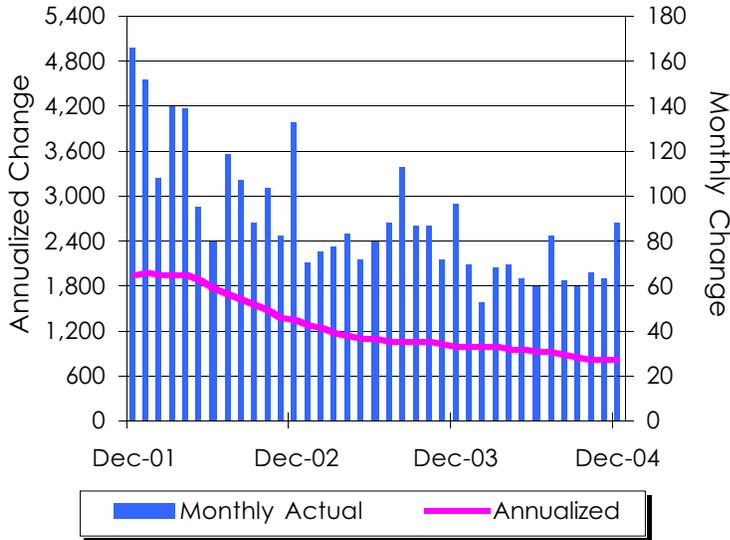
Single-Family New Home Value
Figure VIII



Economic Analysis

Refuse Collections Accounts Net Gains/Losses

Figure IX

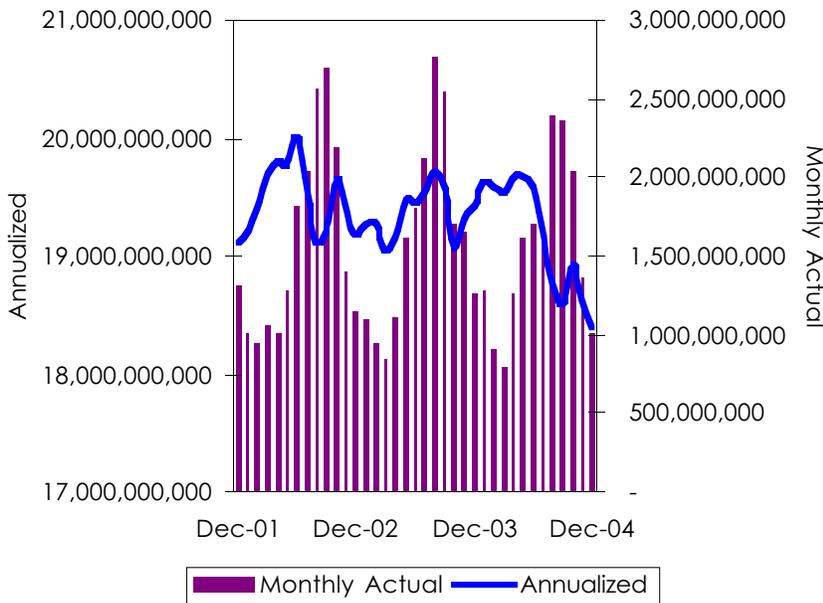


In December, net new refuse collection accounts totaled 88, in comparison to 97 new accounts in December of 2003. This change represents a decrease of 9.28% year-to-year. Annualized new refuse accounts totaled 805, showing a decrease of 199, or a -19.82% change when compared to the same time last year.

Figure IX shows actual versus annualized new refuse collection accounts.

Local Water Consumption (Gallons)

Figure X



In December, the City of Plano pumped 1,174,212,000 gallons of water from the North Texas Municipal Water District (NTMWD). Consumption was 1,015,763,000 gallons among 75,663 billed water accounts while billed sewer accounts numbered 72,088. The minimum daily water pumpage was 35,221,000 gallons, which occurred on Tuesday, December 7th. Maximum daily pumpage was 42,697,000 gallons and occurred on Tuesday, December 21st. This month's average daily pumpage was 37,878,000 gallons.

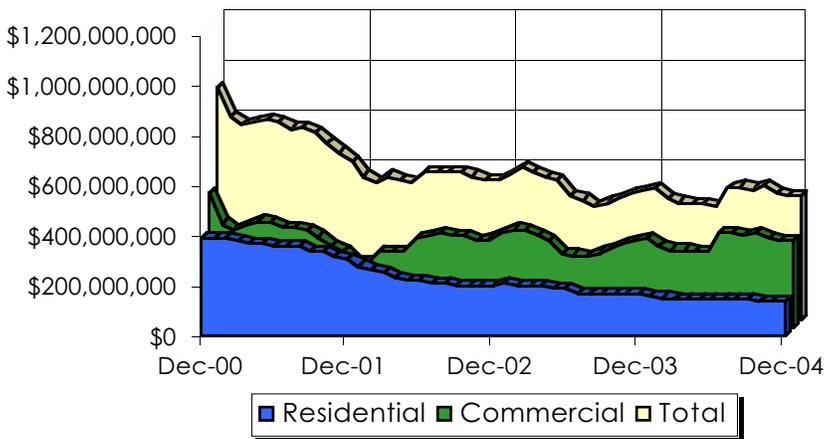
Figure X shows the monthly actual and annualized average for local water consumption.

Economic Analysis

In December, a total of 105 new construction permits were issued, valued at \$45,160,771. This includes 43 single-family residences, 1 industrial building, 1 office/bank building, 11 other, 25 commercial additions/alterations, and 29 interior finish-outs. There were 25 permits issued for pools/spas.

Annualized Building Permit Values

Figure XI



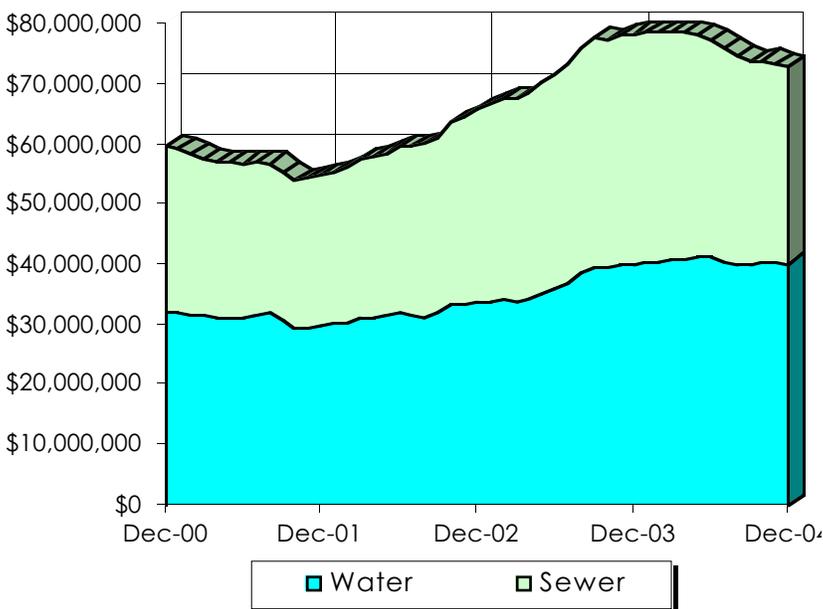
The overall annualized value was \$491,779,029, down 6.05% from the same period a year ago. The annualized value of new residential construction decreased to a value of \$141,263,515, down 15.50% from a year ago. The annualized value of new commercial construction decreased 1.62% to \$350,515,514.*

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

The actual water and sewer customer billing revenues in December were \$2,369,246 and \$2,721,286, a decrease of 8.59% and 8.77% respectively, compared to December 2003 revenues. The aggregate water and sewer accounts netted \$5,090,532 for a decrease of 8.69%.

Annualized Water & Sewer Billings

Figure XII



December consumption brought annualized revenue of \$40,200,544 for water and \$32,735,337 for sewer, totaling \$72,935,881. This total represents a decrease of 7.19% compared to last year's annualized revenue.

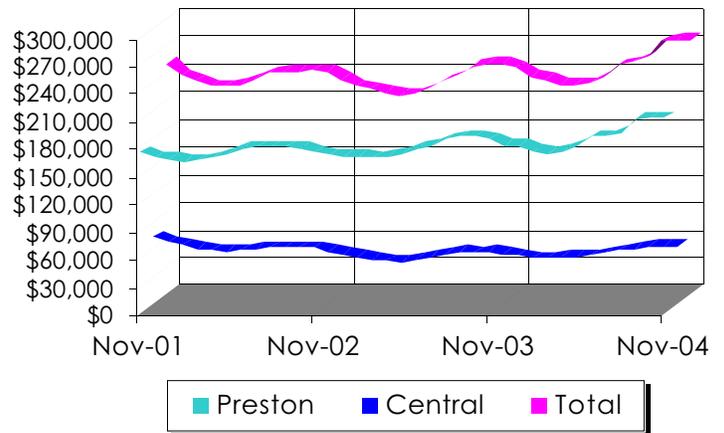
Figure XII presents the annualized billing history of water and sewer revenues for December 2000 through December 2004.

Economic Analysis

November revenue from hotel/motel tax was \$261,869. ¹ This represents an increase of \$44,458 or 20.45% compared to November 2003. The average monthly revenue for the past six months (see graph) was \$276,101, an increase of 12.86% from the previous year's average. The six-month average for the Central area increased to \$63,025 and the Preston area average increased to \$213,076 from the prior year.

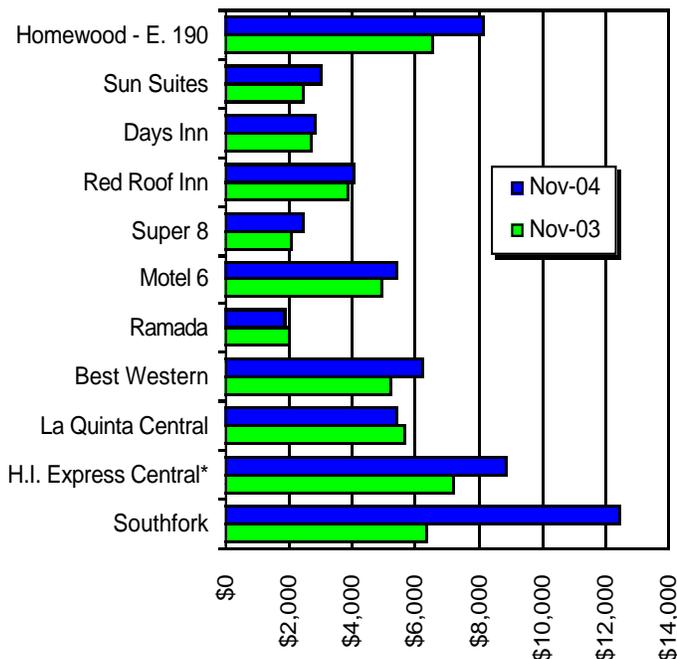
¹This amount will not always equal the hotel/motel taxes reported in the financial section. The economic report is based on the amount of taxes earned during a month, while the financial report indicates when the City received the tax.

Hotel/Motel Occupancy Tax Six Month Trend Figure XIII

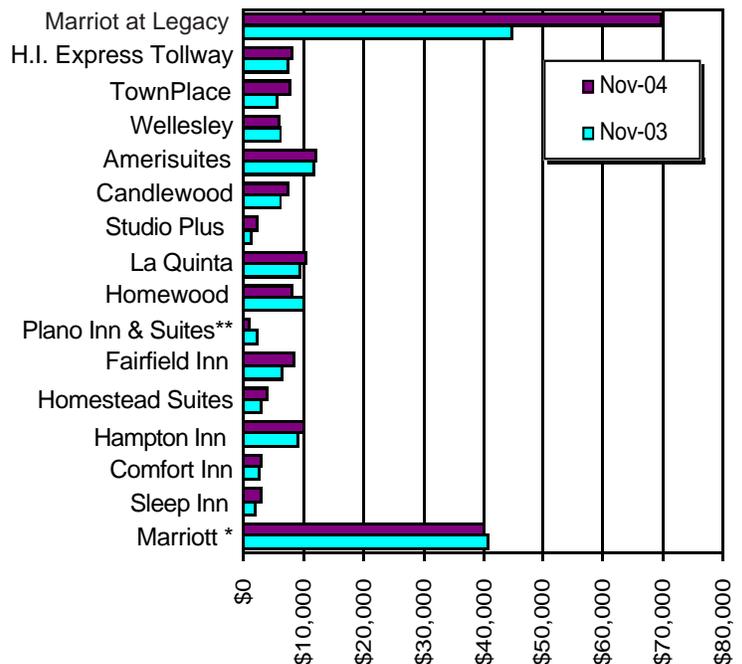


Figures XIV and XV show the actual occupancy tax revenue from each hotel/motel in Plano for November 2004 compared to the revenue received in November 2003.

Hotel/Motel Occupancy Tax Monthly Comparison by Hotel - Central Figure XIV



Hotel/Motel Occupancy Tax Monthly Comparison by Hotel - Preston Figure XV



*The Holiday Inn has reopened as a Holiday Inn Express.

* Since December 1998, Marriott International Tax Revenue Numbers On This Graph Represent Three (3) Marriott-Owned Hotels (Courtyard By Marriott 1N4, 1ND, and Residence Inn #323)

** Formerly the Hearthside Hotel

Section 3

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

INVESTMENT REPORT DECEMBER, 2004

Interest received during December totaled \$428,240 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.

During December, the two-year Treasury note yield increased slightly throughout the month, starting at 3.01 and ending at 3.07.

As of December 31, a total of \$199.7 million was invested in the Treasury Fund. Of this amount, \$28.1 million was General Obligation Bond Funds, \$.5 million was Water & Sewer Revenue Bond Funds, and \$171.1 million was in the remaining funds.

Investments	Current Month Actual	Fiscal Y-T-D	Prior Fiscal Y-T-D	Prior Fiscal Year Total
(1) Funds Invested	\$8,052,000	\$28,552,000	\$41,645,000	\$133,145,000
(2) Interest Received	\$428,240	\$1,288,649*	\$1,394,724	\$5,735,635
(3) Earnings Potential Factor	110.8%	108.7%	172.8%	193.4%
(4) Investment Potential	103.2%	102.1%	100.5%	100.4 %
(5) Actual Aggressive Dividend	\$97,907	\$157,469	\$90,104	\$239,104
(6) Average 2 Year T-Note Yield	3.07		1.88	

* See interest allocation footnote on Page C-3.

- (1) Does not include funds on deposit earning an "earnings credit" rate and/or moneys in investment pools.
- (2) Cash basis.
- (3) Comparison of actual yield of investments to average yield of 2 year Treasury notes for current month.
- (4) Measures the percent of funds invested at month end compared to total available investable funds.
- (5) Difference between amount of interest earned due to aggressive investing of funds, when compared to passive use of funds earning an "earnings credit" rate, during current month.
- (6) Compares 2004 to 2003.

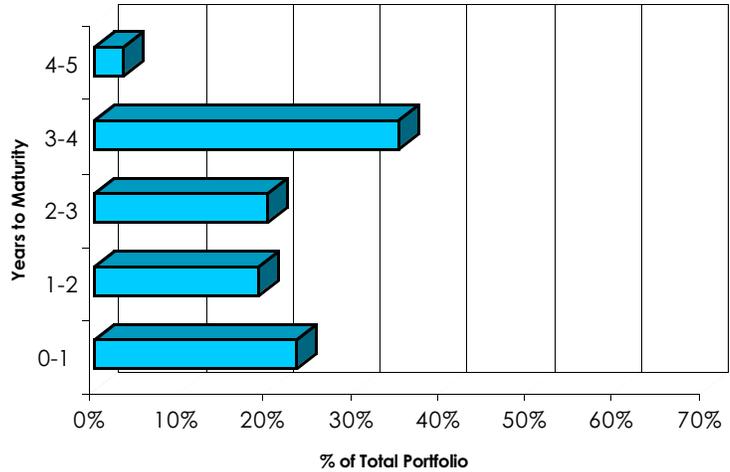
Month-to-Month Comparison

	Nov 04	Dec 04	Difference
Portfolio Holding Period Yield	2.80	2.77	-.03 (-3 basis points)
Avg. 2-Year T-Note Yield	3.01	3.07	.06 (6 basis points)

INVESTMENT REPORT

Portfolio Maturity Schedule Figure I

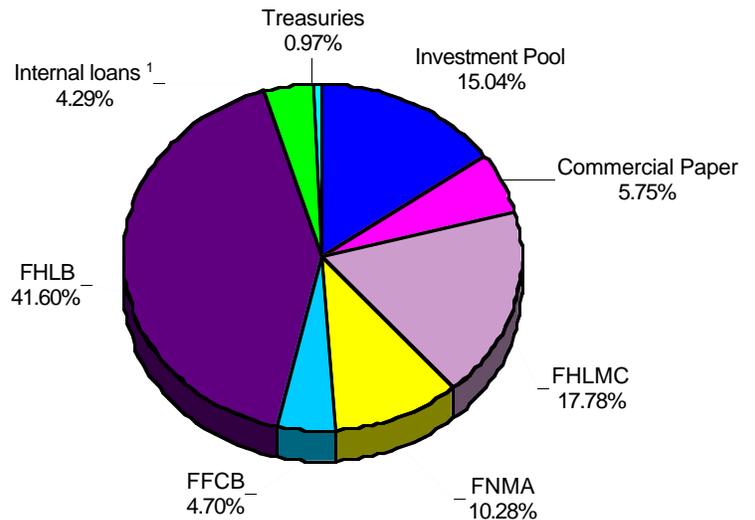
Years to Maturity*	Face Value	% Total
0-1	\$ 47,570,169	23.07%
1-2	38,710,000	18.77%
2-3	40,870,000	19.82%
3-4	72,060,000	34.94%
4-5	7,000,000	3.39%
Total	\$ 206,210,169	100.00%



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

Portfolio Diversification Figure II

Type	Face Value	% Total
Investment Pool	\$ 31,018,169	15.04%
Commercial Paper	11,852,000	5.75%
FHLMC	36,665,000	17.78%
FNMA	21,200,000	10.28%
FFCB	9,695,000	4.70%
FHLB	85,780,000	41.60%
Internal loans ¹	8,000,000	3.88%
Treasuries	2,000,000	0.97%
Total	\$ 206,210,169	100.00%



¹ Internal loans on annual basis as percent of portfolio

INVESTMENT REPORT

Allocated Interest/Fund Balances December, 2004 *Figure III*

Fund	Allocated Interest		Fund Balance	
	Current Month	Fiscal Y-T-D	End of Month	% of Total
General	(51,868.75)	69,793.41	\$33,651,899.61	16.85%
G.O. Debt Service	(12,336.29)	(9,295.16)	12,803,820.82	6.41%
Street & Drainage Improvements	(8,264.55)	30,585.95	4,136,733.08	2.07%
Sewer CIP	(12,636.80)	18,484.95	7,180,505.72	3.60%
Capital Reserve	(47,860.64)	72,777.18	26,877,343.13	13.46%
Water & Sewer Operating	(6,980.89)	25,528.25	3,169,282.64	1.59%
Water & Sewer Debt Service	(4,164.63)	4,473.87	2,498,130.55	1.25%
W & S Impact Fees Clearing	(527.20)	2,246.54	263,291.14	0.13%
Park Service Area Fees	(6,953.58)	10,987.54	3,899,499.58	1.95%
Property / Liability Loss	(9,495.93)	16,684.77	5,266,705.37	2.64%
Information Services	(13,685.45)	20,584.15	7,594,766.34	3.80%
Equipment Replacement	(8,840.89)	15,718.29	5,173,215.00	2.59%
Developers' Escrow	(12,829.61)	19,672.32	7,201,989.09	3.61%
G.O. Bond Funds	(50,596.45)	94,861.56	28,144,067.53	14.10%
Municipal Drainage Bond Clearing	(1,744.05)	5,179.03	978,090.47	0.49%
Other	(86,853.26)	142,647.50	50,719,394.06	25.40%
Total	\$(338,078.89)	\$533,610.39	\$199,655,878.23	100.00%

Footnote: All City funds not restricted or held in trust are included in the Treasury Pool. As of December 31, 2004, allocated interest to these funds may include an adjustment to fair value as required by GASB 31.

Portfolio Statistics

Month	Total Invested (End of Month)	Portfolio Yield	# Securities		Weighted Avg Maturity (Days)	# Securities
			Purchased*	Matured/ Sold/Called		
Jul-03	229,589,560	3.03%	23	24	1262	163
Aug-03	233,893,309	2.62%	0	21	1115	142
Sep-03	206,521,434	2.63%	0	14	1143	128
Oct-03	199,718,592	2.73%	4	4	1191	128
Nov-03	195,617,660	2.92%	14	4	1282	138
Dec-03	210,495,739	2.88%	18	8	1222	148
Jan-04	250,043,966	2.59%	21	12	1023	157
Feb-04	258,925,214	2.69%	12	11	1087	158
Mar-04	253,572,319	2.30%	9	28	841	139
Apr-04	245,726,182	2.30%	8	11	835	136
May-04	234,169,952	2.41%	6	3	871	142
Jun-04	229,806,945	2.49%	2	3	861	141
Jul-04	222,498,884	2.49%	2	4	857	139
Aug-04	228,040,422	2.46%	2	5	808	135
Sep-04	193,870,437	2.71%	1	10	911	127
Oct-04	186,405,776	2.74%	4	4	925	127
Nov-04	184,228,731	2.80%	7	8	921	125
Dec-04	206,210,169	2.77%	5	2	801	128

* Does not include investment pool purchases.

INVESTMENT REPORT

*Equity in Treasury Pool
By Major Category
Figure IV*

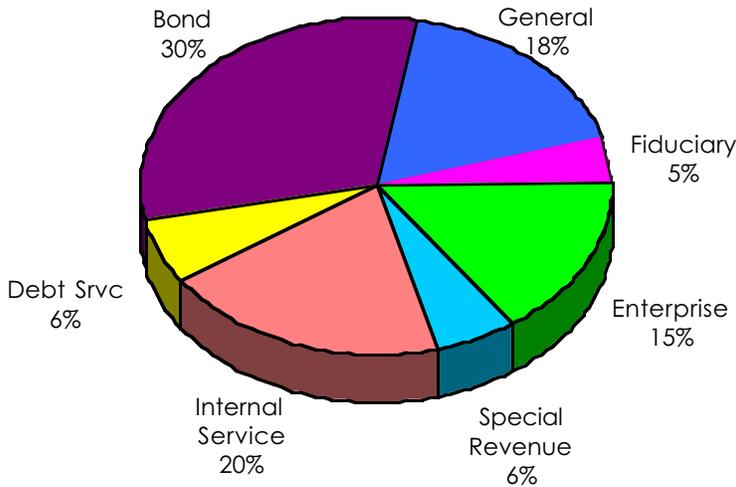
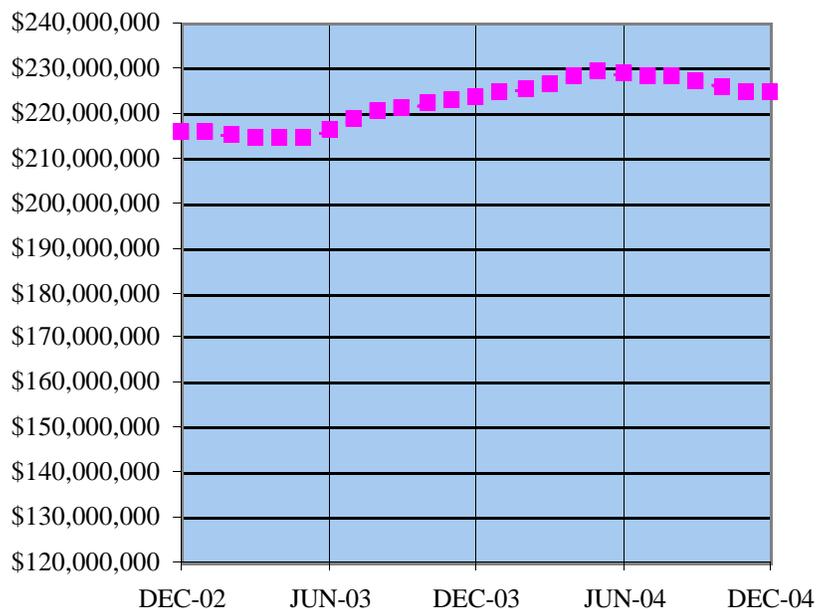


Figure IV shows a breakdown of the various sources of funds for the City's Treasury Pool as of December 31, 2004. The largest category is comprised of bond funds in the amount of \$63.6 million. Closest behind is the Internal Service Fund with a total of \$40.1 million, and the Enterprise Fund with \$35.8 million.

*Annualized Average Portfolio
Figure V*

The annualized average portfolio for December 31, 2004 was 224,458,250. This is an increase of \$938,403 when compared to the December 2003 average of \$223,519,847.



Section 4

City of Plano
Comprehensive Monthly Finance Report

Quarterly
Investment Report

Investment Report

City of Plano

10/01/2004 - 12/31/2004

This report summarizes the investment position of the City of Plano for the period 10/01/2004 to 12/31/2004.

	10/01/04		12/31/04
Book Value \$	193,863,120.36	\$	206,120,661.87
Market Value \$	192,427,159.03	\$	203,923,938.05
Par Value \$	193,870,436.51	\$	206,210,168.90
Change in Market Value		\$	(695,278.48)
Weighted Average Maturity (in Days)	911		801
Weighted Average Yield-to-Maturity of Portfolio	2.7146%		2.7659%
Yield-to-Maturity of 2-Year T-Note	2.6100%		3.0700%
Accrued Interest		\$	607,156.43

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



 Director of Finance



 Treasurer

Portfolio Position
City of Plano - Treasury
 Effective Interest - Actual Life
 Receipts in Period
 10/01/04 - 12/31/04

	CUSIP	Invest Number	Security Description	Purchase Date	Par Value On 10/01/04	Par Value On 12/31/04	Market Val On 10/01/04	Market Val On 12/31/04	Amor Value On 10/01/04	Amor Value On 12/31/04	
Combined Port	16277LK87	04-0094-01	Commercial Paper	0.00 10/08/04	07/13/04	4,000,000.00	0.00	3,998,455.16	0.00	3,998,774.61	0.00
	24228JP99	05-0005	Commercial Paper	0.00 02/09/05	11/04/04	0.00	2,500,000.00	2,485,247.92	2,494,921.88	2,485,247.92	2,494,047.75
	53974TK71	04-0096-01	Commercial Paper	0.00 10/07/04	08/03/04	2,000,000.00	0.00	1,999,318.72	0.00	1,999,471.97	0.00
	53974TL47	05-0003-01	Commercial Paper	0.00 11/04/04	10/22/04	0.00	0.00	1,998,700.00	0.00	1,998,700.00	0.00
	53974TLJ4	04-0097-01	Commercial Paper	0.00 11/18/04	08/30/04	2,000,000.00	0.00	1,996,011.94	0.00	1,995,406.31	0.00
	53974TM20	05-0004-01	Commercial Paper	0.00 12/02/04	10/22/04	0.00	0.00	1,995,558.34	0.00	1,995,558.34	0.00
	53974TNJ2	05-0011	Commercial Paper	0.00 01/18/05	11/30/04	0.00	2,000,000.00	1,993,738.89	1,998,373.14	1,993,738.89	1,997,823.33
	53974TQ18	05-0006	Commercial Paper	0.00 03/01/05	11/05/04	0.00	2,000,000.00	1,985,628.89	1,993,247.86	1,985,628.89	1,992,664.66
	7404M2PF9	05-0013	Commercial Paper	0.00 02/15/05	12/21/04	0.00	1,000,000.00	996,173.33	997,612.05	996,173.33	996,922.69
	7621ZLQF7	05-0012	Commercial Paper	0.00 03/15/05	12/17/04	0.00	2,352,000.00	2,337,569.17	2,341,835.29	2,337,569.17	2,340,016.44
	87123LKM3	04-0098-01	Commercial Paper	0.00 10/21/04	09/15/04	2,000,000.00	0.00	1,998,183.20	0.00	1,998,065.17	0.00
	87123LSH6	05-0015	Commercial Paper	0.00 05/17/05	12/29/04	0.00	2,000,000.00	1,979,304.44	1,982,166.28	1,979,304.44	1,979,746.59
	Commercial Paper Total					10,000,000.00	11,852,000.00	9,991,969.02	11,808,156.50	9,991,718.06	11,801,221.46
	31331Q2W6	03-0216	FFCB 2.60	10/02/07	07/02/03	1,195,000.00	1,195,000.00	1,173,717.05	1,168,865.35	1,195,000.00	1,195,000.00
	31331QT98	03-0188	FFCB 2.95	06/12/08	06/12/03	2,000,000.00	2,000,000.00	1,965,620.00	1,956,880.00	2,000,000.00	2,000,000.00
	31331QV79	03-0207	FFCB 2.80	03/25/08	06/25/03	2,000,000.00	2,000,000.00	1,961,260.00	1,954,380.00	2,000,000.00	2,000,000.00
	31331SGU1	05-0010	FFCB 2.99	05/23/06	11/23/04	0.00	2,500,000.00	2,500,000.00	2,494,525.00	2,500,000.00	2,500,000.00
	31331TME8	04-0029	FFCB 2.60	03/29/06	12/29/03	1,000,000.00	1,000,000.00	999,060.00	994,060.00	1,000,000.00	1,000,000.00
	31331TPU9	04-0051	FFCB 3.06	01/30/07	01/30/04	1,000,000.00	1,000,000.00	1,001,560.00	995,630.00	1,000,000.00	1,000,000.00
	FFCB Total					7,195,000.00	9,695,000.00	7,101,217.05	9,564,340.35	7,195,000.00	9,695,000.00
	31339X2L7	03-0171	FHLB 2.375	06/12/06	06/12/03	1,000,000.00	1,000,000.00	994,380.00	989,060.00	1,000,000.00	1,000,000.00
	31339X3E2	03-0170	FHLB 2.60	12/12/06	06/12/03	1,000,000.00	1,000,000.00	992,810.00	987,500.00	1,000,000.00	1,000,000.00
	31339X5E0	03-0158	FHLB 3.00	12/12/07	06/12/03	2,000,000.00	2,000,000.00	1,983,120.00	1,971,880.00	2,000,000.00	2,000,000.00
	31339X5W0	03-0159	FHLB 3.10	06/04/08	06/04/03	1,000,000.00	1,000,000.00	989,060.00	983,750.00	1,000,000.00	1,000,000.00
	31339X5W0	03-0156	FHLB 3.10	06/04/08	06/04/03	1,000,000.00	1,000,000.00	989,060.00	983,750.00	1,000,000.00	1,000,000.00
	31339X6Q2	03-0179	FHLB 3.05	06/12/08	06/12/03	2,000,000.00	2,000,000.00	1,973,760.00	1,963,760.00	2,000,000.00	2,000,000.00
	31339X6Q2	03-0164	FHLB 3.05	06/12/08	06/12/03	2,000,000.00	2,000,000.00	1,973,760.00	1,963,760.00	2,000,000.00	2,000,000.00
	31339XB52	03-0172	FHLB 3.00	03/18/08	06/18/03	2,000,000.00	2,000,000.00	1,976,260.00	1,966,880.00	2,000,000.00	2,000,000.00
	31339XBW3	03-0173	FHLB 2.50	12/19/06	06/19/03	2,260,000.00	2,260,000.00	2,238,100.60	2,227,523.80	2,260,000.00	2,260,000.00
	31339XCR3	03-0178	FHLB 2.22	09/12/06	06/12/03	1,000,000.00	1,000,000.00	988,130.00	984,060.00	1,000,000.00	1,000,000.00
	31339XDR2	03-0163	FHLB 3.04	05/28/08	05/28/03	1,000,000.00	1,000,000.00	987,190.00	981,880.00	1,000,000.00	1,000,000.00
	31339XF90	03-0175	FHLB 2.20	06/19/06	06/19/03	1,000,000.00	1,000,000.00	991,250.00	986,560.00	1,000,000.00	1,000,000.00
	31339XFB5	03-0174	FHLB 2.59	03/19/07	06/19/03	1,000,000.00	1,000,000.00	989,380.00	984,690.00	1,000,000.00	1,000,000.00
	31339XFF6	03-0165	FHLB 3.02	03/19/08	06/19/03	2,000,000.00	2,000,000.00	1,976,880.00	1,967,500.00	2,000,000.00	2,000,000.00
	31339XG6	03-0210	FHLB 2.20	06/26/06	06/26/03	1,450,000.00	1,450,000.00	1,436,863.00	1,430,062.50	1,450,000.00	1,450,000.00
	31339XHM9	03-0177	FHLB 3.00	12/26/07	06/26/03	1,675,000.00	1,675,000.00	1,659,824.50	1,650,930.25	1,675,000.00	1,675,000.00
	31339XHN7	03-0176	FHLB 3.25	06/26/08	06/26/03	1,000,000.00	1,000,000.00	992,810.00	987,500.00	1,000,000.00	1,000,000.00
	31339XPH1	03-0180	FHLB 2.95	06/23/08	06/23/03	2,000,000.00	2,000,000.00	1,966,260.00	1,956,260.00	2,000,000.00	2,000,000.00
	31339XPL2	03-0208	FHLB 2.45	09/26/07	06/26/03	2,000,000.00	2,000,000.00	1,957,500.00	1,949,380.00	2,000,000.00	2,000,000.00
	31339XPR9	03-0181	FHLB 3.04	06/30/08	06/30/03	2,000,000.00	2,000,000.00	1,971,880.00	1,961,880.00	2,000,000.00	2,000,000.00
	31339XQE7	03-0209	FHLB 2.50	06/26/07	06/26/03	1,000,000.00	1,000,000.00	983,750.00	979,060.00	1,000,000.00	1,000,000.00
	31339XQF4	03-0212	FHLB 2.40	03/30/07	06/30/03	1,000,000.00	1,000,000.00	984,690.00	980,000.00	1,000,000.00	1,000,000.00
	31339XR1	03-0185	FHLB 2.85	03/28/08	06/30/03	2,000,000.00	2,000,000.00	1,966,260.00	1,956,880.00	2,000,000.00	2,000,000.00
	31339XR29	03-0187	FHLB 3.05	06/30/08	06/30/03	2,000,000.00	2,000,000.00	1,972,500.00	1,962,500.00	2,000,000.00	2,000,000.00
	31339XSE5	03-0186	FHLB 3.00	06/30/08	06/30/03	1,000,000.00	1,000,000.00	984,690.00	979,690.00	1,000,000.00	1,000,000.00
	31339XTK0	03-0190	FHLB 2.25	12/26/06	06/26/03	1,000,000.00	1,000,000.00	985,000.00	980,630.00	1,000,000.00	1,000,000.00
	31339XTP9	03-0220	FHLB 2.75	01/09/08	07/09/03	1,670,000.00	1,670,000.00	1,641,827.10	1,634,512.50	1,670,000.00	1,670,000.00
	31339XTP9	03-0192	FHLB 2.75	01/09/08	07/09/03	1,000,000.00	1,000,000.00	983,130.00	978,750.00	1,000,000.00	1,000,000.00
	31339XU28	03-0219	FHLB 2.87	07/02/08	07/02/03	1,500,000.00	1,500,000.00	1,470,000.00	1,462,965.00	1,500,000.00	1,500,000.00
	31339XU36	03-0204	FHLB 2.75	06/24/08	06/24/03	1,045,000.00	1,045,000.00	1,020,181.25	1,015,614.60	1,045,000.00	1,045,000.00
	31339XVD3	03-0230	FHLB 2.03	12/29/06	06/30/03	1,000,000.00	1,000,000.00	980,000.00	976,560.00	1,000,000.00	1,000,000.00
	31339XWS9	03-0223	FHLB 2.375	04/10/07	07/10/03	1,000,000.00	1,000,000.00	983,750.00	979,690.00	1,000,000.00	1,000,000.00
	31339XWX8	03-0193	FHLB 3.00	07/11/08	07/11/03	2,000,000.00	2,000,000.00	1,968,120.00	1,959,380.00	2,000,000.00	2,000,000.00
	31339XZE7	03-0218	FHLB 2.25	07/02/07	07/02/03	1,000,000.00	1,000,000.00	976,880.00	973,130.00	1,000,000.00	1,000,000.00
	31339XZG2	03-0198	FHLB 2.75	06/30/08	06/30/03	1,000,000.00	1,000,000.00	975,940.00	971,560.00	1,000,000.00	1,000,000.00
	31339XZG2	03-0197	FHLB 2.75	06/30/08	06/30/03	2,000,000.00	2,000,000.00	1,951,880.00	1,943,120.00	2,000,000.00	2,000,000.00
	31339Y2X9	03-0199	FHLB 3.00	07/14/08	07/14/03	2,000,000.00	2,000,000.00	1,968,120.00	1,958,760.00	2,000,000.00	2,000,000.00
	31339Y5C2	03-0200	FHLB 3.03	06/30/08	06/30/03	2,000,000.00	2,000,000.00	1,971,260.00	1,961,260.00	2,000,000.00	2,000,000.00
	31339YA51	03-0225	FHLB 3.10	07/16/08	07/16/03	1,680,000.00	1,680,000.00	1,658,479.20	1,650,600.00	1,680,000.00	1,680,000.00
	31339YA51	03-0201	FHLB 3.10	07/16/08	07/16/03	2,000,000.00	2,000,000.00	1,974,380.00	1,965,000.00	2,000,000.00	2,000,000.00
	31339YBB7	03-0221	FHLB 2.125	01/09/07	07/09/03	1,000,000.00	1,000,000.00	981,560.00	977,810.00	1,000,000.00	1,000,000.00
	31339YBN1	03-0203	FHLB 3.125	07/16/08	07/16/03	2,000,000.00	2,000,000.00	1,976,260.00	1,966,880.00	2,000,000.00	2,000,000.00
	31339YBN1	03-0202	FHLB 3.125	07/16/08	07/16/03	2,000,000.00	2,000,000.00	1,976,260.00	1,966,880.00	2,000,000.00	2,000,000.00
	31339YDC3	03-0227-01	FHLB 1.44	07/22/05	07/22/03	2,000,000.00	0.00	1,986,260.00	0.00	2,000,000.00	0.00
	31339YDE9	03-0226-01	FHLB 1.45	07/22/05	07/22/03	1,000,000.00	0.00	993,130.00	0.00	1,000,000.00	0.00
	31339YDK5	03-0224	FHLB 2.90	07/15/08	07/15/03	1,000,000.00	1,000,000.00	980,310.00	976,250.00	1,000,000.00	1,000,000.00

Portfolio Position
City of Plano - Treasury
 Effective Interest - Actual Life
 Receipts in Period
 10/01/04 - 12/31/04

CUSIP	Invest Number	Security Description	Purchase Date	Par Value On 10/01/04	Par Value On 12/31/04	Market Val On 10/01/04	Market Val On 12/31/04	Amor Value On 10/01/04	Amor Value On 12/31/04
3128X1DD6	04-0075	FHLMC 3.20 05/21/08	03/19/04	1,000,000.00	1,000,000.00	994,200.00	989,460.00	1,002,497.10	1,002,334.45
3128X1DK0	03-0155	FHLMC 3.10 11/28/07	05/28/03	2,000,000.00	2,000,000.00	1,971,180.00	1,960,760.00	1,999,283.93	1,999,338.06
3128X1EB9	03-0166	FHLMC 3.25 06/04/08	06/04/03	1,000,000.00	1,000,000.00	995,310.00	990,630.00	1,000,000.00	1,000,000.00
3128X1FB8	03-0161	FHLMC 3.10 05/27/08	05/27/03	1,000,000.00	1,000,000.00	990,560.00	986,110.00	1,000,000.00	1,000,000.00
3128X1FC6	03-0162	FHLMC 2.28 06/02/06	05/28/03	1,000,000.00	1,000,000.00	993,480.00	988,200.00	1,000,000.00	1,000,000.00
3128X1GU5	03-0167	FHLMC 2.125 06/09/06	06/09/03	2,000,000.00	2,000,000.00	1,981,440.00	1,971,620.00	2,000,000.00	2,000,000.00
3128X1LC9	03-0189	FHLMC 2.70 12/17/07	06/17/03	1,000,000.00	1,000,000.00	984,160.00	979,080.00	1,000,000.00	1,000,000.00
3128X1LC9	03-0182	FHLMC 2.70 12/17/07	06/17/03	3,000,000.00	3,000,000.00	2,952,480.00	2,937,240.00	3,000,000.00	3,000,000.00
3128X1LG0	03-0206	FHLMC 2.00 06/09/06	06/24/03	1,000,000.00	1,000,000.00	988,670.00	984,080.00	999,714.12	999,755.79
3128X1LJ4	03-0184	FHLMC 2.50 12/24/07	06/24/03	1,000,000.00	1,000,000.00	977,960.00	973,760.00	1,000,000.00	1,000,000.00
3128X1LJ4	03-0205	FHLMC 2.50 12/24/07	06/24/03	1,000,000.00	1,000,000.00	977,960.00	973,760.00	1,000,000.00	1,000,000.00
3128X1MK0	03-0191	FHLMC 2.05 12/29/06	06/30/03	1,000,000.00	1,000,000.00	981,350.00	976,940.00	1,000,000.00	1,000,000.00
3128X1NC7	03-0194	FHLMC 2.10 12/19/06	06/19/03	1,000,000.00	1,000,000.00	982,780.00	977,990.00	1,000,000.00	1,000,000.00
3128X1ND5	03-0195	FHLMC 2.40 12/28/07	06/27/03	1,000,000.00	1,000,000.00	974,710.00	970,800.00	1,000,000.00	1,000,000.00
3128X1QF7	03-0217	FHLMC 2.35 07/02/07	07/02/03	1,000,000.00	1,000,000.00	981,230.00	976,260.00	1,000,000.00	1,000,000.00
3128X2FA8	04-0022-01	FHLMC 3.50 06/29/07	12/29/03	1,000,000.00	0.00	1,002,910.00	0.00	1,000,000.00	0.00
3128X2FB6	3128X2FB6	FHLMC 3.00 06/29/06	12/29/03	1,000,000.00	1,000,000.00	993,700.00	988,300.00	1,000,000.00	1,000,000.00
3128X2GL3	04-0034	FHLMC 4.15 12/18/08	12/26/03	1,665,000.00	1,665,000.00	1,659,205.80	1,653,028.65	1,665,000.00	1,665,000.00
3128X2JL0	04-0027	FHLMC 2.875 12/29/06	12/29/03	1,000,000.00	1,000,000.00	994,760.00	988,890.00	1,000,000.00	1,000,000.00
3128X2JM8	04-0030	FHLMC 3.25 06/29/07	12/29/03	1,000,000.00	1,000,000.00	992,450.00	986,630.00	1,000,000.00	1,000,000.00
3128X2JT3	04-0037	FHLMC 2.20 12/30/05	12/30/03	1,000,000.00	1,000,000.00	996,460.00	992,190.00	1,000,000.00	1,000,000.00
3128X2JW6	04-0033	FHLMC 4.00 01/14/09	01/14/04	1,000,000.00	1,000,000.00	998,570.00	995,110.00	1,000,000.00	1,000,000.00
3128X2KR5	04-0040	FHLMC 3.05 01/02/07	01/02/04	2,000,000.00	2,000,000.00	2,002,200.00	1,990,800.00	2,000,000.00	2,000,000.00
3128X2KR5	04-0039	FHLMC 3.05 01/02/07	01/02/04	1,000,000.00	1,000,000.00	1,001,100.00	995,400.00	1,000,000.00	1,000,000.00
3128X2LM5	04-0048	FHLMC 4.08 01/14/09	01/14/04	2,000,000.00	2,000,000.00	2,010,800.00	2,000,840.00	2,000,000.00	2,000,000.00
3128X2PA7	04-0058	FHLMC 3.00 07/27/07	01/27/04	1,000,000.00	1,000,000.00	989,100.00	983,640.00	1,000,000.00	1,000,000.00
3128X2PC3	04-0057	FHLMC 2.35 07/27/06	01/27/04	1,000,000.00	1,000,000.00	992,700.00	987,770.00	1,000,000.00	1,000,000.00
3128X3EV1	04-0087	FHLMC 2.55 05/10/06	05/10/04	1,000,000.00	1,000,000.00	998,280.00	992,550.00	1,000,000.00	1,000,000.00
312924R96	02-0074	FHLMC 5.13 01/25/07	01/25/02	2,000,000.00	2,000,000.00	2,097,520.00	2,073,340.00	2,000,000.00	2,000,000.00
FHLMC Total				39,665,000.00	36,665,000.00	39,454,175.80	36,256,778.65	39,666,495.15	36,666,428.30
31359MSC8	04-0071	FNMA 2.00 06/04/08	03/09/04	1,000,000.00	1,000,000.00	994,380.00	989,060.00	1,000,000.00	1,000,000.00
31359MWY5	05-0016	FNMA 3.25 12/21/06	12/30/04	0.00	1,000,000.00	996,150.00	999,375.00	996,150.00	996,155.31
3136F0M82	02-0016-01	FNMA 4.52 10/05/06	10/05/01	1,000,000.00	0.00	1,000,000.00	0.00	1,000,000.00	0.00
3136F3A97	03-0196	FNMA 2.60 06/30/08	06/30/03	1,000,000.00	1,000,000.00	970,940.00	967,190.00	1,000,000.00	1,000,000.00
3136F3C87	03-0211	FNMA 2.75 06/30/08	06/30/03	1,000,000.00	1,000,000.00	976,250.00	972,190.00	1,000,000.00	1,000,000.00
3136F3YY6	03-0183	FNMA 2.50 12/24/07	06/24/03	1,000,000.00	1,000,000.00	976,250.00	972,500.00	1,000,000.00	1,000,000.00
3136F42A1	04-0059	FNMA 2.13 01/30/06	01/30/04	1,000,000.00	1,000,000.00	995,000.00	990,630.00	1,000,000.00	1,000,000.00
3136F42C7	04-0060	FNMA 3.80 02/03/09	02/03/04	1,000,000.00	1,000,000.00	1,000,940.00	996,560.00	1,000,000.00	1,000,000.00
3136F45P5	04-0062	FNMA 2.26 05/17/06	02/17/04	1,000,000.00	1,000,000.00	994,060.00	988,750.00	1,000,000.00	1,000,000.00
3136F4J54	04-0028	FNMA 3.00 12/29/06	12/29/03	1,000,000.00	1,000,000.00	1,000,310.00	994,380.00	999,697.51	999,730.10
3136F4J88	04-0031	FNMA 2.58 06/29/06	12/29/03	1,000,000.00	1,000,000.00	998,130.00	991,880.00	1,000,000.00	1,000,000.00
3136F4SK1	04-0014	FNMA 3.42 05/10/07	11/10/03	1,000,000.00	1,000,000.00	1,001,250.00	999,690.00	999,773.13	999,794.03
3136F4U51	04-0052	FNMA 3.00 01/30/07	01/30/04	1,000,000.00	1,000,000.00	1,001,560.00	994,380.00	1,000,000.00	1,000,000.00
3136F4Z98	04-0056	FNMA 4.05 01/16/09	01/16/04	2,000,000.00	2,000,000.00	2,001,260.00	2,000,620.00	2,000,000.00	2,000,000.00
3136F5MY4	04-0076	FNMA 2.00 04/20/06	04/20/04	1,000,000.00	1,000,000.00	990,940.00	986,250.00	1,000,000.00	1,000,000.00
3136F6JK6	05-0009	FNMA 2.875 11/09/06	11/23/04	0.00	2,500,000.00	2,485,000.00	2,483,600.00	2,485,000.00	2,485,791.88
3136F6KZ1	05-0008	FNMA 3.30 11/24/08	11/24/04	0.00	1,000,000.00	999,000.00	1,000,940.00	999,000.00	999,024.24
3136F6MT3	05-0007	FNMA 3.60 11/17/09	11/17/04	0.00	1,000,000.00	1,000,000.00	1,000,940.00	1,000,000.00	1,000,000.00
FNMA Total				15,000,000.00	19,500,000.00	14,901,270.00	19,328,935.00	14,999,470.64	19,480,495.56
313589EG4	05-0014	FNMA Discount Note 0.00 04/13/	12/29/04	0.00	1,700,000.00	1,687,703.33	1,688,440.00	1,687,703.33	1,688,052.20
FNMA Discount Note Total				0.00	1,700,000.00	0.00	1,688,440.00	0.00	1,688,052.20
TexPool	AR-0003	State Pool	10/01/99	24,230,436.51	31,018,168.90	24,230,436.51	31,018,168.90	24,230,436.51	31,018,168.90
State Pool Total				24,230,436.51	31,018,168.90	24,230,436.51	31,018,168.90	24,230,436.51	31,018,168.90
912828BL3	05-0002	Treasury Note 0.00 09/30/05	10/12/04	0.00	2,000,000.00	1,989,921.88	1,985,240.00	1,989,921.88	1,992,237.96
Treasury Note Total				0.00	2,000,000.00	0.00	1,985,240.00	0.00	1,992,237.96
Combined Port Total				193,870,436.51	206,210,168.90	192,427,159.03	203,923,938.05	193,863,120.36	206,120,661.87

MEMO

DATE: January 4, 2005

TO: Honorable Mayor and City Council
City Manager Muehlenbeck

FROM: Di Zucco, Assistant City Secretary

RE: Personnel Appointment - Executive and Worksession Meetings

The following appointments will be considered on January 10, 2005.

<u>Executive Session</u>	<u>Worksession Meeting</u>
No appointments for consideration	<u>Plano Transition & Revitalization</u> Member and Chair Resignation of Chris O'Brien (Term Expires 10/05)
	<u>Public Arts Committee</u> Resignation of Peggy Jernigan (Term Expires 10/05)
	<u>Transportation Advisory Committee</u> Resignation of Raj Minocha (Term Expires 10/05) Resignation of Dennis Abraham (Term Expires 10/06)

**Discussion/Action Items for Future Council Agendas
(as of January 18, 2005)**

Additional rescheduling of Council meetings may be necessary due to elections and the PISD calendar. These changes will be made as soon as the dates are confirmed.

January 26 – Special, Called Meeting – 5 p.m.

February 2, 2 p.m. – Groundbreaking – Cox Building

February 10 - District 1 Roundtable - 7 p.m. - Plano Centre, Windhaven Room

February 12 – 13 – AMCC - Austin

February 14

Deferred Compensation Presentation – Human Resources Department

February 22 (rescheduled from 2/28)

DART Status Report

Mobility Report

Comprehensive Monthly Financial Report

Board and Commission Policies and Procedures Alignment with Council

March 7 – 11 – PISD Spring Break

March 11 – 15 – NLC – Washington, DC

March 16 (rescheduled from 3/14) (NLC)

March 28

DART Status Report

Mobility Report

Comprehensive Monthly Financial Report

April 9 – Police Banquet – Perot Systems – 6 – 10 p.m.

April 11

April 25

DART Status Report

Mobility Report

1Xa

Comprehensive Monthly Financial Report

April 28 – District 3 Roundtable – 7 p.m. – City Joint Use Facility – Building A

May 9

May 17 – Special Called Meeting to Canvass Election

May 23

DART Status Report
Mobility Report
Comprehensive Monthly Financial Report

May 30 – Memorial Day Holiday

June 10 – 13 – TCMA - Galveston

June 13

June 27
DART Status Report
Mobility Report
Comprehensive Monthly Financial Report

July 4 – Independence Day Holiday

July 25

DART Status Report
Mobility Report
Comprehensive Monthly Financial Report

July 27

Budget

August 8

August 18 - District 4 Roundtable - 7. p.m. – Vines High School Cafeteria

August 22

DART Status Report
Mobility Report
Comprehensive Monthly Financial Report

September 5 – Labor Day Holiday

1x4

September 12

September 25 – 28 – ICMA - Minneapolis

September 26

DART Status Report
Mobility Report
Comprehensive Monthly Financial Report

October 3 – 7 – PISD Fall Break

October 10

October 24

DART Status Report
Mobility Report
Comprehensive Monthly Financial Report

October 26 – 29 – TML – Gaylord Texan, Grapevine

November 10 – District 2 Roundtable – Plano Sports Authority – 2nd floor

November 14

November 24 – 25 – Thanksgiving Holidays

November 28 (Thanksgiving)

DART Status Report
Mobility Report
Comprehensive Monthly Financial Report

December 6 – 10 – NLC – Charlotte, NC

December 12

December 23 – 26 – Christmas/ Winter Holidays

December 28 (rescheduled from 12/26) (Winter Holiday)

DART Status Report
Mobility Report
Comprehensive Monthly Financial Report

January 2, 2006 – New Year Holiday

7XC

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING AND REGULAR MEETING
December 21, 2004**

COUNCIL MEMBERS

Pat Evans, Mayor
Shep Stahel, Mayor Pro Tem
Ken Lambert, Deputy Mayor Pro Tem
Steve Stovall
Phil Dyer
Scott Johnson
Sally Magnuson
Jean Callison

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Elaine Bealke, City Secretary

Mayor Evans called the meeting to order at 5:09 p.m. Tuesday, December 21, 2004, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Dyer. Council Member Council Member Stovall arrived at 5:15 p.m. Mayor Evans then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney to discuss and receive Legal Advice, Section 551.071, to discuss matters of Personnel, Section 551.074 and to discuss certain matters of Economic Development, Section 551.087 for which a certified agenda is required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting and Regular Meeting at 7:08 p.m. in the Council Chambers for which the following matters were discussed:

The invocation was led by Abdul Hadi Khan of the Islamic Association of Collin County.

The Pledge of Allegiance was led by Girl Scout Troop 419 of Rice Middle School.

The City of Plano Parks and Recreation Department was recognized by the Plano Hispanic Soccer Association.

Mayor Evans administered the oath of office to Logan Sankaran as a member of the Cultural Affairs Commission.

Consideration and Action Resulting From Executive Session Discussion

Legal Advice relating to the Authority for the City to Spend Bond Funds Outside of the City Limits (Executive Session Item I.B.)

Council Member Callison requested that the Council waive their attorney/client privilege in order that the City Attorney can provide applicable information in the open meeting.

City Attorney Wetherbee spoke to the powers available to a Home Rule City and to Plano's Charter allowing for improvements to be made both within and outside of the City limits. She spoke to bond proposition language and to language that might place a restriction on the use of or location for funding usage. Ms. Wetherbee stated that the 1998 bond proposition for arts center monies did not specify a location for improvements, and that there was no information associated with the proposition or otherwise prepared by the City providing factual information that would indicate that the facility would definitively be located in a particular location.

Ms. Wetherbee stated that bond ordinances represent the authority to spend monies already approved by the voters, spoke to not specifying any project but speaking to public improvements, and stated that while utilizing language "within the City," it still cannot dictate the results of the proposition or other authority. She stated that the bond ordinance represents the pledge of the financial integrity of the City, is not collateral for any improvements authorized by the proposition nor does it identify any specific projects, and further is a mechanism to allow for the spending of the money. Ms. Wetherbee stated that it is her opinion and the opinion of the bond council that the expenditure of the funds for the Arts of Collin County, which may be located outside the City of Plano, is authorized.

Verizon Presentation on Construction Standards for the Capital Improvement Project for the Verizon Service Area

John Roach Jr., representing Verizon, spoke to coming infrastructure improvements in the City to replace existing copper cable used for telephone service with fiber network.

Joe King, Verizon Director of External Affairs, spoke to the Verizon broadband deployment of installing "fiber to the premise" (FTTP) and advised that the lower cost of fiber and repair capabilities work towards making this possible.

Lynn Pierce, Verizon Texas Regional Manager, advised that the existing network will be overlaid with fiber, reviewed the plan for going forward, and advised that Verizon will meet with required City departments as well as homeowner associations to answer questions and ensure understanding. She stated that there will be no future placement of copper network in the City.

Mr. King advised that Plano will be one of the first totally fiber optic cities in the country. He reviewed current technology speed, spoke to increased speeds, and stated that Verizon is looking at a local franchise agreement with the City to offer cable television.

Mr. King reviewed costs to the customer based on service provided, benefits to the community with business and e-commerce growth, and spoke to meeting future needs. He spoke to a 35 to 50 year life for fiber, and requested cooperation from the City in moving forward.

Mr. Roach advised that homeowners will be notified prior to construction, video tape will be taken in the neighborhoods before and after, and that Verizon will work to address all issues.

Mr. King responded to the Council that construction will begin in the east portion of the City and move towards the west, and that Verizon will provide applicable City Staff with information regarding the project for placement on the City's web site.

Mr. Roach responded to the Council that he will look into maintaining information on a (Verizon) web site with a possible link to the City site.

Mr. King responded to the Council that time lines for completion moving east to west will be mid 2006, stated that service will begin with voice and data, the franchise agreement will be for video, and that internet service will not be included under the franchise agreement.

Mobility Report

This item was passed over.

Discussion and Direction Regarding Decorative Banners at Retail Locations

Director of Planning Jarrell advised that the Banner Sign Committee, comprised of homeowner representatives and the business community, met to discuss applicable issues and amendments to the sign ordinance. She spoke to criteria involved in placement of decorative banners in shopping centers displaying seasonal and non-advertising type messages and stated that issues that came up involved more visual clutter and the ability of the City to enforce new sign regulations.

Ms. Jarrell stated that the Plano Homeowners Council also reviewed the issue and recommended that no changes to the present ordinance be made. She advised that there is not a consensus on amending the sign ordinance at this time.

Council Member Callison spoke to architectural enhancements and to issues causing concern with going forward. She stated that two members were absent when a vote was taken and that these two members spoke positively with regard to the banners.

Ms. Jarrell advised that the proposal drafted by Staff for consideration by the Committee allowed for year-round banners with no time limits, attachment only to light standards with a 50% ceiling of light in a parking lot, top and bottom attachment of the banner to prevent flapping, size limitations, and the need to avoid visual clutter. Ms. Callison spoke to the potential for a different vote had the other members attended the meeting.

Mayor Evans spoke to looking for ways to give retailers a chance to be more competitive in the market with other cities and asked for advice from the committee towards being more creative and flexible with the ordinance.

Council Member Stovall spoke in support of trying things for a one or two year period of time followed by an evaluation. City Attorney Wetherbee spoke to the businesses making an investment with the possibility of ending things after one or two years. Mayor Evans spoke to the controls aligned to the recommended changes. Ms. Jarrell stated that the Planning and Zoning Commission would address this as a zoning amendment, the banners could stay up year-round with no time limits, spoke to the difficulty of enforcement, and the fact that this does not limit the banners to shopping centers which would allow for any commercial use. Mayor Pro Tem Stahel spoke to concerns with additional code enforcement, factual basis for any sales generated, and to problems with where the banners are affixed when no light standard is nearby. He recommended that this go back to the committee when all members are there to discuss and vote on a proposal rather than go directly to the Planning and Zoning Commission. Council Member Callison spoke to trying again, and stated that visual clutter and code enforcement were issues rather than opposition to the proposed ordinance. Mr. Stahel spoke to investments made by retailers and to information that might be available on the "return on value." Mayor Evans recommended that this be discussed again by the Council in 60 days and to keeping in mind the original intent.

Discussion and Direction Regarding the Conceptual Design of the Tom Muehlenbeck Center

Director of Parks and Recreation Wendell reviewed the 2001 bond referendum funded project which included building size, enhancement to open space planned, and traffic studies. He spoke to community involvement which included various meetings held and coming up for public input, and further spoke to providing good information to the public. Mr. Wendell reviewed the program of spaces which included a lobby, multi-purpose room, and arts and crafts rooms.

Mark Bodine with Moody Nolan Architects, reviewed the physical plans of the facility both outside and inside and spoke to working with Staff. He spoke to the parking lot, taking advantage of the site, outdoor aquatic center, and community recreation center. He spoke to placement of the buildings around the creek and how they will relate to other building uses.

Scot Hunsaker with Councilman Hunsaker and Associates spoke to the specifics of three bodies of water in the aquatic facilities which included an eight-lane indoor pool, indoor leisure pool, and outdoor leisure pool and to working with Staff on criteria. He further spoke to various visual entrance scenarios.

Mr. Wendell advised that the next step includes the actual planning and specification preparations which will take approximately one year, going out to bid, and beginning construction in early 2006 with opening in the late spring of 2007.

Mayor Pro Tem Stahel spoke to making sure there are no leaking roofs, and Council Member Callison spoke to looking at the school traffic situation in this area and to talking to the school district regarding this problem. Council Member Johnson spoke to a good planning job. The Council concurred to move forward.

Discussion and Direction Regarding Placement of "Remarks from Citizens" on all Board and Commission Agendas

City Manager Muehlenbeck spoke to the recommendation from citizen Sonja Hammar to include a public comment section on board and commission agendas. He recommended that all boards and commissions include this as a part of each agenda to which the Council concurred.

Comprehensive Monthly Financial Report

Finance Director McGrane presented the Comprehensive Monthly Finance Report for November, 2004 and stated that expenditures year to date are going as planned, sales tax is up slightly, single family housing sales are doing well, and spoke to hotel/motel occupancy tax continuing to increase.

Mayor Pro Tem Stahel requested that a quarterly information update be provided the Council regarding Telecommunication fees.

Council Items for Discussion/Action on Future Agendas

No items were brought forward.

Consent Agenda

Mayor Pro Tem Stahel and Council Member Stovall advised that due to possible conflicts of interest they will be stepping down on Consent Items "C," Bid for Internet and E-Mail Control Software, "F," Resolution to approve an agreement with CommVault Systems, Inc., and "O," Approval of contract modification for Telecommunications Equipment.

Council Member Johnson requested that Consent Item "I," Resolution to determine excess right of way at Coit Road and Plano Parkway is no longer needed, be removed for individual consideration.

City Secretary Bealke advised that citizen Sonja Hammar requested Consent Item "E," Resolution to approve a funding agreement with the ArtCentre of Plano, be removed for individual consideration.

Council Reports

No reports were made.

GENERAL DISCUSSION

Jack Lagos, citizen of the City, spoke to discussions held regarding the location of the performing arts center and stated that the monies were to be spent within the City. He spoke to the City Council passing ordinances including the verbiage "within the City" and to obeying the law as contained in the ordinances. Mr. Lagos spoke regarding citizen remedies including a challenge by citizens or the Attorney General.

Richard Simmons, citizen of the City, complimented the Citizen's Police Academy. He spoke regarding votes by members present at a Banner Sign Committee meeting being discounted by the votes of those who were absent. Mr. Simmons stated concern that as a result, the committee will be extended and additional members appointed who may favor the Council's position. He spoke to the board's tie vote resulting in the sign ordinance not being changed and recommended this issue be forwarded on to the Planning and Zoning Commission.

CONSENT AGENDA

Upon a motion made by Council Member Johnson and seconded by Mayor Pro Tem Stahel, the Council voted 7-0 to approve and adopt all remaining items as recommended and as follows:

Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following:

Bid No. B030-05 for construction of Janwood Drive – Alma Drive to Westwood Drive in the amount of \$1,848,739. [Consent Agenda Item (A)] (See Exhibit “A”)

Bid No. C028-05 to establish an annual fixed contract with fixed pricing structure based on manufacturer’s list price for FLAIL MOWER PARTS in the estimated amount of \$25,000. This will establish an annual contract with two City optional one-year renewals. [Consent Agenda Item (B)] (See Exhibit “B”)

Adoption of Resolutions

Resolution No. 2004-12-23(R): To approve the terms and conditions of Amendment Two to the Savings and Retirement Plan for Employees of the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (D)]

Resolution No. 2004-12-24(R): To approve the terms and conditions of a Real Estate Contract by and between the City of Plano, Texas, and Florida Etoile, Inc., for the purchase of 12.9270 acres of land, situated in the Collin County Land Survey, Abstract No. 155, being located east of Ohio Drive between future Rasor Road and White Rock Creek, in the City of Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (G)]

Resolution No. 2004-12-25(R): To ratify the terms and conditions of a Second Amendment to the Interlocal Cooperation Agreement dated March 28, 2000, between Denton County and the City of Plano for the FM 544/Parker Road widening; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2004-12-26(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas and Union Pacific Railroad Company regarding Plano Parkway Extension, from Los Rios Boulevard to 14th Street; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2004-12-27(R): To ratify an expenditure of \$8,625 in Community Services Grant Funds by the Boys and Girls Clubs of Collin County, Inc. to allow the agency's expenditure of the grant funds to provide educational programs for teens; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2004-12-28(R): To approve the City of Plano's participation in "TexPool," a public funds investment pool; designating authorized representatives and investment officers; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2004-12-29(R): To approve the terms and conditions of a funding agreement between the City of Plano, Texas, and the Collin County Adult Literacy Council for the production of the Plano Book Festival; authorizing the City Manager to execute such agreement; and providing an effective date. [Consent Agenda Item (M)]

Adoption of Ordinances

Ordinance No. 2004-12-30: To abandon all right, title and interest of the City, in and to that certain street easement as recorded in Volume 973, Page 682 and drainage and utility easements as recorded in Volume 1107, Page 312 of the Land Records of Collin County, Texas and being located along the future extension of Plano Parkway east of Los Rios Boulevard in the City Limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Union Pacific Railroad Company, to the extent of its interest; authorizing the City Manager, to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (N)]

Approval of an Increase in Expenditure

To approve an increase in expenditure for renewal of the City's insurance premiums, in the amount of \$44,535 for 1/1/05 – 12/31/05. (C112-03) [Consent Agenda Item (P)]

Award of Contract

To approve and authorize for the selection of Halff Associates, Inc. to provide Professional Engineering Services for an amount not to exceed \$308,638 in connection with the design of McDermott Road Widening – Coit Road to Ohio Drive and authorizing the City Manager to execute all necessary documents to effectuate this contract. Bid No. B113-04 [Consent Agenda Item (Q)]

Authorizing a Purchase

To authorize the purchase of Thermal Imaging Cameras and related equipment in the amount of \$170,161 from Municipal Emergency Services, Inc., through the Texas Association of School Boards Cooperative Purchasing Program (BuyBoard), Contract No. 169-03, and authorizing the City Manager to execute any and all documents necessary to effectuate this purchase. [Consent Agenda Item (R)]

Purchase off Existing Contract

To award a contract for the purchase of rifle/shotgun mounts for Police units so officers can carry shotgun, rifle or both in their patrol vehicles in the amount of \$34,815, through an Interlocal Agreement with Tarrant County and authorizing the City Manager to execute all documents necessary to effectuate the purchase. [Consent Agenda Item (S)]

END OF CONSENT

Due to possible conflicts of interest, Mayor Pro Tem Stahel and Council Member Stovall stepped down from the bench on the following three items which were considered concurrently.

Bid No. B145-04 for Internet and Email Control Solutions Software in the amount of \$140,434. [Consent Agenda Item (C)]

Resolution No. 2004-12-31(R): To approve the terms and conditions of an agreement by and between CommVault Systems, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (F)]

Approval of the first contract modification to contract C100-02 Telecommunications Equipment authorizing an expenditure for maintenance and support for the new VESTA, MAGIC and ORION systems utilized by PSC, and authorizing an annual expenditure for the purchase of equipment replacement/repair, upgrades, moves, adds and changes. [Consent Agenda Item (O)]

Upon a motion made by Council Member Magnuson and seconded by Council Member Johnson, the Council voted 5-0 to approve Bid No. B145-04 for Internet and Email Control Solutions Software in the amount of \$140,434; Resolution No. 2004-12-31(R) to approve the terms and conditions of an agreement by and between CommVault Systems, Inc. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date; and to approve the first contract modification to contract C100-02 Telecommunications Equipment authorizing an expenditure for maintenance and support for the new VESTA, MAGIC and ORION systems utilized by PSC, and authorizing an annual expenditure for the purchase of equipment replacement/repair, upgrades, moves, adds and changes.

Mayor Pro Tem Stahel and Council Member Stovall resumed their places at the bench.

Resolution No. 2004-12-32(R): To approve the terms and conditions of a funding agreement between the City of Plano, Texas and the ArtCentre of Plano for the production of the Blackland Prairie Festival; authorizing the City Manager to execute such agreement, and providing an effective date. [Consent Agenda Item (E)]

Sonja Hammar, citizen of the City, inquired regarding a previous \$20,000 appropriation to the Arts Center for the management of the festival and regarding what this request will cover. Marketing and Special Events Manager Conklin stated that the previous \$20,000 was approved by the Heritage Commission for the administration of the festival and that this item represents the actual event production grant that came through the Cultural Affairs Commission covering items related to public safety and production including stage and sound equipment rentals. Ms. Conklin responded to Deputy Mayor Pro Tem Lambert that last year's contract was \$36,335 and stated that the Arts Center of Plano requested an increase.

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Stovall, the Council voted 7-0 to approve the terms and conditions of a funding agreement between the City of Plano, Texas and the ArtCentre of Plano for the production of the Blackland Prairie Festival; authorizing the City Manager to execute such agreement, and providing an effective date; and further to adopt Resolution No. 2004-12-32(R).

Resolution No. 2004-12-33(R): To determine that excess right of way at the intersection of Coit Road and Plano Parkway is no longer needed for a grade separation and authorizing the City Manager to dispose of the excess right of way in accordance with state law; and providing an effective date. [Consent Agenda Item (I)]

City Engineer Upchurch spoke regarding scheduled intersection improvements including additional turning lanes and to ensuring there is enough right of way for improvements.

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Magnuson, the Council voted 7-0 to determine that excess right of way at the intersection of Coit Road and Plano Parkway is no longer needed for a grade separation and authorizing the City Manager to dispose of the excess right of way in accordance with state law; and providing an effective date; and further to adopt Resolution No. 2004-12-33(R).

Public Hearing and adoption of Resolution No. 2004-12-34(R) to adopt the Ridgewood Neighborhood Action Plan as proposed by the Ridgewood Neighborhood Planning Team, and approving its use by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development and provision of City services within the Ridgewood Neighborhood; and providing an effective date. [Regular Agenda Item (1)]

J. D. Williams, member of the Neighborhood Planning Team, spoke to meetings held with Staff and regarding the changing profile of the neighborhood and goals which include creating a positive community image and instilling pride; assuring safe and efficient mobility for cars, trucks and pedestrians while protecting the stability of the neighborhood; preserving neighborhood trees as part of the resources that contribute to the character and beauty of the neighborhood and continuing to maintain Shoshoni Park. Mr. Williams responded to Mayor Pro Tem Stahel stating that parking is only legally allowed on one side of the street and to the number of vehicles during the week versus the weekend. Neighborhood Planner Soltan spoke to meetings held with residents and to agreement that parking on one side was acceptable.

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

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Magnuson, the Council voted 7-0 to adopt the Ridgewood Neighborhood Action Plan as proposed by the Ridgewood Neighborhood Planning Team, and approving its use by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development and provision of City services within the Ridgewood Neighborhood; and providing an effective date; and further to adopt Resolution No. 2004-12-34(R).

Discussion regarding the proposed 2005 Bond Referendum. [Regular Agenda Item (2)]

Director of Budget and Research Rhodes advised the Council that the total for the 2005 Bond Referendum projects is \$213 million due to several increases submitted by the Parks and Recreation Planning Board. She advised that the \$2 million infill project can be removed and that the cumulative tax rate impact has been refined to smooth out the impact over a longer period of time. Ms. Rhodes spoke to there being \$79 million left to authorize from the 2001 bond referendum and to projects taking longer than three years. She spoke to the tax rate impact being 6.67 cents at three years, 4.97 cents at four years and 4.04 at five years. Ms. Rhodes spoke regarding the upcoming workshop scheduled for January 12, advising that outside agencies will be in attendance.

Mayor Evans opened the Public Hearing. Sonja Hammar, spoke to the Council recognizing citizen input, to the preference of citizens that monies be used within the City and requested information regarding the Sci-tech Discovery Center, Art Studio and Botanical Gardens. She spoke to conducting a survey to assess the need for a senior center at Carpenter Park.

City Manager Muehlenbeck responded to Ms. Hammar that the Council will make the decision on landscaping for the Bishop Road Median and Ms. Hammar stated opposition to public dollars being used on private property. Council Member Stovall requested clarification of the project.

Ms. Rhodes advised that the Council will receive detailed information for the worksession and stated that outside agencies are planning to attend and give presentations. No one else spoke either for or against the request. The Public Hearing was closed.

Mayor Evans spoke regarding the Council Worksession to be held Wednesday, January 12, 2005, at 5:00 p.m. in the Council Chambers.

Public Hearing and adoption of Ordinance No. 2004-12-35 to designate a certain area within the City of Plano as Reinvestment Zone No. 88 for a tax abatement consisting of a 10.013 acre tract of land located at 2201 West Plano Parkway in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date. [Regular Agenda Item (3)]

Director of Finance McGrane advised the Council that the proposed business personal and real property tax abatement will begin January 1, 2005 and continue through the year 2014 and will be equal to fifty percent for ten years and that it will result in approximately 150 full-time jobs upon occupancy.

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

Upon a motion made by Council Member Stovall and seconded by Council Member Magnuson, the Council voted 7-0 to designate a certain area within the City of Plano as Reinvestment Zone No. 88 for a tax abatement consisting of a 10.013 acre tract of land located at 2201 West Plano Parkway in the City of Plano; establishing the boundaries of such zone; ordaining other matters relating thereto; and providing an effective date; and further to adopt Ordinance No. 2004-12-35.

Resolution No. 2004-12-36(R) to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, Plano Corporate Center Limited Partnership, a Delaware Limited Partnership and FedEx Kinkos Office and Print Services, Inc., a Delaware Corporation and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (4)]

Upon a motion made by Council Member Magnuson and seconded by Council Member Stovall, the Council voted 7-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, Texas, the Collin County Community College District, Plano Corporate Center Limited Partnership, a Delaware Limited Partnership and FedEx Kinkos Office and Print Services, Inc., a Delaware Corporation and providing for a business personal property and real property tax abatement, and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2004-12-36(R).

Public Hearing by the City Council of the City of Plano, Texas, pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of City of Plano Park and known as Oak Point Park and Nature Preserve for construction of Fire Station No. 11 and for a Sewer Line Easement. [Regular Agenda Item (5)]

Chief Peterson spoke to the need for an additional fire station in the far northeast portion of the City to serve residential property east/west of Jupiter Road and south of Chapparel Road and properties on the north/south sides of Parker Road east of Los Rios Boulevard. He spoke to discussions with the Parks and Recreation Department to identify possible sites and analysis indicating that the proposal is the best location. Chief Peterson spoke regarding site access and stated that the development would have minimal to no impact on the planned development of Oak Point Park. He stated that the location of the sewer line easement will have the least impact on specimen trees in the area and responded to Deputy Mayor Pro Tem Lambert that actual construction will begin in March of 2005 with opening 10-12 months later.

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

Ordinance No. 2004-12-37 to approve the use or taking of a portion of City of Plano Public Park Land, known as Oak Point Park and Nature Preserve for construction of Fire Station No. 11 and for a sewer line easement; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park resulting from the use; and providing an effective date. [Regular Agenda Item (6)]

Ordinance No. 2004-12-37 (cont'd)

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Stovall, the Council voted 7-0 to approve the use or taking of a portion of City of Plano Public Park Land, known as Oak Point Park and Nature Preserve for construction of Fire Station No. 11 and for a sewer line easement; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park resulting from the use; and providing an effective date; and further to adopt Ordinance No. 2004-12-37.

Resolution No. 2004-12-38(R) to grant the use or taking of a portion of Oak Point Park and Nature Preserve for the construction of Fire Station No. 11 and for a sewer line easement being in the A.M. Hatfield Survey, Abstract No. 432 City of Plano, Collin County and authorizing the approval by the City Manager; and providing an effective date. [Regular Agenda Item (7)]

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Johnson, the Council voted 7-0 to grant the use or taking of a portion of Oak Point Park and Nature Preserve for the construction of Fire Station No. 11 and for a sewer line easement being in the A.M. Hatfield Survey, Abstract No. 432 City of Plano, Collin County and authorizing the approval by the City Manager; and providing an effective date; and further to adopt Resolution No. 2004-12-38(R).

Public Hearing and a resolution to approve and adopt the Plan to End Chronic Homelessness in Collin County; and providing an effective date. [Regular Agenda Item "8"]

Neighborhood Services Manager Buffington advised the Council that the City has been coordinating an effort by various cities and non-profit agencies in Collin County to develop a plan to end chronic homelessness in the county. He spoke to a Presidential initiative to address the problem and advised that the plan has been reviewed and recommended by the Community Relations Commission.

Community Development Coordinator Brown advised the Council that cities and counties are being encouraged to produce plans to reduce chronic homelessness in the next ten years and to the anticipation that HUD will require the plans in order for communities to receive Community Development Block Grant (CDBG) and HOME monies in the future. She spoke to the efforts of the City of Plano Staff in collaboration with the Homeward Bound Task Force in designing a needs assessment and gathering data using the HUD definition of chronic homelessness ("unaccompanied homeless individuals with a disabling condition who have either been continuously homeless for a year or more or has had at least four episodes of homelessness in the past three years").

Ms. Brown advised that of the homeless, 16% are considered chronic or individuals not becoming stable that are in jails and mental hospitals. She spoke to the goals of forming an organization dedicated to ending chronic homelessness in Collin County, developing and implementing a comprehensive program to provide housing and support services, prevention including case management, education and improved collaboration with institutions, and to providing basic needs and increasing resources available to prevent, intervene, and eliminate chronic homelessness.

Ms. Brown stated that the proposal is for two phases including a pilot program in the City of Plano to begin June 2005 in the amount of \$60,000 which will execute the plan, build the organizational infrastructure and subcontract housing and services for 15 chronic homeless individuals. She advised that funds will be allocated from CDBG monies with no funds from the City. Ms. Brown stated that the second phase would include the cities of McKinney, Allen and Frisco and would offer services to 200 homeless in the county. She spoke to determining a formula for each city's funding and to investigating further sources of federal funds.

Ms. Brown responded to Council Member Stovall that the \$60,000 for the pilot program will come from the CDBG funds and to an increase in the City of Plano's funding as the project moves into the second phase. She stated that there would not be a basis for requesting more funding, but that there are other resources.

Mayor Evans spoke regarding discussions held with other mayors in Collin County.

Deputy Mayor Pro Tem Lambert spoke to the project taking monies from other CDBG programs. Ms. Brown spoke to the President's initiative and to the Community Relations Commission holding Public Hearings to decide on the allocation of available funds. Mr. Lambert spoke to the possible negative impact as a result of taking monies out of existing programs. Mr. Buffington stated that approval of the request would be direction to the Community Relations Commission that this is an area to be considered when allocating funds and spoke regarding anticipated involvement from other areas of the county in the second phase.

Mayor Pro Tem Stahel spoke to the cities of Plano, McKinney, Allen and Frisco contributing \$15,000 each along with a letter of intent that if the first year is successful there will be future commitment and a prorated share based on population from the third year forward. He spoke to the possibility of Plano becoming a magnet for the chronic homeless and funding a larger percentage during the second phase and to cities and counties vying for additional federal funds resulting in increased competition.

Mayor Evans spoke to taking care of fifteen people in the pilot program and to the requirement of a plan in order to receive CDBG funding.

Mayor Pro Tem Stahel spoke to contacting the other cities and the county to receive assurances of their commitment before moving forward with the request. City Manager Muehlenbeck spoke to the City of Frisco just being qualified for CDBG funds, to this becoming a requirement to receiving funding and moving forward with the pilot program after which the Council could make a decision on continuing the program. Council Member Magnuson spoke to receiving a commitment from other cities and the county and Mr. Stahel spoke to other cities providing manpower.

Council Member Stovall spoke to building on the working agreement in Phase 1 and working towards Phase 2. Ms. Brown spoke to the board in place to review and evaluate the program.

Mayor Pro Tem Stahel spoke to having a written partnership agreement in place stating that the pilot program will last two years and that when Phase I is successfully completed and meets criteria, the other cities will participate as full members. City Manager Muehlenbeck stated that a memorandum of understanding could be developed.

Deputy Mayor Pro Tem Lambert spoke to sharing funding beginning in the second year and the possibility that the homeless may migrate to Plano from other locations and stated concern that monies may be taken from other agencies. Ms. Brown spoke to the cost to the City for individuals housed in jails and hospitals and to the savings in the areas of police officers, mental hospitals and courts. Mr. Lambert spoke to finding the best use for funds and to delaying a decision until January 2005.

City Attorney Wetherbee responded to Mayor Evans, stating that the resolution does not make a permanent commitment and that policy can be changed in the future. Deputy Mayor Pro Tem Lambert spoke to the federal government mandating the program once it is begun and Mayor Evans spoke to the government requiring that there be a plan.

Mayor Pro Tem Stahel stated opposition to spending general fund monies on a pilot program that is federally funded and requested more information be provided before adoption of the resolution. Deputy Mayor Pro Tem Lambert spoke to the \$60,000 coming from the current funding of non-profit organizations. Mr. Buffington stated that for the first two years, the Community Relations Commission will balance the program as part of the Public Hearing process, but that it would not continue if there are no grants in the third year. He further spoke regarding current funding being received by the cities of Allen, Frisco and McKinney.

Ms. Brown spoke regarding the commitment made to the interagency council to move forward with the program. Mayor Evans spoke to the negative effects of using monies from other social service agencies, to possibly implementing the plan at a later time and receiving a cost benefit analysis. City Manager Muehlenbeck spoke to meeting with HUD, discussing the limited funding available and to determining a timeline for supporting the program.

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Stovall, the Council voted 7-0 to table the Plan to End Chronic Homelessness in Collin County indefinitely.

Resolution No. 2004-12-39(R) to appoint a committee and chairman to administer the Savings and Retirement Plan and Trust Agreement for employees of the City of Plano that qualified under Section 401(a) of the Internal Revenue Code of 1986, as amended; and providing an effective date. [Regular Agenda Item “9”]

Upon a motion made by Mayor Pro Tem Stahel and seconded by Deputy Mayor Pro Tem Lambert, the Council voted 7-0 to appoint John Gilliam, Karen Rhodes, John McGrane, Harry Manning and Mike Rapplean as members and further to appoint John Gilliam as Chair to administer the Savings and Retirement Plan and Trust Agreement for employees of the City of Plano that qualified under Section 401(a) of the Internal Revenue Code of 1986, as amended; and providing an effective date; and further to adopt Resolution No. 2004-12-39(R).

Resolution No. 2004-12-40(R) to approve the payment of an amount not to exceed \$600,000 for acquisition of Rice Field and expenses related thereto with the TIF2 District responsible for the repayment of all expenses including interest, should the City of Plano not recover its costs from the redevelopment of the property; and providing an effective date. [Regular Agenda Item “10”]

Executive Director Turner spoke regarding the establishment of dwelling units in proximity to the Downtown DART rail station, to redevelopment in the area and further stated that \$600,000 would be loaned from the City for the acquisition of Rice Field and related expenses. He stated that the Tax Increment Financing Reinvestment Board #2 recommends approval of the request. Mr. Turner spoke regarding the next agenda item which represents a sales contract approved by the Plano Independent School District Board of Trustees for conveyance of the property to the City and reviewed the process for selecting a developer and negotiating a development contract to be approved by the Council.

Resolution No. 2004-12-40(R) (cont'd)

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Magnuson, the Council voted 7-0 to approve the payment of an amount not to exceed \$600,000 for acquisition of Rice Field and expenses related thereto with the TIF2 District responsible for the repayment of all expenses including interest, should the City of Plano not recover its costs from the redevelopment of the property; and providing an effective date; and further to adopt Resolution No. 2004-12-40(R).

Resolution No. 2004-12-41(R) to approve the terms and conditions of a real estate contract by and between Plano Independent School District and the City of Plano for the purchase of approximately 4.323 acres known as Rice Field located at the southwest corner of Avenue G and 18th Street, Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item "11"]

Upon a motion made by Deputy Mayor Pro Tem Lambert and seconded by Mayor Pro Tem Stahel, the Council voted 7-0 to approve the terms and conditions of a real estate contract by and between Plano Independent School District and the City of Plano for the purchase of approximately 4.323 acres known as Rice Field located at the southwest corner of Avenue G and 18th Street, Plano, Collin County, Texas; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2004-12-41(R).

There being no further discussion, Mayor Evans adjourned the meeting at 10:32 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
January 10, 2005**

COUNCIL MEMBERS

Pat Evans, Mayor
Shep Stahel, Mayor Pro Tem
Ken Lambert, Deputy Mayor Pro Tem
Scott Johnson
Phil Dyer
Sally Magnuson
Steve Stovall
Jean Callison

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Elaine Bealke, City Secretary

Mayor Evans called the meeting to order at 5:36 p.m., Monday, January 10, 2005, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Callison. Mayor Evans then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice, Section 551.071, discuss Personnel, Section 551.074, and to discuss Economic Development, Section 551.087 for which a certified agenda is required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting at 6:50 p.m. in the Council Chambers for which the following matters were discussed:

**Consideration and Action Resulting From Executive Session Discussion: Personnel,
Planning and Zoning Commission**

Upon a motion made by Mayor Pro Tem Stahel and seconded by Council Member Johnson, the Council voted 7-0 to appoint Dennis Abraham.

Discussion and Direction Regarding the Master Plan for Oak Point Park and Nature Preserve

Director of Parks and Recreation Wendell spoke to reviewing the Master Plan for Oak Point Park and Nature Preserve as well as the process observed and advised that the firm of Carter and Burgess served as consultants.

Architect Philip Neeley with Carter and Burgess spoke to the valuable resources of the park site, keeping the park as a natural resource, and to having facilitated discussions with those who might use the park. He spoke to the facilities and activities needed, environmental interests, and uses that would include school field trips, university students, and the potential for corporate outings and wedding receptions. Mr. Neeley stated there were 800 acres and reviewed the geographical boundaries which involved a grassland creek corridor, and stated there are eight or nine key areas.

Architect Jim Robertson with Hatch Partnerships spoke to the Visitor/Retreat Center and opportunities for the City with this site. He spoke to the elements of this space and stated it would also include a park retail area advising that it has not been determined as to how they will all exactly fit together. Mr. Robertson spoke to the need for versatility, convertibility, and expandability as future key elements.

Mr. Neeley spoke to lake recreation activities containing both physical and visual qualities. He spoke to the grand natural area and to this being reflective of the agricultural history of the City, learning and demonstration area capabilities, equestrian use as another recreational use, and respites/observation areas. Mr. Neeley spoke to the creek corridor and trail network offering opportunities for trail access and camping and further spoke to the play/picnic area providing a park within a park with possible destination uses.

Mr. Neeley responded to the Council that the size of the lake already excavated is 15 acres and stated that the pavilions will be located throughout park and be of different sizes. Council Member Stovall spoke to this being an opportunity for communication and destination facilities and to this tying in with Plano Centre and others towards helping to bring people in. Mayor Pro Tem Stahel spoke to the good experience of watching this all take place and to the project coming along well.

Mr. Wendell spoke to the next steps including submission of grant applications to the Texas Parks and Wildlife Department identified in resolutions on this agenda, design preparation, and to \$10 million in proposed 2005 bond referendum funding as being the key to the project. He spoke to the target completion date of summer 2007 and further advised that the Parks and Recreation Planning Board approved this project. Mr. Wendell responded to the Council that a grant has been received from Collin County for \$500,000 for the trail portion and stated that grants have been applied for from the state in the amount of \$1.5 million. The Council concurred to move forward.

The Council convened directly into the Regular Meeting at 7:23 p.m. No recess was taken. Remaining items were discussed during the Regular Meeting. .

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary

PLANO CITY COUNCIL
January 10, 2005

COUNCIL MEMBERS

Pat Evans, Mayor
Shep Stahel, Mayor Pro Tem
Ken Lambert, Deputy Mayor Pro Tem
Steve Stovall
Phil Dyer
Scott Johnson
Sally Magnuson
Jean Callison

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Elaine Bealke, City Secretary

Mayor Evans convened the Preliminary Open Meeting directly into the Regular Meeting on Monday, January 10, 2005, at 7:23 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Callison.

The invocation was led by Jeff Babbitt of the Bahai Faith of Plano.

The Pledge of Allegiance was led by Webelos, Pack 1112 of Haun Elementary.

Mayor Pro Tem Stahel presented a Certificate of Appreciation to Harry A. LaRosiliere for his service on the Planning and Zoning Commission.

S.H. 121 Feasibility Report

City Engineer Upchurch spoke regarding a task force evaluating funding options to build the main lanes of S.H. 121 between Hillcrest Road and U.S. Hwy. 75. He spoke to consideration of options including a tollroad, managed lanes which would include free and tolled lanes and a third option having local governments provide the funding. Mr. Upchurch spoke to the estimated cost of \$93 million, to Collin County's share of \$30 million and to a funding scenario where the remainder would be prorated based on each city's frontage. He spoke to other allocations that could be based on population, tax base, etc. and requested Council direction on whether or not this would be a viable option for continued discussion.

Mr. Upchurch spoke to the cities of Frisco, Allen and McKinney reviewing the option and advised that their input can be brought back to the Council. He stated that if contributions were agreeable to the Council, it could be done as a grant/contribution or as "shadow tolling" where monies are reimbursed to the City from the state highway department based on traffic volumes generated.

Mr. Upchurch responded to Deputy Mayor Pro Tem Lambert, stating that TxDOT would be in a position to go ahead should cities fund monies to build the roadway. He stated that input could be provided to the task force to look into funding the roadway similar to the DFW turnpike which was opened up as a free road once it was paid for. Deputy Mayor Pro Tem Lambert spoke in support of City funding if the other cities were inclined to do so and to not waiting fifteen years for TxDOT.

Mr. Upchurch responded to Council Member Stovall, stating that based on a simplistic formula the cities of McKinney and Allen would be responsible for larger portions. He spoke to continued discussion if the other cities are interested and to bringing forward a final analysis some time in April. Mr. Upchurch stated that he does not have an indication from the other cities at this time and advised that state funding would not be available for 15-20 years.

Council Member Dyer spoke to keeping the road free for citizens as being a good investment. Mr. Upchurch responded to Council Member Stovall, stating that the \$93 million is a fairly recent cost estimate and includes inflation and further that he will have a better idea of the intentions of the other cities at the end of the month.

Mayor Pro Tem Stahel and Deputy Mayor Pro Tem Lambert spoke to including an item on the upcoming bond election which would send a signal to other cities that Plano is ready to move ahead. Mr. Stahel spoke in support of recovering the monies through "shadow tolling" as TxDOT funds become available. Mr. Lambert clarified that there would not be a toll on the roadway but that the process speaks to reimbursement by the state transportation department and to the City receiving credit for having provided funding for this location. He spoke to some citizens not being in support of tolling the roadway and Mr. Upchurch spoke to some cities seeing tolling as an opportunity to receive funding for projects.

City Manager Muehlenbeck spoke to previous consideration of tolls along the roadway and stated that if an option for reimbursement is considered, there may be projects that would need to be put off. He requested Council direction on maintaining the option of shared funding and possibly adding a figure to the bond referendum. The Council concurred to retain the option of shared funding. Mayor Pro Tem Stahel spoke to including the funding on the bond referendum in order to have the monies if needed.

Jim Kubota, citizen of the City, spoke to the roadway being utilized similarly to the Dallas North Tollway.

Council Member Dyer spoke to possibly waiting to put the item on a bond referendum until 2006 in order to provide time for decision making.

Council items for discussion/action on future agendas

Mayor Evans requested a future agenda item to discuss a rotation system among Council Members with regard to Sister City visits.

Consent and Regular Agendas

Deputy Mayor Pro Tem Lambert requested that Consent Item "L," Ordinance to correct a clerical error regarding Zoning Case 2004-10, be removed for individual consideration.

Council Reports

Deputy Mayor Pro Tem Lambert spoke to a meeting held with representatives of the Collin County Board of Realtors and Council Member Magnuson to discuss issues related to allowing open house signs and advised that after consideration, the organization felt that the problems associated with (City) regulations would outweigh the effectiveness of such a program. He advised that the recommendation is that no further action be taken at this time.

GENERAL DISCUSSION

Jim Kubota, citizen of the City, stated concern regarding the amount of advertising on cable television and spoke regarding citizens having a vote when rates are raised and to the City taking over the running of the cable company. He stated concern that permits are required for work in easements because utility companies are not doing their part to be sure the lines cannot be damaged. Mr. Kubota stated concern that citizens must call for themselves and spoke to the City regulating the easement area.

Sonja Hammar, citizen of the City, requested confirmation that information is being maintained regarding outside agency requests for grants and funding. The Council's consensus was that applicants are being asked to comply with procedures. Ms. Hammar spoke regarding placement of the Bishop Road Landscaping Project on the upcoming bond referendum and to the Council providing citizens the opportunity for participation. She inquired whether or not any City funding went into amenities in a park area adjacent to Bishop Road, asked what the status is on the botanical gardens and voiced support for improvements to Memorial Park.

CONSENT AGENDA

Deputy Mayor Pro Tem Lambert requested that Consent Agenda Item "L" be removed for individual consideration.

Upon a motion made by Deputy Mayor Pro Tem Lambert and Council Member Dyer, the Council voted 7-0 to approve and adopt all remaining items as recommended and as follows:

Approval of Minutes [Consent Agenda Item (A)]
December 13, 2004

Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following:

Bid No. B023-05 to Songer Construction, Inc. in the amount of \$2,220,000 for the total base bid for the construction of Fire Station No. 11. [Consent Agenda Item (B)] (See Exhibit “A”)

Bid No. C155-04 to establish a two-year fixed price contract with three optional one-year renewals for Structural Fire Fighting Helmets in the estimated annual amount of \$15,000. [Consent Agenda Item (C)] (See Exhibit “B”)

Bid No. B034-05 for residential pavement repairs on the 2004-2005 Residential Slab Replacement Project, Zones G3 & G4 within the City of Plano in the amount of \$1,682,325. This project involves the replacement of street and alley pavement and construction of barrier-free ramps in the residential areas bounded by Preston Road/Coit Road/Parker Road/Plano Parkway. [Consent Agenda Item (D)] (See Exhibit “C”)

Bid No. B035-05 for construction of Tollroad Service Road – Spring Creek Parkway to Headquarters Drive in the amount of \$1,108,738. [Consent Agenda Item (E)] (See Exhibit “D”)

Bid No. C001-05 to establish an annual fixed-price contract with two optional one-year renewals for Custodial Services – Various Facilities in the estimated annual amount of \$134,928. [Consent Agenda Item (F)] (See Exhibit “E”)

Adoption of Resolutions

Resolution No. 2005-1-1(R): To accept and approve the City Secretary’s certification of the number of qualified signatures on a petition to order a local option election to legalize the sale of mixed beverages in restaurants by food and beverage certificate holders; and providing an effective date. [Consent Agenda Item (G)]

Resolution No. 2005-1-2(R): To accept and approve the City Secretary’s certification of the number of qualified signatures on a petition to order a local option election to legalize the sale of beer and wine for off-premise consumption; and providing an effective date. [Consent Agenda Item (H)]

Resolution No. 2005-1-3(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano and Collin County, Texas, providing terms and conditions for the widening of Dallas North Tollroad Service Roads from Spring Creek Parkway to Headquarters Drive; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (I)]

Resolution No. 2005-1-4(R): A resolution of the City of Plano, Texas (hereinafter called the "Applicant"), designating certain officials as being responsible for, acting for, and on behalf of the applicant in dealing with the Texas Parks & Wildlife Department, hereinafter referred to as "Department," for the purpose of participating in the Texas Recreation & Parks Account Outdoor Recreation Grants Program, hereinafter referred to as the "Program;" certifying that the Applicant is eligible to receive program assistance; certifying that the Applicant's matching share is readily available; and dedicating the proposed site for permanent (or for the term of the lease for leased property) public park and recreational uses. [Consent Agenda Item (J)]

Resolution No. 2005-1-5(R): A resolution of the City of Plano, Texas (hereinafter called the "Applicant"), designating officials as being responsible for the applicant in dealing with Texas Parks and Wildlife (hereinafter called the "Department"), for the purpose of participating in the Texas Recreation and Parks Account Regional Grants Program (hereinafter called the "Program"); certifying that the Applicant is eligible to receive program assistance; certifying that the Applicant's matching share is readily available; and dedicating the proposed site for permanent (or for the term of the lease for leased property, or the term of the joint-use agreement for non-leased property) public park and recreational uses. [Consent Agenda Item (K)]

Adoption of Ordinances

Ordinance No. 2005-1-6: To abandon all right, title and interest of the City, in and to that certain drainage and sanitary sewer easement recorded in Document Number 92-0023816 and those certain drainage easements recorded in Document Number 96-0098443 of the Land Records of Collin County, Texas and being situated in the Benjamin M. Craig Survey, Abstract Number 176 and located along Ohio Drive south of Parker Road in the City Limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the abutting property owner, Preston Parker L.P., to the extent of its interest; authorizing the City Manager, to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (M)]

Ordinance No. 2005-1-7: To find that the current rates of Coserv Gas Ltd. are unreasonable; approving Coserv Gas Ltd.'s revised tariffs; finding cities' rate case expenses reasonable; severing the determination of the reasonableness of Coserv Gas Ltd.'s rate case expense from approval of the revised tariffs; retaining jurisdiction over the determination of the reasonableness of Coserv Gas Ltd.'s rate case expense issue until March 1, 2005; finding that any relief requested by Coserv Gas Ltd. not specifically granted herein is denied; adopting a most favored nations provision; finding that the meeting at which this ordinance is passed is open to the public as required by law and providing for notice of this ordinance to Coserv Las, Ltd.; and providing an effective date [Consent Agenda Item (N)]

Award of Contract

To approve and authorize for the selection of Parsons Brinkerhoff Quade & Douglas, Inc. to provide Professional Engineering Services for an amount not to exceed \$58,794 in connection with the design of Preston Road at Plano Parkway Intersection Improvements and authorizing the City Manager to execute all necessary documents to effectuate this contract. Bid No. B113-04. [Consent Agenda Item (O)]

END OF CONSENT

Ordinance No. 2005-1-8: To vacate Ordinance No. 2004-5-5 and adopt this ordinance to correct a clerical error, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 101.3± acres located on the east and west sides of Ohio Drive, between Parker Road and Tulane Drive in the City of Plano, Collin County, Texas, from Agricultural to Planned Development-150-Single-Family Residence Attached, Single-Family Residence-9, Single-Family Residence-7, and Patio Home; 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. (Zoning Case 2004-10) [Consent Agenda Item (L)]

Director of Planning Jarrell advised that a stipulation regarding the setback was left out of the ordinance drafted for this request and stated this item could move forward since Council's intent was to approve all five stipulations. City Attorney Wetherbee advised that she was satisfied that item represented a clerical correction since the original motion included the Planning and Zoning Commission recommendations. Ms. Jarrell advised that current applicants are sent a "follow up" memo recording the actions of the Planning and Zoning Commission and the Council.

Council Member Stovall inquired why the setback would be 130 feet rather than 150 feet and the Council spoke to prior discussion of the request.

Ordinance No. 2005-1-8 (cont'd)

A motion was made by Deputy Mayor Pro Tem Lambert and seconded by Council Member Johnson to vacate Ordinance No. 2004-5-5 and adopt this ordinance to correct a clerical error, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, so as to rezone 101.3± acres located on the east and west sides of Ohio Drive, between Parker Road and Tulane Drive in the City of Plano, Collin County, Texas, from Agricultural to Planned Development-150-Single-Family Residence Attached, Single-Family Residence-9, Single-Family Residence-7, and Patio Home; 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; and further to adopt Ordinance No. 2005-1-8. The Council voted 6-1 with Council Member Stovall voting in opposition. The motion carried.

Public Hearing and adoption of Ordinance No. 2005-1-9 as requested in Zoning Case 2004-50 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 557 so as to allow the additional use of Private Club on 0.1± acre of land located 180± feet west of Preston Road and 1,000± feet north of Lorimar Drive in the City of Plano, Collin County, Texas, presently zoned Planned Development-447-Retail/Multifamily Residence-2; 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. Neighborhood #31. Applicant: Turner Heritage Investments, LTD. & SJD Development, Inc. [Regular Agenda Item (1)]

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

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

Upon a motion made by Council Member Stovall and seconded by Council Member Johnson, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, granting Specific Use Permit No. 557 so as to allow the additional use of Private Club on 0.1± acre of land located 180± feet west of Preston Road and 1,000± feet north of Lorimar Drive in the City of Plano, Collin County, Texas, presently zoned Planned Development-447-Retail/Multifamily Residence-2 as requested in Zoning Case 2004-50 and as recommended by the Planning and Zoning Commission; 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; and further to adopt Ordinance No. 2005-1-9.

Public Hearing and adoption of Ordinance No. 2005-1-10 as requested in Zoning Case 2004-51 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, amending Specific Use Permit No. 545 for Regional Theater and Specific Use Permit No. 546 for Arcade so as to adjust the boundaries on 13.8± acres of land located on the east side of Coit Road, 662± feet north of Mapleshade Lane in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permits No. 545 for Regional Theater and No. 546 for Arcade; 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. Neighborhood #72. Applicant: Coit 190 Texas, LP [Regular Agenda Item (2)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted and advised that the request reduces the area of the specific use permit.

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

Upon a motion made by Council Member Magnuson and seconded by Council Member Dyer, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2004-9-37, as heretofore amended, amending Specific Use Permit No. 545 for Regional Theater and Specific Use Permit No. 546 for Arcade so as to adjust the boundaries on 13.8± acres of land located on the east side of Coit Road, 662± feet north of Mapleshade Lane in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial with Specific Use Permits No. 545 for Regional Theater and No. 546 for Arcade as requested in Zoning Case 2004-51 and as recommended by the Planning and Zoning Commission; 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; and further to adopt Ordinance No. 2005-1-10.

Discussion and Direction regarding Charter Amendments [Regular Agenda Item (3)]

At the Council concurrence, Mayor Evans invited members of the audience to provide input. Richard Simmons, citizen of the City, spoke in support of placing the issue of single member districts with a minimum of eight City Council members and a mayor on the ballot with implementation by June 1, 2006. Sonja Hammar, citizen of the City, spoke to allowing the citizens to express their opinion on single member districts by including the item on the ballot for the charter election.

City Attorney Wetherbee spoke regarding the issues already identified which include amending the charter to delete the reference that the City may be sued, whether or not the Council Members' terms of office should be extended from two to three-years, deleting the requirement that Council Members own taxable property and applying that same standard to board/commission appointees, revising publication of franchise ordinances to include only the ordinance caption and addressing the statute of limitation period for filing a suit against the City to comply with state law. She spoke to determining when three-year terms would take effect.

Deputy Mayor Pro Tem Lambert spoke to referencing compliance with state law as it applies to Council Members and board/commission appointees not owning taxable property. Ms. Wetherbee advised that while court decisions are clear for Council Members, it is her thought that the same principles can be extended to board members and that she would prefer to place notation in the caption but not make it a part of the question.

Deputy Mayor Pro Tem Lambert inquired regarding the inclusion of an item addressing single member districts. Council Member Stovall spoke to minority law scholars encouraging proportional representation and moving away from single member districts. He spoke to the different ways proportional representation can be achieved, to not using race in preparing districts and to the difficulty of creating a minority majority district in such a way so as to ensure a minority individual will be elected. He spoke in support of the City's current process where all citizens elect every Council Member and can elect a minority candidate.

Deputy Mayor Pro Tem Lambert spoke to the process in place until 1982-83 and input from the community requesting single member districts be included on the ballot. He stated that while not in favor of single member districts, the item should be placed before the citizens for a vote. Mr. Lambert spoke to converting the current four geographic districts and offering up a blended system.

Council Member Stovall spoke to delaying the charter amendment process to provide the opportunity to educate the citizenry regarding proportional representation and how it applies to the current election process in the City. Deputy Mayor Pro Tem Lambert spoke to the time invested in the charter election and to moving forward with those propositions the majority of the Council decides should be included. Mayor Evans spoke to moving forward with administrative items.

Council Member Dyer spoke to the City's form of government being too important to "be lost" on a complicated ballot such as the one coming forward in May 2005 and to the possibility of a stand-alone election or waiting two years to address the issue of single member districts.

The Council stated a consensus to move forward with a charter amendment election with the items proposed. City Attorney Wetherbee advised that she would bring back the election order and ballot form and requested direction on when the three-year terms would take effect and the Council concurred that they would be effective in 2005. The Council instructed Staff to bring forward the election order and ballot at the January 24, 2005 meeting.

There being no further discussion, Mayor Evans adjourned the meeting at 8:45 p.m.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, City Secretary

**PLANO CITY COUNCIL
SPECIAL CALLED MEETING
DECEMBER 7, 2004**

COUNCIL MEMBERS

Pat Evans, Mayor
Shep Stahel, Mayor Pro Tem
Ken Lambert, Deputy Mayor Pro Tem
Scott Johnson
Phil Dyer
Sally Magnuson
Steve Stovall
Jean Callison

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Elaine Bealke, City Secretary

Mayor Evans called the meeting to order at 7:04 p.m., Tuesday, December 7, 2004, in Training Room A of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Dyer. Council Member Callison arrived at 7:11 p.m. The following was discussed:

Public Hearing – City Charter Discussion and Direction

Mayor Evans advised regarding the process for public comment and invited those in attendance to come forward to address the Council.

Richard Howe, citizen of the City, spoke to learning from each side and determining where things stand now and what direction to go in from this point. He spoke to finding the “best practices” in other cities, forming a task force to do this and then hiring a consultant to perform this task.

David Perry, citizen of the City, spoke in support of single member districts (SMDs’), to the City having grown and to the differences between “then” and “now.” He spoke to being proactive and understanding the demographics of the City and to it all being about representation. Mr. Perry spoke to the Council serving at the will of the citizens, stated that SMDs’ allow everyone to be involved and further spoke to eliminating voter apathy.

David Smith, citizen of the City, spoke to putting matters to a vote by the citizens, not negating the excellent job that has been done by the Council, and to the future of the City. He spoke to an established group of people and to needing diverse representation. Mr. Smith spoke to five SMD places with three at large places to include the Mayor as an option.

Paul Hart, citizen of the City, spoke to giving people the opportunity to vote on an issue, SMDs' being directive of representation, and to placing this option on the ballot and letting the voters decide.

John Radcliff, citizen of the City, spoke in support of SMDs' and helping different walks of life and age groups obtain fair and free representation. He spoke to new things coming in, and needing a voice for change.

Robert Sparkman, citizen of the City, spoke in support of SMDs', removing minority barriers, Council accountability, opposition to changing petition signature requirements, and further spoke to a maximum of two three-year Council terms. He spoke to Plano being a proactive City and to acting now to move toward SMDs' before it is decided for Plano by the Justice Department.

Fred Moses, citizen of the City, spoke to inviting citizens to become involved. He spoke to SMDs' and not being comfortable with a change at this time, minorities being spread throughout the City, and to needing a vehicle to encourage involvement. He responded to Mayor Evans that encouragement could come from serving on a board, leadership involvement in some capacity in the City, and to extending a welcome to minorities and addressing issues of who we are as a City.

Gabriel Ponce, citizen of the City, spoke to small voter turnout, being in support of SMDs, and to not changing the signature requirements.

Clinton Hendricks, citizen of the City, spoke to SMDs' as being democratic, seven SMD places with an at-large Mayor, and to the people in the district electing their candidate. He stated that the Council has done a great job.

Robert Miller, citizen of the City, stated that SMDs' elect someone they choose, spoke to continuing to elect the same people, providing more Council diversity, and to getting different people involved.

Alan Johnson, spoke to this meeting being an example of open discussion, getting out there and voting, and to the City having "direct" government present here tonight. He spoke to agreement in benchmarking other organizations, having the opportunity to talk with government, and to getting involved with the boards and commissions.

Cara Mendelson, citizen of the City, spoke in support of electing Council Members at-large, and to the responsiveness of the entire City Council.

Jack Lagos, citizen of the City, spoke to change and fairness, demographics in the City, and to heavy concentrations of minorities in areas of the City. He spoke to the importance of changing with the times, and in support seven SMD places. Mr. Lagos spoke to being unable to speak for an individual without having actually lived in their circumstances.

Richard Simmons, citizen of the City, stated he is not in support of a strong mayor system and does not propose to abandon a Mayor/Council/City Manager form of government. He spoke to improving citizen representation and Council accountability and to advantages of geographic representation with SMDs'. Mr. Simmons spoke to close ties between voters and their representatives and to fostering a stable government. He recommended placing an item on the 2005 ballot identifying seven SMD places and an at-large Mayor.

Walter Unglaub, citizen of the City, spoke to 23 out of 24 participating Texas Municipal League cities with a population of 100,000 or better containing some form of SMD representation. He spoke in support of SMDs' and to placing this before the citizens.

John Myers, citizen of the City, spoke to recent newspaper editorial support of SMDs', stated that they can work, and spoke further to the diversity of the City. He spoke to occurring changes and looking at some form of SMDs.

David Smith advised Deputy Mayor Pro Tem Lambert that he is in favor of leaving the petition requirements as they currently are but stated he has no problem with the issue being on the ballot with the bottom line being the citizens deciding.

Paul Hart advised Deputy Mayor Pro Tem Lambert that he served on the committee (SMD) that drew Council boundaries which involved analyzing population statistics and growth projections. He spoke to getting representation as close to the people as possible, stated that the current at-large designations do not provide this whereas SMDs' do, and spoke further to there being no rationale for not accepting the full SMD designations for all but the Mayor.

Glen Tolle spoke to SMDs' being on the table and asked the Council how and who would redistrict the City of Plano. City Attorney Wetherbee spoke to the redistricting process and stated that it is not uncommon for a Council to form a committee but that there is criteria to follow. She stated that the legal standard for forcing a political entity to go into an SMD representation requires three standards showing that the minority is a large enough and geographically compact group to constitute a majority within a district in the community and that their objectives are politically cohesive and further show that the white majority will usually vote as a block to defeat a minority candidate. The City Attorney stated she does not believe this has been the history in Plano, and that this would not necessarily be an easy case or a case that the justice department would pursue without supporting facts. She spoke to drafting a district plan per the comments this evening about having representation and to this being a desirable objective from SMDs' but stated the legal standard for doing that is to create a majority minority within a district.

The City Attorney stated the districts have to be geographically compact to prevent gerrymandering, the district has to be contiguous, and the district should be composed of "communities of interest" which is a very amorphous standard that the law uses and which is not necessarily based on race because you cannot come up with the assumption that people of a particular race always vote in the same manner. She spoke to using a demographer to help understand the community and put that together and come up with the districts, and stated that if it is the Council's objective to put this item on the ballot it must be determined how many districts are out there and how many districts should be created so that you create that majority minority district. The City Attorney spoke to cases where individuals may vote similarly even though they are of different races adding to the complexity of the question. She spoke to SMDs' being different than the City's current population based districts.

City Attorney Wetherbee advised Deputy Mayor Pro Tem Lambert that procedurally while you could place an item on the ballot asking the citizens if they support implementing SMDs' (seven) it would be preferable to have a preliminary map knowing that you are able to draw the districts in a way that you create the majority minority districts. She further advised that if the charter amendment were to pass there is still an obligation to have districts that do not create vote dilution which occurs when you don't create the opportunity for minority representation because the district is too large for that minority group. The City Attorney stated that the justice department will be looking at least at a 51% population driven number and use voting age population and not the general population numbers. She spoke to not creating districts where the ability is not created for that majority minority.

City Attorney Wetherbee spoke to a sixty-day pre-clearance timeline required from the Justice Department, scenarios of this being approved or not, and stated that before deciding to place this item on the ballot, determine the number of districts needed based on preliminary work having been done towards seeking justice department approval and meeting Voting Rights Act objectives. She stated that it would be in the best interest of the City to have more time to study the issue and not have a charter election in May (2005) and wait instead until the following year so that when this is brought before the citizens, assuming it passes, that it is a number that is reasonable in terms of existing population and demographics.

City Attorney Wetherbee advised Council Member Stovall that any decision by the Council that affects a voting practice or procedure must be pre-cleared but that justice department approval of SMDs' is much different than approval of the current system in this City which is an easier threshold to meet. Mr. Stovall spoke to the full dispersion of all ethnicities in the City, and stated that Plano has done very well in this area.

City Attorney Wetherbee advised Council Member Johnson that she does not know whether or not the justice department looks at age, religion, or other factors but that they refer to being "politically cohesive" and having similar interests, and being very well disbursed throughout the City. She recommended that more time and a professional demographer be used, stated that without guessing this would not be achievable for the May (2005) election, and further spoke to having to wait two years to have another Charter change and that haste serves no one's interest.

Deputy Mayor Pro Tem Lambert stated that he likes the current system, spoke to being accountable to every citizen in town, feels he was not elected by a so-called small group, and spoke to campaign expenses. He spoke to placing this item on the ballot now and letting the voters decide or just waiting, and to personally supporting placing this on the ballot. The City Attorney stated that if there are no minority candidates running or if they are running and not being defeated by white candidates, and spoke to this being a standard used by the justice department to force implementation of districts because it is considered a voting dilution. She stated that Plano does not have enough factual history that other cities have had towards forcing SMD implementation.

City Attorney Wetherbee advised Deputy Mayor Pro Tem Lambert that placing an item on the ballot to approve or not approve SMDs' would also require identifying the number of districts chosen and why, as well as some preliminary mapping done based on information obtained. The Council discussed voter turnout history and spoke to this issue prompting better turnout. Council Member Callison spoke to the unfairness of asking citizens to vote on something that can not be seen and identified as only a number (seven).

Council Member Magnuson spoke to how widely disbursed all the ethnic groups are in this City, stated that asking for seven SMDs' will not guarantee any type of minority representation, and that Plano would be better served by the recruiting of candidates. She spoke to all the ethnic groups in the City, and to individuals being content with the way the City is run and to it being incumbent on all of us to go out there and encourage other people to run.

Glen Tolle spoke to "just doing it" whether the number (SMDs') is four or seven.

Deputy Mayor Pro Tem Lambert spoke to not hearing from citizens regarding a problem with minorities being elected, keeping things simple and taking the first step, having no problem with developing a map if that is what the citizens want, and further stated that when you get down to it there is no conflict with current Council Members discussing issues. Mayor Pro Tem Stahel spoke to keeping it simple and placing this on the ballot, and having a map based on population with the understanding that it might not hold up with the justice department.

Council Member Stovall spoke to taking a vote to decide an issue and stated that one Council Member can not decide anything single-handedly. He spoke to not placing this issue on the ballot, receiving more citizen input, stated that most people are not in favor of SMDs' and further requested citizens send emails to say yes or no, and identify what portion of charter issues they wish to address. Mr. Stovall spoke to the month of January and stated that he is not convinced the citizens want this issue on the ballot.

David Smith advised Mayor Pro Tem Stahel that he is in favor of going to three three-year terms, stated he is aware of the cycle for serving on state and national committees, and the distraction of re-election every two years.

Robert Sparkman responded to Mayor Pro Tem Stahel stating he is in favor of going to two three-year terms giving others the opportunity to get involved and spoke to still giving Council three-year terms for various purposes.

The Council discussed difficulties realized by current term limitations in serving on regional and state committees.

Deputy Mayor Pro Tem Lambert spoke to current petition signature requirements, previous Municipal elections and vote counts, and stated that overall the average for the last 8 years would be almost identical. He further recommended that this item be removed from consideration. Mayor Evans spoke to the virtue of the 1% being a stable number. Mayor Pro Tem Stahel and Council Member Callison recommended this item not be on the ballot to which Mr. Lambert concurred.

David Perry advised regarding his candidate history in the City as a minority and to being elected on his third try. He spoke to the need for minority representation in Plano being vast, and to receiving calls to run again, having common interests, stated that the opportunity for SMDs' is great and is needed and that ethnic minorities need to be represented in this City. He spoke to updates needed in the community, large ethnic minority populations, and preferring to run in a district as opposed to running City wide. Mr. Perry spoke to representation, closeness of voters to their representatives, being able to identify themselves with their representatives and to assume that when they come to City Hall they will get a fair shake.

Council Member Stovall spoke to Mayor Evans doing more to encourage diversity and bringing people into the City and to encouraging citizens in ethnic groups to run for office.

David Perry stated that things are going well in the City, spoke to the importance of being able to talk to people who might have had similar experiences, and to SMDs' providing a more representative form of government. He responded to Mr. Lambert that communities of interest with seven single member districts based on logical neighborhoods would be desirable rather than implementing three, four, or five districts.

Mayor Evans spoke to the legal definitions and requirements that would need to be met in order to change to SMDs' and to the fact that once Charter amendments are on the ballot another election can not be held for two years. She spoke to needing careful planning, the disbursement of ethnic groups throughout the City, and stated that other communities may have had pockets where representative districts had to be drawn. Council Member Stovall spoke to looking at the negative side of SMDs'. City Attorney Wetherbee responded to Mayor Evans stating court standards change as cases evolve and that "communities of interest" is probably described as groups that are politically cohesive and tend to vote similarly on issues. She spoke to not making assumptions about individual voting practices and advised that the courts have said that while race is a factor it cannot be the primary one.

The City Attorney advised that seven districts may not meet the legal standard and that there is not enough information to make that determination, the City must use population figures of voting aged citizens, and that if SMDs' were done "halfway" there could be charges of vote dilution. She advised that the Voting Rights Act's objective is not to guarantee that minorities will have representation but that if there is a minority candidate who is blocked by white candidates there could be a risk of voter dilution. Ms. Wetherbee stated that a City can voluntarily move to SMDs' but that the objective needs to be more than just representation and find that there are minority populations that are compact enough and geographically large enough that if they were put into a district they could become the majority population of that district. She stated that it would be difficult to obtain pre-clearance absent this objective and if it were to clear, it could evoke a response from an aggrieved voter.

Ms. Wetherbee responded to Deputy Mayor Pro Tem Lambert that if nothing is done, the Department of Justice may bring forward a lawsuit or a citizen may say the community needs to move to SMDs' due to vote dilution. She advised that the case would have to show that there are minorities that are geographically compact, that are in a contiguous area and that the white majority voting blocks votes to prevent them from being elected. Ms. Wetherbee further advised that if the case were to go against the City, the judge could draw the districts or send it back for the parties to resolve.

Council Member Johnson spoke to encouraging citizen participation and to the voters wanting someone who has demonstrated leadership skills, Council Member Stovall spoke to the need for people to vote.

Mr. Unglaub spoke to utilizing current information to begin developing districts and possibly receiving credit for trying to mitigate the situation. Ms. Wetherbee spoke to the need for more specific information and stated that if the number selected is not a sufficient number to allow for minority representation, that in the end the Department of Justice or an aggrieved voter will want to see the districts revised either through a suit or through another charter amendment. She proposed that if the City were to go to SMDs' that they must fit the demographic needs of the community as opposed to just choosing a number. Council Member Johnson spoke to the challenges being brought against the districts that were redrawn following the national election. City Attorney Wetherbee advised Deputy Mayor Pro Tem Lambert that there should not be a greater than 10% deviation between the largest and smallest districts and that should a district be off balance in number, it may be acceptable if there were a physical boundary separating the area.

City Attorney Wetherbee advised Deputy Mayor Pro Tem Lambert that increasing or decreasing the number of districts is a Charter change but that boundary adjustments are not and further that such boundary adjustments would need to go before the Department of Justice. She spoke to the importance of notifying voters that adjustments may take place.

Sonja Hammar, citizen of the City, spoke to citizen dissatisfaction with the Council's manner of handling interests and to not being invited to serve on a board/commission. She spoke to the Council's affiliations with board members and to citizens being "locked out." Mayor Evans responded to Ms. Hammar that appointments are not made only by the Council liaison and reviewed the appointment process and the availability of applications. Ms. Hammar spoke to some individuals receiving preferential treatment during the appointment process and Mayor Evans responded that new people have been appointed including minorities who may be new to the volunteering experience. Mayor Evans spoke to citizens coming forward to take part in the process and Council Member Johnson spoke to completing an application indicating personal interests. Ms. Hammar spoke to the correlation between contributions and those who receive appointments and regarding the process affording board/commission members the option of deleting personal information before public review. She spoke to the difficulty of determining where members reside in the City and the Council spoke to concerns regarding identity theft. City Attorney Wetherbee spoke to a response received by the Attorney General and to careful review before disclosing the general areas in which board/commission members reside. She spoke to contacting board members through the Staff liaison. Ms. Hammar spoke to the difficulty of contacting board chairs or speaking before boards and spoke to citizens' rights to address committees.

Alan Johnson, spoke to securing a board appointment following a two-year application period.

Jack Lagos spoke to the process involved in passage of the Over-65 Tax Freeze, regarding at-large representation not being fair, there being a one-sided "community of interest" in the City, and to concerns regarding Arts of Collin County issues. He spoke to SMDs' offering a change to the current system and to the City overlooking the needs of Hispanics.

Fred Moses spoke to the possibility of having seven geographic residential districts with election at-large. Mayor Evans responded that the current system with only four geographic residential districts offers more opportunity for individuals to run for office. Mr. Moses spoke to geographic areas offering more of an identity. Mayor Evans stated concern that under a SMD board/commission appointments are made by one Council Member and can be difficult if you do not get along with those making the appointment. Council Member Stovall spoke to the amount of time Council Members in SMDs' spend "making deals." Council Member Johnson spoke to there being disenfranchisement since people can now vote for all Council Members but under an SMD approach they would only be able to vote for their Council Member and the Mayor.

Richard Simmons, spoke to discussing the issue in open debate and putting it before the voters. He spoke to placing the issue on the ballot identified with a number of districts and to spending the money to develop the plan once the issue is passed. City Attorney Wetherbee spoke to doing preliminary research regarding the number of "communities of interest" and to telling voters what the outcome would be. She stated concern with choosing a number that may not be the right one and the problems that might ensue.

Council Member Callison spoke to a change having a purpose and being for the betterment of the community. The Council spoke regarding the cost of running for public office and stated that figures may not be so different if SMDs' were in place. Council Member Stovall spoke to input from the community in opposition to SMDs'

Cara Mendleson spoke to those who feel disenfranchised and to the responsiveness of the current Council Members. She spoke to having relationships with every member and to the current system offering more voices for the citizens even those that do not reside in the same geographic area. Ms. Mendleson spoke regarding the demographics in the western area of the City. Mayor Evans and Council Member Johnson spoke to Districts 2 and 3 having the largest Asian populations and to disbursement of minorities throughout the City.

Mayor Evans spoke to placing discussion of the Charter Amendments on the January 10 Council Agenda. City Attorney Wetherbee advised that an ordinance would require sufficient time for Department of Justice review. The Council stated concurrence to remove consideration of amending petition signature requirements from the proposed Charter Amendments. Mayor Evans stated that citizens could contact Council Members via e-mail or telephone regarding issues and that no Public Hearing would be conducted unless there was an urgent need. Deputy Mayor Pro Tem Lambert spoke to making the best decision for the community. Mayor Evans thanked the Council and Staff for their efforts and the public for their input.

Nothing further was discussed. Mayor Evans adjourned the meeting at 9:59 p.m.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 1/24/05		Reviewed by Legal <i>MR</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Purchasing		Initials	Date	
Department Head	Mike Ryan	Executive Director			
Dept Signature:	<i>Mike Ryan</i>	City Manager	<i>John</i>	1/19/05	
Agenda Coordinator (include phone #): Lauren Roberts X7248					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT					
<input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award, rejection of Bids/Proposals, Conditional acceptance of lowest responsible, responsive Bid/Proposal for the purchase of W.O. Haggard Library Furniture Part 2 - Project No. 5216 (B184-04).					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
2004-05	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
FISCAL YEAR:					
Budget	703,004	3,006,996	180,000	3,890,000	
Encumbered/Expended Amount	-703,004	-2,922,024	0	-3,625,028	
This Item	0	-86,748	0	-86,748	
BALANCE	0	-1,776	180,000	178,224	
FUND(S): LIBRARY FACILITIES CIP					
COMMENTS: Funds are included in the 2004-05 Library Facilities CIP for Haggard Library Expansion project. This item, in the amount of \$86,748, will exceed the current budget amount by \$1,776. The overage will be covered through available funds in the 2004-05 Re-estimate.					
STRATEGIC PLAN GOAL: The Haggard Library Expansion project relates to the City's Goals of Premier City for Families.					
SUMMARY OF ITEM					
Staff recommends bid of Libra-Tech Corporation in the amount of \$86,748.02 be accepted as lowest responsible, responsive bid meeting specifications conditioned upon timely execution of any necessary contract documents. This is for the purchase and installation of shelving for the W.O. Haggard Library Furniture Project.					
List of Supporting Documents: Bid Recap			Other Departments, Boards, Commissions or Agencies		

CITY OF PLANO
B184-04
W.O. HAGGARD LIBRARY FURNITURE PART 2
PROJECT NO. 5216

BID RECAP

Bid opening Date/Time:	9/22/04 @ 3:00PM
Number of Vendors Notified/Viewed:	116
Number of Vendors Submitting "NO BIDS":	0
Bidders Non-Responsive to Specifications:	0

Responsive Bidders:

Libra-Tech Corporation	\$86,748.02
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Lauren Roberts

1/14/05

Lauren Roberts, Buyer

Date

b-2



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Purchasing	Initials	Date	
Department Head	Mike Ryan	Executive Director		
Dept Signature:	<i>Mike Ryan</i>	City Manager	<i>AM</i>	<i>1/14/05</i>
Agenda Coordinator (include phone #) Sharron Mason x7247				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Award, rejection of Bids/Proposals, Conditional acceptance of lowest responsible Bid/Proposal for East Side Fire Hydrant Project #1 (B045-05).				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	2004-05	Prior Year (CIP Only)	Current Year	Future Years
Budget		367,750	338,250	200,000
Encumbered/Expended Amount		-367,750	-28,381	0
This Item		0	-57,400	0
BALANCE		0	252,469	200,000
FUND(S): WATER CIP				
COMMENTS: Funds are included in the 2004-05 Water CIP. This item, in the amount of \$57,400, will leave a current year balance of \$252,469 for the Fire Hydrants project. STRATEGIC PLAN GOAL: This item relates to the City's Goals of Safe, Livable Neighborhoods.				
SUMMARY OF ITEM				
Staff recommends bid of Eagle Underground Utility Supply, Inc. in the amount of \$57,400 be accepted as lowest responsible bid meeting specifications.				
Fire Hydrants - Eagle Underground Utility Supply, Inc. - for the purchase of fire hydrants, tapping sleeves and valves associated with East Side Fire Hydrant #1.				
List of Supporting Documents: Recommendation Memo Bid Recap			Other Departments, Boards, Commissions or Agencies	

C-1

MEMO

To: PURCHASING DEPARTMENT
FROM: HARRY SHEAROUSE, UTILITY OPERATIONS SUPERINTENDENT
DATE: 12/29/2004
RE: **AWARD RECOMMENDATION B045-05 EAST SIDE FIRE HYDRANT PROJECT #1**

It is the recommendation of the City of Plano Utility Operations Department to award **B045-05 East Side Fire Hydrant Project #1**, to Eagle Underground Utility Supply, Inc. Eagle Underground Utility Supply, Inc. appears capable of meeting the requirements of the aforementioned contract. As stated in the bid documentation, this contract is to be awarded to the lowest responsive, responsible bidder. While Eagle Underground is not the lowest apparent bidder they are the lowest responsive and responsible bidder. The apparent low bidder, Municipal Water Works Supply, LP, is considered non-responsive and not responsible since they bid other than the required product for items 1 & 2 and did not complete the Manufacturer Worksheet.

The total estimated annual expenditure for this contract is \$57,400.30 Please review and begin the necessary steps for presentation to Council.

C-2

CITY OF PLANO
BID NO. B045-05
EAST SIDE FIRE HYDRANT PROJECT #1

BID RECAP

Bid opening Date/Time: 12/27/04 @ 4:00 p.m.

of vendors notified: 620

Vendors Submitting "No Bids"

14

Vendors Non-Responsive to Specification

One (1) – Municipal Water Works Supply, LP
(ITEM(S) QUOTED BY THE VENDOR DID NOT COMPLY WITH THE SPECIFICATIONS.)

Responsive Bidders:

Bidder

Eagle Underground Utility Supply, Inc.
Ferguson Waterworks
Hughes Supply, Inc.

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

Sharron Mason

Sharron Mason, Buyer

December 28, 2004

Date

C-3



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05		Reviewed by Legal <i>HS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Purchasing		Initials	Date	
Department Head	Mike Ryan		Executive Director		
Dept Signature:	<i>Mike Ryan</i>		City Manager	<i>SM</i> 1/14/05	
Agenda Coordinator (include phone #): Sharron Mason , Ext. 7247					

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

CAPTION

Award, rejection of Bids/Proposals, conditional acceptance of best value Bid/Proposal for Median and ROW Maintenance Multiple Locations II (B137-04).

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2004-05	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(S): GENERAL FUND

COMMENTS: This item approves an annual fixed price contract for two (2) year with three (3) optional one (1) year renewals for Median and Right-of-Way Maintenance at multiple locations throughout the City. Expenditures will be made from the Park Field Services department within the approved budget appropriations. The estimated annual amount is \$108,108.

STRATEGIC PLAN GOAL: Annual fixed price contracts for Median and Right-of-Way Maintenance relates to the City's Goal of "Service Excellence".

SUMMARY OF ITEM

ANNUAL CONTRACT WITH RENEWALS

Staff recommends that the bid received from Texas Tree and Turf, in the estimated total contract amount of \$108,108.00, be accepted as the best value bid conditioned upon timely execution of any necessary contract documents.

This will provide an annual contract of two (2) years with three (3) City optional one (1) year renewals for the labor, materials and equipment utilized for the median and right-of-way mowing services.

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
Bid Recap, Memorandum and Evaluation Matrix	

d-1

**CITY OF PLANO
BID NO. C137-04
MEDIA AND ROW MAINTENANCE – MULTIPLE LOCATIONS II**

BID RECAP

Bid opening Date/Time: 07/28/04 @ 3:00 p.m.

of vendors notified: 918

Vendors Submitting “No Bids”

6

Vendors Non-Responsive to Specification

One (1) – Greener Image

Responsive Bidders:

Bidder

VMC Landscape Services

Texas Tree Turf Co.

Grass-N-Grounds

Martin Property Maintenance

Good Earth Corporation

Forest Hills Lawn Service, Inc.

C-Green, Inc.

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

Sharron Mason

July 29, 2004

Sharron Mason, Buyer

Date

d-2

MEMO

TO: PURCHASING DEPARTMENT
FROM: DOUGLAS GREEN, PARK ADMINISTRATIVE SUPERINTENDENT
DATE: 12/17/2004
RE: **AWARD RECOMMENDATION B137-04 MEDIAN AND ROW MAINTENANCE
MULTIPLE LOCATIONS II**

It is the recommendation of Plano Parks and Recreation Department Field Services to award **B137-04 Median and ROW Maintenance – Multiple Locations II**, to Texas Tree and Turf. Texas Tree and Turf appears capable of meeting the requirements of the aforementioned mowing and maintenance contract. As stated in the bid documentation, this contract is to be awarded as a best value. Please see the attached documents developed during the Department award recommendation process. As shown in each of the three scoring matrices along with the composite, Texas Tree and Turf consistently placed as the number one candidate for this contract.

The total estimated annual expenditure for this contract is \$108,108.00. Please review and begin the necessary steps for presentation to Council.

Attachments

d-4

**“Best Value” Vendor Evaluation Matrix Tally Sheet
C137-04 Median and Right-of-Way Maintenance**

Vendor	Ranking by total bid amount.	Ranking by Owner's assessment of Vendor's Production Schedule.	Ranking by Owner's assessment of Vendor's Capability to Perform.	Ranking by Owner's assessment of Vendor's Inventory and Equipment	Average Score of Vendor
Texas Tree and Turf	6	3	3	3	3.75
VMC Landscaping	3	3	8.5	3	4.375
Grass-N-Grounds	9	3	6	3	5.25
Martin Property Maintenance	12	3	6	3	6.0
Good Earth Corporation	15	3	6	3	6.75
Forest Hills Lawn Service			Not Scored – Vendor's bid exceeded budgeted amount for contract.		
Greener Image			Not Scored – Vendor's bid exceeded budgeted amount for contract.		
C-Green Inc			Not Scored – Vendor's bid exceeded budgeted amount for contract.		

Completed By: Final Group Score Date: 11-10-04

All entries on this table were gathered and compiled using actual bid documents as submitted by each vendor. This bid shall be awarded by Council as a “Best Value Bid”. The above evaluation matrix tally sheet has been provided by the using Department in an attempt to identify the most appropriate vendor for this contract.

A score has been given to vendors in each category using the information contained in each responsive, responsible vendor's bid package. Each vendor has been scored lowest to highest, lowest being most suitable for this contract. After all vendors were assessed and scored, each vendor's score was then averaged and results posted.

Vendor: **Texas Tree Turf Co.**

**B137-04 MEDIAN and RIGHT-OF-WAY MAINTENANCE MULTIPLE LOCATIONS
WORK PERFORMANCE MATRIX**

OPTION (LOCATION)	TOTAL ACRES (TOTAL AREA)	COST/ACRE (BID PRICE)	COST/CYCLE (BID PRICE X ACRES)	CYCLES/YEAR	EXTENDED COST/YEAR (18X COST/CYCLE)
1. 15TH ST	7	43.25	302.75	18	5,449.50
2. ALMA RD	10	43.25	432.50	18	7,785.00
3. COIT RD	21	43.25	908.25	18	16,348.50
4. CUSTER RD	22	43.25	951.50	18	17,127.00
5. HEDGE COXE RD	18	43.25	778.50	18	14,013.00
6. INDEPENDENCE PKWY	26	43.25	1,124.50	18	20,241.00
6. K AVE.	7	43.25	302.75	18	5,449.50
7. MC DERMOTT DR	9	43.25	389.25	18	7,006.50
8. OHIO DR	19	43.25	821.75	18	14,791.50

Each property shall be mowed a complete cycle in a (2) week period in its scheduled allotted time. All acreages are approximate and bids are considered lump sum for each option.

TOTAL ALL OPTIONS PER CYCLE (6,006.00 X 18 CYCLES) = 108108.00 (TOTAL ANNUAL CONTRACT MAINTENANCE)



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 1/24/05		Reviewed by Legal <i>MS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Purchasing		Initials	Date	
Department Head	Mike Ryan	Executive Director			
Dept Signature:	<i>MS</i>	City Manager	<i>MS</i>	1/14/05	
Agenda Coordinator (include phone #): Sharron Mason, Ext. 7247					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT					
<input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award, rejection of Bids/Proposals, Conditional acceptance of best value Bid/Proposal for an annual fixed price contract for Standard Lot Mowing and Accumulated Trash Removal, Shrub and Tree Trimming (C187-04).					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	04/05, 05/06, 06/07	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
FUND(s): GENERAL FUND					
<p>COMMENTS: This item approves price quotes for a one (1) year contract with two (2) City optional renewals. Funding for this item is included in the 2004/05 Budget. Expenditures will be made in the Property Standards Department within the annual approved Budget appropriations. Estimated annual amount is \$35,000.</p> <p>STRATEGIC PLAN GOAL: Standard Lot Mowing, Accumulated Trash Removal, and Shrub and Tree Trimming relates to the City's Goal of "Service Excellence" and "Safe Livable Neighborhoods".</p>					
SUMMARY OF ITEM					
ANNUAL CONTRACT WITH RENEWALS					
Staff recommends bid of Good Earth Corporation in the estimated annual amount of \$35,000.00 be accepted as the best value bid conditioned upon timely execution of any necessary contract documents.					
This will provide an annual contract of one (1) year with two (2) City optional one (1) year renewals for the standard lot mowing and accumulated trash removal, shrub and tree trimming.					
List of Supporting Documents: Bid Recap Memorandum Evaluation Matrix			Other Departments, Boards, Commissions or Agencies		

**CITY OF PLANO
BID NO. C187-04
STANDARD LOT MOWING AND ACCUMULATED TRASH REMOVAL,
SHRUB AND TREE TRIMMING**

BID RECAP

Bid opening Date/Time: 9/30/04 @ 3:00 p.m.

of vendors notified: 1050

Vendors Submitting "No Bids"

4

Vendors Non-Responsive to Specification

Two (2) – Forest Hills Lawn Service, Inc.
- Chaney's Lawn Service

Responsive Bidders:

Bidder

Good Earth Corporation
Keith Wells Mowing

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

Sharron Mason

Sharron Mason, Buyer

October 6, 2004

Date

Interoffice Memo

Date: 12/15/2004
To: Diane Palmer, Purchasing Agent
Cc: Sharron Mason, Buyer
From: Cynthia O'Banner, Property Standards Director
RE: C187-04 Standard Lot Abatement Contract Bid Recommendation

Four (4) bids were received, including two (2) non-responsive bids from vendors that did not submit all requested information with their bid packets. After evaluating the two (2) remaining responsive bid responses that met all the criteria outlined in the bid specification, the evaluation committee recommends the selection of Good Earth Corporation as the best value bid for the above referenced abatement contract. The estimated expenditure for this abatement contract is \$35,000.00.

Criteria used to evaluate the responsive bids included the reputation of the bidder and the bidder's services; pricing structure; equipment list worksheet and past relationship with the City of Plano. Good Earth met all of the criteria, receiving the top rating or best value in each of the outlined categories. Good Earth Corp. received the highest combined rating or score for all categories. Good Earth has performed work for the City of Plano previously, with generally good past experiences. The remaining responsive bidder, Keith Wells Mowing, received low ratings for poor work history from work references provided by the vendor. The bids were reviewed individually and collectively as a group (please refer to attached matrix). During the group discussion and evaluation, the committee agreed Good Earth Corp. should be awarded the contract as the best value bid.

Please contact me should you have any questions, comments or concerns.

co'b

Attachments: Individual Evaluation Matrix (3)
Comparison Evaluation Matrix

e-3

e-4

Best Value Evaluation Matrix Comparison
C187-04 Standard Lot Mowing, Accumulated
Trash Removal and Foliage Trimming

Vendor	Reputation	Pricing	Equipment	Past COP Relationships	Total
Good Earth Corp	28	30 (\$160.00)	20	12	90
Keith Wells Mowing	0	18 (\$223.00)	16	9	43
Forest Hills Lawn Service, Inc.	Not Ranked – Vendor did not submit required client info and work history.	24 (\$244.00)	Not Ranked – Vendor did not submit equipment list.	9	Not Ranked
Chaney's Lawn Svc	Not Ranked – Vendor did not submit client info and work history	12 (\$577.00)	20	9	Not Ranked

COMMENTS:

Forest Hills and Chaney's Lawn – Non-Responsive bids.

Keith Wells – Received poor referral responses.



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05		Reviewed by Legal <i>ds</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Purchasing		Initials	Date	
Department Head	Mike Ryan		Executive Director		
Dept Signature:	<i>Mike Ryan</i>		City Manager	<i>Sharon Mason</i> 1/24/05	
Agenda Coordinator (include phone #): Sharron Mason, Ext. 7247					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT					
<input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award, rejection of Bids/Proposals, Conditional acceptance of best value Bid/Proposal for an annual fixed price contract for Oversized Lot, Acreage & Perimeter Lot Mowing and Accumulated Trash Removal, Shrub and Tree Trimming (C188-04).					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	04/05, 05/06, 06/07	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
FUND(S): GENERAL FUND					
COMMENTS: This item approves price quotes for a one (1) year contract with two (2) City optional renewals. Funding for this item is included in the 2004/05 Budget. Expenditures will be made in the Property Standards Department within the annual approved Budget appropriations. Estimated annual amount is \$27,500.					
STRATEGIC PLAN GOAL: Oversized Lot, Acreage & Perimeter Lot Mowing, Accumulated Trash Removal, and Shrub and Tree Trimming relates to the City's Goal of "Service Excellence" and "Safe Livable Neighborhoods".					
SUMMARY OF ITEM					
ANNUAL CONTRACT WITH RENEWALS					
Staff recommends bid of Lifenet Community Behavioral Healthcare in the estimated annual amount of \$27,500.00 be accepted as the best value bid conditioned upon timely execution of any necessary contract documents. Good Earth Corporation has been named as an alternate contractor.					
This will provide an annual contract of one (1) year with two (2) City optional one (1) year renewals for the oversized lot, acreage & perimeter lot mowing and accumulated trash removal, shrub and tree trimming.					
List of Supporting Documents: Bid Recap Memorandum Evaluation Matrix			Other Departments, Boards, Commissions or Agencies		

**CITY OF PLANO
BID NO. C188-04
OVERSIZED LOT, ACREAGE & PERIMETER LOT MOWING AND
ACCUMULATED TRASH REMOVAL, SHRUB AND TREE TRIMMING**

BID RECAP

Bid opening Date/Time: 9/30/04 @ 3:30 p.m.

of vendors notified: 969

Vendors Submitting "No Bids"

2

Vendors Non-Responsive to Specification

One (1) – Forest Hills Lawn Service, Inc.

Responsive Bidders:

Bidder

**Lifenet Community Behavioral Healthcare
Good Earth Corporation (Alternate Contractor)
Keith Wells Mowing**

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

Sharron Mason

Sharron Mason, Buyer

October 6, 2004

Date

f-2

Interoffice Memo

Date: 12/14/2004
To: Diane Palmer, Purchasing Agent
Cc: Sharron Mason, Buyer
From: Cynthia O'Banner, Property Standards Director
RE: C188-04 Oversized Lot Abatement Contract Bid Recommendation

Four (4) bids were received, including one (1) non-responsive bid from a vendor that did not submit all requested information with their bid packet. After evaluating the three (3) remaining responsive bids that met all the criteria outlined in the bid specification, the evaluation committee, recommends the selection of Lifenet Community Behavioral Healthcare as the best value bid for the above referenced abatement contract. Good Earth Corporation is recommended as an alternate contractor. The estimated expenditure for this contract is \$27,500.00.

Criteria used to evaluate the responsive bids included the reputation of the bidder and the bidder's services; pricing structure; equipment list worksheet and past relationship with the City of Plano. Lifenet Community Behavioral Healthcare met all criteria, receiving the top rating or best value in reputation and pricing. Keith Wells Mowing received the highest overall rating for equipment list, however he received a low rating in work history for deficient past work relationships from work references. The only vendor known to have a prior work relationship with the City of Plano was Good Earth Corp.

The bids were reviewed individually and collectively as a group (please refer to attached matrix). The committee agreed that Lifenet Community Behavioral Healthcare should be awarded the contract as the best value bid with Good Earth Corporation named as an alternate contractor.

Please contact me should you have any questions, comments or concerns.

cob

Attachments: Individual Evaluation Matrix (3)
Comparison Evaluation Matrix

f-3

S-4

**Best Value Evaluation Matrix Comparison
C188-04 Oversized Lot Mowing, Accumulated
Trash Removal and Foliage Trimming**

Vendor	Reputation	Pricing	Equipment	Past COP Relationships	Total
Good Earth Corp	28	24	20	12	84
Keith Wells Mowing	0	12	16	9	37
Forest Hills Lawn Service, Inc.	Not Ranked – Vendor did not furnish client info / work history.	18	Not Ranked – Vendor did not submit equipment list.	9	27
Lifenet Community Behavioral Healthcare	35	30	16	9	90

COMMENTS:

Forest Hill → non responsive → incomplete or missing requested info.

Keith Wells → RCD Poor Reputation Responses.

COB



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Development Business Center	Initials	Date	
Department Head	Frank Turner	Executive Director	1/11/05	
Dept Signature:		City Manager	1/14/05	
Agenda Coordinator (include phone #):		Sherry Noles - 7122		
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, URGING THE TEXAS LEGISLATURE NOT TO IMPOSE ADDITIONAL LIMITS ON PROPERTY APPRAISALS AND LOCAL GOVERNMENT REVENUES; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
This resolution urges the Texas legislature not to impose additional limits on property appraisals and local government revenues.				
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, URGING THE TEXAS LEGISLATURE NOT TO IMPOSE ADDITIONAL LIMITS ON PROPERTY APPRAISALS AND LOCAL GOVERNMENT REVENUES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 79th Session of the Texas Legislature has convened and will consider proposed legislation affecting property taxes funding local government; and

WHEREAS, among the proposals is legislation that would reduce the limit that the appraised value of a property may increase annually; and

WHEREAS, lowering the limit would result in taxable values that are lower than actual market values; and

WHEREAS, lowering the limit would shift the tax burden from properties that are growing more in value to those that are growing less or even declining in value; and

WHEREAS, artificially capping the annual increase in appraised value would create inequity in the taxes paid for properties of equal market value merely as a result of when the property was purchased.

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

Section I. The Texas State Legislature is urged to reject proposals to lower the existing limit on property appraisal increases or any other proposal that would result in the taxable value of property to be other than the true market value.

Section II. A copy of this resolution be distributed to state executives and legislators.

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

Resolution No. _____

DULY PASSED AND APPROVED this the ____ day of _____,
2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

g-3



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Development Business Center		Initials	Date
Department Head	Frank F. Turner	Executive Director	<i>[Signature]</i>	1/14/05
Dept Signature:		City Manager	<i>[Signature]</i>	1/14/05
Agenda Coordinator (include phone #): Sherry Noles - Ext. 7122				
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, ADOPTING A 2005 STATE LEGISLATIVE PROGRAM FOR THE CITY OF PLANO; DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO ACT WITH REGARD TO THE CITY'S LEGISLATIVE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.				
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				
Resolution adopting City of Plano 2005 Legislative Program.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
COP 2005 Legislative Program				

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, ADOPTING A 2005 STATE LEGISLATIVE PROGRAM FOR THE CITY OF PLANO; DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO ACT WITH REGARD TO THE CITY'S LEGISLATIVE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 79th Texas Legislature convened January of 2005; and

WHEREAS, it is anticipated that many legislative issues affecting local government will be considered during this Session; and

WHEREAS, City Staff prepared the recommended City of Plano 2005 Legislative Program attached hereto as Exhibit "A" and the Legislative Program has been reviewed by the City Council of the City of Plano; and

WHEREAS, the City Council is of the opinion that such Legislative Program is in the best interest of the City and its citizens, should be adopted, and should be forwarded for consideration by the Legislature; and

WHEREAS, the City Council is of the further opinion that the City Manager or his designee should be directed to take action with regard to the Legislative Program as outlined below.

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

Section I. The City of Plano 2005 Legislative Program that is attached hereto as "Exhibit A" is hereby adopted and approved as the Legislative Program for the City of Plano.

Section II. The City Manager or his designee is directed to communicate the items included in the City's Legislative Program to the members of the Texas Legislature, in general, and/or to the appropriate legislative committees, committee members and others designated by the City Manager.

Section III. For those items designated as "seek introduction and passage", the City Manager or his designee is directed to attempt to find a legislative sponsor of the initiative and actively pursue passage of the appropriate legislation if it is introduced by some other entity. The City Manager's efforts to obtain passage of the legislation may include drafting appropriate legislation, seeking a sponsor, and actively pursuing passage of such legislation by providing testimony and through other means.

h-2

Section IV. For those items designated as "support", the City Manager or his designee is directed to actively pursue passage of the appropriate legislation if it is introduced by some other entity. The City Manager's efforts to obtain passage of the legislation may include drafting appropriate legislation, seeking a sponsor, and actively pursuing passage of such legislation by providing testimony and through other means.

Section V. For those items designated as "oppose", the City Manager or his designee is directed to attempt to impede the passage of any such legislation.

Section VI. The City will support the legislative program of the Texas Municipal League (TML), except to the extent it conflicts with any City position.

Section VII. It is recognized this policy will often be implemented in the context of great numbers of legislative proposals being considered within short time periods. City representatives, under the direction of the City Manager, shall be authorized to act on behalf of the City consistent with the necessary broad policy concerns set forth in this program.

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

DULY PASSED AND APPROVED this the _____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane Wetherbee, CITY ATTORNEY

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City of Plano 2005 Legislative Program

Seek introduction and passage of legislation that would:

- Amend Civil Service Statutes to permit certain municipalities to add certain position and incumbent employees to a civil service classification plan.
- Grant funds to the City of Plano for the purposes of providing a site for the development of the Sci-Tech Discovery Center in association with the University of Texas at Dallas.

Support legislation that would:

Civil Service

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

Public Safety

- Authorize use of sobriety checkpoints as deterrent and enforcement tools for intoxicated drivers.
- Reduce the number of false burglar alarms that may occur before a penalty can be assessed and set a higher penalty for violations.
- Increase the penalty for burglary of a vehicle and unauthorized use of a vehicle to a felony of the third degree.

Utilities and Rights-of-Way

- Amend the Texas Utilities Code to include some form of escalation provision in Section 33.008.
- Prohibit the creation of an electric Nodal Market System that would negatively affect the economic competitiveness the North Texas Region.
- Clarify that the Public Utility Commission's does not have jurisdiction over municipal zoning regulations or other ordinances based on the police power.
- Clarify that pursuant to a city construction project all utilities located within the right-of-way must be relocated at the cost of the owner of the utility and a municipality may impose a penalty for failure to relocate in a timely manner.

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Economic Development

- Legislation that would protect future revenue from tax increment financing districts.

Endorse legislation that would:

Utilities and Rights-of-Way

- Require transmission and distribution service providers to read electric meters on a regular schedule.
- Amend the Utilities Code to permit the Public Utility Commission to levy penalties against electric transmission and distribution service providers and/or retail electric providers that fail to timely submit customer switch requests and issue initial bills.
- Require the Public Utility Commission (PUC) to adopt a rule providing a method of compensation for use of municipal rights of way by telecommunications companies that is: verifiable; consistent; inclusive of all technology; revenue neutral at the initial implementation; and inclusive of a mechanism to adjust for changes in economic conditions.
- Amend Chapter 283 of the Texas Local Government Code to establish liability of CTPs to cities for erroneous access line reports; and
- Prohibit the certification of telecommunications companies as CTPs if they do not actually have access lines to retail end users within cities.
- Prohibit the ownership by any power generation company of more than twenty percent of the installed generation capacity within any ERCOT zonal boundaries as created by ERCOT.

Development Regulation

- Provide that dangerous building orders may be filed in the official deed of record of the county.

Economic Development

- Legislation that would further promote economic development, provide for greater accountability and reporting of tax incentives, and promote the expansion of metropolitan transit authorities.
- Legislation that would permit a combined ballot proposition to simultaneously reduce or eliminate one optional sales tax while raising or enacting another optional sales tax.

Libraries

- Maintain telecommunication discounts for libraries and schools.

Public Safety

- Provide direct funding to local governments (first responders) to enhance local efforts with incentives for regional collaboration and without any match requirements.

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Sales Tax

- Permit cities to exceed the two cent sales tax cap for transportation revenue purposes.

Transportation

- Expand funding for transportation projects, including mass transit.

Oppose legislation that would:

Regulatory Authority

- Erode municipal authority to regulate development, including procedures pertaining to the issuance and termination of permits.
- Erode municipal authority to use exactions, assessments, fees and similar means to provide infrastructure required by growth and development.
- Restrict municipal power of eminent domain.
- Create a legislative standard defining a regulatory taking and/or requiring compensation related to economic loss resulting from the application of regulations.
- Decrease municipal authority to control the use of right-of-way, including authority to charge utility and telecommunication franchise fees.
- Authorize cities to set speed limits on residential streets by local ordinance without performing a street-specific engineering and traffic investigation.
- Further restrict city authority over political signs.
- Erode the authority of a city to regulate scooters.
- Erode local control over municipal water systems or conservation measures.
- Enact mandatory water rates or water rate structures.
- Decrease municipal authority to utilize automated enforcement technology on red light violations.

Economic Development

- Diminish municipal economic development authority.
- Expand the use of economic development sales tax.

Revenue

- Expand sales (including internet and catalog sales) and property tax exemptions or otherwise reduce municipal revenue.
- Reduce the percentage of increased appraised property value that is subject to taxation.

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- Reduce the increase in effective tax rate permitted without being subject to a petition for a rollback election.
- Create or increase fees paid directly or indirectly by municipalities to state agencies related to administrative or other costs not clearly benefiting cities.
- Require the city to assess or collect a fee for another governmental entity.
- Mandate performance of a duty or impose a standard on a municipal service without funding.

Human Resources

- Authorize or impose municipal employee collective bargaining.
- Create a presumption that a disease or condition is work related.

Courts and Public Safety

- Permit waiver of appearance at a municipal court trial.
- Prohibit or hinder a police officer from making an arrest for a fine-only offense.
- Diminish existing authority to collect and use telephone line and wireless fees to provide 911 emergency response services.
- Place any mandated or minimum staffing levels on Fire Departments
- Decrease municipal authority to control the carrying of firearms in public buildings.

Governance

- Make substantive changes to the composition or selection of appraisal district boards of directors or appraisal review boards.
- Change or delete uniform election dates.

Public Information and Communications

- Mandate the method or manner by which municipalities offer Internet access to municipal services.
- Create detrimental amendments to the Public Information Act.
- Create detrimental amendments to the Open Meetings Act.

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Development Business Center		Initials	Date
Department Head	Frank Turner	Executive Director	<i>[Signature]</i>	1/12/05
Dept Signature:		City Manager	<i>[Signature]</i>	1/12/05
Agenda Coordinator (include phone #): Sherry Noles - 7122				
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, OPPOSING ANY SCHOOL FINANCE OR TAX REFORM MEASURES THAT WOULD NEGATIVELY AFFECT LOCAL GOVERNMENT REVENUES AND SERVICES; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
This resolution opposes any school finance or tax reform measures that would negatively affect local government revenues and services.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
n/a		n/a		

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, OPPOSING ANY SCHOOL FINANCE OR TAX REFORM MEASURES THAT WOULD NEGATIVELY AFFECT LOCAL GOVERNMENT REVENUES AND SERVICES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is likely that the Texas Legislature will address school finance and tax system reforms in the near future; and

WHEREAS, during these deliberations by the Texas Legislature, proposals to limit the ability of cities to collect property taxes and sales taxes are likely to be offered by some members of the Legislature; and

WHEREAS, additional restrictions on city taxes fly in the face of a history of frugal tax administration by Texas cities; and

WHEREAS, all Texas cities combined collect only 15.3 percent of all property taxes collected in the State of Texas, while schools collect more than 60 percent; and

WHEREAS, between 1985 and 2002, the municipal share of all property tax revenue fell from 20.3 percent to 15.3 percent; and

WHEREAS, between 1985 and 2002, the county share of all property tax revenue fell from 15.9 percent to 14.1 percent; and

WHEREAS, Texas cities rely on tax revenue to build basic infrastructure, to ensure public safety through police and fire departments, and to provide numerous essential services for city residents, who are 80 percent of the state's population; and

WHEREAS, Texas cities engage in numerous economic development activities that produce jobs and revenue for the entire State of Texas; and

WHEREAS, cities must meet the challenges of homeland security and compliance with state and federal mandates, many of which are unfunded mandates; and

WHEREAS, Texas cities have shown over the years that they are fiscally responsible and good stewards of taxpayers' money; and

WHEREAS, efforts to limit the ability of cities to collect sales and property tax revenues or to set tax rates would have severe negative impacts on city services, city employees, economic development efforts, and ultimately the citizens of the State of Texas.

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

Section I. The City of Plano opposes all school finance or tax reform efforts by the Texas Legislature that negatively impact the ability of local governments to provide basic essential services, conduct economic development activities, and ensure public safety by limiting their ability, beyond the provisions of current law, to collect tax revenue.

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

DULY PASSED AND APPROVED this the ____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05	Reviewed by Legal <i>pk</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Parks and Recreation		Initials	Date
Department Head	Don Wendell		Executive Director	<i>[Signature]</i> 1-14-05
Dept Signature:	<i>Don Wendell</i>		City Manager	<i>[Signature]</i> 1/14/05
Agenda Coordinator (include phone #): Linda Benoit (7255)				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Adopting Parks and Recreation Development Priorities for Submission to The Texas Parks and Wildlife Department to Comply with The Texas Parks and Wildlife Department's Requirements for Approved Park Master Plans.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	2004-05	Prior Year (CIP Only)	Current Year	Future Years
Budget	0	0	0	TOTALS 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>The City of Plano regularly applies for grants from the Texas Parks and Wildlife Department. Projects are evaluated in part by how well they conform to the City's Park Master Plan, which must include Parks and Recreation Development Priorities that are approved by a Resolution of the City Council.</p> <p>The Parks and Recreation Development Priorities included as part of this Resolution are taken from the proposed bond program priorities. The priority list does not include projects that are not relevant for Texas Parks and Wildlife Department Grants such as median landscaping or maintenance facility projects. The priority list also includes the Park Fee Program.</p> <p>The Texas Parks and Wildlife Department has separate grants for indoor recreation and outdoor recreation projects. For this reason the priority list is separated into Indoor Recreation Facilities and Outdoor Recreation Facilities.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Resolution				

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, ADOPTING PARKS AND RECREATION DEVELOPMENT PRIORITIES FOR SUBMISSION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT TO COMPLY WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT'S REQUIREMENTS FOR APPROVED PARK MASTER PLANS.

WHEREAS, the City Council of the City of Plano, Texas wishes to comply with the Park Master Plan requirements of the Texas Parks and Wildlife Department; and

WHEREAS, the City Council has adopted the Parks and Recreation Element of the Comprehensive Plan and the Community Investment Program; and

WHEREAS, the Park Development Priorities are in conformance with the Parks and Recreation Element of the Comprehensive Plan and the Community Investment Program,

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

Section I. The Park Development Priorities attached as Exhibit "A" to this Resolution are hereby adopted by the City Council of the City of Plano, Texas,

Section II. This Resolution shall become effective immediately after its adoption.

DULY PASSED AND APPROVED this the ____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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EXHIBIT "A"

**CITY OF PLANO
PARKS AND RECREATION DEVELOPMENT
PRIORITIES**

Indoor Recreation Facilities

1. ***Recreation Center/Recreation Center Land/Indoor Swimming Pool***

These projects are identified separately in the Capital Improvement Program for accounting purposes but will be constructed as one project. The project is for development of an approximately 85,000 square-foot recreation center with indoor pool and outdoor leisure pool.

2. ***Pool Renovations – Plano Aquatic Center Renovation***

Renovation of the existing Plano Aquatic Center to include upgrades, repairs, and modernization.

3. ***Senior Center/Carpenter Expansion***

Expansion and renovation of Carpenter Park Recreation Center with facilities for all ages including the addition of senior facilities, expanded exercise, and fitness facilities, locker room improvements, warm water fitness pool, updating of the existing facilities, additional parking, and associated improvements.

Outdoor Recreation Facilities

1. ***Linear Park Acquisition and Development***

Acquisition of land and development of trails along flood plains, utility easements, and rights-of-way as identified on the Park Master Plan for the purpose of completing the linear park system. Each parcel and section will be acquired and developed at the earliest date the property is available for acquisition.

2. ***Oak Point Park and Nature Preserve***

Continued development of major nature preserve along Rowlett Creek from Bob Woodruff Park to State Highway 5 to include recreational trails, pedestrian bridges, picnic facilities, parking, a park center, utilities, and other outdoor recreation facilities.

3. ***Athletic Facility Improvements***
Additional improvements to existing athletic facilities such as fencing and bleacher shade structures.
4. ***Trail Connections***
Recreational trail connections throughout the City linking up existing trails, connecting to newly-developed areas of the City and to adjacent cities.
5. ***Bicycle Transportation System***
This project includes development of on-street bicycle routes in accordance with the Bicycle Transportation Plan. These funds will be coupled with a previously approved federal transportation grant in the amount of \$921,264.
6. ***Archgate Park – Phase II***
Additional park development to include two additional unlighted athletic fields, parking, irrigation system, restrooms, outdoor basketball courts, utilities, and other outdoor recreation facilities.
7. ***Park Land Acquisitions***
This item includes future additions to Haggard Park, land acquisitions at various locations throughout the City as additions to existing parks and greenbelts, and additional funding for acquisition of +/- 58 acres for a community park.
8. ***Neighborhood Park Improvements***
This project includes parking lots at Coyote Creek Park, Parkwood Green Park, and Sunset Park. Other improvements will include picnic shelters, playgrounds, backstops, trails, sidewalks, lighting, trees, sprinkler systems, picnic tables, multi-use courts, drinking fountains, and associated improvements at neighborhood parks throughout the City.
9. ***Park Improvements***
Various park improvements at community parks and large city parks including sidewalks, trails, picnic shelters, basketball courts, sand volleyball courts, lighting, parking lots, pond improvements, drinking fountains, benches, and picnic tables.
10. ***PISD Tennis Court Lights***
Lighting of selected PISD tennis courts for after-school use by the general public.

11. ***Legacy Trail***
Development of a recreational trail from Spring Creek Parkway to Preston Road along White Rock Creek including pedestrian bridges and trail underpasses at major street intersections.
12. ***Chisholm Trail***
Restoration and enhancement of Chisholm Trail to include connection to Collin Creek Mall, trail additions, acquisition of land to complete sections of trail, bridge enhancements, erosion improvements, tree planting, and other aesthetic enhancements.
13. ***Special Use Facilities***
Design and construction of special use park facilities including a dog park and a skate park.
14. ***Pecan Hollow Golf Course Renovations***
Construction of a new cart barn and replacement of existing greens with new greens.
15. ***White Rock Creek Acquisitions***
This is for acquisition of 70 to 80 acres of non-flood plain property for a community park on White Rock Creek south of Spring Creek Parkway.
16. ***Chaparral Road Athletic Site – Phase I***
Construction of lighted athletic fields with parking, restrooms, concession buildings, irrigation, utilities, and other outdoor recreation facilities.
17. ***Memorial Park***
Renovation and improvements to Memorial Park, including recognition areas for local and national leaders.
18. ***Botanical Gardens***
This project includes the development of Botanical Gardens within an existing park.
19. ***Tennis Center #2 Land***
The purchase of land for Tennis Center #2.
20. ***Tennis Center #2 Development***
Tennis courts with lighting and Pro Shop.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable	
Council Meeting Date:	1/24/05		Reviewed by Legal <i>ms</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable	
Department:	Intergovernmental Relations		Initials	Date	
Department Head	Mark Israelson		Executive Director <i>[Signature]</i>	<i>1/10/05</i>	
Dept Signature:			City Manager <i>[Signature]</i>	<i>1/10/05</i>	
Agenda Coordinator (include phone #): Mark Israelson ext 5440					
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 BY THE CITY OF PLANO, TEXAS AUTHORIZING INTERVENTION BEFORE THE RAILROAD COMMISSION OF TEXAS IN GAS UTILITIES DOCKET (GUD) NO. 9530; AUTHORIZING PARTICIPATION WITH OTHER CITIES SERVED BY ATMOS ENERGY CORPORATION, FORMERLY KNOWN AS TXU GAS COMPANY, IN ADMINISTRATIVE AND COURT PROCEEDINGS INVOLVING A GAS COST PRUDENCE REVIEW RELATED TO A FILING MADE IN SEPTEMBER OF 2004 AS REQUIRED BY THE FINAL ORDER IN GUD NO. 8664; DESIGNATING TWO REPRESENTATIVES OF THE CITY TO SERVE ON A STEERING COMMITTEE; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	04/05	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 financial impact.					
SUMMARY OF ITEM					
This Resolution authorizes the City of Plano to participate with other Atmos cities in a review the prudence of gas costs,authorizing participation on a steering committee, and authorization to retain counsel and consultants.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		

RESOLUTION NO. _____

A RESOLUTION BY THE CITY OF PLANO, TEXAS AUTHORIZING INTERVENTION BEFORE THE RAILROAD COMMISSION OF TEXAS IN GAS UTILITIES DOCKET (GUD) NO. 9530; AUTHORIZING PARTICIPATION WITH OTHER CITIES SERVED BY ATMOS ENERGY CORPORATION, FORMERLY KNOWN AS TXU GAS COMPANY, IN ADMINISTRATIVE AND COURT PROCEEDINGS INVOLVING A GAS COST PRUDENCE REVIEW RELATED TO A FILING MADE IN SEPTEMBER OF 2004 AS REQUIRED BY THE FINAL ORDER IN GUD NO. 8664; DESIGNATING TWO REPRESENTATIVES OF THE CITY TO SERVE ON A STEERING COMMITTEE; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES

WHEREAS, the City Council of the City of Plano, Texas is a customer of Atmos Energy Corporation, formerly known as TXU Gas Company, (Atmos/TXU Gas) and a regulatory authority with an interest in the rates and charges of Atmos/TXU Gas; and

WHEREAS, Atmos/TXU Gas made a filing at the Railroad Commission of Texas on or about September 24, 2004, now docketed as GUD No. 9530, for a gas cost prudence review of \$2.2 billion in previously incurred and billed gas costs; and

WHEREAS, the filing made by Atmos/TXU Gas was required by the terms of the Final Order of the Railroad Commission in GUD No. 8664; and

WHEREAS, ratepayers of Atmos/TXU Gas, including the City of Plano and its residents would be entitled to a *pro rata* portion of a refund associated with any costs found to have been unreasonable; and

WHEREAS, the City of Plano and its residents could benefit from coordination with other Cities in a review of the reasonableness of the gas costs of Atmos/TXU Gas and the joint participation in the Railroad Commission proceedings and any subsequent litigation or appeal related to those gas costs; and

WHEREAS, the reasonable costs associated with the participation of Cities in this ratemaking proceeding are reimbursable from the Company.

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

Section 1: Intervention is hereby authorized in GUD No. 9530 and/or any successor docket at the Railroad Commission of Texas.

Section 2: The City is authorized to cooperate with other Cities within the Atmos/TXU Gas system and hereby designates Mark Israelson and John Gilliam as a

R-2

representatives to a Cities' Steering Committee that shall direct the efforts of counsel and consultants and the course of settlement and/or litigation before the Railroad Commission or of an appeal to any court regarding any matter related to the gas cost prudence review filing made by Atmos/TXU Gas in 2004.

Section 3: Atmos/TXU Gas shall promptly reimburse the City's reasonable costs associated with the City's participation in GUD No. 9530 or any subsequent proceeding.

SIGNED this _____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane Wetherbee, CITY ATTORNEY

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MEMORANDUM

TO: Honorable Mayor and City Council

THROUGH: Tom Muehlenbeck, City Manager

FROM: Mark D. Israelson, Assistant to the City Manager *(MDI)*

DATE: January 5, 2005

SUBJECT: Atmos Energy Cost Prudence Review

RECOMMENDATION

Approve a resolution authorizing the City's intervention before the Railroad Commission of Texas regarding the filing of a gas cost prudence review by Atmos Energy Corporation, formerly TXU Gas Company (Atmos/TXU Gas); designating a representative of the City to serve on a steering committee; and requiring reimbursement of reasonable legal and consultant expenses.

ANALYSIS

- Pursuant to Gas Utilities Docket No. 8664, dated November 25, 1997, Atmos/TXU Gas was ordered by the Railroad Commission of Texas to file a prudence review every three years to demonstrate that its gas costs are reasonable and necessary.
- Atmos/TXU Gas made a filing at the Railroad Commission of Texas on or about September 24, 2004, now docketed as GUD No. 9530, for a gas cost prudence review of \$2.2 billion in previously incurred and billed gas costs. Atmos completed its purchase of TXU's gas utility operations on October 1, 2004.
- These costs are twice the cost of gas purchases included in TXU's filing for the previous three-year period. This is despite the fact that one of the representations made by TXU to settle the last prudence review was that it had renegotiated a gas purchase contract for an expected benefit to ratepayers of over \$20 million. Testimony included with this filing indicates that over half of all gas supply purchases during this three-year period were made on the spot market.
- When TXU made its last three-year prudence review filing many of the same cities who participated in GUD No. 9400 intervened in that docket jointly and were ultimately successful in achieving a settlement of all issues with TXU. TXU also reimbursed the cities' expenses.
- An effort was made recently to negotiate a resolution of the gas prudence docket, as well as other outstanding regulatory issues with Atmos/TXU Gas. Atmos/TXU Gas rejected that settlement offer.
- A December 10, 2004 intervention deadline was established by the examiners. An intervention was filed on behalf of the Steering Committee of Cities and the City of Arlington. Interventions on behalf of other individual cities will be consolidated with that existing intervention. As each additional city intervenes, the cities' position at the Railroad Commission is strengthened.

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- The attached resolution will authorize intervention by the city as a participant in steering committee, appoint Mark Israelson and John Gilliam as the City's representatives on a Cities' Steering Committee, and require Atmos/TXU Gas to reimburse the City reasonable costs associated with the City's participation in GUD No. 9530 or any subsequent proceeding.

R-5



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date:	1/24/05	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Intergovernmental Relations		Initials	Date	
Department Head	Mark Israelson	Executive Director	<i>[Signature]</i>	1/10/05	
Dept Signature:		City Manager	<i>[Signature]</i>	1/10/05	
Agenda Coordinator (include phone #):		Mark Israelson ext 5440			
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 BY THE CITY OF PLANO, TEXAS SUSPENDING THE PROPOSAL BY ATMOS ENERGY CORP. TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2003; AUTHORIZING PARTICIPATION WITH OTHER CITIES SERVED BY ATMOS ENERGY CORP., MID-TEX DIVISION, IN A REVIEW AND INQUIRY INTO THE BASIS AND REASONABLENESS OF THE PROPOSED RATE ADJUSTMENTS; AUTHORIZING INTERVENTION IN ADMINISTRATIVE AND COURT PROCEEDINGS INVOLVING THE PROPOSED GRIP RATE ADJUSTMENTS; DESIGNATING TWO REPRESENTATIVES OF THE CITY TO SERVE ON A STEERING COMMITTEE; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	04/05	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 financial impact.					
SUMMARY OF ITEM					
This Resolution authorizes the City of Plano to participate with other Atmos cities in a review of the proposed increases to gas rates, authorizing participation on a steering committee, and authorization to retain counsel and consultants.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			

RESOLUTION NO. _____

A RESOLUTION BY THE CITY OF PLANO, TEXAS SUSPENDING THE PROPOSAL BY ATMOS ENERGY CORP. TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2003; AUTHORIZING PARTICIPATION WITH OTHER CITIES SERVED BY ATMOS ENERGY CORP., MID-TEX DIVISION, IN A REVIEW AND INQUIRY INTO THE BASIS AND REASONABLENESS OF THE PROPOSED RATE ADJUSTMENTS; AUTHORIZING INTERVENTION IN ADMINISTRATIVE AND COURT PROCEEDINGS INVOLVING THE PROPOSED GRIP RATE ADJUSTMENTS; DESIGNATING TWO REPRESENTATIVES OF THE CITY TO SERVE ON A STEERING COMMITTEE; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES

WHEREAS, the City of Plano, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division, ("Atmos Mid-Tex" or "the Company") and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, Atmos Mid-Tex made filings with the City and the Railroad Commission of Texas ("Railroad Commission") in December, 2004, proposing to implement interim rate adjustments ("GRIP Rate Increases") pursuant to Texas Utilities Code § 104.301 on all customers served by Atmos Mid-Tex; and

WHEREAS, Atmos Energy Corporation has reported a twenty percent increase in profits for its fiscal year ended September 30, 2004, and projects further increases in profits in 2005; and

WHEREAS, in May, 2004, the Railroad Commission entered its Final Order in GUD No. 9400 authorizing a rate increase that will produce additional annual revenues of \$11.5 million for Atmos Mid-Tex; and

WHEREAS, Atmos Mid-Tex has projected that it will experience annual cost savings of at least \$40 million over the costs included in rates approved in GUD No. 9400 and said savings are likely to greatly exceed the annual revenue requirement associated with any reasonable increases in invested capital that form the basis of the proposed GRIP rate increases; and

WHEREAS, ratepayers of Atmos Mid-Tex, including the City and its residents, will be adversely impacted by the proposed GRIP Rate Increases; and

WHEREAS, the City and its residents could benefit from coordination with other cities served by Atmos Mid-Tex ("Cities") in a review of the reasonableness of the proposed GRIP Rate Increases and joint participation in any proceedings at the Railroad Commission related to the proposed GRIP Rate Increases; and

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WHEREAS, the reasonable costs associated with the participation of Cities in this rate proceeding are reimbursable from Atmos Mid-Tex.

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

Section 1: The February 15, 2005, effective date of the GRIP Rate Increases proposed by Atmos Mid-Tex is hereby suspended to permit adequate time to review the proposed increases, analyze all necessary information, and take appropriate action related to the proposed increases.

Section 2: The City is authorized to cooperate with other Cities to create and participate in a Steering Committee to hire and direct legal counsel and consultants, to negotiate with the Company, to make recommendations to the City regarding the proposed GRIP Rate Increases, and to direct any administrative proceedings or litigation associated with the proposed GRIP Rate Increases.

Section 3: The City is authorized to intervene in any administrative proceedings or litigation associated with the proposed GRIP Rate Increases, including GUD No. 9560, the Company's proposed GRIP rate increase for its pipeline system filed at the Railroad Commission.

Section 4: The City hereby designates Mark Israelson and John Gilliam as representatives to a Cities' Steering Committee that shall direct the efforts of counsel and consultants.

Section 5: Atmos Mid-Tex shall promptly reimburse the City's reasonable costs associated with the City's activities related to the proposed GRIP Rate

SIGNED this ____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane Wetherbee, CITY ATTORNEY

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MEMORANDUM

TO: Honorable Mayor and City Council

THROUGH: Tom Muehlenbeck, City Manager

FROM: Mark D. Israelson, Assistant to the City Manager *MDI*

DATE: January 5, 2005

SUBJECT: Atmos Energy GRIP filing

RECOMMENDATION

Approve a resolution suspending an interim rate adjustment (GRIP rate increase) proposed by Atmos Energy Corporation, formerly TXU Gas Company (Atmos/TXU Gas); authorizing participation in a steering committee to review the proposed rate increase and recommend further action related to the proposed rate increase; designating a representative of the City to serve on the steering committee; authorizing intervention in any proceedings related to the proposed rate increase; and requiring reimbursement of reasonable legal and consultant expenses.

ANALYSIS

- Atmos/TXU Gas made a filing (Distribution GRIP filing) at the City and with other cities served by Atmos/TXU Gas in December, 2004, notifying the cities of its intent to increase its distribution rates to all customers effective February 15, 2005, pursuant to Texas Utilities Code Section 104.301, because of investments Atmos/TXU Gas allegedly made in calendar year 2003.
- Atmos/TXU Gas made a filing (Pipeline GRIP filing) at the Railroad Commission of Texas (RRC) on or about December 17, 2004, now docketed as GUD No. 9560, notifying the RRC of its intent to increase its city gate and transportation rates to all customers, also effective February 15, 2005, pursuant to Texas Utilities Code Section 104.301, because of investments Atmos/TXU Gas allegedly made in calendar year 2003.
- In its filings, Atmos/TXU Gas claims that net investment in infrastructure throughout the former TXU service areas increased in 2003 by a total of \$43.5 million. If calculated in compliance with the GRIP statute, this claimed increase would be in addition to the \$70 million in annual plant investment included in the GUD No. 9400 rates. Atmos/TXU Gas is therefore claiming that investment in plant increased by over sixty percent during 2003.
- The proposed GRIP rate increases would increase annual revenues for Atmos/TXU Gas by \$8.5 million. These increases are in addition to the \$11.5 million annual increase approved by the RRC in GUD No. 9400, and also in addition to the \$10.1 million recovery sought by Atmos/TXU Gas for rate case expenses related to GUD No. 9400.
- Atmos/TXU Gas has publicly stated that it expects to experience annual cost savings of at least \$40 million over the costs included in rates approved in GUD No. 9400 and said savings are likely to greatly exceed the annual revenue requirement associated with any

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reasonable increases in invested capital that form the basis of the requested GRIP rate increases.

- Atmos Energy Corporation has announced a twenty percent increase in profits for its fiscal year ended September 30, 2004, and projects further increases in profits in 2005.
- The attached resolution will suspend the implementation of the proposed GRIP rate increases within the city, appoint Mark Israelson and John Gilliam as the City's representatives on a Cities' Steering Committee, authorize intervention in any RRC or court proceedings related to the proposed GRIP rate increases, and require Atmos/TXU Gas to reimburse the City reasonable costs associated with the City's review of the GRIP rate increase filings or participation in any subsequent proceeding.

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CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	1 /24/05	Reviewed by Legal <i>PLW</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date
Department Head	Diane Wetherbee	Executive Director		
Dept Signature:	<i>D. Wetherbee</i>	City Manager	<i>[Signature]</i>	<i>1/26/05</i>
Agenda Coordinator (include phone #): Lynne Kemper - 7109				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE HIRING OF AN ASSISTANT CITY ATTORNEY BY THE CITY ATTORNEY; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
This Resolution approves the hiring of Rodney D. Patten as Assistant City Attorney. Mr. Patten previously worked for the City as a Municipal Court Prosecutor from November, 2001 to June, 2003 and will again provide prosecution services.				
List of Supporting Documents: n/a		Other Departments, Boards, Commissions or Agencies n/a		

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS,
APPROVING THE HIRING OF AN ASSISTANT CITY ATTORNEY BY THE
CITY ATTORNEY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Section 4.05 of the City Charter of the City of Plano gives the City Attorney the authority to select attorneys, with the approval of the City Council, to represent the City in all litigation; and

WHEREAS, the City Attorney has hired Assistant City Attorneys to represent the City in litigation and to advise the City officials and departments.

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

Section I. The City Council approves of the hiring by the City Attorney of Rodney D. Patten as Assistant City Attorney, such approval to be effective with the date of his employment and compliance with all prescreening requirements.

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

DULY PASSED AND APPROVED this the ____ day of _____,
2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

RES-ASSISTANT CITY ATTORNEY

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	01/24/05		Reviewed by Legal <i>AK</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Customer & Utility Services/Tax Administration			Initials	Date
Department Head	Linda Keyton		Asst City Manager	<i>AK</i>	1-19-05
Dept Signature:	<i>Linda Keyton</i>		City Manager	<i>AK</i>	1/2/05
Agenda Coordinator (include phone #):	Angeja Gurley x-7352				
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					
Approving and authorizing refunds of property tax overpayments.					
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: Funds are disbursed by the Collin County Tax Office.					
SUMMARY OF ITEM					
Attached for your approval are property tax refunds totalling \$771.99					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Refund request listing provided by Collin County Tax Office					

RESOLUTION NO. _____

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

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

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

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

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

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

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

Section II. The Director of Tax Collections for the City of Plano, Texas, or her designee, is hereby authorized to take the necessary action to effectuate the refunds approved under this Resolution.

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

DULY PASSED AND APPROVED this _____ day of _____,
2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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FIDO	Account Number	Year	GF / Loan
342026	R-2650-00A-0140-1	2003	15355548
FIRST AMERICAN 6053 SOUTH FASHION SQ DR 200 MURRAY, UT 84107			
23 City of Plano			\$596.17
Batch Total:			<u><u>\$596.17</u></u>

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FIDO	Account Number	Year	GF / Loan
100001	R-3559-00D-0080-1	2001	
ABUSHAABAN SANA & SALEEM 7009 JASPER DR PLANO, TX 75074-8751			
	23 City of Plano		\$175.82
Batch Total:			<u><u>\$175.82</u></u>

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 1/24/05		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	ACCOUNTING		Initials	Date
Department Head	John McGrane		Executive Director	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 1/12/05
Agenda Coordinator (include phone #): Allison Friloux x5225				
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, accepting the findings and opinions of the Annual Audit; authorizing the City Manager, or in his absence the Director of Finance, to publish the results thereof; 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: 2004-05	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				
It is recommended that the City Council formally accept the annual financial report and that authorization be given for publication of a summary of the 2003-04 financial audit in the City's official newspaper as required by Section 3.14 of the City Charter.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Comprehensive Annual Financial Report				

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, ACCEPTING THE FINDINGS AND OPINIONS OF THE ANNUAL AUDIT; AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE THE DIRECTOR OF FINANCE, TO PUBLISH THE RESULTS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 3.14 of the City Charter requires that "At the close of each fiscal year a complete audit shall be made by a duly licensed Public Accountant . . ."; and

WHEREAS, the City Council has been presented the Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2003-04, a copy of which has been filed with the City Secretary, available for public inspection, and incorporated herein by reference (hereinafter called "CAFR"); and

WHEREAS, upon full review and consideration of the CAFR, and the included opinion of the City's duly appointed auditors, KPMG, LLP, the City Council is of the opinion that the requirements of the Charter have been satisfied.

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

Section I. The findings and opinions of the CAFR have been reviewed by the City Council of the City of Plano, and are hereby in all things accepted.

Section II. The City Manager, or in his absence, the Director of Finance, is hereby instructed to publish the results of the CAFR and all other documents in connection therewith on behalf of the City of Plano, as provided in Section 3.14 of the City Charter.

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Resolution No. _____

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

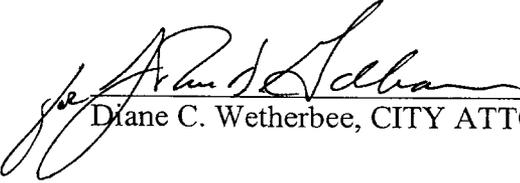
DULY PASSED AND APPROVED this the 24th day of January, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY

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**Additional information regarding the
Comprehensive Annual Financial Report
may be obtained in the
City's Accounting Department**



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	City Secretary	Initials	Date	
Department Head	Elaine Bealke	Executive Director		
Dept Signature:	<i>Elaine Bealke</i>	City Manager	<i>[Signature]</i>	<i>1/19/05</i>
Agenda Coordinator (include phone #):		Di Zucco - x7551		
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, AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR, TO ENTER INTO AN AGREEMENT WITH THE PLANO INDEPENDENT SCHOOL DISTRICT AND FRISCO INDEPENDENT SCHOOL DISTRICT FOR THE PURPOSE OF CONDUCTING A JOINT GENERAL ELECTION AND CITY OF PLANO SPECIAL BOND ELECTION, SPECIAL CHARTER AMENDMENT ELECTION AND SPECIAL LOCAL OPTION ELECTIONS ON MAY 7, 2005; 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): FINANCIAL SUMMARY WILL BE PROVIDED ON THE AGENDA ITEM FOR THE CONTRACT WITH THE COUNTY ELECTION'S ADMINISTRATOR				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR, TO ENTER INTO AN AGREEMENT WITH THE PLANO INDEPENDENT SCHOOL DISTRICT AND FRISCO INDEPENDENT SCHOOL DISTRICT FOR THE PURPOSE OF CONDUCTING A JOINT GENERAL ELECTION AND CITY OF PLANO SPECIAL BOND ELECTION, SPECIAL CHARTER AMENDMENT ELECTION AND SPECIAL LOCAL OPTION ELECTIONS ON MAY 7, 2005; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Plano, the Plano Independent School District and the Frisco Independent School District have determined that, for the convenience of the citizens of Plano the General and Special Elections of the City and the General Elections of the School Districts to be held on May 7, 2005, should be combined; and

WHEREAS, it is necessary to enter into a Joint Election Agreement (hereinafter referred to as the "Agreement") designating responsibilities for the conduct and costs of this election, a copy of which is attached hereto as Exhibit "A" and made a part hereof; and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager, or in his absence, an Executive Director should be authorized to execute the Agreement 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, are hereby in all things approved.

Section II. The City Manager, or in his absence an Executive Director, is hereby authorized to enter into and execute the Agreement on behalf of the City of Plano.

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

DULY PASSED AND APPROVED THIS THE _____ DAY OF _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:



Diane Wetherbee, CITY ATTORNEY

JOINT ELECTION AGREEMENT

between

The City Council of the City of Plano (the City), the Board of Trustees of the Plano Independent School District (PISD) and the Board of Trustees of the Frisco Independent School District (FISD) known as the Schools

BY THE TERMS OF THIS AGREEMENT, the City and the Schools do hereby agree, pursuant to the provisions of the Texas Election Code, to hold a joint election for the General Election and Special Bond Election, Special Charter Amendment Election and Special Local Option Elections of the City, and the General Elections of the School Districts to be held on Saturday, May 7, 2005. The entities have contracted with the Collin County Elections Administrator (Election Administrator) to perform various duties and responsibilities on their behalf.

The three entities shall share equally in shared expenses applicable to all early voting locations utilized by the City and, in addition, three election day polling locations which are Brinker Elementary School, Bethany Elementary School, and Robinson Middle School; and two entities (City/PISD) shall also share equally in shared expenses for all election day polling locations used by the City which include: polling location expenses, election officials, supplies, ballots and any other and all necessary expenses for the election upon receipt of satisfactory billing and invoices reflecting the total of such election. Expenses unique to one entity shall be billed solely to that entity.

Tabulation and centralized costs shall be shared equally between the number of entities holding an election on May 7, 2005. An entity canceling an election pursuant to Section 2.053 of the Texas Election Code will not be liable for costs incurred by the Elections Administrator in conducting the May 7, 2005, Joint General Election; they will be liable only for the contract preparation fee of \$75.00

APPROVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS in its meeting held the _____ day of _____, 2005, and executed by its authorized representative.

By: _____
Thomas H. Muehlenbeck, City Manager

Attest: _____
Elaine Bealke, City Secretary

Approved as to form: _____

APPROVED BY THE TRUSTEES OF THE FRISCO INDEPENDENT SCHOOL DISTRICT in its meeting held the _____ day of _____, 2005, and executed by its authorized representative.

By: _____
Dr. Rick Reedy, Superintendent

Attest: _____
James T. Gaffney, President
Board of Trustees

APPROVED BY THE TRUSTEES OF THE PLANO INDEPENDENT SCHOOL DISTRICT in its meeting held the _____ day of _____, 2005, and executed by its authorized representative.

By: _____
Douglas W. Otto, Superintendent

Attest: _____
Becky Taylor, Executive
Assistant to the Superintendent

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Purchasing		Initials	Date
Department Head	Mike Ryan	Executive Director		
Dept Signature:	Jeff Wise / Police	City Manager		
Agenda Coordinator (include phone #):		Glenna Hayes X7074		
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 RATIFICATION				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS FOR THE PURCHASE OF A CONTAINMENT VESSEL AND TRAILER FROM NABCO INC, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE SUCH ACTION AND EXECUTE SUCH DOCUMENTS AS NECESSARY TO EFFECTUATE THE PURCHASE OF THE EQUIPMENT; 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:	2004/2005	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	533,072	0
Encumbered/Expended Amount		0	-170,161	0
This Item		0	-162,000	0
BALANCE		0	200,911	0
FUND(S): GRANT FUNDS: 2004 SHSP GRANT (577) AND 2003 UASI GRANT (578)				
COMMENTS: Funds are available in the 2004 State Homeland Security Program Grant and in the 2003 Urban Area Security Initiative Federal Grant Funds for the purchase of a containment vessel and trailer for the Police Department.				
STRATEGIC PLAN GOAL: The use of State and Federal Grant Funds for the purchase of bomb disposal systems related to the City's Goals of "Premier City for Families" and "Service Excellence".				
SUMMARY OF ITEM				
APPROVAL OF RESOLUTION				
Staff recommends the approval of Resolution for the purchase of Containment Vessel (Model 42-SCS-TCV and Aluminum Response Trailer (Model #2), in the amount of \$162,000.00, from Nabco Incorporated.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Memo, Recap, Resolution				
Memo				

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS FOR THE PURCHASE OF A CONTAINMENT VESSEL AND TRAILER FROM NABCO, INC.; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE SUCH ACTION AND EXECUTE SUCH DOCUMENTS AS NECESSARY TO EFFECTUATE THE PURCHASE OF THE EQUIPMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is in need of a full and total containment bomb disposal system and aluminum transport trailer to preserve and protect the public health or safety of the City's residents in the event of an attack on the City; and

WHEREAS, the City Council has been presented a Proposal from Nabco, Inc. for a containment vessel and trailer necessary for bomb disposal, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Proposal"); and

WHEREAS, the City Council is of the opinion that the equipment needed is necessary to preserve or protect the public health or safety of the City's residents, and therefore the purchase is exempt from competitive bid as provided for in *V.T.C.A., Local Governmental Code, Section 252.022(a)(2)*; and

WHEREAS, upon full review and consideration of the City's need to purchase a full and total containment bomb disposal system and all matters attendant and related thereto, the City Council is of the opinion that the required 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 the purchase of a full and total containment vessel and aluminum transport trailer is exempt from competitive bid as provided for in *V.T.C.A., Local Government Code, Section 252.022(a)(2)*.

Section II. The City Manager or his designee is hereby authorized to take such action and execute such documents with Nabco, Inc. as necessary to effectuate the purchase of such equipment in an amount not to exceed the sum

of ONE HUNDRED SIXTY-TWO THOUSAND AND 00/100 DOLLARS
(\$162,000.00)

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

DULY PASSED AND APPROVED this the ____ day of _____,
2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



1001 Corporate Drive
Suite 205
Canonsburg, PA 15317
724-746-9617 Phone
724-746-9709 Fax
www.nabcoinc.com

1/13/05

Lt. Jeff Wise
Plano Police Department
909 14th Street
Plano, Tx 75074

Re: Quote #1-1305-02
Total Containment Vessel – Model 42-SCS

Sir,

We are pleased to quote the following equipment.

Nabco Model 42-SCS-TCV:

This is our newest containment vessel, and is equipped with a completely automatic self-closing door on our standard Model 42 TCV with our Model #2 aluminum transport trailer. This new self-closing door design completely eliminates the need for the EOD Tech to approach the vessel at anytime during the loading or unloading process. All operations are controlled from a 20' tether. Future upgrade to Gas-tight capability is possible from this Model TCV

Equipment Description:

Nabco Model 42-SCS-TCV:	\$135,519.95
Nabco Model #2 Aluminum Response Trailer:	\$26,480.05
On-Board Generator:	Included
Prepaid Freight and Training:	Included

Total Price Quote: \$162,000

* Optional Nabco Model PLC-01 programmable logic control is available for \$7,500.

The following notes are part of this quotation:

1. Prices quoted firm through 2/28/05.
2. You may purchase the WMD Gas-Tight upgrade package for an additional \$90,000
3. Delivery quoted at time of order.
4. Training included at your range.

Thank you for the opportunity of quoting on your requirements.

Sincerely,

Randy Markey
Vice President

Q-4



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 1/24/05		Reviewed by Legal <i>ll</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Human Resources		Initials	Date	
Department Head	LaShon Ross		Executive Director	<i>LR</i> 1-14-05	
Dept Signature:	<i>LaShon Ross</i>		City Manager	<i>ll</i> 1/14/05	
Agenda Coordinator (include phone #): Cathy Persons, ext. 5155					

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

CAPTION

An ordinance of the City of Plano, Texas repealing Ordinance No. 2004-9-29; establishing the number of certain classifications within the Police and Fire Departments for fiscal year 2004-2005; establishing the authorized number and effective dates of such positions for each classification effective October 4, 2004 and April 1, 2005 and July 1, 2005 respectively; establishing a salary plan for the Police and Fire Departments effective October 4, 2004; and providing a repealer clause, a severability clause and an effective date.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2004-2005	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(s): GENERAL FUND

COMMENTS: The addition of three (3) Fire Battalion Chiefs on April 1, 2005 will allow the Fire Department to improve the overall field supervision of fire department operations; to reduce the span of control for the department's existing Battalion Chiefs to a more appropriate level; and to provide for increased capability to create a "command team" at the site of emergency operations. The 2% salary adjustment to the Assistant Fire Chief category is to keep with the City's philosophy of median plus 5%.

STRATEGIC PLAN GOAL: Civil Service personnel relate to the City's Goal of "Premier City for Families" and "Service Excellence".

SUMMARY OF ITEM

The Fire Department is requesting authority to move forward with the addition of three Battalion Chief positions; adjusting the Assistant Fire Chief salary plan by 2%.

List of Supporting Documents: Ordinance Compensation Plan (Fire) - Exhibit A Compensation Plan (Police) - Exhibit B	Other Departments, Boards, Commissions or Agencies
------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------

R-1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS REPEALING ORDINANCE NO. 2004-9-29; ESTABLISHING THE NUMBER OF CERTAIN CLASSIFICATIONS WITHIN THE POLICE AND FIRE DEPARTMENTS FOR FISCAL YEAR 2004-2005; ESTABLISHING THE AUTHORIZED NUMBER AND EFFECTIVE DATES OF SUCH POSITIONS FOR EACH CLASSIFICATION EFFECTIVE OCTOBER 4, 2004 AND APRIL 1, 2005 AND JULY 1, 2005 RESPECTIVELY; ESTABLISHING A SALARY PLAN FOR THE POLICE AND FIRE DEPARTMENTS EFFECTIVE OCTOBER 4, 2004; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, on September 27, 2004 by Ordinance No. 2004-9-29, the City Council of the City of Plano, Texas, established classification and salaries for each of the sworn personnel positions within the Police and Fire Departments of the City of Plano; and

WHEREAS, the City Council has since reviewed the positions for sworn personnel within the Fire Department of the City of Plano and is of the opinion that the number of Fire Battalion Chief positions should be revised effective April 4, 2005; and

WHEREAS, the City Council has since reviewed the salary plan for Assistant Chiefs and desires to increase such salary plan by 2% effective April 1, 2004 to remain in line with the City's philosophy; and

WHEREAS, in compliance with Chapter 143 of the Texas Local Government Code, V.T.C.A., as amended, the City Council desires to adopt the specified number of positions effective October 4, 2004, April 1, 2005 and July 1, 2005; and the classification and salary plan for the sworn personnel of the Police and Fire Departments of the City of Plano, Texas as set forth in attached Exhibits "A" and "B" with such salary plan effective October 4, 2004.

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

Section I. Ordinance No. 2004-9-29 duly passed and approved by the City Council of the City of Plano, Texas on September 27, 2004, is repealed in its entirety effective January 24, 2005.

Section II. The number of positions in the City of Plano Police and Fire Departments effective October 4, 2004, April 1, 2005 and July 1, 2005, and the classification and salary plan of the City of Plano Police and Fire Departments for City of Plano fiscal year 2004-2005, effective October 4, 2004, all as set out on attached Exhibit "A" and Exhibit "B", are hereby approved, adopted, and established.

Section III. Any and all advancements from one service plateau to the next, within the salary structure set out in Exhibit "A" and Exhibit "B", are hereby approved, adopted, and established, and shall thereafter be permitted at the start of the first payroll period following completion of the required number of continuous service months.

A-2

Section IV. All provisions of the Ordinances of the City of Plano, codified and 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 thereof, 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. Upon passage, this Ordinance shall become effective January 24, 2005.

DULY PASSED AND APPROVED, this, the _____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane Wetherbee, CITY ATTORNEY

2-4

**CITY OF PLANO
2004-2005 CIVIL SERVICE
COMPENSATION PLAN
Effective 10/04/04**

FIRE

RANGE	POSITION	# Positions Effective	BASE	12 MOS.		36 MOS.		<48 MOS.		96 MOS.		144 MOS.	
				NON-PMDC	NON-PMDC	NON-PMDC	NON-PMDC	PMDC	PMDC	PMDC	PMDC	PMDC	PMDC
FCS 001	Fire Rescue	10/01/04 - 177	4039	4324	4763	4906	5023	5153	5333				
	Specialist**	07/01/05 - 186	48,463	51,891	57,157	58,873	60,278	61,841	63,997				
	Hourly:		16,6424	17,8197	19,6281	20,2174	20,7000	21,2366	21,9770				
FCS 002	Fire Apparatus Operator**	10/01/04 - 48	5238			5426	5530	5667	5857				
	Monthly:		62,854			65,112	66,364	68,002	70,284				
	Hourly:		21,5846			22,3600	22,7900	23,3525	24,1360				
FCS 003	Lieutenant**	10/01/04 - 17	5884			6052	6169	6313	6636				
	Monthly:		70,613			72,625	74,033	75,761	78,429				
	Hourly:		24,2490			24,9400	25,4235	26,0169	26,9330				
FCS 004	Captain**	10/01/04 - 32	6607			6750	6892	7036	7252				
	Monthly:		79,289			81,005	82,709	84,437	87,025				
	Hourly:		27,2285			27,8178	28,4030	28,9964	29,8850				
FMC 005	Battalion Chief*	10/01/04 - 5 04/01/05 - 8	8011						8144				
	Monthly:		96,136						97,740				
	Hourly:		46,2193						46,9902				
FMC 006	Assistant Fire Chief*	10/01/04 - 3	8956 ***										
	Monthly:		107,463										
	Hourly:		51,6647										
Assignment Pay for Paramedic Services Included													

* Hourly rate based on 2080 hours annually
 ** Hourly rate based on 2912 hours annually
 *** Salary effective 04/01/05

CITY OF PLANO
2004-2005 CIVIL SERVICE COMPENSATION PLAN
 Effective 10/04/04.

POLICE

RANGE	POSITION	# POSITIONS	BASE	6 MOS.	12 MOS.	18 MOS.	24 MOS.	30 MOS.	36 MOS.
PCS 001	Police Officer	Effective 10/01/04 - 284 04/01/05 - 289	Monthly:	4211	4349	4541	4691	4851	5097
			Annual:	50,526	52,192	54,497	56,290	58,212	61,167
			Hourly:	24,2914	25,0922	26,2003	27,0624	27,9866	29,4072
PCS 002	Sergeant	10/01/04 - 35	Monthly:	5786	6009				
			Annual:	69,436	72,105				
			Hourly:	33,3825	34,6657				
PCS 003	Lieutenant	10/01/04 - 11	Monthly:	6460	6847				
			Annual:	77,515	82,161				
			Hourly:	37,2669	39,5007				
PCS 004	Captain	10/01/04 - 3	Monthly:	7360	7802				
			Annual:	88,325	93,619				
			Hourly:	42,4638	45,0091				
PCS 005	Asst. Police Chief	10/01/04 - 1	Monthly:	8386	8845		9328		
			Annual:	100,636	106,135		111,935		
			Hourly:	48,3825	51,0265		53,8150		

Recruit:
 PCS Monthly: 3774
 01A Annual: 45,290
 Hourly: 21,7742

25



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	01/24/05	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	PROPERTY STANDARDS			Initials
Department Head	Cynthia O'Banner	Executive Director	1/13/05	
Dept Signature:		City Manager	1/13/05	
Agenda Coordinator (include phone #): GLORIA CARTER, EXT. 5150				
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 CHAPTER 14, OFFENSES - MISCELLANEOUS, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO, TEXAS, BY ADDING ARTICLE II, SHOPPING CARTS, REGULATING THE USE OF SHOPPING CARTS WITHIN THE CITY OF PLANO, AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY 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:	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: Marginal costs to fund equipment needed to tag, sticker, and remove abandoned shopping carts shall be expended from each responsible department's operating budget. Estimated costs for equipment needs are anticipated not to exceed \$500 per department.				
STRATEGIC PLAN GOAL: Adopting an ordinance to enable the removal of abandoned shopping carts from public properties meets the objective of maintaining a vibrant and successful community as outlined by GOAL 1: Premier City for Families.				
SUMMARY OF ITEM				
This ordinance addresses the retrieval of shopping carts abandoned in City right-of-ways and other public properties. Carts belonging to retailers such as grocery, home improvement, or discount stores, are often found abandoned in neighborhoods, alleys, streets, parks, and creeks. Abandoned carts pose a danger for pedestrian and vehicular traffic, as well as detract from the appearance of the community.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Staff Recommendation Memo				

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING CHAPTER 14, OFFENSES - MISCELLANEOUS, OF THE CODE OF ORDINANCES OF THE CITY OF PLANO, TEXAS, BY ADDING ARTICLE II, SHOPPING CARTS, REGULATING THE USE OF SHOPPING CARTS WITHIN THE CITY OF PLANO, AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PUBLICATION CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Council finds that damaged, dismantled, and/or abandoned shopping carts on public or private property create conditions that reduce property values, promote blight and deterioration within the City's neighborhoods; and

WHEREAS, the City Council finds that such shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic; and

WHEREAS, the City Council hereby finds that regulating the use of shopping carts is in the best interest of the City and will promote the health and welfare of the citizens of Plano and the general public;

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

Section I. Chapter 14, Offenses - Miscellaneous, of the Code of Ordinances of the City of Plano is hereby amended by adding the following article to read as follows:

"ARTICLE II. SHOPPING CARTS

Sec. 14-26. Definitions.

In this article:

Shopping cart means a basket, which is mounted on wheels or a similar device, generally used in a retail establishment by a customer to transport goods of any kind.

Abandoned shopping cart means any unattended shopping cart removed from a business establishment's premises, which is located on public property for a period greater than twelve (12) hours.

Owner means any person or entity within a business establishment who owns or provides shopping carts for customer use. Owner includes, but is not limited to, the store owner, manager, on-site manager, on-duty manager, or other designated agent of a business establishment.

Premises means the entire area owned or otherwise utilized by the business establishment that provides shopping carts for use by its customers, including any parking area and pedestrian access-way between a street right-of-way and the establishment. For a business establishment that is part of a shopping center or shopping complex, "premises" shall include all business establishments in the shopping area center or complex and all areas used by the customers of those businesses in common, including all parking areas designated for use by the customers of the shopping center or complex.

A-2

Sec. 14-27. Offense.

It shall be unlawful to leave or abandon a shopping cart at a location other than the premises or parking area of the retail establishment that owns the shopping cart.

Sec. 14-28. Requirements.

Every owner of a business establishment providing shopping carts to its customers must post signs at all entrances to the parking areas, in both English and Spanish, and in a conspicuous place near the business establishment's exit doors, informing customers that cart removal from the premises is prohibited and constitutes a violation of State and local law.

Sec. 14-29. Retrieval and impoundment by the city.

The City of Plano may retrieve and impound any abandoned shopping cart located on public property.

A shopping cart recovered by the City of Plano will be released to the owner, or his designee, upon payment to the city of a recovery fee of \$75 per shopping cart.

Sec. 14-30. Disposal of abandoned shopping carts.

Shopping carts impounded shall be held for a period not more than thirty (30) days to allow for retrieval by the owner or his designee.

Shopping carts not reclaimed by the owner within thirty (30) days of impoundment shall be sold or disposed of by the City of Plano.

Sec. 14-31. Enforcement Authority.

The City Manager or his designee(s) shall have the authority and powers necessary to determine whether a violation of this chapter exists and to take appropriate action to gain compliance with the provisions of this chapter and applicable state codes.

Sec. 14-32. Penalty.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-4(b). Every day a violation continues shall constitute a separate offense.

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. It is the intention of the City Council that this Ordinance, and every provision thereof, 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.

A-3

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

DULY PASSED AND APPROVED THIS THE ___ DAY OF _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee

Diane C. Wetherbee, CITY ATTORNEY

S-4

Memorandum

To: Thomas Muehlenbeck, City Manager
Thru: Frank Turner, Executive Director
CC: Cynthia O' Banner, Property Standards Director
Greg Rushin, Police Chief
Jim Foster, Public Works Director
Don Wendell, Parks and Recreation Director
Bob Karlseng, Warehouse Supervisor
From: Roxanne Luna, Inspection Services Supervisor
Date: 1/4/2005
Re: Abandoned Shopping Cart Ordinance

Abandoned shopping carts are a danger and nuisance to neighboring properties and the community. Carts belonging to retailers such as grocery, home improvement, or discount stores, are often found abandoned in neighborhoods, alleys, streets, parks, and creeks. This contributes to the deterioration of neighborhoods, detracts from the appearance of the community, and interferes with pedestrian and vehicular traffic. While certain neighborhoods experience a higher number of abandoned shopping carts, this is a city wide dilemma that affects all retailers who provide shopping carts to their customers.

HISTORY

The City of Plano has previously met with store and regional managers of several local grocery stores in an effort to eliminate abandoned shopping carts in neighborhoods. Contact was made by prior members of City Council, Neighborhood Police Officers, Property Standards Department and Neighborhood Services Division personnel. These attempts have been mostly unsuccessful because store officials have elected to not press theft charges when shopping carts are removed from their premises without permission. They have also rejected adding signage to discourage removal of carts and have failed to otherwise implement successful retrieval methods. Contacted retail managers indicated the theft or removal of shopping carts is an industry wide problem that cannot be resolved readily. They also expressed fear of losing customers should any previous recommendations be

implemented. In addition, retailers prefer to retrieve carts as needed rather than implement a plan that will prevent shopping carts from being removed from the property.

IMPACT TO COMMUNITY

Theft and abandonment of shopping carts is a quality of life crime that greatly impacts neighborhoods and communities. Foremost, when carts are left unattended in a neighborhood there is a disregard for safety. While most shopping cart injuries are reported to occur inside retail establishments, these injuries can be easily transposed into a neighborhood setting. Abandoned carts are attractive to children who may not see the danger associated with misusing a shopping cart. In addition, carts can easily be pushed into oncoming traffic and they block alleys, sidewalks, and pedestrian traffic. Often times, carts are used for storage and are found on private property, contributing to an image of an apathetic community.

EXISTING REGULATIONS AND PROCEDURES

Currently, the City of Plano does not have an ordinance that addresses stray or abandoned shopping carts. There has been prior success in prosecuting cases where open storage of shopping carts have been in violation on private properties, but an approach to address abandoned carts in public areas is lacking. When carts are stored on private property, the property owner and/or the occupant are notified to remove the abandoned shopping cart(s) in accordance with the open storage ordinance and/or other applicable state or local regulations.

Texas State Statute §17.31(9) states that a person may not use or remove, for any purpose, a shopping cart from the owner's property unless authorized by the owner. The cart must be marked with the name or mark of the owner and must display a notice to the public, warning that unauthorized use by a person other than the owner is punishable by law and is a Class C misdemeanor.

ORDINANCE ADOPTION

It is therefore recommended that the City of Plano:

- Adopt an ordinance that requires retailers to post on their property, in English and in Spanish, a statement that removal of a shopping cart without permission is a violation of State statute.
- Tag abandoned carts with a Notice of Violation sticker stating that the abandoned cart may be impounded after twelve (12) hours should it not be retrieved by its owner.
- Grant the City of Plano designee(s) authority to retrieve and impound shopping cart(s) located in a right-of-way, easement, park, parkway, or other public property.

A-6

- Grant the City of Plano authority to dispose of impounded shopping carts not retrieved by their owner.

RETRIEVAL PROCESS

1. Generally, it will take two (2) hours for a City employee to respond to an abandoned shopping cart concern, sticker the cart, re-inspect the location to verify that the cart was or was not removed, and to transport the cart to the City Warehouse. The estimated cost for this process is approximately \$60.*
2. A Notice of Violation sticker will be attached to the abandoned cart stating that the abandoned cart may be impounded and disposed of by the City of Plano.
3. Abandoned carts located in public areas, including City owned properties, parks, major thoroughfares, and collector streets / medians and in areas that are non-residentially zoned will be retrieved by Police Department personnel. These carts will be retrieved and transported to the City Warehouse twice weekly.
4. Abandoned carts located in residential areas and on other private properties will be retrieved by the Property Standards Department staff and transported to the City Warehouse twice weekly.
5. Abandoned carts located in City maintained creeks, drainage culverts, or parks that are deemed to be trash or debris will be removed and disposed of by the Parks or Public Works Department.

CART STORAGE AND RELEASE PROCESSES

- Carts can be delivered to the City Warehouse Monday – Friday from 7am - 5pm.
- Carts will be delivered with a tag attached by the impounding officer that shows the name of the impounding officer or City employee, the date the cart was retrieved and impounded.
- Carts will be stored at the City Warehouse for retrieval by owners up to a thirty (30) day period.
- Carts can be retrieved by owners at the City Warehouse Monday – Friday from 7am – 5pm.
- Payments may be made by cash or check only.
- Carts that are not retrieved during the thirty (30) day impoundment period will be sold at auction facilitated by the City Warehouse or otherwise disposed.

- Auction proceeds will be deposited in the City General Fund.
- Require an estimated minimum of one (1) staff hour to receive, release, and/or prepare each cart for auction by City warehouse personnel.*
- A fee of \$75 per cart will be charged for cart retrieval from the City Warehouse.*

***FEE STRUCTURE CALCULATION**

Public Safety Office (PSO) Hourly Salary - \$15.02

PSO \$15.02 x 2 hours per cart = \$60.08 (\$60.00)

.....

City Warehouse Staff Hourly Salary - \$14.11

Staff \$14.11 x 1 hour per cart = \$14.11 (\$14.00)

.....

PSO \$60.00 + Staff \$14.00 = \$74 (\$75)

Fee per cart = \$75.

EQUIPMENT NEEDS

- Property Tags
- Notice Stickers
- Portable Ramps for Police Department
- Portable Ramps for Property Standards

A-8



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05		Reviewed by Legal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date
Department Head	Diane Wetherbee		Executive Director	
Dept Signature:	<i>Diane Wetherbee</i>		City Manager	<i>[Signature]</i> 1/13/05
Agenda Coordinator (include phone #): Lynne Kemper - 7109				
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 ORDERING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION IN AND THROUGHOUT THE CITY OF PLANO, TEXAS ON SATURDAY, MAY 7, 2005 FOR THE PURPOSE OF APPROVING THE LEGAL SALE OF MIXED BEVERAGES IN RESTAURANTS BY FOOD AND BEVERAGE CERTIFICATE HOLDERS ONLY; DESIGNATING LOCATIONS OF POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
This ordinance orders a special election to allow the voters to approve the legal sale of mixed beverages in restaurants by food and beverage certificate holders only.				
List of Supporting Documents: n/a		Other Departments, Boards, Commissions or Agencies n/a		

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION IN AND THROUGHOUT THE CITY OF PLANO, TEXAS ON SATURDAY, MAY 7, 2005 FOR THE PURPOSE OF APPROVING THE LEGAL SALE OF MIXED BEVERAGES IN RESTAURANTS BY FOOD AND BEVERAGE CERTIFICATE HOLDERS ONLY; DESIGNATING LOCATIONS OF POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.

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

Section I. A special election be and is hereby ordered to be held in conjunction with the General election in and throughout the City of Plano, Texas on Saturday, May 7, 2005 for the purpose of approving the legal sale of mixed beverages in restaurants by food and beverage certificate holders only. The proposition shall read: The legal sale of mixed beverages in restaurants by food and beverage certificate holders only.
For _____ Against _____

Section II. The polling places and the county election precincts whose qualified voters shall cast ballots at such locations in the City of Plano for the 2005 Special election for the purpose of approving the legal sale of mixed beverages in restaurants by food and beverage certificate holders only are as follows:

- (1) Armstrong Middle School, 3805 Timberline Drive
Collin County Election Precincts numbered 52,
61, 68, 103 and 141;
- (2) Bethany Elementary School, 2418 Micarta Drive
Collin County Election Precincts numbered 34, 107, 119,
121, 135 and 139;
- (3) Bowman Middle School, 2501 Jupiter Road
Collin County Election Precincts numbered 23, 46,
47, 50, 51, 152 and 158;
- (4) Brinker Elementary School, 3800 John Clark Parkway
Collin County Election Precincts numbered 90, 109,
116, 123, 137 and
Denton County Election Precinct numbered 229;

t-2

- (5) Carpenter Middle School, 1501 Cross Bend Road
Collin County Election Precincts numbered 21, 54,
62 and 66;
- (6) Haggard Middle School, 2401 Westside Drive
Collin County Election Precincts numbered 15, 19,
53, 65, 70 and 71;
- (7) Hendrick Middle School, 7400 Red River Drive
Collin County Election Precincts numbered 58, 77 and 91;
- (8) Hughston Elementary School, 2601 Cross Bend Road
Collin County Election Precincts numbered 31, 32,
63 and 76;
- (9) Robinson Middle School, 6701 Preston Meadow Drive
Collin County Election Precincts numbered 14, 81, 86,
89, 108, 112 and 124;
- (10) Schimelpfenig Middle School, 2400 Maumelle Drive
Collin County Election Precincts numbered 64 and 69;
- (11) Shepton High School, 5505 Plano Parkway
Collin County Election Precincts numbered 28, 75,
105 and 143;
- (12) Thomas Elementary School, 6537 Blue Ridge Trail
Collin County Election Precincts numbered 39 and 85; and
- (13) Wilson Middle School, 1001 Custer Road
Collin County Election Precincts numbered 26,
49, 67, 72 and 138.

Polling places on May 7, 2005 shall be open from 7:00 a.m. until 7:00 p.m.

Section III. Votes for said election shall be cast utilizing touch-screen devices with Diebold's ACCUVOTE TS R6v.4.1.15 direct recording devices (DRE's) for early voting and election day and optical-scan ballots with Diebold's ACCUVOTE OS v.1.9.4w for early voting by mail.

Section IV. The early voting by personal appearance for the above-designated election shall be conducted in the following locations:

Main Early Voting Location

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

Branch Early Voting Locations

Carpenter Park Recreation Center
6701 Coit Road
Plano, Texas 75024

Christ United Methodist Church
3101 Coit Road
Plano, Texas 75075

Harrington Library
1501 18th Street
Plano, Texas 75074

Plano Independent School District Administration Center
2700 West 15th Street
Plano, Texas 75075

Christopher A. Parr Library
6200 Windhaven Parkway
Plano, Texas 75093

Collin County Community College – Spring Creek Campus
2800 East Spring Creek Parkway
Plano, Texas 75074

Beginning on April 20, 2005, and continuing through May 3, 2005, said places of early voting shall remain open for at least eight (8) hours of early voting of each day which is not a Saturday, except for Saturday, April 23, 2005. No early voting shall be conducted on any Sunday or official State holiday during this period. Said places of voting shall remain open between the hours of 8:00 a.m. and 5:00 p.m. The main early polling place and the branch polling places shall also be open on Thursday, April 21, 2005, from 8:00 a.m. to 7:00 p.m.

Applications for ballots by mail shall be mailed to:

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

Applications for ballots by mail must be received no later than the close of business on Friday, April 29.

Section V. The recommendations of the City and School District(s) will be the accepted guidelines of four (4) clerks to be secured to work in each polling place. The presiding election judge of each polling place, however, will use his/her discretion to determine when additional manpower is needed during peak voting hours.

Section VI. The City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of this election.

Section VII. This ordinance shall become effective immediately upon its passage.

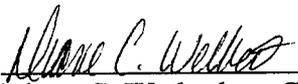
DULY PASSED AND APPROVED this the ____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY

2-5



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05		Reviewed by Legal <i>lu</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date
Department Head	Diane Wetherbee		Executive Director	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 1/13/05
Agenda Coordinator (include phone #): Lynne Kemper - 7109				
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 ORDERING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION IN AND THROUGHOUT THE CITY OF PLANO, TEXAS ON SATURDAY MAY 7, 2005 FOR THE PURPOSE OF APPROVING THE LEGAL SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY; DESIGNATING LOCATIONS OF POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
This ordinance orders a special election to allow the voters to approve the legal sale of beer and wine for off-premises consumption.				
List of Supporting Documents: n/a		Other Departments, Boards, Commissions or Agencies n/a		

22-1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION IN AND THROUGHOUT THE CITY OF PLANO, TEXAS ON SATURDAY MAY 7, 2005 FOR THE PURPOSE OF APPROVING THE LEGAL SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY; DESIGNATING LOCATIONS OF POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.

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

Section I. A special election be and is hereby ordered to be held in conjunction with the General election in and throughout the City of Plano, Texas on Saturday, May 7, 2005 for the purpose of approving the legal sale of beer and wine for off-premise consumption only. The proposition shall read: The legal sale of beer and wine for off-premise consumption only. For _____ Against _____

Section II. The polling places and the county election precincts whose qualified voters shall cast ballots at such locations in the City of Plano for the 2005 Special election for the purpose of approving the legal sale of beer and wine for off-premise consumption only are as follows:

- (1) Armstrong Middle School, 3805 Timberline Drive
Collin County Election Precincts numbered 52,
61, 68, 103 and 141;
- (2) Bethany Elementary School, 2418 Micarta Drive
Collin County Election Precincts numbered 34, 107, 119,
121, 135 and 139;
- (3) Bowman Middle School, 2501 Jupiter Road
Collin County Election Precincts numbered 23, 46,
47, 50, 51, 152 and 158;
- (4) Brinker Elementary School, 3800 John Clark Parkway
Collin County Election Precincts numbered 90, 109,
116, 123, 137 and
Denton County Election Precinct numbered 229;

- (5) Carpenter Middle School, 1501 Cross Bend Road
Collin County Election Precincts numbered 21, 54,
62 and 66;
- (6) Haggard Middle School, 2401 Westside Drive
Collin County Election Precincts numbered 15, 19,
53, 65, 70 and 71;
- (7) Hendrick Middle School, 7400 Red River Drive
Collin County Election Precincts numbered 58, 77 and 91;
- (8) Hughston Elementary School, 2601 Cross Bend Road
Collin County Election Precincts numbered 31, 32,
63 and 76;
- (9) Robinson Middle School, 6701 Preston Meadow Drive
Collin County Election Precincts numbered 14, 81, 86,
89, 108, 112 and 124;
- (10) Schimelpfenig Middle School, 2400 Maumelle Drive
Collin County Election Precincts numbered 64 and 69;
- (11) Shepton High School, 5505 Plano Parkway
Collin County Election Precincts numbered 28, 75,
105 and 143;
- (12) Thomas Elementary School, 6537 Blue Ridge Trail
Collin County Election Precincts numbered 39 and 85; and
- (13) Wilson Middle School, 1001 Custer Road
Collin County Election Precincts numbered 26,
49, 67, 72 and 138.

Polling places on May 7, 2005 shall be open from 7:00 a.m. until 7:00 p.m.

Section III. Votes for said election shall be cast utilizing touch-screen devices with Diebold's ACCUVOTE TS R6v.4.1.15 direct recording devices (DRE's) for early voting and election day and optical-scan ballots with Diebold's ACCUVOTE OS v.1.9.4w for early voting by mail.

Section IV. The early voting by personal appearance for the above-designated election shall be conducted in the following locations:

Main Early Voting Location

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

Branch Early Voting Locations

Carpenter Park Recreation Center
6701 Coit Road
Plano, Texas 75024

Christ United Methodist Church
3101 Coit Road
Plano, Texas 75075

Harrington Library
1501 18th Street
Plano, Texas 75074

Plano Independent School District Administration Center
2700 West 15th Street
Plano, Texas 75075

Christopher A. Parr Library
6200 Windhaven Parkway
Plano, Texas 75093

Collin County Community College – Spring Creek Campus
2800 East Spring Creek Parkway
Plano, Texas 75074

Beginning on April 20, 2005, and continuing through May 3, 2005, said places of early voting shall remain open for at least eight (8) hours of early voting of each day which is not a Saturday, except for Saturday, April 23, 2005. No early voting shall be conducted on any Sunday or official State holiday during this period. Said places of voting shall remain open between the hours of 8:00 a.m. and 5:00 p.m. The main early polling place and the branch polling places shall also be open on Thursday, April 21, 2005, from 8:00 a.m. to 7:00 p.m.

U-4

Applications for ballots by mail shall be mailed to:

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

Applications for ballots by mail must be received no later than the close of business on Friday, April 29.

Section V. The recommendations of the City and School District(s) will be the accepted guidelines of four (4) clerks to be secured to work in each polling place. The presiding election judge of each polling place, however, will use his/her discretion to determine when additional manpower is needed during peak voting hours.

Section VI. The City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of this election.

Section VII. This ordinance shall become effective immediately upon its passage.

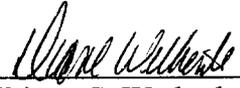
DULY PASSED AND APPROVED this the ____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY

U-5



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date:	1/24/05	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Planning	Initials	Date		
Department Head	Phyllis M. Jarrell	Executive Director			
Dept Signature:	<i>P. Jarrell</i>	City Manager	<i>AW</i>	<i>1/24/05</i>	
Agenda Coordinator (include phone #): Lynn Woodall, ext. 7156					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input checked="" type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Geographic Information System (GIS) Annual Maintenance with Environmental Research Systems Institute (ESRI) in the amount of \$54,351.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2004-2005	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	84,800	0	84,800
Encumbered/Expended Amount		0	0	0	0
This Item		0	-54,351	0	-54,351
BALANCE		0	30,449	0	30,449
FUND(S): GENERAL					
COMMENTS: Funds are included in the 2004-05 operating budget. This item in the amount of \$54,351 will leave a current year balance of \$30,449 to be used for other GIS maintenance expenses. STRATEGIC PLAN GOAL: This item relates to the City's Goal of Service Excellence.					
SUMMARY OF ITEM					
The item is a sole source vendor item in the amount of \$54,351. The GIS software developer/vendor, Environmental Systems Research Institute (ESRI), holds all contracts and licensing of the use of their software. The item covers annual maintenance, support, and right-to-use licensing for the City's GIS software. The annual maintenance contract covers all GIS software in use within the City with the exception of Public Works, which is covered within their departmental budget.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Maintenance Quote #25110654					

V-1



ESRI

380 New York Street
REDLANDS, CA 92373
Phone: 909-793-28532459
Fax #: 909-793-4801

Quotation

Date: 05/14/2004

Quotation Number: 25110654

RON REYNOLDS
CITY OF PLANO
PLANNING DEPT
1520 AVE K STE 250
PLANO TX 75074
Attn: RON REYNOLDS

Customer Number: 6245

Send Purchase Orders To:

ESRI, Inc.
380 New York Street
Redlands, CA 92373-8100
Attn: Melissa Lestina

Please include the following remittance address on your Purchase Order:

ESRI Inc.
File #54630
Los Angeles, CA 90074-4630

Item	Qty	Product#	Description	Unit Price	Extended Price
YOUR CUSTOMER SERVICE REPRESENTATIVE IS MELISSA LESTINA AT (888)377-4575 X2459.					
10	2	52384	MAINT,PRIM,AI,FL ArcInfo Floating Primary Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	3,000.00	6,000.00
20	10	52385	MAINT,SCNDRY,AI,FL ArcInfo Floating Secondary Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	1,200.00	12,000.00
30	1	52390	MAINT,PRIM,NET,FL Network Floating Primary Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	500.00	500.00
40	1	52391	MAINT,SCNDRY,NET,FL Network Floating Secondary Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	200.00	200.00

This quotation is valid for 90 days and is subject to your ESRI License Agreement. The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (ESRI).

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. ESRI reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide ESRI with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Issued By: Melissa Lestina

Ext: 2459

[LESTINAM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.

V-2



380 New York Street
REDLANDS, CA 92373
Phone: 909-793-28532459
Fax #: 909-793-4801

Quotation

Page 2

Date: 05/14/2004 Quotation Number: 25110654

Item	Qty	Product#	Description	Unit Price	Extended Price
50	1	52396	MAINT,PRIM,COGO,FL ArcCOGO Floating Primary Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	500.00	500.00
60	2	64820	MAINT,AG APRS ArcPress for ArcGIS Concurrent Use Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	200.00	400.00
70	1	84647	ASAP TECH SUPPT,APAD Annual Support Assistance Program for ArcPAD. Start Date: 01/23/2005 End Date: 12/21/2005 Hardware Platform: GENERIC DESKTOP	269.14	269.14
80	1	86497	MAINT,PRIM,AE,CU ArcEditor Concurrent Use Primary Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	1,500.00	1,500.00
90	1	86500	MAINT,SCNDRY,AE,CU ArcEditor Concurrent Use Secondary Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	1,200.00	1,200.00
100	2	86500	MAINT,SCNDRY,AE,CU ArcEditor Concurrent Use Secondary Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	1,200.00	2,400.00

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Issued By: Melissa Lestina Ext: 2459

[LESTINAM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.

V-3



ESRI

380 New York Street
REDLANDS, CA 92373
Phone: 909-793-28532459
Fax #: 909-793-4801

Quotation

Page 3

Date: 05/14/2004

Quotation Number: 25110654

Item	Qty	Product#	Description	Unit Price	Extended Price
110	1	87193	MAINT,SCNDRY,AV,SU ArcView Single Use Secondary Maintenance Start Date: 04/16/2005 End Date: 12/21/2005 Hardware Platform: GENERIC DESKTOP	136.99	136.99
120	7	87193	MAINT,SCNDRY,AV,SU ArcView Single Use Secondary Maintenance Start Date: 12/22/2004 End Date: 12/21/2005 Hardware Platform: GENERIC DESKTOP	200.00	1,400.00
130	3	87194	MAINT,PRIM,AV,CU ArcView Concurrent Use Primary Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	700.00	2,100.00
140	22	87195	MAINT,SCNDRY,AV,CU ArcView Concurrent Use Secondary Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	500.00	11,000.00
150	1	87198	MAINT,PRIM,AG 3D,CU ArcGIS 3D Analyst Concurrent Use Primary Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	500.00	500.00
160	15	87216	MAINT,DSG,ASDE,RD/WR SRVR CNCT ArcSDE Developer Support Group Read Write Connection Server Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	150.00	2,250.00
170	1	87232	MAINT,PRIM,AG SA,CU ArcGIS Spatial Analyst Concurrent Use Primary Maintenance	500.00	500.00

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Issued By: Melissa Lestina

Ext: 2459

[LESTINAM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.

V-4



380 New York Street
 REDLANDS, CA 92373
 Phone: 909-793-28532459
 Fax #: 909-793-4801

Quotation

Page 4

Date: 05/14/2004 Quotation Number: 25110654

Item	Qty	Product#	Description	Unit Price	Extended Price
			Start Date: 12/22/2004 End Date: 12/21/2005		
180	1	87233	MAINT,SCNDRY,AG SA,CU ArcGIS Spatial Analyst Concurrent Use Secondary Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	200.00	200.00
190	1	87768	MAINT,ALR,W OUT DTA ArcLogistics Route without Data Annual Maintenance Start Date: 12/22/2004 End Date: 12/21/2005 Hardware Platform: WINDOWS NT-INTEL	1,000.00	1,000.00
200	1	93094	MAINT,PRIM,AV,EXT,SU ArcView with Extension Single Use Primary Maintenance Start Date: 12/22/2004 End Date: 12/21/2005 Hardware Platform: GENERIC DESKTOP	1,000.00	1,000.00
210	1	93095	MAINT,SCNDRY,AV,EXT,SU ArcView with Extension Single Use Secondary Maintenance Start Date: 12/22/2004 End Date: 12/21/2005 Hardware Platform: GENERIC DESKTOP	800.00	800.00
220	1	97534	MAINT,AIMS,1SRVR,2CPU ArcIMS 1 Server 2 CPUs Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	2,000.00	2,000.00
230	1	97534	MAINT,AIMS,1SRVR,2CPU ArcIMS 1 Server 2 CPUs Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	2,000.00	2,000.00

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Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. ESRI reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide ESRI with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Issued By: Melissa Lestina Ext: 2459

[LESTINAM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.

V-5



ESRI

380 New York Street
REDLANDS, CA 92373
Phone: 909-793-28532459
Fax #: 909-793-4801

Quotation

Page 5

Date: 05/14/2004

Quotation Number: 25110654

Item	Qty	Product#	Description	Unit Price	Extended Price
240	1	85232	SUPPT,DSG,PRIORITY,AIMS ArcIMS Developer Support Group (DSG) Priority Maintenance Start Date: 12/22/2004 End Date: 12/21/2005	1,495.00	1,495.00
250	1	87213	MAINT,DSG,ASDE,SRVR,2CPU ArcSDE Developer Support Group Maintenance for 1 Server 2 CPUs and 5 Read and Write Connections Start Date: 12/22/2004 End Date: 12/21/2005	3,000.00	3,000.00

Subtotal	54,351.13
Shipping & Handling	0.00
Estimated Tax	0.00
Total	\$ 54,351.13

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Issued By: Melissa Lestina

Ext: 2459

[LESTINAM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.

V-L



ESRI

380 New York Street
REDLANDS, CA 92373
Phone: 909-793-28532459
Fax #: 909-793-4801

Quotation

Page 6

Date: 05/14/2004 **Quotation Number:** 25110654

Item	Qty	Product#	Description	Unit Price	Extended Price
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BY SIGNING BELOW, YOU ARE INDICATING THAT YOU ARE AUTHORIZED TO OBLIGATE FUNDS FOR YOUR ORGANIZATION. DO NOT USE THIS FORM FOR ORDER ACTIVATION IF YOUR ORGANIZATION WILL NOT HONOR AND PAY AN INVOICE THAT HAS BEEN ISSUED AT YOUR DIRECTION WITHOUT ADDITIONAL AUTHORIZING PAPERWORK.

To expedite your order, either attach a copy of this quotation to your purchase order when it is remitted to ESRI, or sign below and return this quotation to indicate your acceptance. ESRI's address and fax number are provided on the first page of this quotation.

If you have made ANY alterations to the line items included in this quote and have chosen to sign the quote to indicate your acceptance, you must fax ESRI the signed quote in its entirety in order for the quote to be accepted. You will be contacted by your Customer Service Representative if additional information is required to complete your request.

If your organization is a US Federal, state, or local government agency; an educational facility; or a company that will not pay an invoice without having issued a formal purchase order, a signed quotation will not be accepted unless it is accompanied by your purchase order.

If you choose to discontinue your support, you will become ineligible for support benefits and services. All maintenance fees from the date of discontinuation will be due and payable if you decide to reactivate your support coverage at a later date.

By signing below, you are authorizing ESRI to issue a software maintenance invoice in the amount of:
\$ _____.

Signature of Authorized Representative

Name (Please Print)

Title

This quotation is valid for 90 days and is subject to your ESRI License Agreement. The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (ESRI).

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. ESRI reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide ESRI with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Issued By: Melissa Lestina **Ext:** 2459

[LESTINAM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 1/24/05		Reviewed by Legal <i>(signature)</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Engineering		Initials	Date	
Department Head	Alan L. Upchurch		Executive Director	<i>(signature)</i> 1/14/05	
Dept Signature:	<i>(signature)</i>		City Manager	<i>(signature)</i> 1/14/05	
Agenda Coordinator (include phone #):		Irene Pegues (7198) <i>(signature)</i>	Project No. 5563		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT					
<input type="checkbox"/> APPROVAL OF BID <input checked="" type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Approval and authorization of selection of EHP Consulting, L.L.C. to provide Professional Environmental Services in connection with the City of Plano Asbestos Operation and Maintenance Program and authorizing the City Manager or his designee to execute all necessary documents to effectuate the contract.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2004-05	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		906	56,094	40,000	97,000
Encumbered/Expended Amount		-906	-776	0	-1,682
This Item		0	-40,000	0	-40,000
BALANCE		0	15,318	40,000	55,318
FUND(S): CAPITAL RESERVE					
COMMENTS: Funds are available in the 2004-05 Capital Reserve CIP. This item, in the amount of \$40,000 will leave a current year balance of \$15,318 for Municipal Center -Building #71 projects.					
STRATEGIC PLAN GOAL: This project relates to the City's Goal of "Service Excellence".					
SUMMARY OF ITEM					
This agreement with EHP Consulting, L.L.C. is for the site inspections, condition assessments, air monitoring, site manual development, employee training and emergency consulting services not to exceed the budgeted amount of \$40,000.					
Staff feels that the fees are reasonable for these services.					
List of Supporting Documents: Engineering Services Agreement		Other Departments, Boards, Commissions or Agencies n/a			

ASBESTOS OPERATION AND MAINTENANCE PROGRAM

PROJECT NO. 5563

ENVIRONMENTAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered by and between the **CITY OF PLANO, TEXAS**, a Home-Rule Municipal Corporation, hereinafter referred to as "City", and **EHP CONSULTING, L.L.C.**, a **TEXAS** limited liability company, hereinafter referred to as "Engineer", to be effective from and after the date as provided herein.

WITNESSETH:

WHEREAS, the City desires to engage the services of the Engineer to perform professional environmental services in connection with the **ASBESTOS OPERATION AND MAINTENANCE PROGRAM** located in the City of Plano, Collin County, Texas, hereinafter referred to as the "Project"; and

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

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

I. Employment of the Engineer

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

II. Scope of Services

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

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III. Term and Schedule of Work

The initial term of this Contract shall be a period of one (1) year from the effective date herein; provided however, that the City shall have the right and option to extend the term hereof by two additional one (1) year periods by giving written notice to Engineer of City's election to extend the term hereof, such notice to be given not more than sixty (60) days prior to the expiration of the initial term.

The Engineer agrees to commence work immediately upon execution of this Agreement, and to proceed diligently with said work, except for delays beyond the reasonable control of Engineer, to completion as described in the Schedule of Work, attached hereto and incorporated herein by reference as **Exhibit "B"**.

IV. Compensation and Method of Payment

This is a requirements contract. Engineer shall invoice City for services and products provided, on a unit cost basis, in accordance with the Pricing Schedule attached hereto and incorporated herein as **Exhibit "B"** All invoices shall be paid by City within thirty (30) days of receipt and approval. Provided however, City expenditures under this contract shall not exceed the annual amount that the City Council of the City of Plano has budgeted for these services and products. The parties to this Contract further agree that the unit prices set forth in **Exhibit "B"** shall not be increased during the initial term of this contract or any renewals thereof.

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

V. Information to be Provided by the City

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

VI. Insurance

Engineer agrees to meet all insurance requirements, and to require all engineers or consultants who perform work for Engineer to meet all insurance requirements, as set forth in the Insurance Requirements document attached hereto and incorporated herein as **Exhibit "C"**.

VII. Indemnity

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

In the event the City is a named party to a suit arising out of the subject matter of this Contract, the City shall have reasonable input into the selection of defense counsel to be retained by Contractor in fulfilling its obligation hereunder to defend and indemnify City. City reserves the right to provide a portion or all of its own defense; however, City is under no obligation to do so. Any such action by City is not to be construed as a waiver of Contractor's obligation to defend City or as a waiver of Contractor's obligation to indemnify City pursuant to this Contract. Contractor shall retain defense counsel within seven (7) business days of City's written notice that City is invoking its right to indemnification under this Contract. If Contractor fails to retain counsel within such time period, City shall have the right to retain defense counsel on its own behalf, and Contractor shall be liable for all costs incurred by City.

VIII. Independent Engineer

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

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herein shall be construed as creating a partnership or joint enterprise between City and Engineer.

IX. Assignment and Subletting

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

X. Audits and Records/Prohibited Interest

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

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

XI. Contract Termination

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

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XII. Engineer's Opinion of Probable Construction Costs

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

XIII. Ownership of Documents

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

XIV. Complete Contract

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

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XV. Mailing of Notices

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

City of Plano
Engineering Department
Attn: Paul Glenn
P.O. Box 860358
Plano, TX 75086-0358

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

EHP Consulting, L.L.C.
Attn: Russ McMillan
10455 N. Central Expwy., Suite 109
Dallas, TX 75231

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

XVI. Miscellaneous

A. Paragraph Headings:

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

B. Contract Interpretation:

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

C. Venue/Governing Law:

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

D. Successors and Assigns:

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

E. Severability:

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

F. Effective Date:

This Agreement shall be effective from and after execution by both parties hereto. The effective date shall be the date that the last party executes the agreement.

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SIGNED on the date indicated below.

EHP CONSULTING, L.L.C.
A Texas limited liability company

DATE: _____

BY: _____
Joe Paxton
MEMBER

DATE: _____

BY: _____
Joyce McMillan
MEMBER

CITY OF PLANO, TEXAS

DATE: _____

BY: _____
Thomas H. Muehlenbeck
CITY MANAGER

APPROVED AS TO FORM:

Diane C. Wetherbee
CITY ATTORNEY

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ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____, _____, by **JOE PAXTON, MEMBER** of **EHP CONSULTING, L.L.C.**, a **TEXAS** limited liability company, on behalf of said limited liability company.

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____, 2004, by **JOYCE MCMILLAN, MEMBER** of **EHP CONSULTING, L.L.C.**, a **TEXAS** limited liability company, on behalf of said limited liability company..

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

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

Notary Public, State of Texas

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EXHIBIT "A"

SCOPE OF SERVICES

EHP Consulting, L.L.C. (EHP) appreciates the opportunity to provide the City of Plano with this scope of work for Asbestos Operations and Maintenance (O&M) program related services. The scope of the aforementioned O&M activities will include O&M development and implementation, annual re-inspections, Asbestos-Containing Material (ACM) condition assessments, 2-hour awareness training, "Quick Reference List" maintenance, supplemental manual development, and asbestos consulting/air monitoring services. This document also includes a budget for miscellaneous items such as hourly consulting, administrative activities, postage and handling, and emergency response items. An "Expanded Schedule of Fees" sheet has also been provided as an attachment to this proposal.

The asbestos inspections and O&M Programs will assist the City of Plano in maintaining compliance with OSHA Asbestos Standard 29 CFR 1910.1101. These regulations require building owners to initiate asbestos inspections and/or O&M programs for every operating facility constructed prior to 1980, or prior to any renovation or demolition project. The O&M Program will also provide compliance procedures in compliance with the Texas Administrative Code (TAC) Senate Bill 501. Duplicate manuals shall be maintained by the Engineer.

Scope of Work

- Site Survey Inspections -** Site survey inspections include a site visit, interior and exterior (roof) sample collection (up to 20 samples), sample analysis, roof patching, survey report, O&M manual development (one site manual, one City office copy and one duplicate consultant office copy), and Quick Reference List (QRL) updating. No destructive sampling is included unless specifically requested by designated City of Plano representatives.
- Annual Condition Assess-** Annual condition assessments include a site visit, visual identification and assessment of all ACMs. All results will be recorded on Annual Condition Assessment forms and distributed accordingly. The QRL will also be updated as part of the annual condition assessment.
- Asbestos Air Monitoring -** Asbestos air monitoring and project management will be provided on a daily basis and will include the collection and analysis of air samples, visual and

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analytical clearances, Engineer management, and owner's representation.

Supplemental Manual Dev.

Supplemental site manuals will be generated after the completion of abatement activities and will correspond with the appropriate O&M manuals and Quick Reference List will be updated. Information pertaining to the abatement or related construction activity will be contained in the supplemental site manual.

2-Hour Awareness Training

2-Hour asbestos awareness training will be provided for two classes with combined total of up to 50 students. All training materials will be provided for each student. The training will include an introduction to asbestos, asbestos health effects, an educational film, and a refresher on the components of the site specific O&M manuals (City of Plano), employee training certificates.

Emergency Consulting/Admin.-

Emergency consulting, administration, & O&M program maintenance will include various activities not covered by the preceding paragraphs.

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EXHIBIT "B"

PRICING AND SCHEDULE OF WORK
City of Plano -Asbestos Inspections & O&M Program

Various asbestos inspection and operation and maintenance (O&M) activities will be scheduled throughout the year, as directed by designated City of Plano representatives. No work shall be initiated by Engineer without first receiving a Contract Release Order (CRO) number from an authorized City representative. Total annual costs shall be monitored by authorized City representative and shall not exceed budgeted amount approved by City Council for expenditure related to asbestos activities.

All work subject to this contract is to be completed as required in written directive.

Breakdown of Professional Services Fees:

1. Asbestos Site Surveys \$1,450.00/site
 includes: 20 Samples/PLM Analysis
 Roof Sampling and Patching
 O&M Manual Development
 Site Copy and Office Copy
 Updating "QRL"
 * *Cost includes the collection and analysis of 20 samples per building. Should additional samples be required to complete the survey activities, they will be collected and analyzed at a cost of \$20.00/sample. Should fewer samples be required, the cost will be reduced by \$20.00/sample.*
2. Roof Survey Only.....\$550.00
 includes: 10 Samples/PLM Analysis
 Roof Patching
 Updating O&M Manuals & "QRL"
3. O&M Manual Development for "Asbestos-Free" Sites.....\$350.00
 includes: Site Copy and Office Copy
 Updating "QRL"
4. Annual Condition Assessments.....\$350.00
 includes: ACM Condition Assessment
 Completion of Annual Condition Forms (Site and Office)
 Updating "QRL"
5. Air Monitoring/Project Management (daily rate).....\$450.00/day
6. Consulting Hourly Rate.....\$85.00/hr

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- 7. Administrative Hourly Rate.....\$45.00/hr
- 8. Expenses Incurred.....cost + 15%
- 9. Two, 2-Hour Annual Training Sessions (\$700.00/class)\$1,400.00
includes: Two, 2-Hour Training Sessions
Training Materials (up to 50 students)
Certificates of Completion
- 10. Supplemental site manuals will be generated after the completion of abatement activities and will correspond with the appropriate O&M manual. The number of supplemental manuals is contingent on the number of abatement activities conducted throughout the course of the annual contract. Quick Reference List will be updated. Cost for abatement activities will vary and will be submitted to authorized City representative for approval. Abatement cost will include supplemental manuals as described here.

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EXHIBIT "C"

Insurance Requirements

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

1. General Insurance Requirements:

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

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

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

The City Council of the City of Plano and any affiliated or subsidiary Board, Commission Authority, Committee, or Independent Agency (including those newly constituted), provided that such affiliated or subsidiary Board Commission, Authority, Committee, or Independent Agency is either a Body Politic created by the City Council of the City of Plano, or one in which controlling interest is

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vested in the City of Plano; and City of Plano Constitutional Officers.

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

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

- 2.1 The Engineer shall purchase the following insurance coverages, including the terms, provisions and limits shown in the Checklist.
 - 2.1.1 Commercial General Liability - Such Commercial General Liability policy shall include any or all of the following as indicated on the Checklist:
 - i. General aggregate limit is to apply per project.;
 - ii. Premises/Operations;

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- iii. Actions of Independent Engineers;
- iv. Contractual Liability including protection for the Engineer from claims arising out of liability assumed under this contract;
- v. Personal Injury Liability including coverage for offenses related to employment;
- vi. Explosion, Collapse, or Underground (XCU) hazards; if applicable. This coverage required for any and all work involving drilling, excavation, etc.

2.1.2 Business Automobile Liability including coverage for any owned, hired, or non-owned motor vehicles and automobile contractual liability.

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

2.2 Professional Errors and Omissions

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

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

ENVIRONMENTAL – PROFESSIONAL SERVICES

City of Plano - Insurance Checklist

("X" means the coverage is required.)

Coverages Required

Limits (Figures Denote Minimums)

- | | |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> 1. Workers' Compensation & Employers' Liability | Statutory limits of State of Texas
\$100,000 accident \$100,000 disease
\$500,000 policy limit disease |
| <input type="checkbox"/> 2. For Future Use | |
| <input type="checkbox"/> 3. City Approved Alternative Workers' Comp. Program | \$150,000 medical, safety program |
| <input checked="" type="checkbox"/> 4. General Liability | Complete entry No. 26
Minimum \$500,000 each occurrence
\$1,000,000 general aggregate |
| <input checked="" type="checkbox"/> 5. General aggregate applies per project (CGL) | |
| <input checked="" type="checkbox"/> 6. Premises/Operations | (Items No. 3-10 & 12 require) |
| <input checked="" type="checkbox"/> 7. Independent Engineers | <u>\$500,000</u> combined single limit for bodily injury and property damage |
| <input type="checkbox"/> 8. Products | damage each occurrence with |
| <input type="checkbox"/> 9. Completed Operations | \$1,000,000 general aggregate that applies to project under contract |
| <input checked="" type="checkbox"/> 10. Contractual Liability | |
| <input checked="" type="checkbox"/> 11. Personal Injury Liability | \$500,000 each offense & aggregate |
| <input type="checkbox"/> 12. XCU Coverages | |
| <input checked="" type="checkbox"/> 13. Automobile Liability | \$500,000 Bodily Injury & Property |
| <input checked="" type="checkbox"/> 14. Owned, Hired & Non-owned | Damage each accident |
| <input type="checkbox"/> 15. Motor Carrier Act Endorsement | |
| <input checked="" type="checkbox"/> 16. Professional Liability | \$1,000,000 each claim and aggregate |
| <input type="checkbox"/> 17. Garage Liability | \$_____ BI & PD each occurrence |
| <input type="checkbox"/> 18. Garagekeepers' Legal | \$_____ - Comprehensive
\$_____ - Collision |

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

INSURANCE AGENT'S STATEMENT

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

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

Full limits of coverage available for:
 General Liability _____ Professional Liability _____
 Automobile Liability _____

27. Liability policies are (indicate):

OCCURRENCE [] CLAIMS MADE []

Signature

Date

Insurance Agent (Print)

Name of Insured

Date

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EXHIBIT "D"

AFFIDAVIT OF NO PROHIBITED INTEREST

I, the undersigned, declare and affirm that no person or officer in this sole proprietorship, partnership, limited liability company or corporation has or will have during the term of this contract a prohibited interest as that term is defined in Section 11.02 of the Plano City Charter and the City's Code of Conduct, Chapter 2, Article IV of the City's Code of Ordinances.

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

Name of Consulting Firm

By: _____
Signature

(Print Name)

Title

Date

STATE OF TEXAS §
§
COUNTY OF _____ §

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

Notary Public, State of Texas

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05	Reviewed by Legal <i>AK</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering	Initials	Date	
Department Head	Alan L. Upchurch	Executive Director	<i>[Signature]</i> 1/18/05	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i> 1/18/05	
Agenda Coordinator (include phone #):		Pegues (7198) <i>[Signature]</i>	(Project No. 5574)	
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input checked="" type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Approval and authorization for the selection of Birkhoff, Hendricks & Conway L.L.P. to provide Professional Engineering Services for an amount not to exceed \$27,800 in connection with the design of Parker Road Elevated Tank Repaint project and authorizing the City Manager or his designee to execute all necessary documents to effectuate this contract.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2004-05	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	-27,800	0	-27,800
BALANCE	0	-27,800	0	-27,800
FUND(S): WATER CIP				
COMMENTS: Funds are available in the 2004-05 Water CIP. The Parker Road Elevated Tank Repaint project, in the amount of \$27,800, will be funded through savings and reallocation of the McDermott/Razor project.				
STRATEGIC PLAN GOAL: This item relates to the City's Goal of Safe, Livable Neighborhoods.				
SUMMARY OF ITEM				
This agreement with Birkhoff, Hendricks & Conway L.L.P. is for the engineering design for the repaint of the 1.5 million gallon Parker Road Elevated Tank. The Parker Road Tank was last painted in 1985.				
The contract fee is \$27,800 and is detailed as follows:				
Design	\$15,000			
Bid & Construction Phase Services	\$12,800			
TOTAL	\$27,800			
Funding is available from the Water Community Investment Program. Staff feels the fee is reasonable for this project estimated to cost \$600,000.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Engineering Services Agreement		N/A		
Location Map				

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PARKER ROAD ELEVATED STORAGE TANK REPAINT

PROJECT NO. 5574

ENGINEERING SERVICES AGREEMENT

THIS AGREEMENT is made and entered by and between the **CITY OF PLANO, TEXAS**, a Home-Rule Municipal Corporation, hereinafter referred to as "City", and **BIRKHOFF, HENDRICKS & CONWAY, L.L.P.**, a **TEXAS** limited liability partnership, hereinafter referred to as "Engineer", to be effective from and after the date as provided herein.

WITNESSETH:

WHEREAS, the City desires to engage the services of the Engineer to prepare construction plans, specifications, details and special provisions and to perform other related engineering services in connection with the **PARKER ROAD ELEVATED STORAGE TANK REPAINT** project located in the City of Plano, Collin County, Texas, hereinafter referred to as the "Project"; and

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

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

I. Employment of the Engineer

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

II. Scope of Services

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

III. Schedule of Work

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

IV. Compensation and Method of Payment

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

V. Information to be Provided by the City

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

VI. Insurance

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

VII. Indemnity

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

In its sole discretion, City shall have the right to approve defense counsel to be retained by Engineer in fulfilling its obligation hereunder to defend and indemnify City, unless such right is expressly waived by City in writing. City reserves the right to provide a portion or all of its own defense; however, City is under no obligation to do so. Any such action by City is not to be construed as a waiver of Engineer's obligation to

defend City or as a waiver of Engineer's obligation to indemnify City pursuant to this Agreement. Engineer shall retain City approved defense counsel within seven (7) business days of City's written notice that City is invoking its right to indemnification under this Agreement. If Engineer fails to retain counsel within such time period, City shall have the right to retain defense counsel on its own behalf, and Engineer shall be liable for all costs incurred by City.

VIII. Independent Contractor

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

IX. Assignment and Subletting

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

X. Audits and Records/Prohibited Interest

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

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

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XI. Contract Termination

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

XII. Engineer's Opinion of Probable Construction Costs

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

XIII. Ownership of Documents

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

XIV. Complete Contract

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

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XV. Mailing of Notices

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

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

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

Birkhoff, Hendricks & Conway, L.L.P.
7502 Greenville Avenue #220
Dallas, Texas 75231
Attn: John Birkhoff

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

XVI. Miscellaneous

A. Paragraph Headings:

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

B. Contract Interpretation:

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

C. Venue/Governing Law:

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

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D. Successors and Assigns:

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

E. Severability:

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

F. Effective Date:

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

SIGNED on the date indicated below.

BIRKHOFF, HENDRICKS & CONWAY, L.L.P.
A TEXAS Limited Liability Partnership

DATE: _____

BY: _____
John Birkhoff, MANAGING PARTNER

CITY OF PLANO, TEXAS

DATE: _____

BY: _____
Thomas H. Muehlenbeck, CITY MANAGER

APPROVED AS TO FORM:

Diane C. Wetherbee
CITY ATTORNEY

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ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____, 2005, by **JOHN BIRKHOFF, MANAGING PARTNER** of **BIRKHOFF, HENDRICKS & CONWAY, L.L.P.**, a **TEXAS limited liability partnership**, on behalf of said limited liability partnership.

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, 2005, by **THOMAS H. MUEHLENBECK, CITY MANAGER** of the **CITY OF PLANO, TEXAS**, a Home-Rule Municipal Corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

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EXHIBIT "A"

ENGINEERING SERVICES

PARKER ROAD ELEVATED STORAGE TANK REPAINT

PART I: PROJECT DESCRIPTION:

This contract is for the design of the repainting of the interior and exterior of the 1.5 million gallon Parker Road Elevated Storage Tank.

PART II: PRELIMINARY DESIGN

- A. Make site visit to the Parker Road Elevated Storage Tank site to identify current site conditions.
- B. Complete field surveys to locate communication facilities and to photograph antennae attachments. Sketch attachments made to facilitate communications equipment.
- C. Investigate various paint systems for protection of vapor zone inside reservoir.
- D. Prepare preliminary Special Conditions, which will be outside City provided Special Conditions. Additional Special Conditions will include special Technical Specifications. Include dehumidification in specifications for interior painting.
- E. Prepare preliminary plan sheet of the tank site and necessary details for the re-coating of the tank.
- F. Submit five sets of preliminary plans (11 x 17 sheet size), Special Conditions to the City for review.

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- G. Meet with the City of Plano to discuss preliminary plans and Special Conditions.
- H. Include containment specification for exterior of tank and structure.
- I. Assist staff in having communication companies remove antennae and conductors on tank structure prior to recoating.

PART III: FINAL DESIGN

- A. Revise and finalize preliminary plan sheet and Special Conditions, incorporating City comments.
- B. Formulate opinion of probable construction cost based on final plans.
- C. Prepare final bid documents including bid proposal forms, construction plans, specifications and contract documents. Contract documents will be provided by City of Plano.
- D. Submit three sets of final plans, Special Conditions and contract documents to the City.

PART IV: BIDDING PHASE

- A. Assist the City of Plano staff in advertising for bids. This will include providing City with Notice to Contractors for their use in publicly advertising project. Birkhoff, Hendricks & Conway L.L.P. will fax notices to Dodge Reports, and to contractors experienced in tank painting.
- B. Sell bidding documents to potential bidders, suppliers and other parties.
- C. Provide one copy of bidding documents to five publishers and plan rooms, and City's independent testing lab.

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- D. Assist City of Plano during opening of bids and provide bidding tally sheets.
- E. Provide bid tabulation to City and contractors who submit bids.
- F. Obtain the following information from the two low bidders:
 - > Past work history.
 - > Physical resources to produce the project.

Formulate opinion from information received and provide the City a recommendation for award of the construction contract. Include an alternate recommendation if City Council rejects primary recommendation.

- G. After award of contract, furnish thirteen sets of prints of the final plans, specifications and contract documents to the City for construction use by the City and Contractor.
- H. Conduct Pre-Construction Conference at City facilities, including preparing an agenda.

PART V: CONSTRUCTION PHASE

- A. Attend City's monthly coordination meetings with contractor, quality control personnel, and City representatives to discuss strategy, problem areas, progress, and any required coordination. Prepare a summary of these meetings and distribute them to both the City and contractor. Prior to or immediately after coordination meeting make site visit to project location.

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- B. Review shop drawings and other submittal information which the Contractor submits. This review is for the benefit of the Owner and covers only general conformance with information given by the Contract Documents. The contractor is to review and stamp their approval on submittals prior to submitting to the Engineer. Review of shop drawing submissions is solely for their conformance with the design intent and conformance with information given in the construction documents. Birkhoff, Hendricks & Conway L.L.P. shall not be responsible for any aspects of a shop drawing submission that affect or are affected by the means, methods, techniques, sequences and operation of construction, safety precautions and programs incidental thereto, all of which are the Contractors responsibility. Two copies of shop drawings in which no exceptions are taken by Birkhoff, Hendricks & Conway L.L.P. will be provided to the City.
- C. Provide written responses to requests for information or clarification.
- D. Accompany the City during their final inspection of the project.
- E. Recommend acceptance of work based on information from City's on-site representative.
- F. Visit the site at appropriate intervals as construction proceeds to observe progress and formulate opinion as to quality of work as it relates to contract documents.
- G. Review the City's on-site representative's daily reports and independent laboratory's test reports to formulate opinion of progress and attempt to identify potential problems.

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- H. Prepare record drawings utilizing City and Contractor construction record information.

PART VI: EXCLUSIONS

The intent of this section is to specifically exclude from this contract the following:

- A. Providing an on-site representative.
- B. Environmental impact statements and assessments.
- C. Fees for permits or advertising.
- D. Certification that work is in accordance with plans and specifications.
- E. Environmental cleanup.
- F. Quality control and testing services during construction.
- G. Phasing of Contractors work.
- H. On-site safety precautions, programs and responsibility.

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EXHIBIT "B"

COMPLETION SCHEDULE ESTIMATE

Notice to Proceed from City	February 2005
Complete Site Visit	February 2005
Complete Preliminary Plans and Technical Specifications	March 2005
Receive Comments from City	April 2005
Complete Final Plans and Technical Specifications	April 2005
Advertise Project	August 2005
Receive Bids	August 2005
Award Contract	August 2005
Notice to Proceed	October 2005
Construction	October 2005 to April 2006

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EXHIBIT "C"

PAYMENT SCHEDULE

Payment for engineering services described under Parts I and II shall be based on a lump sum amount of \$15,000.00.

Payment for engineering services described under Parts III and IV shall be \$12,800.00, based on the following hourly fee schedule:

FEE SCHEDULE

Engineer	\$160.00
Design Engineer	\$120.00
CAD Technician	\$95.00
Draftsman	\$75.00
Word Processor	\$75.00
Survey Crew	\$125.00
Plotting Services	\$5.00 /plot
Mileage	0.60 ¢/mile

Total fee not to exceed \$27,800.00, unless authorized by the City.

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EXHIBIT "D"
ENGINEERING
INSURANCE

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

1. General Insurance Requirements:

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

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

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

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

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Checklist of this agreement shall be available for claims arising out of this agreement with the City of Plano.

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

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

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

2.1.2 Business Automobile Liability including coverage for any owned, hired, or non-owned motor vehicles and automobile contractual liability.

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

2.2 Professional Errors and Omissions

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

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

ENGINEERING

City of Plano - Insurance Checklist

("X" means the coverage is required.)

Coverages Required

Limits (Figures Denote Minimums)

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

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EXHIBIT "E"

AFFIDAVIT OF NO PROHIBITED INTEREST

I, the undersigned, declare and affirm that no person or officer in this sole proprietorship, partnership, corporation, or board has or will have during the term of this contract a prohibited interest as that term is defined in Section 11.02 of the Plano City Charter and the City's Code of Conduct, Chapter 2, Article IV of the City's Code of Ordinances.

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

Name of Engineering Firm

By: _____
Signature

(Print Name)

Title

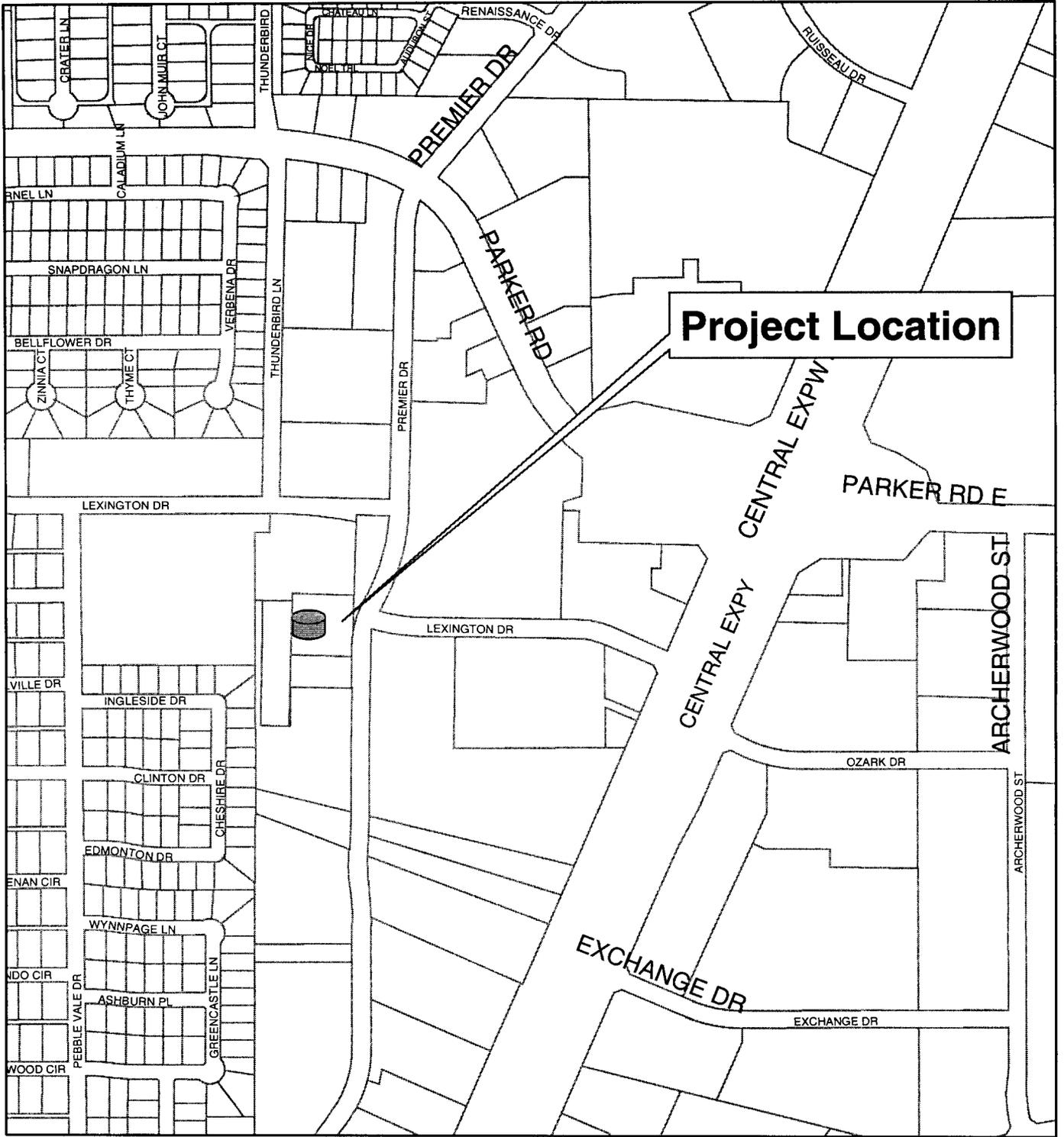
Date

STATE OF TEXAS §
 §
COUNTY OF _____ §

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 2005.

Notary Public, State of Texas

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Project No. 5574
Parker Road Elevated Tank
Repaint
Location Map

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CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date:	01/24/2005	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Police Department	Initials	Date 1-13-05 1/14/05		
Department Head	Gregory W. Rushin	Executive Director			
Dept Signature:	<i>Gregory W. Rushin</i>	City Manager			
Agenda Coordinator (include phone #):		Pam Haines, Ext 2526			
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 APPROVAL OF EXPENDITURE					
CAPTION					
Approval of expenditure to purchase Lightbar/Siren/Speaker units in the amount of \$81,774, through an Interlocal Agreement with Tarrant County, pursuant to Chapter 271, Section 271.102 of the Local Government Code, and authorizing the City Manager or his designee to execute all documents necessary to effectuate the purchase.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	04/05	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	200,000	0	200,000
Encumbered/Expended Amount		0	0	0	0
This Item		0	-81,774	0	-81,744
BALANCE		0	118,226	0	118,226
FUND(S): EQUIPMENT REPLACEMENT FUND -- POLICE ERF (902)					
COMMENTS: Funds are included in the 2004-05 adopted budget for replacement purchases of Police Department equipment, including light bars/sirens/speaker units. The balance of funds will be used for other Police Department equipment replacement purchases.					
STRATEGIC PLAN GOAL: Equipment replacement relates to the City's Goal of "Service Excellence".					
SUMMARY OF ITEM					
Staff recommends approval of expenditure for the purchase of lightbar/siren units from Emergency Vehicle Company in an amount not to exceed \$72,170 and speaker units from Big Country Supply in an amount not to exceed \$9,604, for a total expenditure of \$81,774. Emergency Vehicle Company and Big Country Supply are Tarrant County's contracted vendors for these items (Tarrant County Contract No. 2002-063). This award is through an Interlocal Agreement with Tarrant County, pursuant to Chapter 271, Section 271.102 of the Local Government Code.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Justification Letter					

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P.O. Box 860358
Plano, Texas 75086-0358
972-941-7000
Fax 972-424-0099
<http://www.ci.plano.tx.us>

MEMORANDUM

DATE: January 12, 2005

TO: Bruce D. Glasscock, Executive Director

FROM: *Greg* Gregory W. Rushin, Chief of Police

SUBJECT: Justification of purchase of Whelen "Liberty" patrol vehicle light bars

Particular to the purchase of thirty-five (35) patrol vehicle light bars, the Patrol Car Committee evaluated several light bars manufactured by Code 3 and Whelen. The evaluation included a product demonstration and both companies displayed their products on the same day, under the same conditions, with in an hour of each other. Code 3 demonstrated its "X2100" model and Whelen demonstrated its "Ultra freedom" and "Liberty" models. The products of both manufacturers are available from vendors listed on Tarrant County contract No. 2002-063, which is available to us through an interlocal agreement pursuant to Chapter 271, section 102, of the Local Government Code.

Based upon the recommendations of the Patrol Vehicle Committee I recommend purchase of the Whelen "Liberty" model light bar.

The committee indicated the Whelen "Liberty" siren interface was more user-friendly – that officers will be able to deactivate the equipment without taking their eyes off the road – and the committee felt the "Liberty" light bar offered superior visibility.

The Whelen product offers two features unavailable on the Code 3 platform, which will enhance our service delivery. The first feature is termed 'Cruise', which allows the light bar to glow in a fashion similar to vehicle parking lights. This option enhances visibility for proactive service delivery without utilizing the entire light bar. An example of its potential would be as a beacon for citizen contact during an emergency situation such as a 911 system. The second feature is the ability to program the light patterns and siren.

Additionally, Whelen has a local manufacturer's representative and service center for quick turn-around. Code 3 products have to be shipped to St. Louis for repair/replacement.

The unit cost of the Whelen "Liberty" with the 'Cruise' option is \$2,026 and the unit cost of the Code 3 "X2100" is \$1,784.66; an overall purchase difference of \$9,706.90, which I feel is justified given the superior visibility, features, and location of the manufacturer's service center.

y-2



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date:	1/24/05	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Engineering	Initials	Date		
Department Head	Alan D. Upchurch	Executive Director	1/14/05		
Dept Signature:	<i>[Signature]</i>	City Manager	1/14/05		
Agenda Coordinator (include phone #):	Irene Pegues (7198) <i>[Signature]</i>	Project No. 2826-1			
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 REIMBURSEMENT OF OVERSIZE					
CAPTION					
Approving and authorizing reimbursement to Legacy/Monterey Homes, L.P. for oversize participation for paving improvements associated with construction of Deerfield North, Phase I in the amount of \$76,167.97.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2004-05	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		942,949	1,216,051	600,000	2,759,000
Encumbered/Expended Amount		-942,949	-61,934	0	-1,004,883
This Item		0	-76,168	0	-76,168
BALANCE		0	1,077,949	600,000	1,677,949
FUND(S): STREET IMPROVEMENT CIP					
COMMENTS: Funds are available in the 2004-05 Street Improvement CIP. This item, in the amount of \$76,168, will leave a current year balance of \$1,077,949 for Oversize Reimbursements.					
STRATEGIC PLAN GOAL: Oversized participation relates to the City's Goal of Safe, Livable Neighborhoods.					
SUMMARY OF ITEM					
In accordance with the Subdivision Ordinance and a Subdivision Improvement Agreement, reimbursement to Legacy/Monterey Homes, L.P. is due for oversize paving improvements in conjunction with Deerfield North, Phase I. The construction was inspected and found to be in conformance with the executed Agreement in November of 1999.					
Staff recommends the City Council authorize payment for the oversize participation.					
List of Supporting Documents: Memo dated 01/12/05 from Chief Engineer Letter dated 11/19/04 from City Engineer Exhibits A & C Location Map			Other Departments, Boards, Commissions or Agencies n/a		

MEMORANDUM

Date: January 12, 2005
To: Melody Morgan, CIP Budget Coordinator
From: Charles Davis, Chief Engineer/Private Development 
Subject: Deerfield North, Phase I
Project No. 2826-1

We have now accepted the improvements in subject addition. In accordance with our Subdivision Improvement Agreement dated April 13, 2004, reimbursement for oversize paving in the amount of \$76,167.97 is due to Legacy/Monterey Homes, L.P. Total City participation will be \$87,049.11 with the remaining reimbursement based on contiguous development.

Due with acceptance of project	\$76,167.97
Due with contiguous development	\$10,881.14
Total City Participation	<u>\$87,049.11</u>

CD/dd

xc: Alan Upchurch, City Engineer
Ricky Lindley, Mapping & Information Supervisor
Charles Davis, Chief Engineer/Private Development
Corwin Engineering



November 19, 2004

Legacy/Monterey Homes LP
4050 West Park Boulevard
Plano, Texas 75093

✓ Re: **Deerfield North Phase 1A**
Project No. 2826-1

Gentlemen:

A final inspection of the water, sanitary sewer, paving and drainage improvements, as shown on plans prepared by Corwin Engineering, Inc., has been made by the City of Plano. These improvements were found to be satisfactory and in accordance with the City of Plano specifications.

Maintenance Bonds have been received from Lacy Utilities LP and L.H. Lacy. Therefore, the improvements noted above are accepted by the City of Plano subject to the one-year maintenance requirements.

Building Permits are released by this department subject to approval by the Building Inspection Department.

Sincerely,

Alan Upchurch, P.E.
City Engineer

Is

cc: Keith Schmidt, Chief Plans Examiner
Charles Alexander, Mapping and Information Tech
Warren Laney, Senior Construction Inspector
Dale Pettit, Streets Supervisor
David Ratcliff, Utility Operations
Jim Fox, Park Services Manager
Verizon
Southwestern Bell (2)
Corwin Engineering, Inc.
Lacy Utilities LP
L.H. Lacy

Evans
Mayor

Stahel
Mayor Pro Tem

Lambert
Deputy Mayor Pro Tem

Johnson
Place 2

Dyer
Place 3

Magnuson
Place 4

Stovall
Place 5

Callison
Place 7

as H. Muehlenbeck
City Manager

**EXHIBIT A
OVERSIZE IMPROVEMENTS
Deerfield North Phase I**

Preston Meadow Drive

7" - 4200 psi Paving	804 S.Y.	@	\$	21.00	=	\$	16,884.00
Subgrade Preparation	804 S.Y.	@	\$	1.28	=	\$	1,029.12
Hydrated Lime	13 TONS	@	\$	90.00	=	\$	1,170.00
6" Double Reflective Buttons	61 EA	@	\$	19.75	=	\$	1,204.75
4" Round White Reflective Bttns	130 EA	@	\$	6.49	=	\$	843.70
4" Rnd White Non-Reflector Bttns	161 EA	@	\$	4.50	=	\$	724.50
4" Square Clear Reflector Buttons	114 EA	@	\$	6.49	=	\$	739.86
4" Yellow Rnd Reflective Bttns	448 EA	@	\$	6.49	=	\$	2,907.52
4" Amber Square Reflective Bttns	329 EA	@	\$	6.49	=	\$	2,135.21
24" Thermo Stop Bar	24 LF	@	\$	12.50	=	\$	300.00
Thermo Right Turn Arrow	2 EA	@	\$	275.00	=	\$	550.00
Thermo Left Turn Arrow	2 EA	@	\$	275.00	=	\$	550.00

Quincy Lane

							\$ 29,038.66
7" - 4200 psi Paving	423 S.Y.	@	\$	21.00	=	\$	8,883.00
Subgrade Preparation	423 S.Y.	@	\$	1.28	=	\$	541.44
Hydrated Lime	6 TONS	@	\$	90.00	=	\$	540.00
4" Rnd White Reflective Bttns	122 EA	@	\$	6.49	=	\$	791.78
4" Rnd White Non-Reflective Bttns	122 EA	@	\$	4.50	=	\$	549.00
4" Square Clear Reflective Buttons	45 EA	@	\$	6.49	=	\$	292.05
4" Yellow Rnd Reflective Buttons	288 EA	@	\$	6.49	=	\$	1,869.12
4" Amber Square Reflective Bttns	144 EA	@	\$	6.49	=	\$	934.56
24" Thermo Stop Bar	48 LF	@	\$	12.50	=	\$	600.00
Thermo Right Turn Arrow	3 EA	@	\$	275.00	=	\$	825.00
Thermo Left Turn Arrow	3 EA	@	\$	275.00	=	\$	825.00

Drainage Improvements

							\$ 16,650.95
12' x 6' Box Culvert	494 L.F.	@	\$	495.00	=	\$	244,530.00
Equivalent 72" RCP	494 L.F.	@	\$	200.00	=	\$	98,800.00

Difference \$ 145,730.00

City Participation
Oversize

145,730.00 x 25% = \$ 36,432.50

SUBTOTAL

\$ 82,122.11

6% Engineering

\$ 4,927.00

TOTAL

\$ 87,049.11

Z-4

EXHIBIT C

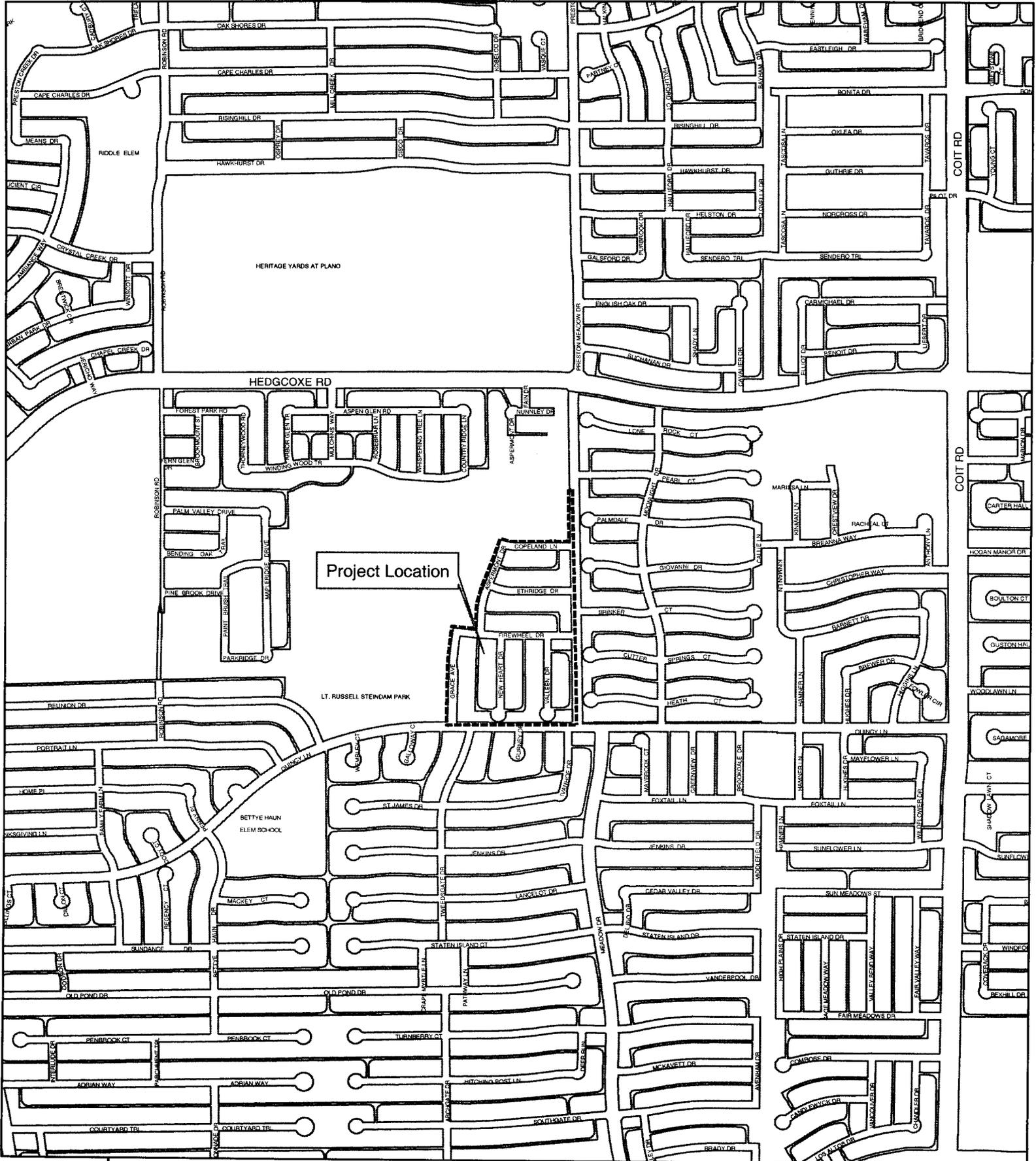
PUBLIC IMPROVEMENTS Deerfield North Phase I

<u>Preston Meadow Drive</u>						
7" - 4200 psi Paving	4111 S.Y.	@	\$	21.00 =	\$	86,331.00
Subgrade Preparation	4290 S.Y.	@	\$	1.28 =	\$	5,491.20
Hydrated Lime	68 TONS	@	\$	90.00 =	\$	6,120.00
Remove Existing Curb	1515 L.F.	@	\$	1.20 =	\$	1,818.00
Const. Longitudinal Butt Joint	1515 L.F.	@	\$	7.10 =	\$	10,756.50
Barricade	22 L.F.	@	\$	23.00 =	\$	506.00
4" Yellow Dbl. Reflector Bttns	268 EA	@	\$	7.50 =	\$	2,010.00
4" White Reflector Buttons	125 EA	@	\$	7.00 =	\$	875.00
4" White Non-Reflector Bttns	125 EA	@	\$	6.00 =	\$	750.00
					\$	<u>114,657.70</u>
<u>Quincy Lane</u>						
7" - 4200 psi Paving	2164 S.Y.	@	\$	21.00 =	\$	45,444.00
Subgrade Preparation	2260 S.Y.	@	\$	1.28 =	\$	2,892.80
Hydrated Lime	36 TONS	@	\$	90.00 =	\$	3,240.00
Remove Existing Curb	847 L.F.	@	\$	1.20 =	\$	1,016.40
Const. Longitudinal Butt Joint	847 L.F.	@	\$	7.10 =	\$	6,013.70
4" Yellow Dbl. Reflector Bttns	126 EA	@	\$	7.50 =	\$	945.00
4" White Reflector Buttons	64 EA	@	\$	7.00 =	\$	448.00
4" White Non-Reflector Bttns	64 EA	@	\$	6.00 =	\$	384.00
					\$	<u>60,383.90</u>
<u>Drainage Improvements</u>						
12' x 6' Box Culvert	494 L.F.	@	\$	495.00 =	\$	244,530.00
					\$	<u>244,530.00</u>
TOTAL					\$	419,571.60

Z-5



DEERFIELD NORTH PHASE 1



Project Location

Lt. Russell Steindam Park

Betty Hahn Elem School

7-6



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date:	1/24/05	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Engineering	Initials	Date		
Department Head	Alan L. Upchurch	Executive Director	1/14/05		
Dept Signature:	<i>[Signature]</i>	City Manager	1/14/05		
Agenda Coordinator (include phone #):		Irene Pegues (7198)	Project No. 4565-1		
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 REIMBURSEMENT OF OVERSIZE					
CAPTION					
Approving and authorizing reimbursement to EDS Information Services, L.L.C. for oversize participation for paving improvements associated with construction of Headquarters Drive and Parkwood Boulevard in the amount of \$258,899.89.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2004-05	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		942,949	1,216,051	600,000	2,759,000
Encumbered/Expended Amount		-942,949	-61,934	0	-1,004,883
This Item		0	-258,900	0	-258,900
BALANCE		0	895,217	600,000	1,495,217
FUND(S): STREET IMPROVEMENT CIP					
COMMENTS: Funds are available in the 2004-05 Street Improvement CIP. This item, in the amount of \$258,900, will leave a current year balance of \$895,217 for Oversize Reimbursements					
STRATEGIC PLAN GOAL: Oversized participation relates to the City's Goal of Safe, Livable Neighborhoods.					
SUMMARY OF ITEM					
In accordance with the Subdivision Ordinance and a Subdivision Improvement Agreement, reimbursement to EDS Information Services, L.L.C. is due for oversize paving improvements in conjunction with Headquarters Drive and Parkwood Boulevard. The construction was inspected and found to be in conformance with the executed Agreement in January of 2000.					
Staff recommends the City Council authorize payment for the oversize participation.					
List of Supporting Documents: Memo dated 01/12/05 from Chief Engineer Letter dated 01/06/00 from City Engineer Exhibits A & C Location Map			Other Departments, Boards, Commissions or Agencies n/a		

aa-1

MEMORANDUM

Date: January 12, 2005
To: Melody Morgan, CIP Budget Coordinator
From: Charles Davis, Chief Engineer/Private Development *CD*
Subject: Headquarters Drive and Parkwood Boulevard
Project No. 4565-1

It has been five years since the acceptance of the public improvements in this addition. In accordance with our Subdivision Agreement dated April 20, 1998, the remaining paving oversize in the amount of \$258,899.89 is due to EDS Information Services, L.L.C. Total City participation in this project will be \$348,941.37.

Reimbursement due	\$258,899.89
Prior Reimbursement	<u>\$90,041.39</u>
Total City Participation	\$348,941.28

CD/dd

xc: Alan Upchurch, City Engineer
Ricky Lindley, Mapping & Information Supervisor
Charles Davis, Chief Engineer/Private Development

aa-2



January 6, 2000

Electronic Data Systems
5400 Legacy Drive
Plano, Texas 75024

Re: Headquarters Drive and Parkwood Boulevard
Project #4565-1

Gentlemen:

A final inspection of the water, sanitary sewer, paving, and drainage as shown on plans prepared by Kimley-Horn and Associates, Incorporated have been made by the City of Plano. These improvements were found to be satisfactory and in accordance with the City of Plano specifications.

A Maintenance Bond has been received from Mario Sinacola and Sons. Therefore, the improvements noted above are accepted by the City of Plano subject to the one-year maintenance requirements.

Sincerely,

Alan L. Upchurch, P.E.
City Engineer

rc

xc: Van Tran, Chief Plans Examiner
Dale Pettit, Streets Supervisor
Phillip McCluskey, Utility Operations
Jim Fox, Park Services Manager
Pat Barth, Mapping and Information Tech
Warren Laney, Senior Construction Inspector
Engineering File
Kimley-Horn and Associates Incorporated
Mario Sinacola and Sons
GTE
TXU Electric & Gas
Southwestern Bell

Longstreet
Mayor

Bode
Mayor Pro tem

Neudorff
Deputy Mayor Pro tem

Stahel
Place 1

Evans
Place 2

Dyer
Place 3

Stovall
Place 5

R. Roach, Jr.
Place 7

Thomas H. Muehlenbeck
City Manager

aa-3

Alu2726



Kimley-Horn
and Associates, Inc.

Exhibit "A"

HEADQUARTERS DRIVE & PARKWOOD BOULEVARD PAVING OVERSIZE AGREEMENT PRICE SCHEDULE

Item No.	Estimated Quantity	Unit	Description	Unit Price	Amount
1	11,620	SY	8" Reinf. Conc. Pvmt. (5000 psi)	\$22.06	\$256,337.20
2	4,800	LF	6" Integral Conc. Curb	\$1.00	\$4,800.00
3	4,585	CY	Unclassified St. Excavation	\$2.30	\$10,545.50
4	12,549	SY	6" Lime Stabilized Subgrade	\$1.30	\$16,313.70
5	170	TON	Hydrated Lime	\$86.00	\$14,620.00
6	0.54	LS	Traffic Signs & Pvmt. Markings	\$30,366.00	\$16,397.64
7	560	LF	2" Dia. St. Light Conduit	\$3.47	\$1,943.20
8	625	LF	3" Dia. Traffic Conduit	\$3.94	\$2,462.50
9	133	LF	Const. Butt Joint	\$10.00	\$1,330.00
10	585	SF	City Paver Stones	\$7.59	\$4,440.15
Paving Total =					\$329,189.89
Engineering (6%) =					\$19,751.39
Paving Grand Total =					\$348,941.28

NOTES:

1. Paving quantities were based on that section of pavement outside of 18.5' from median back of curb at 100%.
2. Excavation quantities were based on a depth from top of curb to top of subgrade (only in cut sections) at 100%.
3. Traffic and Street Lighting conduit is reimbursable at 100%.
4. Traffic Signs and Pavement Markings are reimbursable at 54%, per discussions with Charles Davis.
5. Reimbursement will be due and payable upon development of the abutting properties, subject to the availability of funding.

aa-4
2/6



Kimley-Horn
and Associates, Inc.

EXHIBIT "C" - Mario Sinacola Bid Tabulation Headquarters Drive & Parkwood Boulevard

2/17/98 - GBB

Item No.	Bid Item	Bid Qty	Unit	Mario	Sinacola
				Unit Cost	Item Cost
Paving					
1	Asphalt Pavment(2" Hotmix w/6" flex&lime)	1568	SY	\$21.00	\$32,928.00
2	8" Reinf. Conc. Pvmt.	26225	SY	\$22.06	\$578,523.50
3	6" Integral. Conc. Curb	9654	LF	\$1.00	\$9,654.00
4	6" Lime Stabilized Subgrade	27337	SY	\$1.30	\$35,538.10
5	Hydrated Lime	370	TON	\$86.00	\$31,820.00
6	Const. Longitudinal Butt Joint	240	LF	\$10.00	\$2,400.00
7	Std. City of Plano Paving Stone at	1734	SF	\$7.59	\$13,161.06
8	Traffic Signs & Pvmt. Markings	1	LS	\$30,366.00	\$30,366.00
9	Clearing and Grubbing	8.2	AC	\$2,500.00	\$20,500.00
10	Unclassified Street Excavation	16100	CY	\$2.30	\$37,030.00
11	Erosion Control	1	LS	\$8,100.00	\$8,100.00
12	3" Dia. City of Plano Traffic Conduit	620	LF	\$3.94	\$2,442.80
13	4" Dia. Sch. 40 PVC Conduit	1400	LF	\$5.57	\$7,798.00
14	Hydromulch Parkways, Medians,Channels	248235	SF	\$0.10	\$24,823.50
15	2" Dia. Sch. 40 PVC Conduit	560	LF	\$3.47	\$1,943.20
16	Barrier Free Ramp	6	EA	\$650.00	\$3,900.00
17	Landscape Maintenance Ramp	10	EA	\$250.00	\$2,500.00
18	10" Dia. Sch. 40 PVC Conduit Irrigation	440	LF	\$13.07	\$5,750.80
19	12" Dia. Sch. 40 PVC Conduit Irrigation	150	LF	\$16.38	\$2,457.00
Paving SUBTOTAL =					\$851,635.96

Drainage					
1	18" RCP Storm Sewer, Including Excavation	603	LF	\$26.92	\$16,232.76
2	21" RCP Storm Sewer, Including Excavation	10	LF	\$29.61	\$296.10
3	24" RCP Storm Sewer, Including Excavation	73	LF	\$33.39	\$2,437.47
4	27" RCP Storm Sewer, Including Excavation	372	LF	\$37.70	\$14,024.40
5	30" RCP Storm Sewer, Including Excavation	123	LF	\$42.08	\$5,175.84
6	33" RCP Storm Sewer, Including Excavation	296	LF	\$48.84	\$14,456.64
7	36" RCP Storm Sewer, Including Excavation	512	LF	\$55.36	\$28,344.32
8	42" RCP Storm Sewer, Including Excavation	45	LF	\$72.40	\$3,258.00
9	48" RCP Storm Sewer, Including Excavation	401	LF	\$87.52	\$35,095.52
10	54" RCP Storm Sewer, Including Excavation	65	LF	\$108.63	\$7,060.95
11	60" RCP Storm Sewer, Including Excavation	681	LF	\$127.23	\$86,643.63
12	10' City of Plano Recessed Curb Inlet	5	EA	\$1,800.00	\$9,000.00
13	12' City of Plano Recessed Curb Inlet	7	EA	\$2,000.00	\$14,000.00

*aa-5
d-7*



EXHIBIT "C" - Mario Sinacola Bid Tabulation Headquarters Drive & Parkwood Boulevard

2/17/98 - GBB

Item No.	Bid Item	Bid Qty	Unit	Mario	Sinacola
				Unit Cost	Item Cost
14	3'x3' Drop Inlet	3	EA	\$1,400.00	\$4,200.00
15	4'x4' Drop Inlet	2	EA	\$1,500.00	\$3,000.00
16	5'x5' Drop Inlet	1	EA	\$1,700.00	\$1,700.00
17	Trench Safety	3181	LF	\$1.00	\$3,181.00
18	Remove Exist 12' Curb Inlet	2	EA	\$400.00	\$800.00
19	Extend 18" RCP Storm Drainage Pipe	2	EA	\$2,800.00	\$5,600.00
Drainage SUBTOTAL =					\$254,506.63

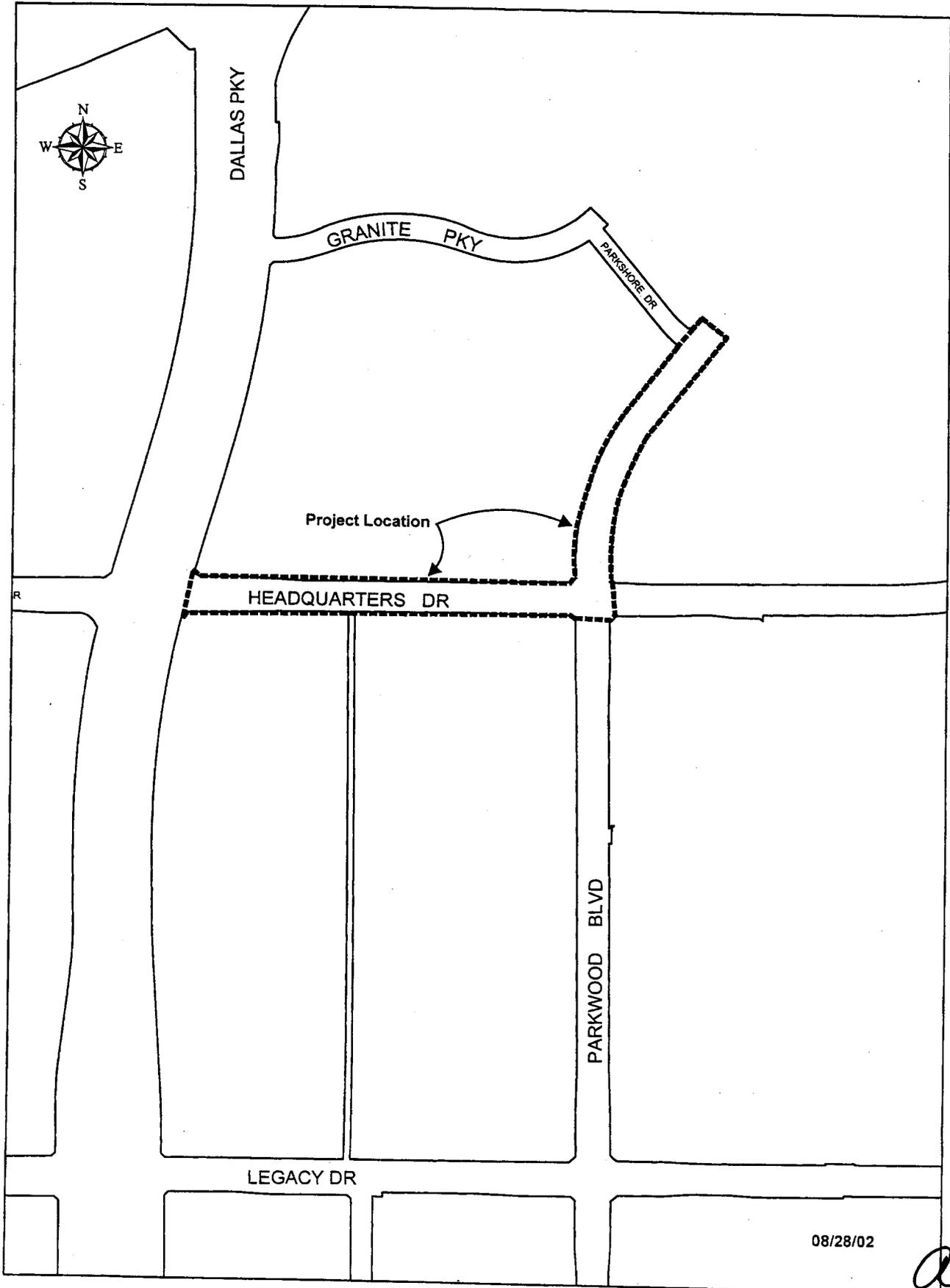
Water					
1	6" Dia. PVC C-900 Water Pipe	137	LF	\$18.87	\$2,585.19
2	8" Dia. PVC C-900 Water Pipe	1130	LF	\$23.34	\$26,374.20
3	12" Dia. PVC C-900 Water Pipe	1310	LF	\$31.42	\$41,160.20
4	24" x 8" Tapping Sleeve w/ 8" Valve	5	EA	\$5,000.00	\$25,000.00
5	8" Gate Valve	15	EA	\$600.00	\$9,000.00
6	12" Gate Valve	5	EA	\$1,000.00	\$5,000.00
7	Fire Hydrant w/ 6" Lead and Valve	8	EA	\$2,175.00	\$17,400.00
8	Connect to Exist. Waterline (12")	2	EA	\$1,000.00	\$2,000.00
9	Test and Sterlize Waterline	2577	LF	\$0.35	\$901.95
10	Trench Safety	2577	LF	\$1.00	\$2,577.00
11	Remove & Relocate Existing Fire Hydrants	2	EA	\$2,000.00	\$4,000.00
12	Lowering existing 24" RCCP WL	1	LS	\$14,000.00	\$14,000.00
Water SUBTOTAL =					\$149,998.54

Sewer					
1	8" Dia. SDR-35 PVC Sanitary Sewer	2275	LF	\$18.76	\$42,679.00
2	4' Dia. Sanitary Sewer Manhole	5	EA	\$2,750.00	\$13,750.00
3	Plug 8" Sanitary Sewer	6	EA	\$50.00	\$300.00
4	Trench Safety	2275	LF	\$1.00	\$2,275.00
5	Concrete Encasement	25	LF	\$20.00	\$500.00
6	Test Sanitary Sewer per City of Plano Specs.	2275	LF	\$1.25	\$2,843.75
Sewer SUBTOTAL =					\$62,347.75

GRAND TOTAL = \$1,318,488.88

ds aa-6

HEADQUARTERS DR. AND PARKWOOD BLVD.



08/28/02

aa-7
d-9



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date:	1/24/05	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Engineering	Initials	Date		
Department Head	Alan L. Upchurch	Executive Director	<i>[Signature]</i> 1/14/05		
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i> 1/14/05		
Agenda Coordinator (include phone #):		Irene Pegues (7198) <i>[Signature]</i>	Project No. 4565-2		
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 REIMBURSEMENT OF OVERSIZE					
CAPTION					
Approving and authorizing reimbursement to EDS Information Services, L.L.C. for oversize participation for paving improvements associated with construction of Parkwood Boulevard from Legacy Drive to Headquarters Drive in the amount of \$153,013.45.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2004-05	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		942,949	1,216,051	600,000	2,759,000
Encumbered/Expended Amount		-942,949	-61,934	0	-1,004,883
This Item		0	-153,013	0	-153,013
BALANCE		0	1,001,104	600,000	1,601,104
FUND(S): STREET IMPROVEMENT CIP					
COMMENTS: Funds are available in the 2004-05 Street Improvement CIP. This item, in the amount of \$153,013, will leave a current year balance of \$1,001,104 for Oversize Reimbursements.					
STRATEGIC PLAN GOAL: Oversized participation relates to the City's Goal of Safe, Livable Neighborhoods.					
SUMMARY OF ITEM					
In accordance with the Subdivision Ordinance and a Subdivision Improvement Agreement, reimbursement to EDS Information Services, L.L.C. is due for oversize paving improvements in conjunction with Parkwood Boulevard from Legacy Drive to Headquarters Drive. The construction was inspected and found to be in conformance with the executed Agreement in January of 2000.					
Staff recommends the City Council authorize payment for the oversize participation.					
List of Supporting Documents: Memo dated 01/12/05 from Chief Engineer Letter dated 01/06/00 from City Engineer Exhibits A & C Location Map			Other Departments, Boards, Commissions or Agencies n/a		

bb-1

MEMORANDUM

Date: January 12, 2005
To: Melody Morgan, CIP Budget Coordinator
From: Charles Davis, Chief Engineer/Private Development *CD*
Subject: Parkwood Boulevard from Legacy Drive to Headquarters Drive
Project No. 4565-2

It has been five years since the acceptance of the public improvements in this addition. In accordance with our Subdivision Agreement dated July 23, 1998, the remaining paving oversize in the amount of \$153,013.45 is due to EDS Information Services, L.L.C. Total City participation in this project will be \$252,896.47.

Reimbursement due	\$153,013.45
Prior Reimbursement	<u>\$99,383.02</u>
Total City Participation	\$252,896.47

CD/dd

xc: Alan Upchurch, City Engineer
Ricky Lindley, Mapping & Information Supervisor
Charles Davis, Chief Engineer/Private Development

bb-2



January 6, 2000

Electronic Data System
5400 Legacy Dr.
Plano, Texas 75204

**Re: Parkwood Boulevard Extension
Legacy to Headquarters
Project # 4565-2**

Gentlemen:

A final inspection of the water, sanitary sewer, paving and drainage as shown on plans prepared by Brockette-Davis-Drake has been made by the City of Plano. These improvements were found to be satisfactory and in accordance with the City of Plano specifications.

A Maintenance Bond has been received from Mario Sinacola and Sons. Therefore, the improvements noted above are accepted by the City of Plano subject to the one-year maintenance requirements.

Sincerely,

Alan L. Upchurch, P.E.
City Engineer

rc

xc: Van Tran, Chief Plans Examiner
Dale Pettit, Streets Supervisor
Phillip McCluskey, Utility Operations
Jim Fox, Park Services Manager
Pat Barth, Mapping and Information Tech
Warren Laney, Senior Construction Inspector
~~Engineering File~~
Brockette-Davis and Drake
Mario Sinacola and Sons
TXU Electric & Gas
GTE
Southwestern Bell

ALU2727

n Longstreet
Mayor

v Bode
Mayor Pro tem

v Neudorff
Deputy Mayor Pro tem

p Stahel
Place 1

Evans
Place 2

Dyer
Place 3

ve Stovall
Place 5

r R. Roach, Jr.
Place 7

nas H. Muehlenbeck
City Manager

bb-3

BROCKETTE · DAVIS · DRAKE, inc.
consulting engineers

EXHIBIT A

**PARKWOOD BOULEVARD
PAVING AND DRAINAGE
OVERSIZE AGREEMENT PRICE SCHEDULE**

Item No.	Estimated Quantity	Unit	Description	Unit Price	Amount
1	8752	SY	8" 5000 PSI Reinforced Concrete Pavemen	\$22.52	\$197,095.04
2	5050	LF	6" Concrete Curb	\$1.00	\$5,050.00
3	1,370	CY	Unclassified Street Excavation	\$2.30	\$3,151.00
4	9430	SY	6" Lime Stabilized Subgrade	\$1.30	\$12,259.00
5	127	TON	Hydrated Lime	\$86.00	\$10,922.00
6	1	LS	Traffic Buttons	\$5,000.00	\$5,000.00
7	380	LF	Longitudinal Butt Joint	\$10.00	\$3,800.00
8	106	SF	City Pavestones	\$7.59	\$804.54
9	2	EA	Landscape Maintenance Ramp	\$250.00	\$500.00
Paving and Drainage Total =					\$238,581.58
Engineering (6%) =					\$14,314.89
Paving and Drainage Grand Total =					\$252,896.47

BB-4

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BROCKETTE · DAVIS · DRAKE, inc. consulting engineers

EXHIBIT "C" - BID TABULATION PARKWOOD BOULEVARD

PAVING

Item No.	Qty	Unit	Description	Unit Price	Amount
1	17718	SY	8" 5000 psi Concrete Pavement	\$22.52	\$399,009.36
2	384	SY	10" 5000 psi Concrete Pavement	\$50.00	\$19,200.00
3	9730	LF	6" curb	\$1.00	\$9,730.00
4	19043	SY	Lime Subgrade	\$1.30	\$24,755.90
5	286	TN	Lime Material (30#/sy)	\$86.00	\$24,596.00
6	506	LF	Sawcut and Remove C & G	\$8.00	\$4,048.00
7	503	LF	Connect Long. Butt Joint	\$10.00	\$5,030.00
8	578	SF	Brick Pavers	\$7.59	\$4,387.02
9	223	LF	4" Irrigation Conduit	\$5.57	\$1,242.11
10	223	LF	12" Irrigation Conduit	\$16.38	\$3,652.74
11	1	EA	Adjust Manhole	\$1,500.00	\$1,500.00
12	2	EA	Barrier Free Ramp	\$650.00	\$1,300.00
13	3	EA	Maintenance Ramp	\$250.00	\$750.00
14	1	LS	Traffic Buttons	\$9,375.00	\$9,375.00
15	6.4	AC	Clear & Grub	\$2,500.00	\$16,000.00
16	13780	CY	Unclassified Excavation	\$2.30	\$31,694.00
17	189320	SF	Hydromulch Parkway	\$0.10	\$18,932.00
18	1	LS	Erosion Control	\$10,000.00	\$10,000.00
				Paving Total =	<u>\$585,202.13</u>

STORM DRAINAGE

Item No.	Qty	Unit	Description	Unit Price	Amount
1	33	LF	18" RCP III PIPE	\$26.92	\$888.36
2	226	LF	21" RCP III PIPE	\$29.61	\$6,691.86
3	483	LF	24" RCP III PIPE	\$33.39	\$16,127.37
4	284	LF	27" RCP III PIPE	\$37.70	\$10,706.80
5	5	LF	30" RCP III PIPE	\$42.08	\$210.40
6	277	LF	33" RCP III PIPE	\$48.84	\$13,528.68
7	131	LF	54" RCP III PIPE	\$108.63	\$14,230.53
8	1	EA	4' Wye Inlet	\$1,700.00	\$1,700.00
9	2	EA	5' Wye Inlet	\$1,900.00	\$3,800.00
10	1	EA	10' Recessed Inlet	\$2,050.00	\$2,050.00
11	8	EA	14' Recessed Inlet	\$2,250.00	\$18,000.00
12	1	EA	54" Type "B" Headwall	\$2,200.00	\$2,200.00
13	4	EA	Connect to Existing	\$500.00	\$2,000.00
14	1	EA	Remove 10' Inlet	\$350.00	\$350.00
15	50	SY	Remove/Replace Pavement	\$70.00	\$3,500.00
16	8060	CY	Grade to Drain	\$6.00	\$48,360.00
17	257280	SF	Hydromulch Channel	\$0.03	\$7,718.40
18	1439	LF	Trench Safety	\$1.00	\$1,439.00
19	1	LS	Traffic Control	\$2,500.00	\$2,500.00
				Storm Drainage Total =	<u>\$156,001.40</u>

Bb-5
A-5

BROCKETTE · DAVIS · DRAKE, inc. consulting engineers

WATER

Item No.	Qty	Unit	Description	Unit Price	Amount
1	80	LF	6" PVC Pipe	\$18.87	\$1,509.60
2	930	LF	8" PVC Pipe	\$23.34	\$21,706.20
3	96	LF	12" PVC Pipe	\$31.42	\$3,016.32
4	7	EA	24"x12" TS & V	\$6,500.00	\$45,500.00
5	2	EA	24"x8" TS & V	\$5,000.00	\$10,000.00
6	15	EA	8" Gate Valve	\$600.00	\$9,000.00
7	8	EA	Fire Hydrant	\$2,175.00	\$17,400.00
8	1	LS	Relocate 24" RCCP	\$14,000.00	\$14,000.00
9	1006	LF	Test	\$0.35	\$352.10
10	1026	LF	Trench Safety	\$1.00	\$1,026.00
				Water Total =	<u>\$123,510.22</u>

SANITARY SEWER

Item No.	Qty	Unit	Description	Unit Price	Amount
1	797	LF	8" PVC Pipe	\$18.76	\$14,951.72
2	1000	LF	12" PVC Pipe	\$20.68	\$20,680.00
3	102	LF	Remove 12" Sanitary Sewer	\$10.00	\$1,020.00
4	2	EA	5' Manhole	\$3,950.00	\$7,900.00
5	1	EA	4' Manhole	\$2,750.00	\$2,750.00
6	6	EA	8" Plug	\$50.00	\$300.00
7	1	EA	Connect to Existing Manhole	\$7,500.00	\$7,500.00
8	32	SY	Remove/Replace Pavement	\$70.00	\$2,240.00
9	1797	LF	Test	\$1.25	\$2,246.25
10	1797	LF	Trench Safety	\$1.00	\$1,797.00
11	1	LS	Traffic Control	\$2,500.00	\$2,500.00
12	30	LF	Bore for 8" Sewer	\$350.00	\$10,500.00
				Sanitary Sewer Total	<u>\$74,384.97</u>

Paving, Storm Drainage, Water & Sanitary Sewer Total \$939,098.72

BB-6

AG



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/04	Reviewed by Legal <i>AR</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Planning		Initials	Date
Department Head	Phyllis Jarrell	Executive Director	<i>AR</i>	1/11/05
Dept Signature:	<i>P. Jannell</i>	City Manager	<i>AR</i>	1/12/05
Agenda Coordinator (include phone #):		Michelle Campolla - 7165		
ACTION REQUESTED:		<input type="checkbox"/> ORDINANCE	<input checked="" type="checkbox"/> RESOLUTION	<input type="checkbox"/> CHANGE ORDER
		<input type="checkbox"/> APPROVAL OF BID	<input type="checkbox"/> AWARD OF CONTRACT	<input checked="" type="checkbox"/> OTHER PUBLIC HEARING
CAPTION				
PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, ADOPTING THE PARK FOREST NEIGHBORHOOD ACTION PLAN AS PROPOSED BY THE PARK FOREST PLANNING TEAM AND APPROVING ITS USE BY THE APPROPRIATE PERSONNEL AND DEPARTMENTS OF THE CITY OF PLANO FOR THE PURPOSE OF GUIDING FUTURE DEVELOPMENT AND PROVISION OF CITY SERVICES WITHIN THE PARK FOREST NEIGHBORHOOD; 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: Safe and livable neighborhoods.				
SUMMARY OF ITEM				
This item is a Neighborhood Action Plan for the Park Forest Neighborhood. The Plan lists five primary goals for the community. Once the Action Plan is approved, implementation of the five goals and the related objectives can commence.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
P&Z Follow Up Memo P&Z Write-up Resolution Park Forest Neighborhood Action Plan		Planning and Zoning Commission approved 7-0		

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, ADOPTING THE PARK FOREST NEIGHBORHOOD ACTION PLAN AS PROPOSED BY THE PARK FOREST NEIGHBORHOOD PLANNING TEAM, AND APPROVING ITS USE BY THE APPROPRIATE PERSONNEL AND DEPARTMENTS OF THE CITY OF PLANO FOR THE PURPOSE OF GUIDING FUTURE DEVELOPMENT AND PROVISION OF CITY SERVICES WITHIN THE PARK FOREST NEIGHBORHOOD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has come to recognize a need for individualized attention in Plano's more established neighborhoods in order to avoid the deterioration of property values and quality of life that many other urban areas now face; and,

WHEREAS, neighborhood planning is an opportunity for citizens to shape the type of neighborhood they would like to live in and their overall quality of life by proactively addressing issues identified in the neighborhood planning process before they become problems, thus avoiding the social and economic impacts of "rebuilding" a neighborhood; and,

WHEREAS, the City of Plano Neighborhood Planning Program is designed to provide a strategy of cooperative problem solving and mutual responsibility by empowering citizens to initiate change and progress by participating directly in the establishment of long term priorities for their neighborhood; and

WHEREAS, the Neighborhood Planning Program fosters an environment of cooperative problem solving and mutual responsibility while educating both City government and neighborhood residents about each others' concerns and visions for the future; and,

WHEREAS, representatives of the Park Forest Neighborhood have donated countless volunteer hours to develop a neighborhood action plan that serves as a guide for future development and policy and serves to improve the City's coordination of services to the neighborhood by bringing attention, and focusing problem solving resources to that area; and,

WHEREAS, a second result of the neighborhood planning process is the strong sense of community that exists after members of the Neighborhood Planning Team have worked together to prepare the plan, leading to increased pride in the neighborhood, cooperation between neighbors, reduction in neighbor disputes, and a feeling of empowerment for neighborhood residents; and

1-2

WHEREAS, the Planning and Zoning Commission voted to recommend approval of the Park Forest Neighborhood Action Plan, which is attached hereto as Exhibit "A" and, upon full review and consideration of the Plan, and all matters attendant and related thereto, the City Council is of the opinion that the Plan should be approved;

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

Section I. The Park Forest Neighborhood Action Plan, having being 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, is hereby in all things approved.

Section II Further, the City Council recommends the Park Forest Neighborhood Team immediately begin the development of partnerships with those organizations and City departments identified in the Plan which need to be responsible for the adopted strategies and actions.

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

DULY PASSED AND APPROVED this ____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

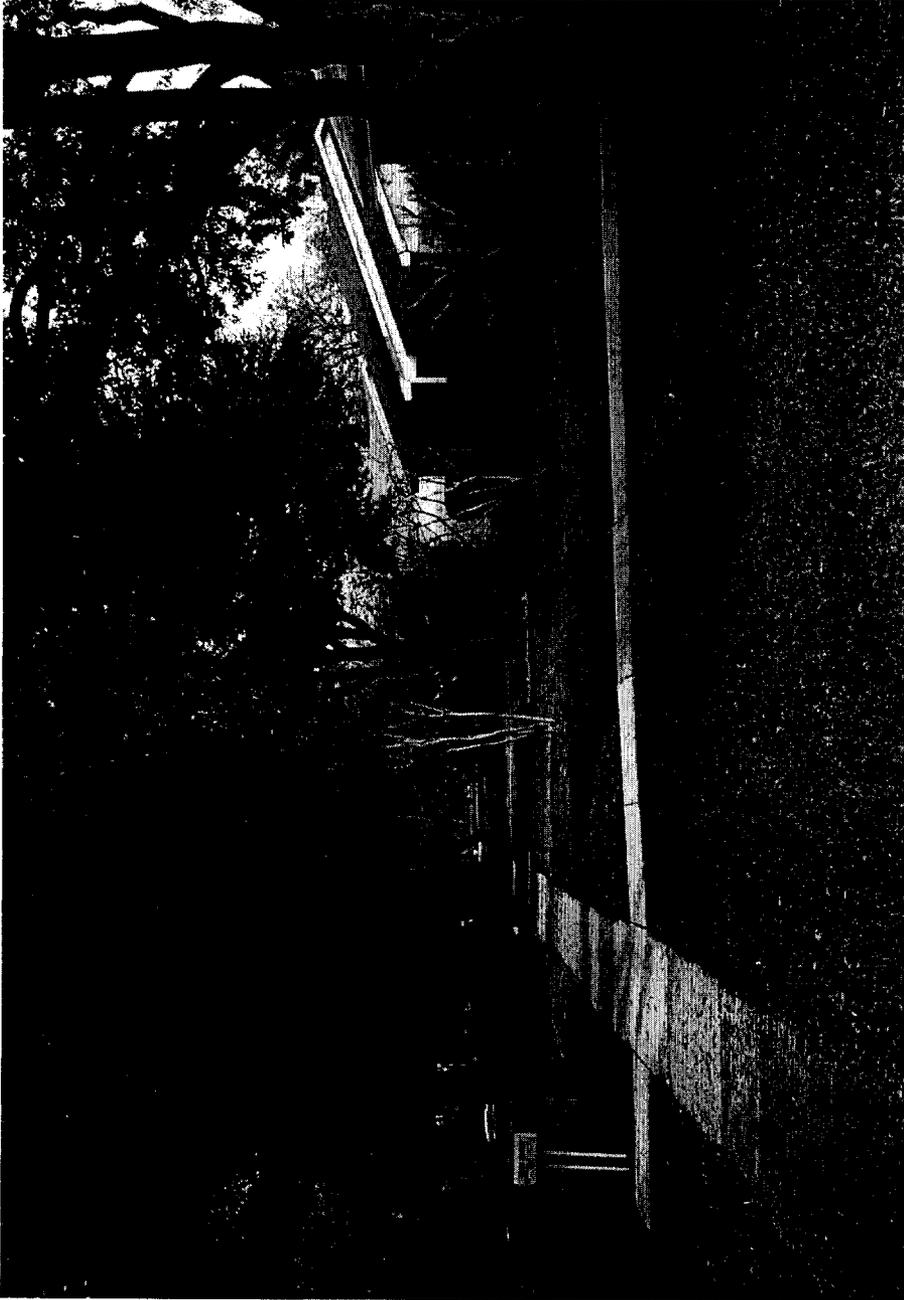
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

1-3

Park Forest Neighborhood Action Plan



Proudly presented by the residents of the Park Forest Neighborhood
January 2005

1-4

Acknowledgments

Neighborhood Planning Team

Willis Adams, Resident

Norma Bryant, Resident

Dan Busch, Resident

Bryan Cooper, Resident

David Dooley, Resident

Marie Dooley, Resident

Don Driver, Resident

John Fields, Resident

Laurie Guillot, Resident

Neldon Hadfield, Resident

Katherine Lines, Resident

June Martin, Resident

Alice Mayo, Resident

Jill McCall, Resident

Gloria McMillan, Resident

Gloria McReynolds, Resident

Bill Meagher, Resident

Janet Meagher, Resident

Ron Minner, Resident

Jerry Murray, Resident

Frank Ramirez, Resident

Amelia Rivera, Resident

Frances Sheppard, Resident

Lori Summerford, Resident

Peggy Throneberry, Resident

Blanche Wallace, Resident

Talesia Williams, Resident

Joel Zamora, Resident

1-5

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***Executive
Summary***

The Park Forest Neighborhood was selected to participate in the Neighborhood Planning Program because of the challenges facing the area and a demonstrated interest on the part of the residents to improve their neighborhood. Over a period of six months, the Neighborhood Planning Team met to develop a vision for the neighborhood and to identify the strengths and weaknesses of their neighborhood. The team then developed five goals and supporting objectives that help to define what the residents of Park Forest are trying to achieve. The goals contained in the Park Forest Neighborhood

Action Plan are:

1. Create a positive community image and instill community pride. Maintain and preserve the quality of the existing residential properties by promoting homeownership, housing rehabilitation, and code compliance.
2. Provide a variety of recreational opportunities and open space. Continue to ensure that parks are well maintained.
3. Assure safe and efficient mobility for cars, trucks and pedestrians while protecting the stability and residential character of the neighborhood.
4. The tree canopy is a major neighborhood asset. Preserve neighborhood trees as part of the resources that contribute to the character and beauty of the neighborhood.
5. Enhance recognition of the Park Forest area and further develop neighborhood identity and cohesiveness. Encourage a neighborhood spirit which will preserve the friendly, open relations between neighbors and make Park Forest a fine place to live.

1-7

1-8

***Executive
Summary
(Continued)***

To help achieve the stated goals, this plan establishes a series of objectives that offer specific plans of action and identify the parties responsible for implementation. Expected costs to implement this plan are approximately \$1700 from existing budgets and \$8,000 - \$12,000 from future bond elections.

Background**Purpose**

The Park Forest Neighborhood Action Plan was developed by members of the Park Forest Neighborhood working in conjunction with the City of Plano Neighborhood Planning Program to define a vision for the future of the neighborhood. The Plan utilizes a strategic planning methodology to accomplish this vision through direct revitalization efforts and targeted action plans. The plan is based on the Neighborhood Planning program initiated in 1998.

The Planning Process

The Park Forest Neighborhood was selected to participate in the Neighborhood Planning Program because of the challenges facing the area and a demonstrated interest by the residents to improve their neighborhood. This planning effort began in July 2004 and meetings were held biweekly through December 2004 to identify community issues and develop strategies for their resolution and improvement.

Community outreach was very important to the planning process; efforts included direct mailings, an e-mail distribution list, a neighborhood opinion survey, and a website. Meeting notices were mailed to lot owners and targeted stakeholders. Neighborhood surveys (please see Appendix A) were distributed to every home in the neighborhood. The Park Forest Neighborhood Planning team met with representatives from many City departments to formulate action strategies. Information gathered in these meetings, through the Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis (please see Appendix B) and through the neighborhood survey was used to help formulate the goals and objectives contained in this plan.

1-9

1-10

***Neighborhood
Vision***

We the residents of Park Forest envision a neighborhood that is **safe, beautiful and clean**. We see a neighborhood that is **inviting for families** with good schools and vibrant parks.

The **parks are clean, safe and easily accessible**. Various recreational activities are provided for all residents.

Traffic travels through the neighborhood in a **safe and respectful** manner.

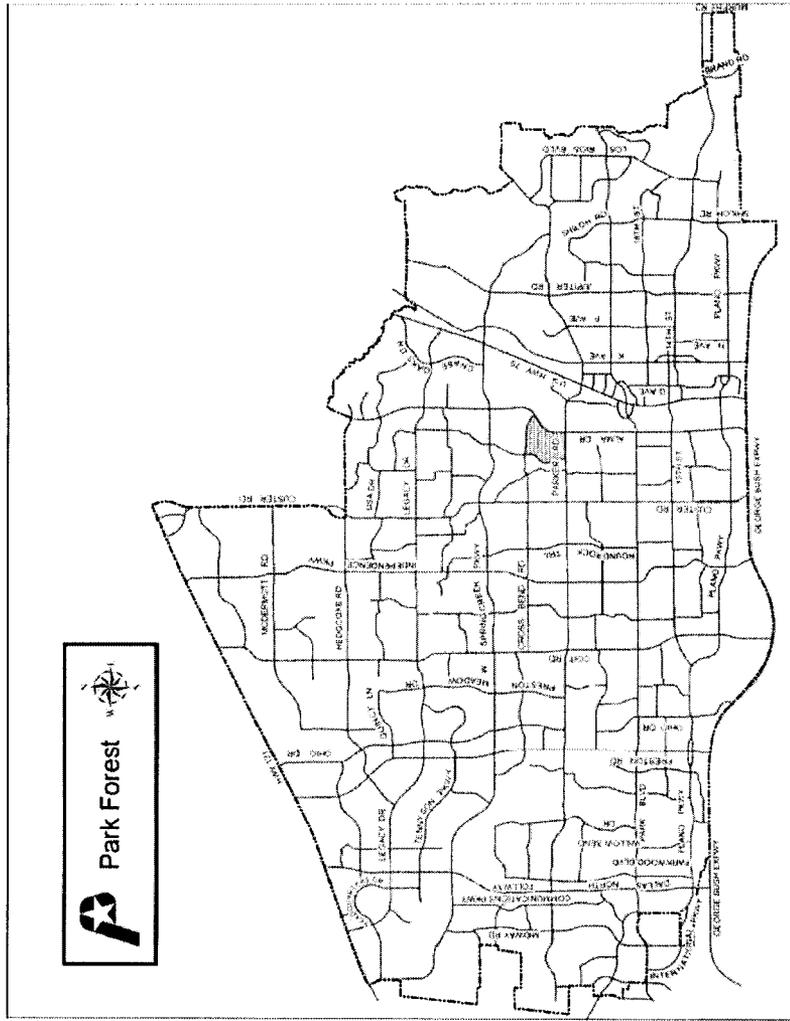
We **celebrate the diversity** of our neighborhood and welcome newcomers. People of many different cultures and several generations live together harmoniously.

Neighborhood Description

Land Use and Zoning

The Park Forest Neighborhood is located just to the east of Big Lake Park, Christie Elementary School and Carpenter and Middle School. The neighborhood is bounded by Alma Drive to the east, Rainier Road to the west, Cross Bend Road to the north and Parker

Road to the south (please see location map to the right). The neighborhood includes over 600 homes. The majority of the Park Forest neighborhood is zoned for single-family residential use (SF-7) but the neighborhood also includes an area on the southeast corner zoned as a Planned Development District for retail uses (PD-36 and PD-69R). (Please see Appendix C for a detailed map of these zoning boundaries).



1-11

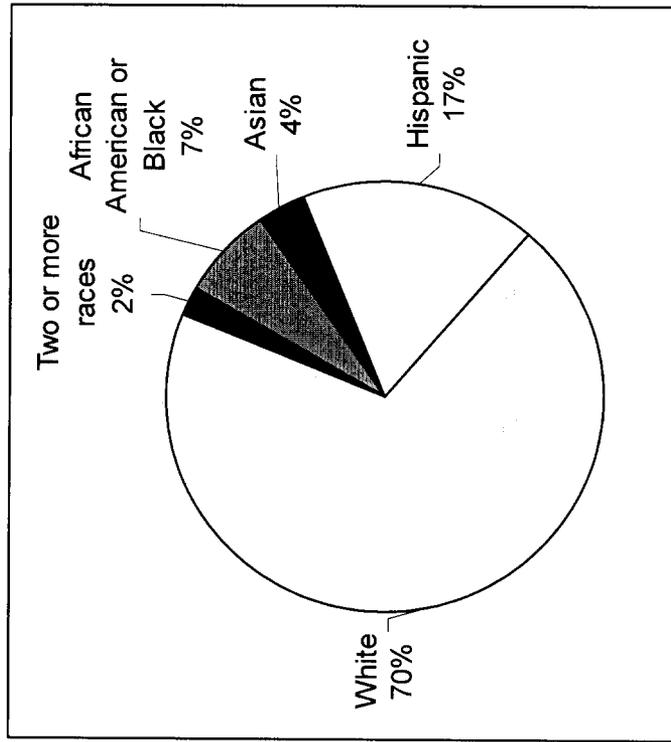
Neighborhood Description (Continued)

Residential Population and Demographics

Census data for the Park Forest neighborhood indicate that the neighborhood is experiencing some significant changes. Over the past 20 years the number of people living in the neighborhood has declined slightly from 1727 according to the 1990 census to 1621 people in the 2000 census. Housing

occupancy rates have remained high – rates were approximately 97.5% at the time of the 2000 US Census but the percentage of rental properties is much higher in this neighborhood than they are for other single family areas city-wide.

Based on information from the Collin County Appraisal District, 74% of the housing units in the neighborhood are currently owner occupied with the remaining 26% being rentals. This rate is significantly higher than the citywide statistics (93.3% owner occupied, 6.7%



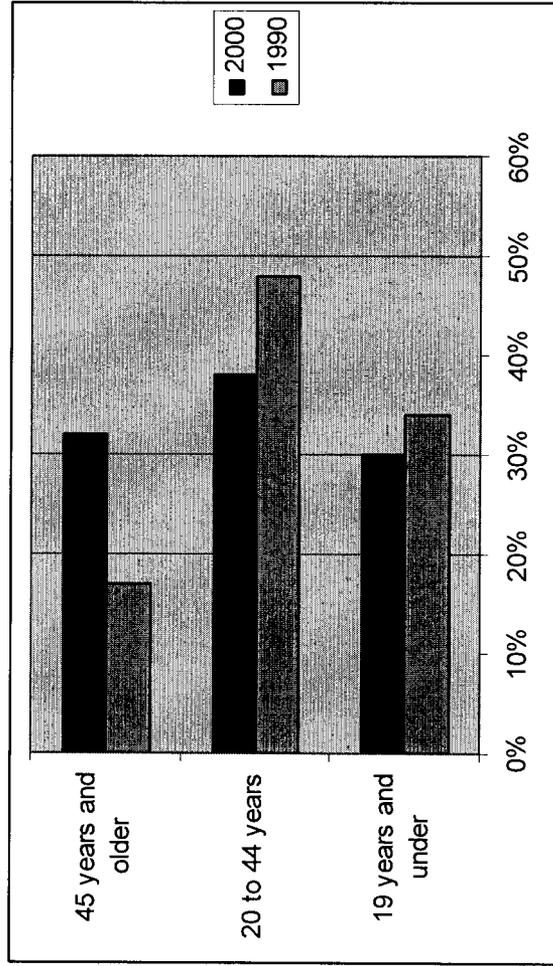
renter occupied) as well as the 1980 census results (10% rentals); however, this number is lower than the 1990 rate, which was 30% (Please see Appendix D).

1-12

**Neighborhood
Description
(Continued)**

Other definitive changes are occurring in the neighborhood; the 2000 U.S. Census shows that the neighborhood is home to a more diverse group of people than ever before. While the number of people living in the neighborhood has remained constant, the groups of people living in the neighborhood have changed over the past 20 years. There are a greater number of people from different races and ethnicities; today the neighborhood is 70% white, 17% Hispanic, 7% African American, 4% Asian and 2% two or more races (see chart above). The age structure of the neighborhood, consistent with national trends, has also changed. There are more people in the neighborhood over the age of 55 and fewer

children than there were ten and twenty years ago. The 2000 U.S. Census indicates that the annual median household income for Park Forest was \$58,302 (1999 dollars) which is approximately 7% less than it was in 1990 (\$62,607).



1-13

1-14

*Neighborhood
Maintenance*

Most of the Park Forest planning area was built during the period from 1972 to 1978, though several sections were built in the late 60's and early 70's. Park Forest has an abundance of beautiful shade trees, good access to services, major thoroughfares, provides some of the more affordable housing within the city, and is within walking distance of several parks and schools.

Most of the homes in Park Forest are at least 30 years old and as a result some signs of age are apparent. Many homes in the neighborhood are no longer owner occupied. Residents have observed some problems with code compliance, trash and graffiti. There are also some infrastructure problems that need to be addressed. Some streets in the area need to be patched or repaved, as do some sidewalks and alleys.

The condition of a neighborhood sends a message to residents and visitors about how well people care for the area. If properties are poorly maintained people will observe this and may conclude that no one cares for the home and perhaps even the block. Apathy encourages littering, poorly

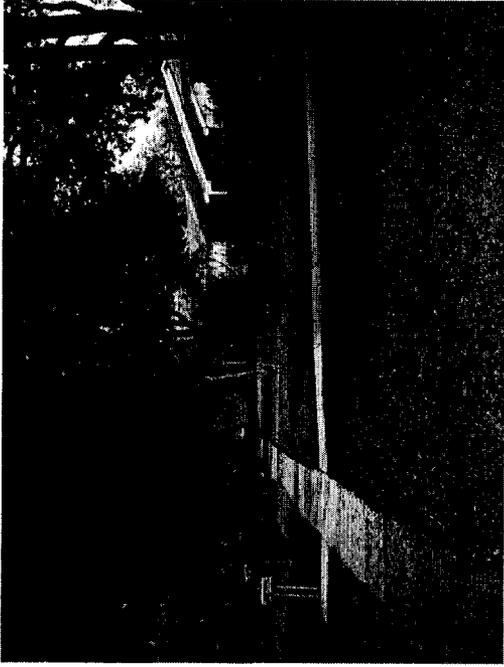


Figure 1: Many homes in Park Forest are well maintained; however, property standards violations and rental properties are growing concerns for neighborhood residents.

***Neighborhood
Maintenance
(Continued)***

maintained yards, graffiti and eventually more serious crimes. The residents of Park Forest are proud of their neighborhood and have embraced a proactive approach to keeping their neighborhood vital.

Goal: Create a positive community image and instill community pride. Maintain and preserve the quality of the existing residential properties by promoting homeownership, housing rehabilitation, and code compliance.

Objective: Be vigilant in the reporting and enforcement of Property Standards code violations.

Objective: Improve compliance with Property Standards regulations by educating residents about the "Top Ten Code Violations".

Objective: Promote homeownership by sending a targeted mailer about the City of Plano First Time Homebuyer's program to rental properties in the neighborhood.

Objective: Encourage home maintenance by educating residents about the City of Plano Housing Rehabilitation Program.

1-15

Area Parks

The Park Forest neighborhood is located adjacent to two City parks – Big Lake Park and Chisholm Trail Park. These parks are well loved by neighborhood residents for the recreational opportunities they provide and the natural beauty they bring to the community. Overall these parks meet the needs of residents and are well utilized.

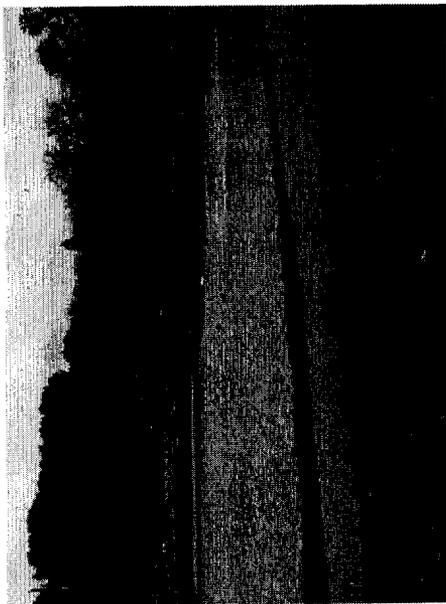


Figure 2: Big Lake Park is a favorite destination for neighborhood residents.

Goal: Provide a variety of recreational opportunities and open space. Continue to ensure that parks are well maintained.

Objective: Repair damage to the playground equipment at Chisholm Trail Park.

Objective: Treat for fire ants around Big Lake Park, especially under the benches.

Objective: Conduct a periodic review to ensure that these parks continue to meet the needs of a changing neighborhood demographic.

Objective: Install additional lighting along the pathways in Big Lake Park to create a more inviting environment at the park during the evening hours.

1-16

Transportation

Some of the biggest problems that residents have been experiencing in the neighborhood are a high volume of cut-through traffic and speeders. Safe and efficient transportation contributes significantly to the overall livability of an area. Children should be able to walk or ride their bikes safely to and from schools and parks, elderly residents should be able to walk to and from nearby bus stops, and families should be able to walk comfortably around their neighborhood. A pedestrian friendly environment helps to establish a feeling of community, and connection to the neighborhood reduces automobile traffic and creates safer streets.



Figure 3: Vehicles parking on both sides of the street often restrict traffic flow in the neighborhood.

In Park Forest, pedestrian facilities, with a few exceptions, are good; the neighborhood has a relatively continuous network of sidewalks and has access to the City of Plano's trail network through two adjacent parks, Big Lake Park and Chisholm Trail Park. In some places, there are problems with uneven and/or cracked sidewalks that need to be addressed. Overall, streets in the Park Forest neighborhood are in good condition though a few spots are in need of repairs.

Goal: Assure safe and efficient mobility for cars, trucks and pedestrians while protecting the stability and residential character of the neighborhood.

1-17

1-18

*Transportation
(Continued)*

Objective: Protect the residential character of the neighborhood from cut-through traffic and speeding, while maintaining convenient access to and across major arterial streets by working with the City of Plano Safe Streets program.

Objective: Ensure that neighborhood streets, alleys, and sidewalks are well maintained. Work with City of Plano Public Works to complete an inventory of existing conditions and necessary repairs.

Objective: Ensure that streets and sidewalks are well lighted. Evaluate existing street lighting to make certain that it meets minimum City distance standards. In cases where lighting is obscured by the tree canopy, work with property owners to get these trees trimmed.

***Preservation of
Natural Resources***

Just as streets, sidewalks, public buildings and recreational facilities are a part of a community's infrastructure, so are neighborhood trees and creeks. Trees -- and, collectively, the urban forest -- are important capital assets that require care and maintenance just like any other property. The Park Forest neighborhood has a wealth of trees, an important asset residents would like to preserve and enhance.



Figure 4: Mature trees are prevalent throughout the Park Forest neighborhood.

Goal: The tree canopy is a major neighborhood asset. Preserve neighborhood trees as part of the resources that contribute to the character and beauty of the neighborhood.

Objective: Request a survey of neighborhood trees by the City of Plano Urban Forester to identify and inventory neighborhood trees. Meet with the City of Plano Urban Forester to review the survey results and to learn about tree care and maintenance. Share this information with other residents in the neighborhood.

Objective: Maintain the existing tree canopy by replacing dead or dying trees.

1-19

Objective: Seek funding to offset the cost of buying trees by participating in the Keep Plano Beautiful Matching Grant Program and/or the Plano Park Foundation's matching grant program.

*Preservation of
Natural Resources*

1-20

Community

Residents in the Park Forest neighborhood would like to foster a stronger sense of community in their neighborhood. They would like to encourage neighbors to get to know one another, to embrace diversity and to participate in neighborhood activities.

Goal: Enhance recognition of the Park Forest area and further develop neighborhood identity and cohesiveness. Encourage a neighborhood spirit which will preserve the friendly, open relations between neighbors and make Park Forest a fine place to live.

Objective: Reduce crime and increase an overall sense of peace and safety in the neighborhood by forming a neighborhood crime watch group.

Objective: Improve sense of community and neighborhood cohesiveness by forming a neighborhood association.

Objective: Provide an opportunity for neighbors to get to know one another by organizing an annual block party.

Objective: Promote broader recognition of Park Forest's name and boundaries with the installation of sign toppers in the neighborhood.

1-21

Park Forest Neighborhood Action Plan: Implementation Matrix

Neighborhood Maintenance	Responsible Parties	Cost
<p>Goal: Create a positive community image and instill community pride. Maintain and preserve the quality of the existing residential properties by promoting homeownership, housing rehabilitation, and code compliance.</p>		
<p>Objective: Be vigilant in the reporting and enforcement of Property Standards code violations.</p>	Residents/City of Plano Property Standards	Staff Time
<p>Objective: Improve compliance with Property Standards regulations by educating residents about the "Top Ten Code Violations".</p>	City of Plano Property Standards	Staff Time
<p>Objective: Promote homeownership by sending a targeted mailer about the City of Plano First Time Homebuyer's program to rental properties in the neighborhood.</p>	City of Plano Neighborhood Services	Staff Time/Approximately \$150.00 from CDBG Funding
<p>Objective: Encourage home maintenance by educating residents about the City of Plano Housing Rehabilitation Program.</p>	City of Plano Neighborhood Services	Staff Time

1-22

Park Forest Neighborhood Action Plan: Implementation Matrix (Continued)

Area Parks	Responsible Parties	Cost
<p>Goal: Provide a variety of recreational opportunities and open space. Continue to ensure that parks are well maintained.</p>		
<p>Objective: Repair damage to the playground equipment at Chisholm Trail Park.</p>	<p>City of Plano Parks Department</p>	<p>Existing Parks Budget</p>
<p>Objective: Treat for fire ants around Big Lake Park, especially under the benches.</p>	<p>City of Plano Parks Department</p>	<p>Existing Parks Budget</p>
<p>Objective: Conduct a periodic review to ensure that these parks continue to meet the needs of a changing neighborhood demographic.</p>	<p>City of Plano Parks Department/Residents</p>	<p>Staff Time</p>
<p>Objective: Install additional lighting along the pathways in Big Lake Park to create a more inviting environment at the park during the evening hours.</p>	<p>City of Plano Parks Department</p>	<p>\$8,000-\$12,000 (funding dependant on future bond election)</p>

1-23

Park Forest Neighborhood Action Plan: Implementation Matrix (Continued)

Transportation	Responsible Parties	Cost
<p>Goal: Assure safe and efficient mobility for cars, trucks and pedestrians while protecting the stability and residential character of the neighborhood.</p>		
<p>Objective: Protect the residential character of the neighborhood from cut-through traffic and speeding, while maintaining convenient access to and across major arterial streets by working with the City of Plano Safe Streets program.</p>	<p>Residents/City of Plano Traffic Engineering</p>	<p>Staff Time</p>
<p>Objective: Ensure that neighborhood streets, alleys, and sidewalks are well maintained. Work with City of Plano Public Works to complete an inventory of existing conditions and necessary repairs.</p>	<p>City of Plano Public Works</p>	<p>Staff Time</p>
<p>Objective: Ensure that streets and sidewalks are well lighted. Evaluate existing street lighting to make certain that it meets minimum City distance standards. In cases where lighting is obscured by the tree canopy, work with property owners to get these trees trimmed.</p>	<p>City of Plano Engineering/Residents</p>	<p>Staff Time/ approximately \$3,000 per light, if warranted (Existing budgets)</p>

1-24

Park Forest Neighborhood Action Plan: Implementation Matrix (Continued)

Preservation of Natural Resources	Responsible Parties	Cost
<p>Goal: The tree canopy is a major neighborhood asset. Preserve neighborhood trees as part of the resources that contribute to the character and beauty of the neighborhood.</p>		
<p>Objective: Request a survey of neighborhood trees by City of Plano Urban Forester to identify and inventory neighborhood trees. Meet with the City of Plano Urban Forester to review the survey results and to learn about tree care and maintenance. Share this information with other residents in the neighborhood.</p>	<p>City of Plano Parks Department/Residents</p>	<p>Staff Time</p>
<p>Objective: Maintain the existing tree canopy by replacing dead or dying trees.</p>	<p>Residents</p>	<p>N/A</p>
<p>Objective: Seek funding to offset the cost of buying trees by participating in the Keep Plano Beautiful Matching Grant Program and/or the Plano Park Foundation's matching grant program.</p>	<p>Residents</p>	<p>Existing Budgets</p>

1-25

Park Forest Neighborhood Action Plan: Implementation Matrix (Continued)

Community	Responsible Parties	Cost
<p>Goal: Enhance recognition of the Park Forest area and further develop neighborhood identity and cohesiveness. Encourage a neighborhood spirit which will preserve the friendly, open relations between neighbors and make Park Forest a fine place to live.</p>		
<p>Objective: Reduce crime and increase an overall sense of peace and safety in the neighborhood by forming a neighborhood crime watch group.</p>	Residents	N/A
<p>Objective: Improve sense of community and neighborhood cohesiveness by forming a neighborhood association.</p>	Residents	N/A
<p>Objective: Provide an opportunity for neighbors to get to know one another by organizing an annual block party.</p>	Residents	N/A
<p>Objective: Promote broader recognition of Park Forest's name and boundaries with the installation of sign toppers in the neighborhood.</p>	City of Plano Neighborhood Services	Sign toppers – approximately \$1500 (from existing Neighborhood Planning Budget)

1-26

Appendix A

The following survey was sent to every home in the Park Forest study area. One hundred and sixteen surveys were received back, a response rate of 19%. The results are summarized below:

1. How do you travel?

Auto- 94%

Bicycle -- 46%

DART Light Rail -- 6%

Bus / mass transit -- 4%

Walk -- 33%

2. Are there transportation or traffic problems in your neighborhood?

Yes -- 78%

No -- 22%

If so, what are the problems?

Speeding

Parking on both sides of the street

Need bike trails

Traffic lights change too fast

Need street lights

People running stop signs

Trim bushes

Need speed bumps

1-27

*Appendix A
(Continued)*

3. What would increase your desire to walk/cycle?

Improved lighting – 70%

Pedestrian/bicycle paths – 14%

Speed bumps – 24%

Sidewalks – 9%

Pedestrian Crosswalks – 7%

4. Mark the appropriate box:

a. It is convenient for me to get around on DART

Strongly Agree – 7%

Agree – 38%

Disagree – 28%

Strongly Disagree – 15%

No answer – 12%

b. Crime is a serious problem in my neighborhood:

Strongly Agree – 4%

Agree – 18%

Disagree – 59%

Strongly Disagree – 9%

No answer – 10%

1-28

*Appendix A
(Continued)*

c. City government is responsive to our needs as a neighborhood:

Strongly Agree – 4%

Agree – 50%

Disagree – 21%

Strongly Disagree – 6%

No answer – 19%

d. Overall my neighborhood is clean:

Strongly Agree – 5%

Agree – 62%

Disagree – 24%

Strongly Disagree – 7%

No answer – 2%

5. Do parks in your area meet your recreational needs?

Yes – 88%

No – 12%

1-29

*Appendix A
(Continued)*

6. On average, how often do you visit a park?

- Daily – 18%
- Weekly – 36%
- Once/month – 14%
- Few times/year – 21%
- Never – 4%
- Other – 4%
- No answer – 3%

7. What do you like best about your neighborhood?

- | | |
|------------------|---------------------|
| Trees | Quiet |
| Location | Mixed ethnicity |
| Close to parks | Feels safe |
| Close to schools | Close to schools |
| People | Long term residents |

1-30

*Appendix A
(Continued)*

8. What three improvements would you most like to see in your neighborhood?

More lighting

Street sweepers

No on-street parking

More code enforcement

Speed bumps

Trim trees

9. In Plano, some home occupations, such as construction, auto repair, and landscape services are prohibited. Have you noticed any of these businesses operating out of peoples homes?

Yes – 28%

No – 69%

No answer – 3%

10. What types of crime concern you in your neighborhood?

Burglary – 47%

Vandalism – 47%

Juvenile crime – 32%

Drugs – 15%

Auto theft – 13%

1-31

*Appendix A
(Continued)*

11. How long have you lived in the neighborhood?

- Less than one year – 11%
- One to five years – 21%
- Six to ten years – 13%
- More than ten years -54%

12. What is your present housing situation?

- Own – 91%
- Rent – 9%

1-32

Appendix B

The results from the Park Forest Strengths, Weaknesses, Opportunities, and Threats (S.W.O.T.) analysis are reported below.

Strengths / Opportunities

- Provides housing for moderate income families
- Close to shopping and restaurants
- Close to major highways
- Close to schools
- Attract good homeowners
- Mature trees
- Diversity of residents
- Most lawns are well kept
- Well established neighborhood
- People being involved in these (neighborhood) types of meetings
- Nice older homes in a potentially great neighborhood
- Close to the bus lines, train, and schools
- Roads are in good condition
- Close knit community
- More getting to know each other activities, block parties
- Close to walking park and trail

1-33

*Appendix B
(Continued)*

- Neighbors get to know each other and look out for each other
- West of 75 – good for real estate

Weaknesses / Threats

- Keep the trees and brush cut back from creek along trail at Big Lake Park
- Yard Maintenance
- Homeowners need to improve upkeep of property
- Park and bike trail need better maintenance
- Add color to yards
- Thefts from garages
- Response to complaints on street repairs
- Aging houses – foundation problems
- Property standards violations
- Need closer recreation centers for children
- Becoming much older
- Growing number of homes for sale or rent – lots of good people want to move
- Need tax on rent houses
- Rent houses need revised code for property standards
- Speeding traffic

1-34

*Appendix B
(Continued)*

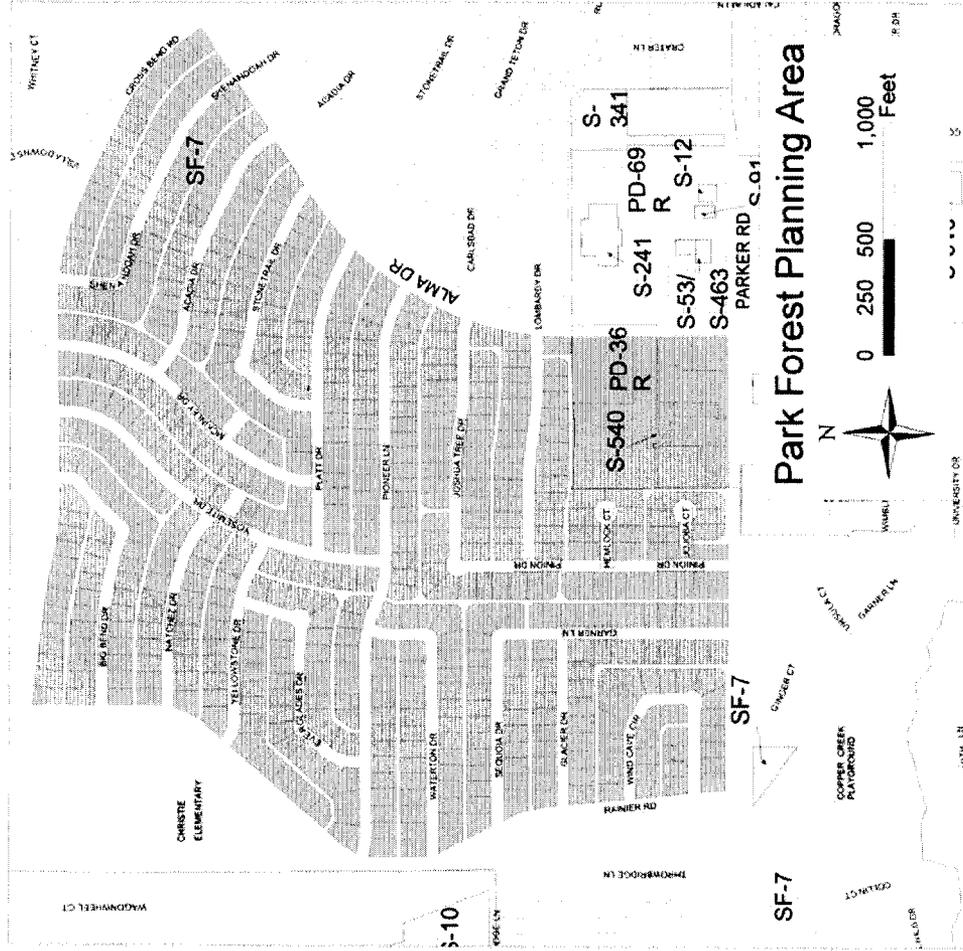
- Junk cars
- Dead trees on private property need to be removed
- Becoming increasingly noisy in the past year
- Cars with very loud radios
- Street parking and parking facing the wrong direction
- Street cleaning and sidewalk maintenance
- Many rental house
- Older neighbors passing away, newer neighbors don't communicate
- Litter in the streets
- Unkempt yards
- Too many cars parked on the streets
- Too much rental property
- Aging property
- Aging infrastructure

1-35

1-36

Appendix C

The map below illustrates zoning in and around the Park Forest neighborhood.





CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget <i>pg</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 1/24/05		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Parks and Recreation		Initials	Date
Department Head	Don Wendell		Executive Director	<i>DW</i> 1-13-05
Dept Signature:	<i>Don Wendell</i>		City Manager	<i>[Signature]</i> 1/14/05
Agenda Coordinator (include phone #): Linda Benoit (7255)				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER PUBLIC HEARING				
CAPTION				
A public hearing by the City Council of the City of Plano, Texas, pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of a City of Plano park and known as Bluebonnet Trail Linear Park for a License Agreement for installation of cellular technology incorporated with the existing TXU transmission towers.				
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				
Sprint Spectrum, L.P. has requested that the City allow it to use a portion of Bluebonnet Trail Linear Park for installation of cellular technology incorporated with the existing TXU transmission towers, as depicted in the drawing included with this Agenda item. Chapter 26 of the Texas Parks and Wildlife Code requires a public hearing for any use or taking of park land. To permit the use or taking of park land, the governing body with jurisdiction over the park, the City Council in this instance, must find the following:				
1) There is no feasible and prudent alternative to the use or taking of the park land as proposed by the project exists; and 2) The Project includes all reasonable planning to minimize harm to the Park Land resulting from the use or the taking.				
Witnesses will present at the public hearing on these issues.				
List of Supporting Documents: Memo from Jim Fox			Other Departments, Boards, Commissions or Agencies	

MEMORANDUM

DATE: January 7, 2005
TO: Mark Israelson
FROM: Jim Fox, Park Services Manager 
SUBJECT: **Proposed Communication Facilities in Bluebonnet Trail**

The Parks and Recreation Planning Board, at their January 4, 2005 meeting reviewed and tabled the proposed installation of communication equipment in Bluebonnet Trail at the base of an existing electrical transmission tower.

The Parks and Recreation Department staff has carefully reviewed several requests to utilize parks in order to locate communication equipment and improve the wireless infrastructure needed to serve the community. As you are aware, the staff has had some significant concerns with the use of the park system for this purpose. There are several categories of parks where staff feels that it is absolutely inappropriate for the proposed use; however, there are some sites where technology may be able to be incorporated into existing facilities with little or no impact to the site or users.

Several years ago, there was direction to consider the use of park sites in an effort to support the development of the wireless infrastructure and better meet the expectations of our residents in order to provide coverage in Plano. The movement toward the use of wireless technology and the need for more infrastructure continues.

For these reasons, the staff reviewed and approved the plan to install ground equipment and incorporate the antenna into the electric transmission tower. We found that the two criteria required in a Chapter 26 hearing on a change in parkland use were met. (1) There was no reasonable or prudent alternative to providing coverage in this area, and (2) the proposed location minimized harm to the site since it was close to an alley, and it also eliminated conflict with park / trail users when access to the ground equipment is necessary. The ground equipment, in our opinion, did not significantly add to the visual clutter that already exists with the electric transmission towers and equipment.

The Parks and Recreation Planning Board tabled the request. They wanted more information proving that there is no reasonable and prudent alternative. The technical report with this information was not available at the meeting, but can be provided at their next meeting.

As you know, a Chapter 26 Public Hearing is scheduled for January 24, 2005 at the City Council meeting. A called meeting of the Parks and Recreation Planning Board is scheduled for January 18, 2005. This will be an opportunity for the Board to review the additional information they requested and make a final recommendation to City Council on the communications facilities. Please ask the appropriate representatives to provide this information for the Board's consideration.

C: Don Wendell



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	01/24/05	Reviewed by Legal <i>fb</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Parks and Recreation		Initials	Date
Department Head	Don Wendell	Executive Director		
Dept Signature:	<i>Don Wendell</i>	City Manager	<i>AMC</i>	<i>1/24/05</i>
Agenda Coordinator (include phone #): Linda Benoit (7255)				
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 APPROVING A PROJECT FOR INSTALLATION OF CELLULAR TECHNOLOGY INCORPORATED WITH THE EXISTING TXU TRANSMISSION TOWERS THROUGH A GROUND LICENSE AGREEMENT TO SPRINT SPECTRUM, L.P., REQUIRING THE USE OR TAKING OF A PORTION OF CITY OF PLANO PUBLIC PARK LAND, KNOWN AS BLUEBONNET TRAIL LINEAR PARK EAST OF CUSTER ROAD; PROVIDING FOR A DETERMINATION THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE PROPOSED USE OR TAKING OF THE PARK LAND; AND THAT THE PROPOSED PROJECT INCLUDES ALL REASONABLE PLANNING TO MINIMIZE HARM TO THE LAND AND THE PARK RESULTING FROM THE USE; 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 item is related to the previous public hearing item authorizing the use of Bluebonnet Trail Linear Park for installation of cellular technology incorporated with the existing TXU transmission towers.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, APPROVING A PROJECT FOR INSTALLATION OF CELLULAR TECHNOLOGY INCORPORATED WITH THE EXISTING TXU TRANSMISSION TOWERS THROUGH A GROUND LICENSE AGREEMENT TO SPRINT SPECTRUM, L.P., REQUIRING THE USE OR TAKING OF A PORTION OF CITY OF PLANO PUBLIC PARK LAND, KNOWN AS BLUEBONNET TRAIL LINEAR PARK EAST OF CUSTER ROAD; PROVIDING FOR A DETERMINATION THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE PROPOSED USE OR TAKING OF THE PARK LAND; AND THAT THE PROPOSED PROJECT INCLUDES ALL REASONABLE PLANNING TO MINIMIZE HARM TO THE LAND AND THE PARK RESULTING FROM THE USE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has requested approval of a project to allow installation of cellular technology incorporated with the existing TXU transmission towers as depicted on the drawing attached hereto as Exhibit "A" (called "Project") which requires the use or taking of a portion of City of Plano public park land known as Bluebonnet Trial Linear Park east of Custer Road (called "Park Land"); and

WHEREAS, Chapter 26 of the Texas Parks and Wildlife Code (called "Code") requires a public hearing to determine whether or not the Projects' proposed use of a portion of the Park Land should be approved in accordance with certain criteria contained within the Code; and,

WHEREAS, Notices of the Public Hearing were duly served and published in conformity with the Code; and

WHEREAS, a public hearing was held by the City Council on January 24, 2005 during which all interested persons were given the opportunity to testify and present other relevant evidence before the City Council;

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

Section I. After hearing and reviewing all of the testimony and evidence at the Public Hearing as well as other matters and information relevant and pertinent to a determination, the City Council hereby finds and determines that:

- (a) There is no feasible and prudent alternative to the use or taking of the Park Land as proposed by the Project; and
- (b) The Project includes all reasonable planning to minimize harm to the Park Land, resulting from the use or the taking.

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Section II. The City Council further finds that the determination made in Section I is in the public interest generally, and in the best interest of the citizens of the City of Plano, Texas. Accordingly, the City Council approves the use or taking of a portion of Bluebonnet Trail Linear Park by Sprint Spectrum, L.P. through a ground license agreement for the installation of cellular technology incorporated with the existing TXU transmission towers, as depicted in Exhibit "A."

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

DULY PASSED AND APPROVED this the _____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

7



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05	Reviewed by Legal <i>pb</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Parks and Recreation		Initials	Date
Department Head	Don Wendell		Executive Director	
Dept Signature:	<i>Don Wendell</i>		City Manager <i>MRE 1/18/05</i>	
Agenda Coordinator (include phone #): Linda Benoit (7255)				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, GRANTING A LICENSE AGREEMENT TO SPRINT SPECTRUM, L.P. FOR INSTALLATION OF CELLULAR TECHNOLOGY INCORPORATED WITH THE EXISTING TXU TRANSMISSION TOWERS BEING IN THE GEORGE PERRIN SURVEY, ABSTRACT NO. 722 CITY OF PLANO, COLLIN COUNTY, TEXAS ACROSS A PORTION OF THE CITY OF PLANO PARK KNOWN AS BLUEBONNET TRAIL LINEAR PARK EAST OF CUSTER ROAD AND AUTHORIZING THE EXECUTION OF THE LICENSE AGREEMENT BY THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR; 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 item is related to the previous public hearing item approving a project for installation of cellular technology incorporated with the existing TXU transmission towers at Bluebonnet Trail.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, GRANTING A LICENSE AGREEMENT TO SPRINT SPECTRUM, L.P. FOR INSTALLATION OF CELLULAR TECHNOLOGY INCORPORATED WITH THE EXISTING TXU TRANSMISSION TOWERS BEING IN THE GEORGE PERRIN SURVEY, ABSTRACT NO. 722 CITY OF PLANO, COLLIN COUNTY, TEXAS ACROSS A PORTION OF CITY OF PLANO PARK KNOWN AS BLUEBONNET TRAIL LINEAR PARK EAST OF CUSTER ROAD AND AUTHORIZING THE EXECUTION OF THE LICENSE AGREEMENT BY THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after a public hearing under Chapter 26 of the Texas Parks and Wildlife Code, the City Council has approved the use or taking of a portion of City of Plano public park land of Bluebonnet Trail Linear Park for installation of cellular technology incorporated with the existing TXU transmission towers; and

WHEREAS, the City Council has been presented with the proposed License Agreement for the projected use of a portion of Bluebonnet Trail Linear Park East of Custer Road, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter the "License Agreement"); and

WHEREAS, upon full review and consideration of the License Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager, or in his absence an Executive Director, shall be authorized to execute the License Agreement 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 City Council hereby approves the License Agreement attached hereto and incorporated herein as Exhibit "A."

Section II. The City Manager, or in his absence, an Executive Director, is hereby authorized to execute the License Agreement and all other documents in connection with said License Agreement on behalf of the City of Plano.

4-2

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

DULY PASSED AND APPROVED this the ____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	01/24/05	Reviewed by Legal <i>ph</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering		Initials	Date
Department Head	Alan J. Upchurch	Executive Director	<i>[Signature]</i>	1/14/05
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	1/18/05
Agenda Coordinator (include phone #):		Irene Pegues (7198) <i>[Signature]</i>		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER PUBLIC HEARING				
CAPTION				
A public hearing by the City Council of the City of Plano, Texas, pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of City of Plano park land known as Russell Creek Park Athletic Complex for a drainage easement.				
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				
The City of Plano's Engineering Department has requested that the City allow it to use a portion of Russell Creek Park Athletic Complex for a drainage easement, as depicted in the drawing included with this Agenda Item. Chapter 26 of the Texas Parks and Wildlife Code requires a public hearing for any use or taking of park land. To permit the use or taking of park land, the governing body with jurisdiction over the park, City Council in this instance, must find the following:				
1) There is no feasible and prudent alternative to the use or taking of the Park Land as proposed by the Project; and 2) The Project includes all reasonable planning to minimize harm to the Park Land resulting from the use or the taking.				
Witnesses will present at the public hearing on these issues.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
N/A		N/A		



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 01/24/05		Reviewed by Legal <i>pb</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering		Initials	Date
Department Head	Alan L. Upchurch	Executive Director	<i>[Signature]</i>	1/14/05
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	1/18/05
Agenda Coordinator (include phone #):		Irene Pegues (7198) <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, approving a project for a drainage easement at Russell Creek Park Athletic Complex-YMCA, requiring the use or taking of a portion of City of Plano public park land known as Russell Creek Park Athletic Complex; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park resulting from the use; 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 item is related to the previous public hearing item authorizing the use of Russell Creek Park Athletic Complex for a drainage easement.				
List of Supporting Documents: N/A		Other Departments, Boards, Commissions or Agencies N/A		

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, APPROVING THE USE OR TAKING OF A PORTION OF CITY OF PLANO PUBLIC PARK LAND KNOWN AS RUSSELL CREEK PARK ATHLETIC COMPLEX FOR A DRAINAGE EASEMENT; PROVIDING FOR A DETERMINATION THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE PROPOSED USE OR TAKING OF THE PARK LAND; AND THAT THE PROPOSED PROJECT INCLUDES ALL REASONABLE PLANNING TO MINIMIZE HARM TO THE LAND AND THE PARK RESULTING FROM THE USE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has requested approval for a drainage easement at Russell Creek Athletic Complex – YMCA as depicted on the drawing attached hereto as Exhibit "A" (called "Project") which requires the use or taking of a portion of City of Plano public park land known as Russell Creek Athletic Complex (called "Park Land"); and

WHEREAS, Chapter 26 of the Texas Parks and Wildlife Code (called "Code") requires a public hearing to determine whether or not the Project's proposed use of a portion of the Park Land should be approved in accordance with certain criteria contained within the Code; and

WHEREAS, Notices of the Public Hearing were duly served and published in conformity with the Code; and

WHEREAS, a public hearing was held by the City Council on January 24, 2005, during which all interested persons were given the opportunity to testify and present other relevant evidence before the City Council.

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

Section I. After hearing and reviewing all of the testimony and evidence at the Public Hearing as well as other matters and information relevant and pertinent to a determination, the City Council hereby finds and determines that:

- (a) There is no feasible and prudent alternative to the use or taking of the Park Land as proposed by the Project; and
- (b) The Project includes all reasonable planning to minimize harm to the Park Land, resulting from the use or the taking.

6-2

Section II. The City Council further finds that the determination made in Section I is in the public interest generally, and in the best interest of the citizens of the City of Plano, Texas. Accordingly, the City Council approves the use or taking of a portion of Russell Creek Park Athletic Complex for a drainage easement, as depicted in Exhibit "A."

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

DULY PASSED AND APPROVED this the _____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

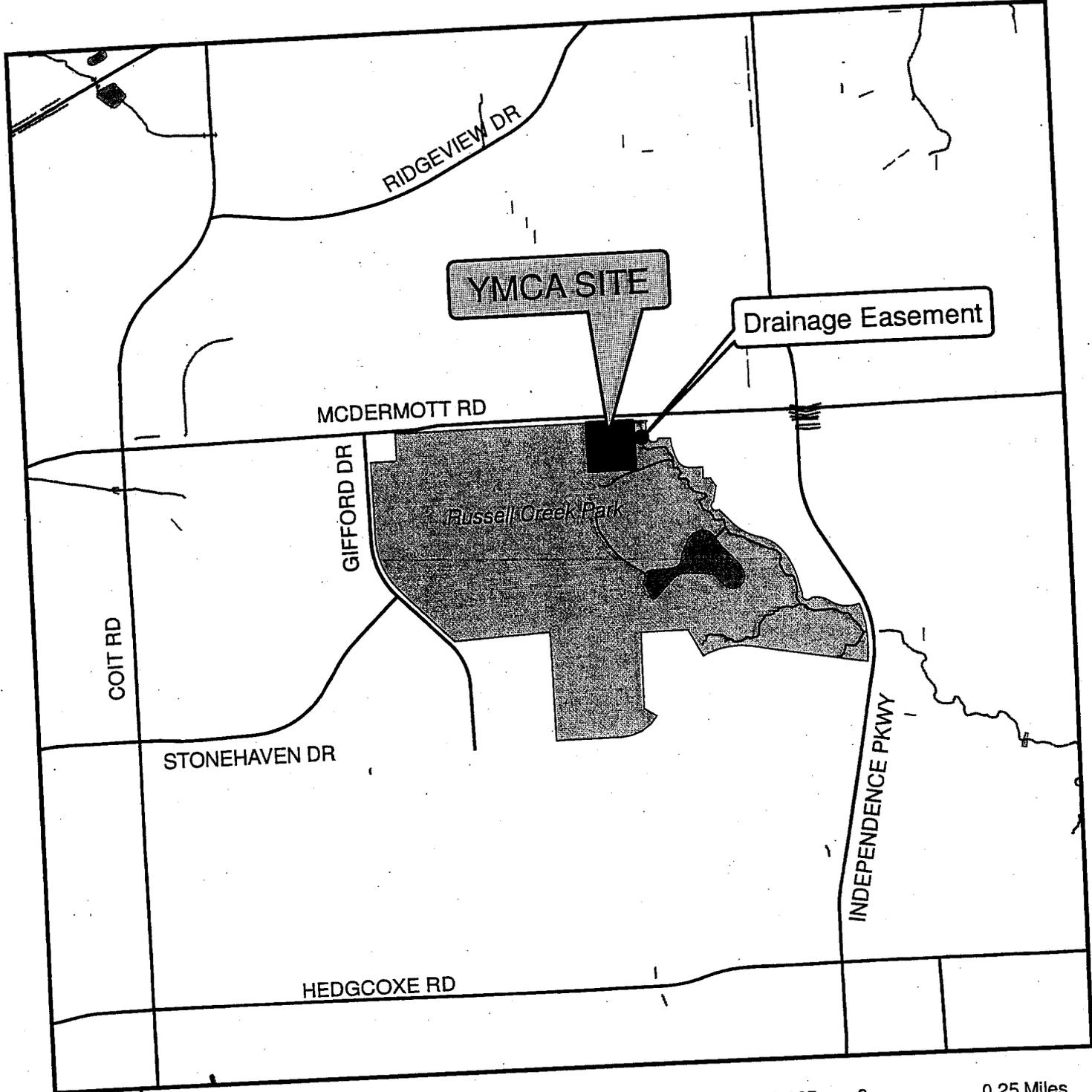
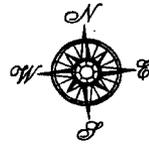
Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

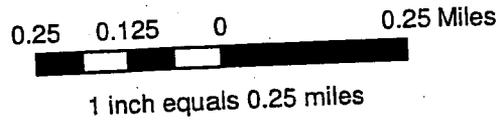
6-3

YMCA DRAINAGE EASEMENT AT RUSSELL CREEK PARK



6-4
PR

Park Planning Division
City of Plano, Texas



DRAINAGE EASEMENT

STATE OF TEXAS
COUNTY OF COLLIN

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

THAT, the **CITY OF PLANO, TEXAS**, a home rule municipal corporation, hereinafter called "Grantor," for and in consideration of the sum of **ONE DOLLAR (\$1.00)** and other good and valuable consideration to Grantor in hand paid by the **CITY OF PLANO, TEXAS**, hereinafter called "Grantee," the receipt and sufficiency of which is hereby acknowledged, does hereby **GIVE, GRANT, and DEDICATE** to Grantee, the easement and right to construct, reconstruct and perpetually maintain drainage facilities (the "Facilities"), together with all incidental improvements and all necessary laterals in, upon and across certain real property located in the City of Plano, Collin County, Texas, as more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference as if fully set forth herein (the "Easement Property").

TO HAVE AND TO HOLD the same perpetually unto the Grantee, its successors and assigns, together with the right and privilege at all times to enter the Easement Property, or any part thereof, for the purpose of constructing, reconstructing, and maintaining the Facilities, and all incidental improvements and for making connections therewith. The Grantee shall have the right to construct, reconstruct and perpetually maintain additional Facilities at all times in the future, within the Easement Property.

6-5

SIGNED this ____ day of _____, 2005.

CITY OF PLANO, TEXAS

BY: _____
Thomas H. Muehlenbeck
CITY MANAGER

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the ____ day of _____, 2005 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

After Recording Return to:
Plano City Attorney's Office
P.O. Box 860358
Plano, Texas 75086-0358

6-6

EXHIBIT "A" TO ORDINANCE NO. _____

15' DRAINAGE EASEMENT
in
Lot 1, Block A
Russell Creek Park Athletic Complex
Grizzell Kennedy Survey, Abstract No. 499
City of Plano, Collin County, Texas

EXHIBIT "A"
THE EASEMENT PROPERTY

Being a 219 square foot tract of land situated in the Grizzell Kennedy Survey, Abstract No. 499, City of Plano, Collin County, Texas, being a part of Lot 1, Block A, Russell Creek Park Athletic Complex, an addition to the City of Plano, Collin County, Texas, according to the plat recorded in Cabinet L, Slide 255, Plat Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner in the east line of a tract of land conveyed to Y.M.C.A. by deed recorded in Volume 2698, Page 700, Deed Records, Collin County, Texas, said east line being a common line with said Lot 1, said rod being South 00° 24' 21" West a distance of 99.17 feet from a 1/2 inch iron rod found for corner in the south line of McDermott Road (a 110' right-of-way) and the northeast corner of said Y.M.C.A. tract;

THENCE South 89° 35' 39" East departing the common line between said Y.M.C.A. tract and said Lot 1 a distance of 14.63 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner in the west line of a Drainage & Floodway Easement recorded in Cabinet J, Slide 876, Plat Records, Collin County, Texas, and the west line of a Drainage Easement recorded in Volume 2108, Page 403, Deed Records, Collin County, Texas;

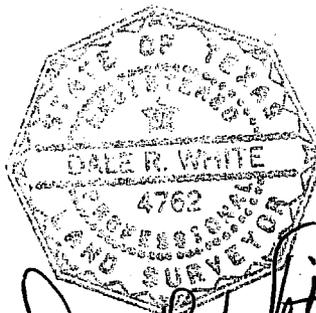
THENCE South 00° 24' 21" West along the west line of said Drainage & Floodway Easement and the west line of said Drainage Easement a distance of 15.00 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner;

THENCE North 89° 35' 39" West departing the west line of said Drainage & Floodway Easement and the west line of said Drainage Easement a distance of 14.63 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner in the common line between said Y.M.C.A. tract and said Lot 1;

THENCE North 00° 24' 21" East along the common line between said Y.M.C.A. tract and said Lot 1 a distance of 15.00 feet to the **POINT OF BEGINNING** and containing 219 square feet or 0.0050 acres of land, more or less.

Basis of Bearings is the City of Plano Geodetic Monumentation System. (Monument H10)

Controlling monuments are as shown.



Dale R. White
 9-23-04

6-7



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	01/24/05	Reviewed by Legal <i>fy</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering	Initials	Date	
Department Head	Alan L. Upchurch	Executive Director	<i>[Signature]</i>	1/14/05
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	1/15/05
Agenda Coordinator (include phone #): Irene Pegues (7198) <i>[Signature]</i>				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A resolution of the City Council of the City of Plano, Texas, granting the use or taking of a portion of Russell Creek Park Athletic Complex for a drainage easement being in the Grizzell Kennedy Survey, Abstract No. 499, City of Plano, Collin County, and authorizing the approval by the City Manager, or in his absence an Executive Director; and providing for 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 item is related to the previous public hearing item approving a project for a Drainage Easement at Russell Creek Park Athletic Complex-YMCA.				
List of Supporting Documents: N/A		Other Departments, Boards, Commissions or Agencies N/A		

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, GRANTING THE USE OR TAKING OF A PORTION OF RUSSELL CREEK PARK ATHLETIC COMPLEX FOR A DRAINAGE EASEMENT BEING IN THE GRIZZELL KENNEDY SURVEY, ABSTRACT NO. 499, CITY OF PLANO, COLLIN COUNTY, AND AUTHORIZING THE APPROVAL BY THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after a public hearing under Chapter 26 of the Texas Parks and Wildlife Code, the City Council has approved the use or taking of a portion of City of Plano public park land of Russell Creek Park Athletic Complex for a drainage easement; and

WHEREAS, the City Council has been presented with the preliminary plat for the projected use of a portion of Russell Creek Park Athletic Complex, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter the "Project"); and

WHEREAS, upon full review and consideration of the preliminary plat, and all matters attendant and related thereto, the City Council is of the opinion that the preliminary plat should be approved, and that the City Manager, or in his absence an Executive Director, shall be authorized to approve 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 City Council hereby approves the preliminary plat of a drainage easement attached hereto and incorporated herein as Exhibit "A."

Section II. The City Manager, or in his absence an Executive Director, is hereby authorized to approve the preliminary plat and all other documents in connection with the drainage easement on behalf of the City of Plano.

7-2

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

DULY PASSED AND APPROVED this the ____ day of _____, 2005.

Pat Evans, MAYOR

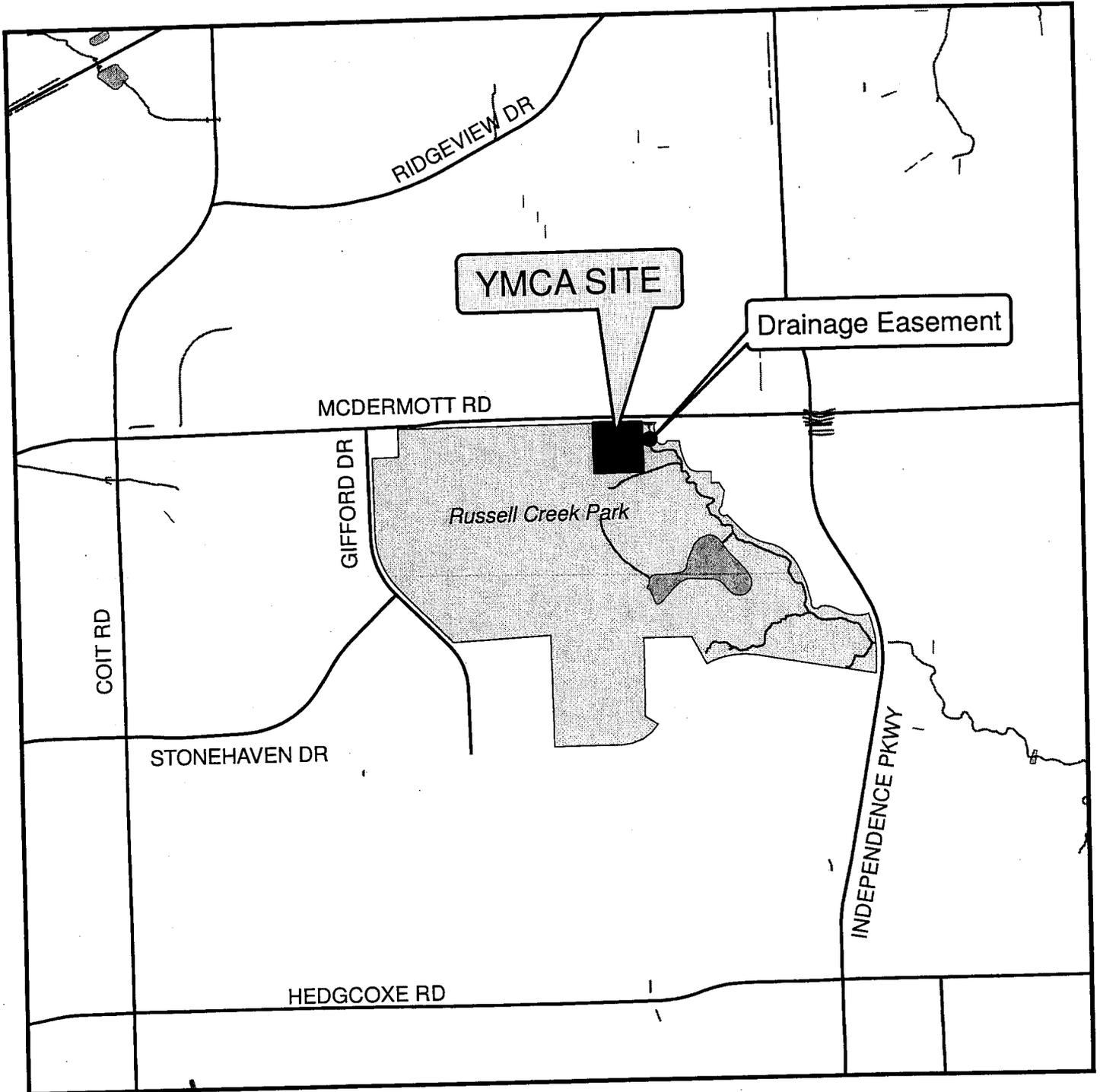
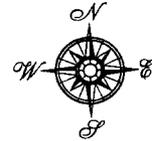
ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

YMCA DRAINAGE EASEMENT AT RUSSELL CREEK PARK



0.25 0.125 0 0.25 Miles



1 inch equals 0.25 miles



Park Planning Division
City of Plano, Texas

7-4

DRAINAGE EASEMENT

STATE OF TEXAS
COUNTY OF _____

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

THAT, the **CITY OF PLANO, TEXAS**, a home rule municipal corporation, hereinafter called "Grantor," for and in consideration of the sum of **ONE DOLLAR (\$1.00)** and other good and valuable consideration to Grantor in hand paid by the **CITY OF PLANO, TEXAS**, hereinafter called "Grantee," the receipt and sufficiency of which is hereby acknowledged, does hereby **GIVE, GRANT,** and **DEDICATE** to Grantee, the easement and right to construct, reconstruct and perpetually maintain drainage facilities (the "Facilities"), together with all incidental improvements and all necessary laterals in, upon and across certain real property located in the City of Plano, Collin County, Texas, as more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference as if fully set forth herein (the "Easement Property").

TO HAVE AND TO HOLD the same perpetually unto the Grantee, its successors and assigns, together with the right and privilege at all times to enter the Easement Property, or any part thereof, for the purpose of constructing, reconstructing, and maintaining the Facilities, and all incidental improvements and for making connections therewith. The Grantee shall have the right to construct, reconstruct and perpetually maintain additional Facilities at all times in the future, within the Easement Property.

7-5

SIGNED this ____ day of _____, 2005.

CITY OF PLANO, TEXAS

BY: _____
Thomas H. Muehlenbeck
CITY MANAGER

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the ____ day of _____, 2005 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

After Recording Return to:
Plano City Attorney's Office
P.O. Box 860358
Plano, Texas 75086-0358

7-6

15' DRAINAGE EASEMENT
in
Lot 1, Block A
Russell Creek Park Athletic Complex
Grizzell Kennedy Survey, Abstract No. 499
City of Plano, Collin County, Texas

EXHIBIT "A"
THE EASEMENT PROPERTY

Being a 219 square foot tract of land situated in the Grizzell Kennedy Survey, Abstract No. 499, City of Plano, Collin County, Texas, being a part of Lot 1, Block A, Russell Creek Park Athletic Complex, an addition to the City of Plano, Collin County, Texas, according to the plat recorded in Cabinet L, Slide 255, Plat Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner in the east-line of a tract of land conveyed to Y.M.C.A. by deed recorded in Volume 2698, Page 700, Deed Records, Collin County, Texas, said east line being a common line with said Lot 1, said rod being South 00° 24' 21" West a distance of 99.17 feet from a 1/2 inch iron rod found for corner in the south line of McDermott Road (a 110' right-of-way) and the northeast corner of said Y.M.C.A. tract;

THENCE South 89° 35' 39" East departing the common line between said Y.M.C.A. tract and said Lot 1 a distance of 14.63 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner in the west line of a Drainage & Floodway Easement recorded in Cabinet J, Slide 876, Plat Records, Collin County, Texas, and the west line of a Drainage Easement recorded in Volume 2108, Page 403, Deed Records, Collin County, Texas;

THENCE South 00° 24' 21" West along the west line of said Drainage & Floodway Easement and the west line of said Drainage Easement a distance of 15.00 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner;

THENCE North 89° 35' 39" West departing the west line of said Drainage & Floodway Easement and the west line of said Drainage Easement a distance of 14.63 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner in the common line between said Y.M.C.A. tract and said Lot 1;

THENCE North 00° 24' 21" East along the common line between said Y.M.C.A. tract and said Lot 1 a distance of 15.00 feet to the **POINT OF BEGINNING** and containing 219 square feet or 0.0050 acres of land, more or less.

Basis of Bearings is the City of Plano Geodetic Monumentation System. (Monument H10)

Controlling monuments are as shown.



Dale R. White
9-23-04

7-7
Sheet 1 of 2
23799X

EXHIBIT "A" TO RESOLUTION NO.

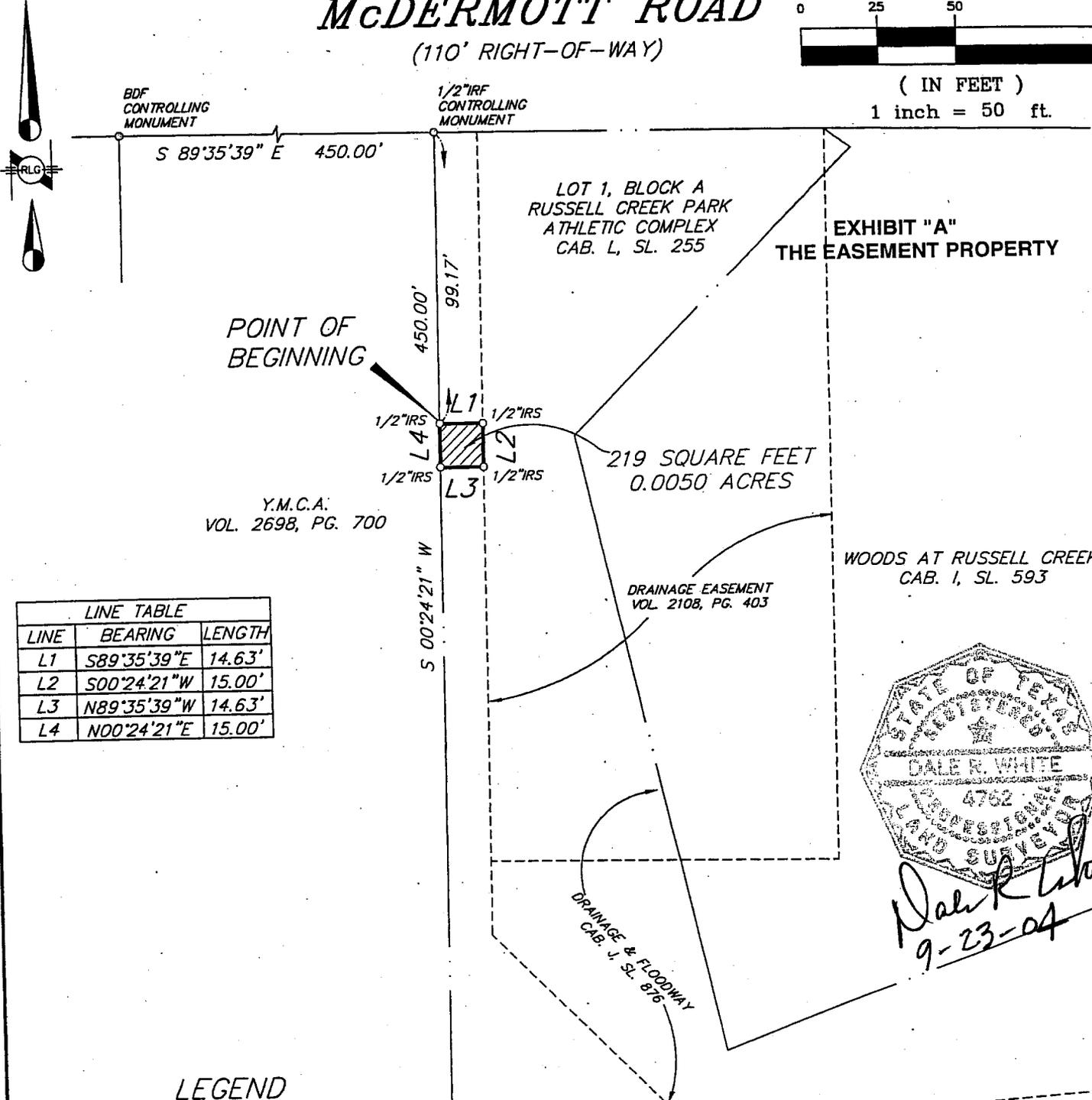
McDERMOTT ROAD

(110' RIGHT-OF-WAY)

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



POINT OF BEGINNING

Y.M.C.A.
VOL. 2698, PG. 700

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°35'39"E	14.63'
L2	S00°24'21"W	15.00'
L3	N89°35'39"W	14.63'
L4	N00°24'21"E	15.00'

LEGEND

- PROPERTY LINE
- EASEMENT LINE
- 1/2"IRS / 1/2"IRF 1/2" IRON ROD SET / FOUND
- BDF BRASS DISK FOUND

BASIS OF BEARINGS IS THE CITY OF PLANO GEODETIC MONUMENTATION SYSTEM. (MONUMENT H10)

CONTROLLING MONUMENTS ARE AS SHOWN.

7-8
RAYMOND L. GOODSON, JR., INC. CITY OF PLANO, COLLIN COUNTY, TEXAS
5445 LA SIERRA
SUITE 300 L.B.17
DALLAS, TX. 75231-4138
214-739-8100
rlg@rlginco.com

15' DRAINAGE EASEMENT

IN
LOT 1, BLOCK A
RUSSELL CREEK PARK
ATHLETIC COMPLEX

GRIZZELL KENNEDY SURVEY ABSTRACT NO.499

CITY OF PLANO, COLLIN COUNTY, TEXAS



Dale R. White
9-23-04

SCALE	1" = 50'	DATE	09-23-04
JOB NO.	04347	E-FILE	04347esmt
		DWG NO.	23799X



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY			Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 1/24/05			Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Intergovernmental Relations			Initials	Date
Department Head	Mark Israelson		Executive Director		
Dept Signature:			City Manager	<i>[Signature]</i>	1/24/05
Agenda Coordinator (include phone #): Mark Israelson ext 5440					
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 PUBLIC RIGHT-OF-WAY USE AGREEMENT BY AND BETWEEN THE CITY OF PLANO, TEXAS AND MEDICAL CENTER OF PLANO., A TEXAS CORPORATION, TO LOCATE, PLACE, ATTACH, INSTALL, OPERATE, AND MAINTAIN A COMMUNICATIONS SYSTEM IN CERTAIN SPECIFIC PORTIONS OF THE PUBLIC RIGHTS-OF-WAY IN THE CITY OF PLANO; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	0	0	0	0	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	0	0	0	
BALANCE	0	0	0	0	
FUND(S):					
COMMENTS:					
SUMMARY OF ITEM					
This Resolution approves a Public Right-of-Way Use Agreement with Medical Center of Plano for work that the Medical Center desires to do in the City's rights-of-way to connect a communications system.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
N/a			n/a		

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A PUBLIC RIGHT-OF-WAY USE AGREEMENT BY AND BETWEEN THE CITY OF PLANO, TEXAS AND MEDICAL CENTER OF PLANO., A TEXAS CORPORATION, TO LOCATE, PLACE, ATTACH, INSTALL, OPERATE, AND MAINTAIN A COMMUNICATIONS SYSTEM IN CERTAIN SPECIFIC PORTIONS OF THE PUBLIC RIGHTS-OF-WAY IN THE CITY OF PLANO; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented a proposed Public Right-of-Way Use Agreement by and between the City of Plano, Texas and Medical Center of Plano., (hereinafter called "Agreement"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

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

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

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

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

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

RESOLUTION NO. _____

Page 2 of 2

DULY PASSED AND APPROVED on this the ____ day of _____,
2004.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

8-3

PUBLIC RIGHT-OF-WAY USE AGREEMENT

This Agreement is made this the _____ day of January, 2005, by and between the **CITY OF PLANO, TEXAS**, a Texas home rule municipal corporation ("City"), and **COLUMBIA MEDICAL CENTER OF PLANO SUBSIDIARY, L.P., a Texas Limited Partnership, d/b/a COLUMBIA MEDICAL CENTER OF PLANO**, ("Company").

RECITALS:

WHEREAS, Company desires to locate, place, attach, install, operate and maintain, subject to the terms of this Public Right-of-Way Use Agreement, a communications system consisting of four-inch (4") PVC conduit equipped with copper and fiber cables (hereinafter called "Structure") under 15th Street located in Plano, Collin County, Texas, as shown on the attached Exhibit "A," for the purpose of connecting two private facilities owned by Company; and

WHEREAS, the City will allow Company to use the Public Rights-of-Way under the terms of this Agreement.

NOW, THEREFORE, the City and Company agree as follows:

1. **Definitions.**

Capitalized terms used in this Agreement and not otherwise defined within this Agreement shall have the following meanings:

- (a) *Affiliate* shall mean any individual, partnership, association, joint stock company, limited liability company, trust, corporation, or other person or entity who owns or controls, or is owned or controlled by, or is under common ownership or control with, the entity in question.
- (b) *Company* shall mean Columbia Medical Center of Plano Subsidiary, L.P. d/b/a Columbia Medical Center of Plano, a Texas Limited Partnership, only and shall not include any Affiliate or third party.

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- (c) *City* shall mean the area within the corporate limits of the City of Plano, Texas, and the governing and administrative body thereof.
- (d) *Effective Date* shall mean the date of execution by the City.
- (e) *Person* shall mean an individual, corporation, a limited liability company, a general or limited partnership, a sole proprietorship, a joint venture, a business trust or any other form or business entity or association.
- (f) *Public Rights-of-Way* shall mean only those portions of the public rights-of-way and street crossings in the City identified in Exhibit "A" of this Agreement, which is attached hereto and hereby made a part of this Agreement for all purposes.
- (g) *Structure* shall mean four-inch (4") PVC conduit equipped with copper and fiber cables located under 15th Street in Plano, Collin County, Texas.

2. **Grant of Rights.**

2.1 **General Use of Public Rights-of-Way.**

Subject to the terms and conditions set forth in this Agreement, the City Charter, and the ordinances of the City, the City hereby grants Company a non-exclusive license to locate, place, attach, install, operate and maintain its Structure in the Public Rights-of-Way, as defined in Section 1 hereof. Company hereby acknowledges and agrees that the location, attachment, installation, operation, maintenance, removal, reattachment, reinstallation, relocation and/or replacement of Structure or any other structure or equipment constitutes an actual use of the Public Rights-of-Way, that the City has the right to manage and regulate the use of such Public Rights-of-Way, and that the City is entitled to recover reasonable compensation from Company on account of such use of the Public Rights-of-Way.

Both the City and Company ("Parties") hereby acknowledge and agree that this Agreement addresses only the use of the Public Rights-of-Way by Company to locate, place, attach, install, operate and maintain its Structure and does not grant

Company or any Affiliate or contractor of the Company the use of the Public Rights-of-Way for any other reason. If Company, an Affiliate of Company, or any assignee, successor in interest or contractor of Company contends that Company, an Affiliate of Company, or any assignee, successor in interest or contractor of Company wishes to construct and/or install additional facilities in any of the City's public rights-of-way other than the Public Rights-of-Way defined in Section 1, Company shall first notify the City in writing and shall obtain a written permit or agreement for the use of the Public Rights-of-Way in that respect.

2.2 Scope. Any and all rights granted to Company under this Agreement, which shall be exercised at Company's sole cost and expense, shall be subject and subordinate to the prior and continuing right of City, its successors and assigns, to use any and all parts of the Public Rights-of-Way exclusively or concurrently with any other Person or Persons having the legal right to use such Public Rights-of-Way. In addition, any and all rights granted to Company under this Agreement shall be subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record that may affect the Public Rights-of-Way. Nothing in this Agreement shall be deemed to grant, convey, create, or vest in Company a real property interest in land, including, but not limited to, any fee, leasehold interest, or easement. Any work performed by or on behalf of Company shall be subject to the prior and customary review and regulation by the City. Company shall not allow any liens, including, but not limited to, mechanic's or materialman's liens, to be enforced against City's premises by reason of any such work.

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2.3 Non-exclusive. This Agreement and all rights granted to Company herein are strictly non-exclusive. The City reserves the right to grant other and future agreements, consents and franchises for the use of public rights-of-way in the City, including the Public Rights-of-Way used by Company pursuant to this Agreement, to other persons or entities as the City deems appropriate. This Agreement does not establish any priority for the use of the Public Rights-of-Way by Company or by any present or future franchisees, users or other permit holders. In the event of any dispute as to the priority of use of the Public Rights-of-Way, the first priority shall be to the public generally, the second priority to the City in the performance of its various functions, and thereafter, as between franchisees, users and other permit holders, as determined by the City in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Texas.

2.4 Other Permits. This Agreement does not relieve Company of any obligation to obtain permits, licenses, and other approvals from the City necessary for the construction, repair, or maintenance of the Structure.

3. Term.

This license shall continue in force for a period of ten (10) years from the Effective Date and may thereafter be renewed for such time and upon such terms as the parties may then agree. If any law or agency rule or regulation is adopted that affects the City's ability or right to manage the Public Rights-of-Way, Company agrees to meet with the City and to negotiate with diligence and in good faith an agreement or amendment to this Agreement that reasonably resolves the City's and Company's concerns regarding such law or agency rule or regulation.

4. **Fees and Payments.**

4.1 **Public Right-of-Way Use Fee.** On the Effective Date, Company shall pay the City as compensation for its use of the Public Rights-of-Way for the entire term of this Agreement, the sum of **THREE HUNDRED TWENTY-TWO DOLLARS (\$322.00)**, which represents (i) ONE DOLLAR (\$1.00) per linear foot of the Public Rights-of-Way plus (ii) Two Hundred Dollars (\$200.00) per public street crossing for a term of ten (10) years. Company hereby acknowledges and agrees that the amount of this Right-of-Way Use Fee constitutes just and reasonable compensation to the City for Company's use of the Public Rights-of-Way as provided by this Agreement.

4.2 **Other Payments.** In addition to the Right-of-Way Use Fees, Company shall pay the City all sums that may be due the City for property taxes, license fees, permit fees, or other taxes, charges or fees that the City may from time to time impose.

4.3 **Interest.** All sums due the City under this Agreement that are not paid when due shall bear interest at the rate of ten percent (10%) per annum, computed monthly.

4.4 Company acknowledges that it understands that this Agreement and the fee charged in Section 4.1 above relate only to the Public Rights-of-Way specifically identified in Exhibit "A." Additional portions of the public rights-of-way and/or street crossings shall require a new license and an additional fee.

5. **Use of Public Rights-of-Way**

5.1 **Construction and Maintenance.** In all matters relating to this Agreement, Company shall comply with the City of Plano Right-of-Way Management

Ordinance, as adopted by Ordinance No. 2001-3-20 and as amended from time to time, and all other pertinent laws, rules, and regulations of the City and the State of Texas. Approval by City of this Agreement shall not constitute a warranty by City that Company's plans conform with federal, state and/or local codes and regulations applicable thereto. Company shall comply with all laws or ordinances of the City of Plano, including, but not limited to, those relating to building and excavation permits.

5.2 Work by Others; Alterations Required if Needed to Conform with Public Improvements. The City reserves the right, subject to further conditions described in this paragraph, to lay and permit to be laid sanitary sewer, gas, water, electric, telephone and television cable and other pipelines or cables and conduits and to do and permit to be done any underground and overhead installation that may be deemed necessary or proper by the governing body of the City in, across, along, over or under any of Company's Public Rights-of-Way and to change any curb or sidewalk or the grade of any street. In permitting such work to be done, the City shall not be liable to Company, except to the extent provided under the Texas Tort Claims Act. Nothing herein shall relieve any other person or corporation from any liability for damage to the facilities or the Structure.

5.3 Testing. Company shall cooperate with City in making any test or tests it requires of any installation or condition that, in its reasonable judgment, may have adverse effects on any of the facilities of the City. All costs incurred by the test(s), or any corrections thereof, shall be borne by Company.

5.4 Location, Use or Purpose Changes. No change in the location, use or purpose of the Public Rights-of-Way shall be made by Company without City's written approval.

6. **Miscellaneous Obligations of Company.**

6.1 Removal of Structure. Upon the termination or expiration of this Agreement, Company's right to use Public Rights-of-Way under this Agreement shall cease and Company shall immediately discontinue use of the Structure. Within six (6) months following such termination or expiration and in accordance with directions from the City, Company shall remove the Structure, including, but not limited to, all supporting structures, poles, transmission and distribution Structures and other appurtenances, fixtures or property from the Public Rights-of-Way. If Company has not removed all Structure facilities and equipment from the Public Rights-of-Way within six (6) months following termination or expiration of this Agreement, the City may deem all of the Company's Structure facilities and equipment remaining in the Public Rights-of-Way abandoned and, at the City's sole but reasonable discretion, (i) take possession of and title to such property; and/or (ii) take any and all legal action necessary to compel Company to remove such property.

Within six (6) months following termination or expiration of this Agreement, Company shall also restore any property, public or private, that is disturbed or damaged by removal of the Structure. If Company has not restored all such property within this time, the City, at the City's sole but reasonable discretion, may perform or have performed any necessary restoration work, in which case Company shall, within

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ten (10) days following receipt of an itemized invoice, reimburse the City for any and all costs incurred in performing or having performed such restoration work.

7. **Indemnification and Insurance.**

7.1 **Disclaimer of Liability.** EXCEPT TO THE EXTENT PROVIDED BY THE TEXAS TORT CLAIMS ACT, THE CITY SHALL NOT AT ANY TIME BE LIABLE FOR ANY INJURY OR DAMAGE OCCURRING TO ANY PERSON OR PROPERTY FROM ANY CAUSE WHATSOEVER THAT ARISES OUT OF THE ATTACHEMENT, INSTALLATION, OPERATION, MAINTENANCE, REMOVAL, REATTACHMENT, REINSTALLATION, RELOCATION AND/OR REPLACEMENT OF THE STRUCTURE OR THE CONSTRUCTION, MAINTENANCE, REPAIR, USE, OPERATION, CONDITION OR DISMANTLING OF THE STRUCTURE.

7.2 **Indemnification.** Company shall provide to the City the indemnification set out in the City's Right-of-Way Management Ordinance, Ordinance No. 2001-3-20, as amended. Company further releases and indemnifies the City from and against any and all liability, cost and expense, including attorney's fees for loss of or damage to the City's property and for injury to or death of Persons (including, but not limited to, the property and employees of each of the parties hereto) arising or resulting from a breach of this Agreement by Company, whether or not caused or contributed to by any act or omission, negligence or otherwise, of any employee or agent of City.

7.3 **Assumption of Risk.** COMPANY HEREBY UNDERTAKES AND ASSUMES, FOR AND ON BEHALF OF COMPANY, ITS OFFICERS, AGENTS, CONTRACTORS, SUBCONTRACTORS, AGENTS AND EMPLOYEES, ALL RISK OF DANGEROUS CONDITIONS, IF ANY, ON OR ABOUT ANY CITY-OWNED OR CITY-

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CONTROLLED PROPERTY OR FACILITIES, INCLUDING, BUT NOT LIMITED TO, THE PUBLIC RIGHTS-OF-WAY. IN ADDITION, COMPANY HEREBY AGREES TO AND SHALL INDEMNIFY AND HOLD HARMLESS THE CITY AGAINST AND FROM ANY CLAIM ASSERTED OR LIABILITY IMPOSED UPON THE CITY FOR ANY PERSONAL INJURY OR PROPERTY DAMAGES INCURRED OR ASSERTED BY COMPANY OR ANY OF ITS EMPLOYEES, AGENTS, CONTRACTORS OR SUBCONTRACTORS, AND ARISING FROM THE ATTACHMENT, INSTALLATION, OPERATION, MAINTENANCE, CONDITION, REMOVAL, REATTACHMENT, REINSTALLATION, RELOCATION AND/OR REPLACEMENT OF THE STRUCTURE.

7.4 Insurance. Company shall comply with the insurance requirements set out in the City's Right-of-Way Management Ordinance, Ordinance No. 2001-3-20, as amended.

8. Termination. This Agreement shall terminate:

- (a) at the end of the term provided for in Section 3 above;
- (b) upon abandonment of the Public Rights-of-Way or discontinuance of use thereof;
- (c) upon failure of Company to correct any default under this Agreement after expiration of the applicable cure period as set out in Sections 9 and 10 below.

9. Defaults.

The occurrence at any time during the term of this Agreement of one or more of the following events shall constitute an "Event of Default" under this Agreement:

9.1 Failure to Pay Right-of-Way Use Fees. An Event of Default shall occur if Company fails to pay any Right-of-Way Use Fee on or before the respective due date.

9.2 Breach. An Event of Default shall occur if Company materially breaches or violates any of the terms, covenants, representations, or warranties set forth in this Agreement or fails to perform any duty or obligation required by this Agreement.

9.3 Violations of the Law. An Event of Default shall occur if Company violates any existing or future federal, state or local laws or any existing or future ordinances, rules and regulations of the City; provided, however, that no Event of Default shall be deemed to occur or exist during the pendency of any legal action which the City or Company may initiate against the other under or in connection with such law, ordinance, rule or regulation.

10. **Uncured Defaults and Remedies.**

10.1 Notice of Default and Opportunity to Cure. If an Event of Default occurs, the City shall provide Company with written notice and shall give Company the opportunity to cure such Event of Default. For an Event of Default which can be cured by the immediate payment of money to the City, Company shall have thirty (30) calendar days from the date it receives written notice from the City to cure the Event of Default. For any other Event of Default, Company shall have sixty (60) calendar days from the date it receives written notice from the City to cure the Event of Default. If any Event of Default is not cured within the time period specified herein, such Event of

Default shall, without further notice from the City, become an "Uncured Default" and the City immediately may exercise the remedies provided in Section 10.2.

10.2 Remedies for Uncured Defaults. Upon the occurrence of an Uncured Default, the City shall be entitled to exercise, at the same time or at different times, any of the following remedies, all of which shall be cumulative and without limitation to any other rights or remedies the City may have:

10.2.1 Termination of Agreement. Upon the occurrence of an Uncured Default, the City may terminate this Agreement immediately upon written notice to Company. Upon such termination, Company shall forfeit all rights granted to it under this Agreement, and, except as to Company's unperformed obligations and existing liabilities as of the date of termination, this Agreement shall automatically be deemed null and void and shall have not further force or effect. Company shall remain obligated to pay, and the City shall retain any, Right-of-Way Use Fees and any other payments due up to the date of termination. In this event, Company shall comply with the provisions of Section 6.1 of this Agreement. The City's right to terminate this Agreement under this Section does not and shall not be construed to constitute any limitation on the City's right to terminate this Agreement for other reasons as provided by and in accordance with this Agreement.

10.2.2. Legal Action Against Company. Upon the occurrence of an Uncured Default, the City may commence against Company an action at law for monetary damages or in equity for injunctive relief or specific performance of

any of the provisions of this Agreement that, as a matter of equity, are specifically enforceable.

11. **Assignment of Agreement.**

The rights granted by this Agreement inure to the benefit of Company. Except to an Affiliate of the Company, Company shall not (i) assign, transfer, sell, or otherwise convey any of its rights, privileges, duties or interests as granted to Company by this Agreement; or (ii) lease to any Person or allow use by any Person other than Company all or any portion of its Structure unless (i) Company first notifies the City in writing; (ii) Company obtains the City's advance written consent, which consent shall not unreasonably be withheld; and (iii) such Person enters into a written agreement with the City relating to that Person's use of the Public Rights-of-Way, including terms for any compensation that the City may charge for such use. In the event Company assigns or transfers the Agreement to an Affiliate of Company, Company shall provide City with written notice thereof.

12. **Notices.**

12.1 All notices that shall or may be given pursuant to this Agreement shall be in writing and delivered or transmitted (a) through the United States mail, by registered or certified mail, postage prepaid; (b) by means of prepaid overnight delivery service; or (c) by facsimile transmission, if a hard copy of the same is followed by delivery through the U.S. mail or by overnight delivery service as just described, addressed as follows:

If to the City:

City of Plano
Attn: Intergovernmental Relations
P.O. Box 860358
1520 Avenue K, Suite 350
Plano, TX 75086-0358
Fax Number (972) 423-9587

With a copy to:
City of Plano
Attn: City Attorney
P.O. Box 860358
1520 Avenue K, Suite 340
Plano, TX 75086-0358
Fax Number (972) 424-0099

If to Company:
Medical Center of Plano
Attn: Director of Information Services
3901 W 15th St
Plano, TX 75075
Fax Number (214) 473-7836

12.2 Date of Notices; Changing Notice Address. Notices shall be deemed given three (3) days after deposit in the mail; or the next day in the case of facsimile, or overnight delivery. Either party may from time to time designate any other address for this purpose by written notice to the other party delivered in the manner set forth above.

13. **No Waiver.**

The failure of the City to insist upon the performance of any term or provision of this Agreement or to exercise any rights that the City may have, either under this Agreement or the law, shall not constitute a waiver of the City's right to insist upon appropriate performance or to assert any such right on any future occasion.

14. **Miscellaneous Provisions.**

14.1 Amendment of Agreement. This Agreement may not be amended except pursuant to a written instrument signed by both parties.

14.2 Severability of Provisions. If any one or more of the Provisions of this Agreement shall be held by court of competent jurisdiction in a final judicial action to be void, voidable, or unenforceable, such Provision(s) shall be deemed severable from the remaining Provision(s) of this Use Agreement and shall not affect the legality, validity, or constitutionality of the remaining portions of this Agreement.

14.3 Governing Law; Jurisdiction. This Agreement shall be governed and construed by and in accordance with the laws of the State of Texas, without reference to its conflicts of law principles. If suit is brought by a party to this Agreement, the parties agree that venue for the trial of such action shall be vested exclusively in the state courts of Texas, County of Collin, or in the United States District Court for the Eastern District of Texas.

14.4 Consent Criteria. In any case where the approval or consent of one party hereto is required, requested or otherwise to be given under this Agreement, such party shall not unreasonably delay or withhold consent.

14.5 Waiver of Breach. The waiver by either party of any breach or violation of any Provision of this Agreement shall not be deemed to be a waiver or a continuing waiver of any subsequent breach or violation of the same or any other Provision of this Agreement.

14.6 Representations and Warranties. Each of the parties to this Agreement represent and warrant that at the time of signing of this Agreement it has the full right, power, legal capacity, and authority to enter into and perform the parties'

respective obligations hereunder and that such obligations shall be binding upon such party without the requirement of the approval or consent of any other person or entity in connection herewith.

14.7 Entire Agreement. This Agreement contains the entire understanding between the parties with respect to the subject matter herein. There are no representations, agreements, or understandings (whether oral or written) between or among the parties relating to the subject matter of this Agreement which are not fully expressed herein.

14.8 No Third Party Beneficiaries. This Agreement is for the benefit of Company, any transferee or assignee in accordance with the provisions contained herein, and the City, and not for the benefit of any third party. No Provision of this Agreement shall be construed as creating any third party beneficiaries.

14.9 Force Majeure. City and Company shall not be required to perform any covenant or obligation in this Agreement, nor be liable to the other in damages, so long as the cause of such failure to perform, or delay in performance, is caused or prevented by an act of God or force majeure.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate the day and year first above written.

LICENSOR:

CITY OF PLANO, TEXAS,
A Home Rule Municipal Corporation

By Authority of Resolution
No. _____

By: _____
Thomas H. Muehlenbeck

8-18

City Manager

APPROVED AS TO FORM:

Diane Wetherbee, CITY ATTORNEY

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LICENSEE:

**COLUMBIA MEDICAL CENTER OF PLANO
SUBSIDIARY, L.P.**, a Texas Limited
Partnership, d/b/a Columbia Medical Center of
Plano

BY: Columbia North Texas Subsidiary GP,
LLC, a Texas Limited Liability Company, Its
General Partner

By: _____
John M. Franck
Member/Manager

By: _____
Robert Milton Johnson
Member/Manager

By: _____
A. Bruce Moore
Member/Manager

ATTEST:

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of
_____, 2005, 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

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STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the ____ day of _____, 2005, by **John M. Franck**, Member/Manager of **Columbia North Texas Subsidiary GP, LLC**, a Texas Limited Liability Company, General Partner of **COLUMBIA MEDICAL CENTER OF PLANO SUBSIDIARY, L.P.**, a Texas Limited Partnership, d/b/a Columbia Medical Center of Plano, on behalf of said limited liability company and said limited partnership.

Notary Public in and for the State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the ____ day of _____, 2005, by **Robert Milton Johnson**, Member/Manager of **Columbia North Texas Subsidiary GP, LLC**, a Texas Limited Liability Company, General Partner of **COLUMBIA MEDICAL CENTER OF PLANO SUBSIDIARY, L.P.**, a Texas Limited Partnership, d/b/a Columbia Medical Center of Plano, on behalf of said limited liability company and said limited partnership.

Notary Public in and for the State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the ____ day of _____, 2005, by **A. Bruce Moore**, Member/Manager of **Columbia North Texas Subsidiary GP, LLC**, a Texas Limited Liability Company, General Partner of **COLUMBIA MEDICAL CENTER OF PLANO SUBSIDIARY, L.P.**, a Texas Limited Partnership, d/b/a Columbia Medical Center of Plano, on behalf of said limited liability company and said limited partnership.

Notary Public in and for the State of Texas

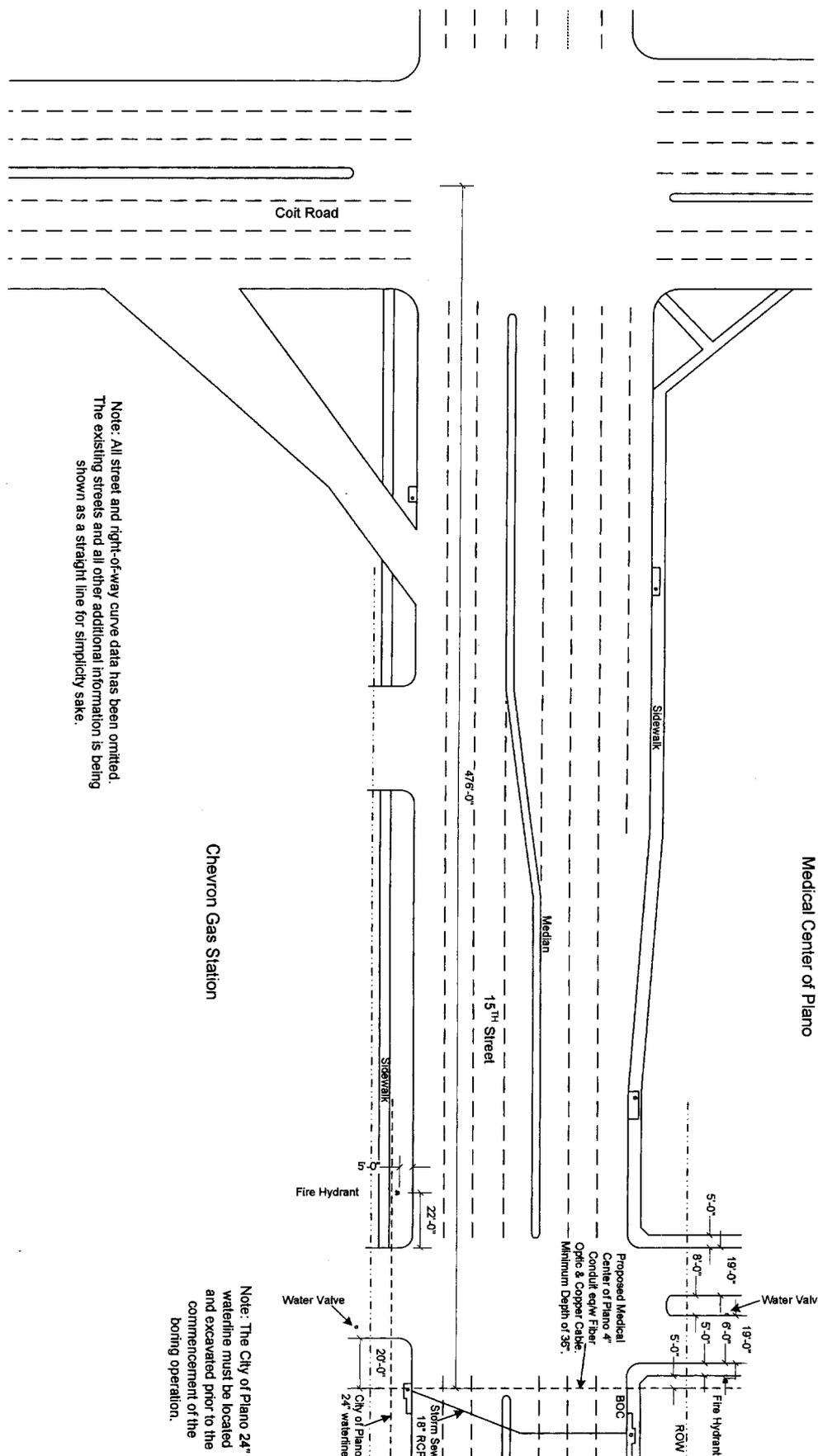
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EXHIBIT "A"

Structure

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Note: All street and right-of-way curve data has been omitted. The existing streets and all other additional information is being shown as a straight line for simplicity sake.

Note: The City of Plano 24" waterline must be located and excavated prior to the commencement of the boring operation.

Scale: Hor: 1" = 40'



DESIGNER:	DANIEL BELSER		
DATE:	11/26/04	REVISED:	
PAGE:	1 of 1	FILENAME:	Medical Center of Plano - 15th Street Crossing

DESCRIPTION: Place a 4" PVC conduit to be equipped with fiber optic and copper cable across the right-of-way of 15th Street for Medical Center of Plano.

DB DESIGN SOLUTIONS, LP.
 P.O. BOX 296030 LEWISVILLE, TX 75029
 OFFICE 972-434-5100 FAX 972-221-1222

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Budget		Initials	Date	
Department Head	Karen Rhodes		Executive Director		
Dept Signature:			City Manager	<i>AKC</i>	1/14/05
Agenda Coordinator (include phone #): Anita Allridge, 7194					

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 \$14,251 FROM THE CONVENTION & TOURISM UNAPPROPRIATED FUND BALANCE TO THE CONVENTION & TOURISM APPROPRIATION FOR FISCAL YEAR 2004-05 FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING TO THE PLANO BALLOON FESTIVAL; AMENDING THE BUDGET OF THE CITY AND ORDINANCE 2004-9-15; AS AMENDED, TO REFLECT THE ACTIONS TAKEN HEREIN; DECLARING THIS ACTION TO BE A CASE OF PUBLIC NECESSITY; AND PROVIDING AN EFFECTIVE DATE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2004-05	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	5,637,777	0	5,637,777
Encumbered/Expended Amount	0	0	0	0
This Item	0	14,251	0	14,251
BALANCE	0	5,652,028	0	5,652,028

FUND(s): CONVENTION & TOURISM FUND

COMMENTS: Supplemental appropriations approved to date for the Convention & Tourism Fund, including this item, total increases of \$14,251. There is a companion agenda item which approves the terms and conditions of the agreement between the City of Plano and Plano Balloon Festival, Inc.

STRATEGIC PLAN GOAL: The Plano Balloon Festival relates to the City's Goal of "Premier City for Families".

ag05balloonfest

SUMMARY OF ITEM

Supplemental Appropriation No. 3

This supplemental appropriation will allow for additional funding requested by Plano Balloon Festival, Inc. for this year's event. Plano Balloon Festival, Inc. has requested additional funds based on actual expenses incurred during the 2004 event.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

List of Supporting Documents: FY 2004-05 Supplemental Appropriations Log	Other Departments, Boards, Commissions or Agencies

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, TRANSFERRING THE SUM OF \$14,251 FROM THE CONVENTION & TOURISM UNAPPROPRIATED FUND BALANCE TO THE CONVENTION & TOURISM OPERATING APPROPRIATION FOR FISCAL YEAR 2004-05 FOR THE PURPOSE OF ADDITIONAL FUNDING FOR THE PLANO BALLOON FESTIVAL; AMENDING THE BUDGET OF THE CITY AND ORDINANCE 2004-9-15, 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 2004-05 setting the appropriations for the Convention & Tourism Fund at \$5,637,777; and

WHEREAS, additional funding is required in order for the Plano Balloon Festival to maintain services; 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 the Plano Balloon Festival; 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 Convention & Tourism Fund Balance Operating Appropriation, should be made in order to provide funding for the Plano Balloon Festival, 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 FOURTEEN THOUSAND TWO HUNDRED AND FIFTY ONE DOLLARS (\$14,251) is hereby transferred from the Convention & Tourism Unappropriated Fund Balance to the Convention & Tourism Operating Appropriation.

SECTION II. The budget of the City of Plano for Fiscal Year 2004-05 as adopted by Ordinance NO. 2004-9-15 and Section I (G) 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 pursuant to the City Charter Section 9.15.

SECTION IV. This supplemental appropriation Ordinance No. 3 shall become effective immediately from and after the date of its passage.

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Ordinance No. _____

Page 2

**DULY PASSED AND APPROVED THIS THE _____ DAY OF _____,
2005.**

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, **CITY SECRETARY**

APPROVED AS TO FORM:

Diane C. Wetherbee, **CITY ATTORNEY**

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**FY 2004-05
SUPPLEMENTAL APPROPRIATIONS**

<u>Description</u>	<u>Department</u>	<u>Amount</u>
Supplemental appropriation for the establishment of the Office of Homeland Security	556-Office of Homeland Security	\$ 95,651
Supplemental appropriation for the establishment of 3 additional Fire Battalion Chief positions and the mid-year salary change for 3 Assistant Fire Chief positions	552-Fire	\$ 176,495
TOTAL GENERAL FUND APPROPRIATIONS		<u>\$ 272,146</u>
		<u>\$ -</u>
TOTAL CATV FUND APPROPRIATIONS		<u>\$ -</u>
		<u>\$ -</u>
TOTAL MUNICIPAL DRAINAGE FUND APPROPRIATIONS		<u>\$ -</u>
		<u>\$ -</u>
WATER & SEWER FUND		<u>\$ -</u>
		<u>\$ -</u>
TOTAL SOLID WASTE FUND APPROPRIATIONS		<u>\$ -</u>
		<u>\$ -</u>
Supplemental appropriation for additional funding for Balloon Festival	46.162-Special Events	14,251
TOTAL CONVENTION & TOURISM FUND APPROPRIATIONS		<u>\$ 14,251</u>
		<u>\$ -</u>
TOTAL PROPERTY/LIABILITY FUND APPROPRIATIONS		<u>\$ -</u>
		<u>\$ -</u>
TOTAL GOLF COURSE FUND APPROPRIATIONS		<u>\$ -</u>
		<u>\$ -</u>
TOTAL RECREATION FUND APPROPRIATIONS		<u>\$ -</u>
		<u>\$ -</u>
TOTAL INTERNAL SERVICE FUNDS AND OTHER FUNDS APPROPRIATIONS		<u>\$ -</u>
GRAND TOTAL ALL FUNDS		<u>\$ 286,397</u>



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 1/24/05		Reviewed by Legal <i>pb</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Parks and Recreation		Initials	Date
Department Head	Don Wendell	Executive Director	<i>[Signature]</i>	1-18-05
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	1/18/05
Agenda Coordinator (include phone #): Linda Benoit (7255)				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT				
<input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				

CAPTION

Approving the terms and conditions of a funding agreement between the City of Plano, Texas and The Plano Balloon Festival; authorizing the City Manager, or in his absence, an Executive Director to execute such agreement; 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: 2004-05	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	112,675	0	112,675
Encumbered/Expended Amount	0	0	0	0
This Item	0	-126,926	0	-126,926
BALANCE	0	-14,251	0	-14,251

FUND(S): **CONVENTION & TOURISM**

COMMENTS: Funding in the amount of \$112,675 is included in the approved FY 2004-05 budget for the Plano Balloon festival. The overage amount of \$14,251 will be funded in a companion Supplemental Appropriation Ordinance from the Convention & Tourism Fund balance. This Supplemental Appropriation Ordinance No. 3 is scheduled for approval on this same date.

STRATEGIC PLAN GOAL: Funding for the Plano Balloon Festival relates to the City's Goal of "Premier City for Families."

SUMMARY OF ITEM

This Resolution establishes the funding agreement with the Plano Balloon Festival for a total of \$126,926. Funds will be distributed no more than 120 days prior to the event and the City will withhold funds estimated for in-kind City services.

In previous years, the City provided the following amounts:

- \$25,000 2004 (\$107,700 including City costs + additional charge of \$14,527)
- \$25,000 2003 (\$107,700 including City costs)
- \$25,000 2002 (\$104,400 including City costs)
- \$25,000 2001 (\$127,220 including City costs)



CITY OF PLANO COUNCIL AGENDA ITEM

\$20,000	2000 (\$70,908 including City costs)
\$81,000	1999
\$81,000	1998
\$81,000	1997
\$81,000	1997 (\$89,835 with additional traffic control)
\$71,000	1996
\$40,000	1995

List of Supporting Documents:

Resolution

Plano Balloon Festival Agreement

Other Departments, Boards, Commissions or Agencies

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Memorandum

Date: January 14, 2005
To: Thomas H. Muehlenbeck, City Manager
From: Dana Conklin, Marketing and Special Events Manager
Subject: **Plano Balloon Festival Contract**

The Plano Balloon Festival participated in the Special Event Grant process through the Cultural Affairs Commission in June 2004 to request funds during the City of Plano Fiscal Year 2004-05. The grant amount awarded was \$112, 675.

Upon completion of the 2004 Plano Balloon Festival this past September an invoice for an additional \$14,527 was paid by the Plano Balloon Festival for City of Plano costs above the contracted amount for FY 2003-04. The additional fees were charged to cover new fees established for Fire Department services adopted during 2004 and additional traffic costs associated with the Spring Creek Parkway closure occurring one day earlier than originally anticipated.

The Plano Balloon Festival has expressed concern that the approved grant amount for FY 2004-05 of \$112,675 will not cover City expenses based on actual activity at the 2004 event. The Plano Balloon Festival is asking to increase the amount of this year's grant by \$14,251 to cover this year's additional costs using the 2004 actual costs as a basis for the request.

The contract will appear on the City Council's January 24th agenda with the new total request of \$126, 926. I will be present at the meeting to answer any questions.

Cc: Rod Hogan, Executive Director
Don Wendell, Director, Parks and Recreation Dept.

10-3

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BETWEEN THE CITY OF PLANO AND PLANO BALLOON FESTIVAL, INC., AUTHORIZING ITS EXECUTION BY THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented a proposed Agreement by and between City of Plano and Plano Balloon Festival, Inc. to expend public funds to assist in the performance of the 2005 Plano Balloon Festival, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and,

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

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

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

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

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

DULY PASSED AND APPROVED this the _____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

10-4

**AGREEMENT BETWEEN CITY OF PLANO
AND PLANO BALLOON FESTIVAL, INC.**

**STATE OF TEXAS §
 § **KNOW ALL PERSONS BY THESE PRESENTS:**
COUNTY OF COLLIN §**

THIS AGREEMENT, this day made and entered into by and between the **CITY OF PLANO**, a Texas home rule municipal corporation (hereinafter referred to as "City"), and the **PLANO BALLOON FESTIVAL, INC., of PLANO, TEXAS**, a non-profit corporation, acting herein through its duly authorized representative (hereinafter referred to as "Contractor");

WHEREAS, it is deemed to be in the best interest of the residents of and the City of Plano to expend public funds to assist in the performance of the 2005 Plano Balloon Festival ("Festival"); and

WHEREAS, the City Council finds that expending public funds for assistance in this is a valid public purpose; and

WHEREAS, Contractor has established itself as being able to perform such activities;

NOW, THEREFORE, for and in consideration of the covenants, obligations, and undertakings of each of the respective parties to the Agreement, the parties hereby agree as follows:

SECTION I.
PURPOSES / CONSIDERATION / OBLIGATIONS.

The purpose of this Agreement is to provide terms and conditions under which City shall make available a sum of **TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000)** to be used for the performance of the Festival to be held September 16-18, 2005, in Plano, Texas.

City further agrees to make available City Services as provided in **Exhibit "C"** in an amount not to exceed **\$101,926** to assist with the Festival from September 5, 2005 to September 23, 2005. The City will notify Contractor if Contractor's request for City Services exceeds amount indicated in Exhibit "C". Any City Services requested by Contractor that exceed the Exhibit "C" amount will be billed back to Contractor by City. Payments for those additional City Services are to be paid in full within 30 days of the invoice date.

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It is agreed and understood that the Festival is a privately sponsored event for which the City provides assistance in many forms. City's assistance should not be construed as creating any type of joint venture or joint enterprise between Contractor and City. When contracting with any third party for the purpose of the location of, participation in, or services or materials provided as a result of the Festival, Contractor shall require that all such third parties maintain insurance as specified by the terms of this Agreement in order to protect the City from liability.

SECTION II.
PERMITTED USES OF FUNDS; CONDITIONS OF USE.

A. Contractor shall use any and all funds furnished by City under this Agreement for the purposes as outlined in **Exhibit "A"** and **Exhibit "C"**, a copy of which is attached hereto and incorporated herein.

1. If during the term of this Agreement, the Contractor wishes to utilize funds for purposes other than stated in **Exhibit "A"** and **Exhibit "C"**, such change will only be allowed as follows:

a. All changes must first be approved by Contractor's Board, as evidenced by the official minutes of the Board authorizing the change;

b. The Board shall submit the request for the change to the City Manager, or his designee, for approval.

No expenditure of funds contrary to **Exhibit "A"** and **Exhibit "C"** is permitted until written approval is received from the City Manager or his designee.

B. All funds shall be utilized in compliance with the Agreement and attachments hereto. Agreement compliance is defined as:

1. At least 90% of expenses funded by City monies and budgeted in each category of the Application must be spent in that category;

2. All other conditions of this Agreement must be met.

C. Contractor agrees to and shall fully comply with the general conditions of the grant as set forth in the attachment entitled "General Conditions of Contract" (hereinafter referred to as the "General Conditions"), a copy of which is attached hereto and incorporated herein as **Exhibit "B"**.

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D. Contractor agrees to and shall fully comply with the special conditions of the grant as set forth in the attachment entitled "Special Conditions of Contract" (hereinafter referred to as the "Special Conditions"), a copy of which is attached hereto and incorporated herein as **Exhibit "C"**.

E. Any City grant funds remaining with Contractor that are not expended for or that are not encumbered for expenses related to the 2005 Festival prior to the event start date, will revert to the City general revenues.

F. In the event of inconsistencies or conflict among the documents, priority of interpretation shall be in the following order: This Agreement, **Exhibit "A"**, **Exhibit "B"**, **Exhibit "C"**, **Exhibit "D"**, and **Exhibit "E"**.

SECTION III.
BUDGET.

Contractor will furnish to City a detailed budget 150 days prior to the event start date.

SECTION IV.
INDEPENDENT CONTRACTOR.

Each party hereto covenants and agrees that it is an independent contractor and not an officer, agent, servant or employee of the other; that each party shall have exclusive control of and exclusive right to control the details of the work performed by it hereunder and all persons performing same on its behalf, and shall be responsible for the acts and omissions of its respective officials, officers, agents, employees, contractors, subcontractors, consultants, and other third parties for whom each is legally liable; that the doctrine of respondeat superior shall not apply as between City and Contractor, their respective officers, agents, employees, contractors, subcontractors, consultants, and any other third parties for whom each is liable respectively, and nothing herein shall be construed as creating a partnership or joint enterprise between City and Contractor.

SECTION V.
DISBURSEMENT OF FUNDS / REPORTING / AUDIT.

Funds and City Services provided for under this Agreement shall be disbursed in accordance with **Exhibit "A"** and **Exhibit "C"**. Within sixty (60) days of the close of the contract term, Contractor agrees to provide financial statements sufficiently describing the expenditure of funds provided by the City and affirmatively verify that such funds were expended in accordance with the terms of this Agreement. These reports shall be furnished in writing to the Contract Administrator at the following address:

Dana Conklin
Parks and Recreation Department
City of Plano
P.O. Box 860358
Plano, Texas 75086-0358
Telephone: 972-941-7321

Contractor agrees that City shall, until the expiration of three (3) years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers and records of Contractor involving transactions relating to this contract. Contractor agrees that City shall have access during normal working hours to all necessary Contractor facilities and shall be provided adequate and appropriate workspace in order to conduct audits in compliance with the provisions of this section. City shall give Contractor reasonable advance notice of intended audits.

Contractor further agrees to include in third party contract(s), if any, a provision that any such third party agrees that City shall, until the expiration of three (3) years after final payment under any contract, have access to and the right to examine any directly pertinent books, documents, papers and records of such third party involving transactions related to the third party contract, and further, that City shall have access during normal working hours to all third party contractor facilities, and shall be provided adequate and appropriate work space, in order to conduct audits in compliance with the provisions of this paragraph. City shall give third party contractor reasonable advance notice of intended audits.

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SECTION VI.
INSURANCE REQUIREMENTS.

At its own expense, Contractor agrees to maintain during the term of this Agreement, or any extension thereof, insurance in the type and amounts as shown in Exhibit "D". Additionally, this insurance must specifically cover any and all activities occurring on City property, including those activities of Contractor's employees, volunteers, vendors, contractors, or subcontractors. Contractor must provide proof of this insurance to the Contract Administrator prior to disbursement of fund under this Agreement. A properly executed certificate of insurance issued by Contractor's insurance agency is sufficient proof of insurance. Contractor must maintain a current copy of the certificate(s) and provide proof of its current insurance to City throughout the entire term of this Contract. Contractor shall require each individual and organization participating in the Festival and all subcontractors of Contractor and individuals and participating organizations to provide insurance coverage as specified in **Exhibit "D"**.

SECTION VII.
TERM.

The term of this Agreement begins on the date of execution by all parties and ends sixty (60) days after conclusion of the Festival or on September 30, 2005, whichever occurs first. At the expiration of this Agreement, the Contractor shall have the continuing obligation to complete any unfulfilled terms and conditions of this Agreement, including but not limited to the submission of a final report to the Contract Administrator.

SECTION VIII.
TERMINATION.

Either party shall have the right to an early termination of this Agreement by giving the other party written notice of intention of such early termination, with such notice to be given in writing forty-eight (48) hours before the desired early termination date. The right to early termination of this Agreement is specifically reserved to both parties. However, such commitments and obligations of Contractor existing prior to notice of early termination shall be honored and shall not prejudice the right of Contractor to pay such costs previously incurred and to be paid out of the funds furnished by City. In the event of such early termination, or at the end of the term of this Contract, the Contractor agrees to return to City the unused balance of any funds previously disbursed to the Contractor by City pursuant to this Agreement within ten (10) days of either event.

In the event Contractor breaches any of the terms or conditions of this Agreement, whether in whole or part, the City shall have the right to immediately

terminate this Agreement by providing written notice to the Contractor, notwithstanding any provisions to the contrary. In the event of termination for breach, Contractor shall be solely responsible for funds expended contrary to the terms and conditions of this Agreement.

SECTION IX.
AFFIDAVIT OF NO PROHIBITED INTEREST.

Contractor acknowledges and represents it is aware of the laws, City Charter, and City Code of Conduct regarding conflicts of interest. At the time of execution of this Agreement, a duly authorized representative of the Contractor shall execute the Affidavit of No Prohibited Interest, which is attached hereto and incorporated herein as **Exhibit "E"**. By execution, Contractor acknowledges and accepts that the existence of a prohibited interest at any time during the term of this Agreement will render the Agreement voidable.

SECTION X.
INDEMNIFICATION

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

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

SECTION XI.
MISCELLANEOUS

A. Entire Agreement/Amendment.

This Agreement and its attachments embody the entire agreement between the parties and may only be modified, amended or supplemented, in writing if executed by both parties.

B. Authorized to Execute/Binding on Contractor.

The undersigned represents and warrants that he or she is the duly authorized representative of the Contractor and that this Agreement has been approved and accepted by the Board of Trustees (or equivalent) of the Contractor.

C. Binding on the City of Plano.

This Agreement shall not be considered fully executed or binding on the City of Plano until the same shall have been executed by Contractor, the City Manager or his designee, and the City Secretary, and approved and accepted by the City Council of the City of Plano in open meeting as required by law. After such approval and acceptance, City shall deliver to Contractor a certified copy of the Resolution as evidence of the authority of the City Manager or his designate to bind the City of Plano to the covenants, terms and provisions of this Agreement and to perform the same in accordance herewith.

The parties agree that they, their officials, agents, successors, legal representatives and administrators are bound to the terms and conditions of this Agreement. This Agreement may not be assigned by Contractor without the written permission of City.

D. Notice.

Notice as required by this Agreement shall be in writing delivered to the parties as follows:

<u>City</u>	<u>Contractor</u>
Dana Conklin	Jo Via
Parks and Recreation Dept.	Executive Director
City of Plano	P. O. Box 867706
P.O. Box 860358	Plano, TX 75086-7706
Plano, Texas 75086-0358	
Telephone: 972-941-7321	972-867-7566

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E. Paragraph Headings.

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

F. Contract Interpretation.

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

G. Venue.

In the event of breach of this Agreement, exclusive venue for all causes of action shall be instituted and maintained in Collin County, Texas.

H. Severability.

If any of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants, conditions or any other part of this contract are for any reason held to be invalid, void or unenforceable, the remainder of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants, conditions or any other part of this contract shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

I. Applicable Law.

Contractor agrees to abide by all laws, ordinances, and regulations applicable to its use of the Property, whether state, federal, or local.

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**IN TESTIMONY OF WHICH THE PARTIES HERETO AFFIXED THEIR
SIGNATURES ON THIS THE _____ DAY OF _____, 2005.**

CITY OF PLANO, TEXAS

BY: _____
Thomas H. Muehlenbeck
CITY MANAGER

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

PLANO BALLOON FESTIVAL, INC.

BY: _____
Jo Via
Executive Director
Plano Balloon Festival, Inc.

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ACKNOWLEDGMENTS

STATE OF TEXAS §
§
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2005, by Jo Via, Executive Director of Plano Balloon Festival, Inc.

Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, 2005 by **THOMAS H. MUEHLENBECK**, City Manager of the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of said corporation.

Notary Public, State of Texas

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EXHIBIT "A"

The purpose of this Agreement is to provide terms and conditions under which the City shall make available the sum of \$25,000 to be used for some or all of the following:

1. Directly contracted City services;
2. Auxiliary Police and Traffic Control Officers;
3. Traffic control expenses required by the City both internal and external to the Festival grounds;
4. Public transportation to/from the Festival;
5. Event insurance (excluding payment of deductibles and vendor pass-throughs);
6. Public restrooms;
7. Auxiliary power;
8. Auxiliary public safety lighting;
9. Barricades;
10. Event signage;
11. Expenses outlined in the Special Event Grant Application and approved by the Cultural Affairs Commission;
12. Other expenses expressly authorized by the City Manager.

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EXHIBIT "B"
GENERAL CONDITIONS OF AGREEMENT

The Contractor agrees to the following general conditions:

1. The Contractor will provide the City a written report of its activities and expenditures no less than sixty (60) days after the last day of the event.
2. The Contractor agrees to maintain accounting records for three (3) years after the close of the fiscal year.
3. All accounting procedures, records, and reports shall be available for inspection by a duly authorized representative of the City of Plano.
4. The Contractor agrees to the on-site inspection of its facilities and/or programs by the City.
5. Improper use of funds provided by City will result in termination of the Contract, forfeiture of any outstanding grant money, and recovery of previous payments.
6. Programs, activities, employment opportunities, and other participatory events funded totally or partially by the City must be made available to all people regardless of race, color, religion, sex, age, national origin, handicap or political affiliation.
7. The Contractor and any person or organization it contracts with shall comply with all applicable laws, regulations, ordinances, and code of the United States of America, the State of Texas, and the City of Plano.
8. The Contractor shall comply with all Federal, State and Local conflict of interest laws, statutes, and regulations; these laws shall apply to all parties and beneficiaries under this Agreement, as well as to all officers, employees, and agents of the City.
9. Contractor shall not assign any interest in this Agreement without prior written consent of the City of Plano City Council.
10. None of the funds, materials, property, or services provided directly or indirectly under this Agreement shall be used for any partisan political activity, to further the election/defeat of any candidate for public office, or for publicity, lobbying and/or propaganda purposes designed to support or defeat legislation pending before the Congress of the United States of

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America, the Legislature of the State of Texas, the City Council of the City of Plano, or any other political body.

11. The City shall have the right to review any and all of Contractor's agreements and contracts prior to execution by Contractor. City further has the right to require the modification, addition, or deletion of such terms and conditions in Contractor's agreements of contracts as it deems necessary to protect the City's interests.
12. Conditions of this Agreement may not be changed or adjusted without the prior written approval of Plano City Council.

**EXHIBIT "C"
SPECIAL CONDITIONS OF AGREEMENT**

The Contractor agrees to the following special conditions:

Twenty-five thousand dollars (\$25,000) shall be disbursed, lump sum, to the Festival upon execution of the Agreement and proof of insurance acceptable to the City Risk Manager as required by this Agreement. This disbursement will occur one hundred twenty (120) days prior to the event start date.

Public safety for the event will be provided by the Plano Police personnel under the direction of the Plano Police Chief or the Police Chief's designee.

Expenses for City services, i.e., Police, Parks and Recreation, Fire, and Public Works Departments will be appropriated by the City in the amounts listed on the chart below. These expenses shall be considered a part of the grant by the City.

Police Department (traffic, security service)	\$28,362
Parks and Recreation (flags, site services)	\$25,470
Parks and Recreation (Oak Point Park rental)	\$ 6,600
Fire Department and EMS (fire, medical services)	\$24,633
Plano Centre (facility rental fee)	\$ 8,500
Public Safety Communications (communications staff)	\$ 3,280
Telecommunications (phone service)	\$ 613
Traffic (barricades, street closure)	\$ 2,230
Traffic Engineering (signals)	\$ 233
Golf Cart Rental	\$ 960
Public Works (trash trucks)	\$ 1,045
Total	\$101,926

The Festival shall not be charged by City departments for planning or administrative time performed during regular business hours.

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The Contractor must show evidence of all incurred expenses for funds received under this Agreement.

Any surplus of City contributed funds following payment of all qualified expenses shall be remitted to the City of Plano.

Settlement of all qualified expenses, and return of surplus funds to the City of Plano shall occur no later than sixty (60) days after the event end date.

The Festival shall be considered an officially sponsored event of the City of Plano, and as such follow and be subject to all regulations and guidelines of other City of Plano events.

The Festival shall reserve one (1) voting seat on its board of Directors for an official representative of the City of Plano, designated by the City Manager.

Public Service Booth space will be provided to the City of Plano and its departments at no charge subject to space availability.

The Festival shall require all vendors to comply with applicable laws and regulations and publicly display all appropriate health, fire, sales tax, or other permits.

The Festival shall provide adequate handicapped parking or transportation.

The Festival will be responsible for application and completion of the Special Event Permit as proscribed by ordinance.

**EXHIBIT "D"
INSURANCE REQUIREMENTS**

In addition to other express requirements contained in this Agreement, the Festival shall carry commercial general liability insurance for all activities of the Festival as specified below. It is understood that these requirements in no way reduce the liability of the Festival.

The Festival's insurance shall be considered primary. Any insurance or self-insurance maintained by the City shall be excess of the Festival's insurance, and shall not contribute with it. The Festival shall name the City of Plano, its Officers, Officials, Employee's, Boards and Commissions and Volunteers as an Additional Insured and will provide the City with thirty (30) day notice of cancellation, reduction in coverage or material change. The City prefers that the insurance carrier be rated A- (VI) by AM Best and be authorized to do business in the State of Texas. The Festival will have no greater than a \$5,000.00 deductible and shall be responsible for all deductible payments. The deductible payments are not reimbursable expenses. The Festival will provide a Certificate of Insurance for all vendors contracted for the Festival. A complete certified copy of the Festival's insurance will be submitted to the City thirty (30) days prior to the Festival date. The City reserves the right to review any and all insurance policies of any contractor utilized by the Festival or other third party involved in the Festival. Further, the City reserves the right to reject as inadequate insurance that does not materially comply with the criteria identified in this Agreement.

Commercial General Liability:

General Aggregate	\$2,000,000.00
Product/Completed Operations Aggregate	\$1,000,000.00
Personal and Advertising Liability	\$1,000,000.00
Use of contractors/subcontractors	\$1,000,000.00
Each Occurrence	\$1,000,000.00
Medical Expense	\$5,000.00
Hired and Non-Owned Auto	\$500,000.00

The Festival will immediately notify the Risk Management Department of any incident or alleged incident that gives rise to a claim against the Festival or the City of Plano. Any settlement agreement entered into shall include specific language protecting the interest of the City of Plano as required in the contract.

The policy shall contain no special limitations on the scope of protection afforded to the City. The full limits of coverage required in this agreement shall be available for the festival. The Festival and /or its carrier will notify the City immediately if coverages are less than those required by the City.

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EXHIBIT "E"
AFFIDAVIT OF NO PROHIBITED INTEREST

I, the undersigned declare and affirm that no person or officer in this sole proprietorship, partnership, corporation, or board has or will have during the term of this contract a prohibited interest as that term is defined in Section 11.02 of the Plano City Charter and the City's Code of Conduct, Chapter 2, Article IV of the City's Code of Ordinances.

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.

Plano Balloon Festival

By: _____
(Signature)

Jo Via
Executive Director
Plano Balloon Festival, Inc.

Date: _____

STATE OF TEXAS
COUNTY OF _____

§
§
§
§
§

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 2004.

Notary Public, State of Texas

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CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05		Reviewed by Legal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Department:	Budget & Research		Executive Director	<i>[Signature]</i>
Department Head	Karen M. Rhodes		City Manager	<i>[Signature]</i>
Dept Signature:				Date 1/14/05
Agenda Coordinator (include phone #): Carla Rude, X7407				

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 \$176,495 FROM THE GENERAL FUND UNAPPROPRIATED FUND BALANCE TO THE GENERAL FUND OPERATING APPROPRIATION FOR FISCAL YEAR 2004-05 FOR THE PURPOSE OF ESTABLISHING (3) ADDITIONAL FIRE BATTALION CHIEF POSITIONS AND UPGRADING THE FIRE DEPARTMENT SALARY PLAN FOR ASSISTANT FIRE CHIEF POSITIONS; AMENDING THE BUDGET OF THE CITY AND ORDINANCE 2004-9-15, AS AMENDED, TO REFLECT THE ACTIONS TAKEN HEREIN; DECLARING THIS ACTION TO BE A CASE OF PUBLIC NECESSITY; AND PROVIDING AN EFFECTIVE DATE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2004-05	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	166,889,604	0	166,889,604
Encumbered/Expended Amount	0	0	0	0
This Item	0	176,495	0	176,495
BALANCE	0	167,066,099	0	167,066,099

FUND(S): GENERAL FUND

COMMENTS: Supplemental appropriations requested to date for the General Fund, including this item, total increases of \$272,146. There is a separate supplemental appropriation ordinance request on this same date, for the establishment of an Office of Homeland Security, in the amount of \$95,651.

STRATEGIC PLAN GOAL: The addition of (3) Fire Battalion Chief positions and the salary plan increase for the Assistant Fire Chief positions relates to the City's Goal of "Premier City for Families" and "Service Excellence".

SUMMARY OF ITEM

Supplemental Appropriation No. 2

This supplemental appropriation will allow for the establishment of (3) additional Fire Battalion Chief positions and provide for a salary plan increase for the Assistant Fire Chief compensation plan. The requested supplemental appropriation will allow for the creation of (3) new positions and associated benefits, as well as an increase to the Civil Service Compensation Plan for the Assistant Fire Chief positions. This action will improve the overall field supervision of Fire Department operations, reduce the span of control for the existing Battalion Chiefs, and provide increased capability to create a "command team" at the site of emergency operations. The 2% salary adjustment to the Assistant Fire Chief category is to keep with the City's philosophy of median plus



**CITY OF PLANO
COUNCIL AGENDA ITEM**

5%.

List of Supporting Documents:
Proposed Budget Spreadsheet
FY 2004-05 Supplemental Appropriations Log

Other Departments, Boards, Commissions or Agencies

11-2

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, TRANSFERRING THE SUM OF \$176,495 FROM THE GENERAL FUND UNAPPROPRIATED FUND BALANCE TO THE GENERAL FUND OPERATING APPROPRIATION FOR FISCAL YEAR 2004-05 FOR THE PURPOSE OF FUNDING THE CREATION OF (3) FIRE BATTALION CHIEF POSITIONS AND INCREASING THE ASSISTANT FIRE CHIEF COMPENSATION BY 2% EFFECTIVE APRIL 1, 2005; AMENDING THE BUDGET OF THE CITY AND ORDINANCE 2004-9-15, 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 2004-05 setting the appropriations for the General Fund at \$166,889,604; and

WHEREAS, additional funding is required in order for the City of Plano to establish (3) ADDITIONAL Fire Battalion Chief positions and upgrade the Salary Plan for the existing Assistant Fire Chief positions; 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 the creation of the additional Fire Chief positions in order to improve the overall field supervision of Fire Department operations, reduce the span of control for the existing Battalion Chiefs to a more appropriate level, to provide for increased capability to create a "command team" at the site of emergency operations, and to provide for a 2% salary adjustment to the Assistant Fire Chief category to keep with the City's philosophy of median plus 5%; 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 General Fund Balance Operating Appropriation should be made in order to provide funding for the addition of (3) Fire Battalion Chief positions and salary adjustments to the Assistant Fire Chief category, 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 ONE HUNDRED SEVENTY SIX THOUSAND FOUR HUNDRED AND NINETY FIVE DOLLARS (\$176,495) is hereby transferred from the General Fund Unappropriated Fund Balance to the General Fund Operating Appropriation.

SECTION II. The budget of the City of Plano for Fiscal Year 2004-05 as adopted by Ordinance No. 2004-9-15 and Section I (A.) 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 pursuant to the City Charter Section 9.15.

SECTION IV. This supplemental appropriation Ordinance No. 2 shall become effective immediately from and after the date of its passage.

Ordinance No. _____

Page 2

**DULY PASSED AND APPROVED THIS THE _____ DAY OF _____,
2005.**

ATTEST:

Pat Evans, **MAYOR**

Elaine Bealke, **CITY SECRETARY**

APPROVED AS TO FORM:

Diane C. Wetherbee, **CITY ATTORNEY**

11-4

**FY 2004-05
SUPPLEMENTAL APPROPRIATIONS**

Description	Department	Amount
Supplemental appropriation for the establishment of the Office of Homeland Security	556-Office of Homeland Security	\$ 95,651
Supplemental appropriation for the establishment of 3 additional Fire Battalion Chief positions and the mid-year salary change for 3 Assistant Fire Chief positions	552-Fire	\$ 176,495
TOTAL GENERAL FUND APPROPRIATIONS		\$ 272,146
		\$ -
TOTAL CATV FUND APPROPRIATIONS		\$ -
		\$ -
TOTAL MUNICIPAL DRAINAGE FUND APPROPRIATIONS		\$ -
		\$ -
WATER & SEWER FUND		\$ -
		\$ -
TOTAL SOLID WASTE FUND APPROPRIATIONS		\$ -
		\$ -
TOTAL CONVENTION & TOURISM FUND APPROPRIATIONS		\$ -
		\$ -
TOTAL PROPERTY/LIABILITY FUND APPROPRIATIONS		\$ -
		\$ -
TOTAL GOLF COURSE FUND APPROPRIATIONS		\$ -
		\$ -
TOTAL RECREATION FUND APPROPRIATIONS		\$ -
		\$ -
TOTAL INTERNAL SERVICE FUNDS AND OTHER FUNDS APPROPRIATIONS		\$ -
		\$ -
GRAND TOTAL ALL FUNDS		\$ 272,146

11-5

11-6

Fire Battalion Chief Positions

01/11/05

Position Title	Effective Date	# of positions	Civil Service Comp Plan (12 mos.)	Current Bi-weekly salary	Number of pay cycles	Budget Salary	Benefits (TMRS, RSP, FICA-HI)	Health Insurance	Total Budget Salary & Benefits
Fire Battalion Chief	4/1/2005	3	\$96,136	\$3,698	12.3	\$136,439	\$24,968	\$11,550	\$172,958
2004-05 Total Budget Impact		3	\$96,136	\$3,698		\$136,439	\$24,968	\$11,550	\$172,958

Mid-year Salary upgrade for Assistant Fire Chief Positions

Position Title	Effective Date	# of positions	Civil Service Comp Plan (12 mos.)	Current Bi-weekly salary	Number of pay cycles	Budget Salary	Benefits (TMRS, RSP, FICA-HI)	Health Insurance	Total Budget Salary & Benefits
FY 2004-05 Current Budget									
Assistant Fire Chief, salary plan increase	4/1/2005	3	\$107,463	\$4,133	12.3	\$152,515	\$27,910	\$23,100	\$203,525
2004-05 Salary increase impact									
Assistant Fire Chief, current salary	10/1/2004	3	\$105,356	\$4,052	12.3	\$149,524	\$27,363	\$23,100	\$199,987
2004-05 Add'l funds required			\$2,107	\$81		\$2,990	\$547	\$0	\$3,538

2004-05 Supplemental Appropriation **\$176,495**



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05		Reviewed by Legal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Department:	Budget & Research			
Department Head	Karen M. Rhodes	Executive Director	Date 1-14-05	
Dept Signature:	<i>Karen M. Rhodes</i>	City Manager	<i>[Signature]</i> 1/15/05	
Agenda Coordinator (include phone #): Casey Srader x5152				

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, TRANSFERRING THE SUM OF \$95,651 FROM THE GENERAL FUND UNAPPROPRIATED FUND BALANCE TO THE GENERAL FUND OPERATING APPROPRIATION FOR FISCAL YEAR 2004-05 FOR THE PURPOSE OF ESTABLISHING AN OFFICE OF HOMELAND SECURITY; AMENDING THE BUDGET OF THE CITY AND ORDINANCE 2004-9-15, AS AMENDED, TO REFLECT THE ACTIONS TAKEN HEREIN; DECLARING THIS ACTION TO BE A CASE OF PUBLIC NECESSITY; AND PROVIDING AN EFFECTIVE DATE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2004-05	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	166,889,604	0	166,889,604
Encumbered/Expended Amount	0	0	0	0
This Item	0	95,651	0	95,651
BALANCE	0	166,985,255	0	166,985,255

FUND(S): **GENERAL FUND**

COMMENTS: Supplemental appropriations approved to date for the General Fund, including this item, total increases of \$95,651.

STRATEGIC PLAN GOAL: The establishment of an Office of Homeland Security relates to the City's Goal of "Premier City for Families" and "Service Excellence".

SUMMARY OF ITEM

Supplemental Appropriation No. 1

This supplemental appropriation will allow for the establishment of an Office of Homeland Security within the City of Plano's Public Safety Services and Technology Business Center for the purpose of overseeing the City's emergency management activities. Since September 11, 2001, the time and effort required to keep abreast of emergency management activities in the City of Plano has increased significantly. The requested supplemental appropriation will allow for the creation of 3 new positions and their associated costs in addition to oversight of the current Assistant Emergency Management Coordinator position. This action will continue to ensure the City of Plano is active and current in local, regional and national disaster training and also ensure federal grant opportunities are met and handled appropriately.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

<p>List of Supporting Documents: Memo of Explanation Proposed Budget Spreadsheet FY 2004-05 Supplemental Appropriations Log</p>	<p>Other Departments, Boards, Commissions or Agencies</p>

12-2

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, TRANSFERRING THE SUM OF \$95,651 FROM THE GENERAL FUND UNAPPROPRIATED FUND BALANCE TO THE GENERAL FUND OPERATING APPROPRIATION FOR FISCAL YEAR 2004-05 FOR THE PURPOSE OF FUNDING THE CREATION OF THE OFFICE OF HOMELAND SECURITY; AMENDING THE BUDGET OF THE CITY AND ORDINANCE 2004-9-15, 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 2004-05 setting the appropriations for the General Fund at \$166,889,604; and

WHEREAS, additional funding is required in order for the City of Plano to establish an Office of Homeland Security; 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 the creation of the Office of Homeland Security in order to oversee the City's emergency management activities; 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 General Fund Balance Operating Appropriation should be made in order to provide funding for the Office of Homeland Security, 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 NINETY FIVE THOUSAND SIX HUNDRED AND FIFTY ONE DOLLARS (\$95,651) is hereby transferred from the General Fund Unappropriated Fund Balance to the General Fund Operating Appropriation.

SECTION II. The budget of the City of Plano for Fiscal Year 2004-05 as adopted by Ordinance No. 2004-9-15 and Section I (A.) 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 pursuant to the City Charter Section 9.15.

SECTION IV. This supplemental appropriation Ordinance No. 1 shall become effective immediately from and after the date of its passage.

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Ordinance No. _____

Page 2

**DULY PASSED AND APPROVED THIS THE _____ DAY OF _____,
2005.**

ATTEST:

Pat Evans, **MAYOR**

Elaine Bealke, **CITY SECRETARY**

APPROVED AS TO FORM:

Diane C. Wetherbee, **CITY ATTORNEY**

12-4



DATE: December 7, 2004

TO: Thomas H. Muehlenbeck, City Manager

FROM: Bruce D. Glasscock, Executive Director

SUBJECT: Proposed Office of Homeland Security

For the past year we have had continuing discussions with Chief Peterson on the status of the City's Emergency Management Coordination functions and how best to address the increasing demands and responsibilities for that function.

Since the mid-1980's the role of the City's Emergency Management Coordinator (EMC) has been filled by the Fire Chief. Prior to September 11, 2001, the duties and responsibilities of the EMC, on average, did not consume more than 10% of Chief Peterson's available work time. Prior to 9-11-01 the EMC duties consisted mainly of conducting periodic updates of the City's Emergency Management Plan and obtaining periodic approval from the State of Texas on format and content of the Plan.

Since September 11, 2001 and the subsequent increased emphasis on Homeland Security, the time required to keep abreast of the emergency management activities for the City of Plano has increased significantly.

Personnel resources required for these activities are in excess of two (2) full time positions, plus administrative/clerical support. Currently a majority of Chief Peterson's time, and virtually all of C.J. Howard's work effort are consumed by emergency management activities.

Job duties historically accomplished by C.J. are either not being accomplished or are required to be done on an overtime basis. Of more concern is that these continuing increases are consuming significantly more of Chief Peterson's time requiring him to focus less time on Fire Department issues.

12-5

It is also clear that since September 11, 2001 the scope of activities and areas of coordination for the City of Plano's emergency management/homeland security coordination go beyond the traditional fire services area. Today it covers a host of other City operations from police services and health, to public works and policy making by elected officials. It also includes considerable interaction and coordination on a county and regional basis representing the City of Plano's interest.

Additionally, since 2002 the City of Plano has been allocated over \$1.4 million through five federal grants for emergency preparedness and homeland security. We anticipate receiving an additional \$1.4 million or more, from federal grants over the next several years.

Federal guidelines provide three means for procuring necessary equipment and training; utilizing local purchasing procedures, purchasing directly from the federal governments authorized contractor Fischer Scientific, and through Houston-Galveston Area Council Cooperative Purchasing Program (H-GAC). To maximize our funding the City of Plano has chosen to purchase equipment from H-GAC and by utilizing local purchasing procedures.

Although buying directly from Fischer Scientific provides the easiest procedure, it increases our costs at least 16%, the mark-up cost established by Fischer Scientific. Furthermore, many vendors and manufacturers charge a premium to Fischer Scientific. In most cases, when the City of Plano utilizes local purchasing procedures to buy directly from the manufacturer we will receive a discounted price as well as save the 16% mark-up.

Staff from the Fire Department, Police Department, and Purchasing Department recently met to discuss the procedures to be utilized in procuring equipment utilizing federal funds, and to resolve conflicts between federal guidelines and City of Plano purchasing procedures. During this meeting it was determined none of the departments have the necessary staff to adequately handle all of the purchasing duties required of the federal grants within the limited timeframes provided.

As a result of this meeting staff recommended the City would greatly benefit from the addition of a Buyer in the Purchasing Department. This person would handle all of the purchasing transactions associated with federal grants, in support of all involved City departments. This would help to ensure that grant

deadlines are met, and that all purchasing policies and requirements are consistently followed.

For these reasons I am recommending the creation of a separate Office of Homeland Security (OHS) within the Public Safety Services and Technology Business Group. All the current City Emergency Management Coordination functions would become the responsibility of this Office. I believe this will allow us to properly staff the function to allow for improved efficiency and effectiveness of the increased work load. It is clear that since 9-11 the functions, responsibilities and coordination of the EMC have out grown our current approach. Included in this recommendation would be the following:

- Creation of a separate budget for the OHS
- Placing the OHS here at the Municipal Center or Joint Use Facility
- Moving C.J. Howard from the Fire Department to the OHS
- Addition of the following new position to the Purchasing Department
 - Buyer - 1
- Addition of the following new positions to the OHS
 - Emergency Management Planner – 1
 - Senior Administrative Assistant – 1
 - Funding for PT Intern position – 1

After discussing with Chief Peterson, Chief Rushin and Mike Ryan it is our recommendation the Buyer, Senior Administrative Assistant and PT Intern positions be funded as soon as possible. The Emergency Management Planner would be addressed in the FY 2005-2006 Budget. I have attached a spread sheet outlining cost for these positions.

Additionally since Chief Peterson has significant knowledge and expertise in this field, he is the appropriate person to ensure the OHS is managed to meet the expectations of the City.

c. Bill Peterson, Fire Chief
Mike Ryan, Purchasing Manager

12-8

Proposed Office of Homeland Security

Position	Salary Grade	Est Salary	Benefits	Health Insurance	Car Allowance	Total Salary & Benefits	Materials & Supplies	Contracts & Professional	Sundry	Capital Outlay	Total
Current Position - C.J. Howard											
Assn't Emergency Management Coordinator <i>less amount included in 2004-05 Adopted Budget for Salary & benefits</i>	13	\$53,560	\$9,801	\$7,700	\$1,242	\$72,303	\$3,920	\$3,435	\$225	\$3,638	\$83,527 (\$71,061)
Add'l funds required for 2004-05											
Proposed New Positions - March 1, 2005											
Sr. Administrative Assistant (March 1)	9	\$22,034	\$4,032	\$4,492	\$0	\$30,558	\$3,495	\$1,000	\$0	\$0	\$35,053
Emergency Mgmt Intern - PT (March 1)	TPT 017	\$8,493	\$340	\$0	\$0	\$8,833	\$3,496	\$405	\$0	\$0	\$12,374
Buyer (March 1)	9	\$22,034	\$4,032	\$4,492	\$0	\$30,558	\$4,200	\$1,000	\$0	\$0	\$35,758
Budget Impact 2004-05 for Office of Homeland Security											
1 - Includes office furniture, desktop computer, Blackberry wireless or cell phone, desk telephone											
2 - Includes wireless airtime, telephone installation, pager rental, professional services, office furniture moving, PC installation											
3 - Includes portable radios											
4 - Includes office furniture, desktop computer, desk telephone											
5 - Includes telephone installation, pager rental											
6 - Includes travel											
Current FY 2004-2005 Positions, Budget required for FY 2005-06											
C.J. Howard	13	\$55,167	\$10,096	\$8,470	\$0	\$73,732		\$500	\$225		\$74,457
Sr. Administrative Assistant	9	\$36,124	\$6,611	\$8,470	\$0	\$51,205		\$405	\$0		\$51,610
Buyer (full year)	9	\$36,124	\$6,611	\$8,470	\$0	\$51,205		\$500	\$0		\$51,705
Emergency Management Intern (Temp P/T)	TPT 017	\$8,748	\$350	\$0	\$0	\$9,098		\$405	\$0	\$0	\$9,503
Proposed New Position FY 2005-2006											
Emergency Management Planner	13	\$53,853	\$9,855	\$8,470	\$0	\$72,178	\$3,920	\$4,000	\$225	\$3,638	\$83,967
TOTAL FY 2005-2006 Budget Impact											
		\$190,015	\$33,522	\$33,880	\$0	\$257,417	\$3,920	\$5,810	\$450	\$3,638	\$271,241

**FY 2004-05
SUPPLEMENTAL APPROPRIATIONS**

<u>Description</u>	<u>Department</u>	<u>Amount</u>
Supplemental appropriation for the establishment of the Office of Homeland Security	556-Office of Homeland Security	\$ 95,651
TOTAL GENERAL FUND APPROPRIATIONS		<u>\$ 95,651</u>
		<u>\$ -</u>
TOTAL CATV FUND APPROPRIATIONS		<u>\$ -</u>
		<u>\$ -</u>
TOTAL MUNICIPAL DRAINAGE FUND APPROPRIATIONS		<u>\$ -</u>
		<u>\$ -</u>
WATER & SEWER FUND		<u>\$ -</u>
		<u>\$ -</u>
TOTAL SOLID WASTE FUND APPROPRIATIONS		<u>\$ -</u>
		<u>\$ -</u>
TOTAL CONVENTION & TOURISM FUND APPROPRIATIONS		<u>\$ -</u>
		<u>\$ -</u>
TOTAL PROPERTY/LIABILITY FUND APPROPRIATIONS		<u>\$ -</u>
		<u>\$ -</u>
TOTAL GOLF COURSE FUND APPROPRIATIONS		<u>\$ -</u>

TOTAL RECREATION FUND APPROPRIATIONS

\$ -

\$ -

TOTAL INTERNAL SERVICE FUNDS AND OTHER FUNDS APPROPRIATIONS

\$ -

\$ -

GRAND TOTAL ALL FUNDS

\$ 95,651

12-10

DATE: January 5, 2005
TO: Honorable Mayor & City Council
FROM: Laura Williamson, Chairman, Planning & Zoning Commission 
SUBJECT: Results of Planning & Zoning Commission Meeting of January 4, 2005

**PUBLIC HEARING
ZONING CASE 2004-54
APPLICANT: CITY OF PLANO**

DESCRIPTION:

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses), and Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding superstore use.

APPROVED: 4-2 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **FAVOR:** 0 **OPPOSE:** 0

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

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

STIPULATIONS:

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

1. Amend standard (1) of Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal and Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to read as follows:

“(1) These criteria shall apply to new superstore construction in Retail ~~any zoning districts only~~. These criteria shall not apply to the use, reuse, modification, or consolidation of existing retail space developed on ~~the date of the adoption of this ordinance~~ or before January 24, 2005, or to the expansion of existing retail space existing on ~~the date of adoption of this ordinance~~ or before January 24, 2005, by no greater than ten percent of the existing ground floor area.”

2. Amend standard (7) of Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal and Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to read as follows:

“(7) Where the property immediately abuts a residential zoning district, unless separated by a Type D C or larger thoroughfare, a minimum 30-foot wide landscape edge must be installed in addition to the screening required by Section 3.1000. The landscape edge must include a combination of berms, evergreen shrubs, and a mix of evergreen and deciduous overstory (shade) trees (minimum four inch caliper) placed a minimum 25 feet on center. Plantings may be grouped.”

One commissioner voted in opposition because she felt that this issue needed further study and additional options for consideration. Another commissioner voted in opposition because she felt that the specific use permit process provided greater review flexibility for the city and that it afforded surrounding property owners an opportunity to comment on the proposed development.

FOR CITY COUNCIL MEETING OF: January 24, 2005 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

TE/pp

xc: Lynn Woodall, Administrative Support Supervisor

13-2

CITY OF PLANO
PLANNING AND ZONING COMMISSION

January 4, 2005

Agenda No. 7

Public Hearing: Zoning Case 2004-54

Applicant: City of Plano

DESCRIPTION:

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses), and Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance regarding superstore use.

REMARKS:

At their preliminary open meeting on September 13, 2004, City Council requested that the Planning & Zoning Commission consider if the specific use permit (SUP) requirement and the additional regulations for superstores in Retail (R) districts should be extended to other zoning districts. The Planning & Zoning Commission discussed issues related to superstore use and potential Zoning Ordinance amendments in work sessions on October 1, November 1, November 15, and December 6, 2004.

BACKGROUND:

The current Zoning Ordinance regulations for superstore use were adopted in August 2000. The Zoning Ordinance defines Superstore use as:

"Any retail building for a single, primary tenant that exceeds 80,000 square feet in size. A superstore may contain multiple secondary tenants with interior access to the primary tenant space. A superstore may be freestanding or may be an in-line tenant in a larger center. The square footage of a superstore shall include all primary and ancillary uses with interior access to the primary tenant space including inventory storage, automotive repair, and open storage areas."

13-3

Superstore uses are permitted by right in the Light Commercial (LC), Commercial Employment (CE), Central Business-1 (CB-1), Light Industrial-1 (LI-1), Light Industrial-2 (LI-2), Regional Commercial (RC), and Corridor Commercial (CC) districts, and with approval of an SUP in the R zoning district. Superstores within the R zoning district must comply with the supplemental regulations in Subsection 3.113. The supplemental regulations are enhanced architectural and landscape standards. The intent of these standards is to break up the visual mass of the building. There are criteria for facade materials (brick, native stone, stucco, etc.), required contrasting color and/or textural differences in facade material, horizontal and vertical offsets in the building facade, covered walkways, landscaping, etc. Please note that these supplemental regulations do not apply to superstore uses in other zoning districts.

ISSUES:

The Commission and staff discussed several issues in the work sessions including:

Potential Sites for New Superstore Development - The intent of the initial superstore regulations were to direct superstore use to regional thoroughfares and out of neighborhood retail settings. The Commission asked staff to review potential locations for new superstore development. Attached under separate cover is a map that depicts potential locations for a 100,000 square foot superstore. The map shows sites that are a minimum of ten acres in area and are currently undeveloped. The sites depicted by dark green color have R or Planned Development-R zoning that, under the current Zoning Ordinance, would allow superstore development with approval of a specific use permit. The light green sites allow superstore development by right. Please note that most of the "dark green" sites are in close proximity to residential development where SUP approval is required and that most "light green" sites that allow superstore use by right are along freeways and are not near residential development.

Supplemental Regulations for New Superstore Development - Subsection 3.113 of the Zoning Ordinance contains supplemental architectural and landscape standards for superstore use within the R zoning district. In consideration of extending these regulations to all superstore development, the Commission asked staff to review current development guidelines and ordinances to see if they would conflict with Subsection 3.113. Staff found that Subsection 3.113 does not conflict with the *Dallas North Tollway Streetscape Plan*, the *Dallas North Tollway Design Guidelines*, or the standards of the Preston Road Overlay District, the Dallas North Tollway Overlay District, the 190 Tollway/Plano Parkway Overlay District, the State Highway 121 Overlay District, or the Parkway Overlay District. The facade material requirements of the RC zoning district and the *Retail Corner Development Design Guidelines* are compatible with but exceed the material requirements of Subsection 3.113.

Area City Requirements - The Commission asked staff to survey area city planning departments to see what regulations, if any, area cities may have for superstore development. Staff contacted Carrollton, Dallas, Frisco, Irving, and McKinney. Carrollton, Irving, and McKinney have masonry/architectural requirements and landscape requirements that apply to all commercial development. These three cities do not have a separate zoning classification for large retail or superstore use. The open storage/outside display needs of a typical large retail use exceed the amount of open storage allowed by right. The only way to develop a superstore with typical open storage is by a planned development rezoning. In the planned development rezoning process, these cities "negotiate" enhanced landscape, architectural, and other building design standards.

Frisco has regulations for superstore development. Frisco does not have a separate use classification for a superstore; however, in their development and design standards for retail uses (zoning ordinance), Frisco classifies any single-tenant retail building greater than 70,000 square feet as "big box retail." Big box retail is allowed by right on retail-zoned properties with frontage on certain major corridors (generally Dallas North Tollway, State Highway 121, U.S. Highway 380) and within retail centers on F.M. 423. For retail-zoned properties in other areas, big box retail requires approval of an SUP. All retail development, big box or otherwise, are subject to the same architectural and landscape requirements.

Dallas recently adopted regulations for superstore development. Like Frisco, Dallas does not have a separate use classification for a superstore. General and food merchandise, home improvement, and furniture store uses over 100,000 square feet are subject to additional architectural, landscaping, and site design standards. General and food merchandise use over 100,000 square feet are allowed by right in certain zoning districts but require approval of an SUP in other districts. This size distinction, with regard to permissible zoning districts, does not apply to home improvement or furniture store uses over 100,000 square feet. If a particular zoning district permits a home improvement or furniture store by right, it is allowed regardless of size.

SUP Approval for New Superstore Development - The SUP process is a legislative action that allows broader discretionary authority in the review of potential superstore development. This review, however, must be rational and consistent. As with any zoning-related action, it should focus on the appropriateness of the use, the scale and form of development, and the impacts of the development with adjacent existing or planned uses. Consideration of a particular business entity or superstore should not be part of the zoning review. Some of the commissioners noted that requiring SUP approval for all superstore uses could have adverse effects on the intent of the current superstore regulations to direct superstore uses out of neighborhood retail settings to regional thoroughfares.

Retail Trends - An emerging retail trend is the development of "off-mall," freestanding stores by traditional mall-based merchants, such as Dillard's, Foley's, JC Penney's, and Sears. For example, Sears is constructing a 180,000 square foot, *Sears Grand* store in Austin. Dillard's and Foley's are constructing freestanding department stores in the Firewheel Town Center in Garland. By virtue of their size and retail business, these off-mall stores would be classified as superstore use by Plano's Zoning Ordinance. The Commission noted that application of the supplemental regulations and/or the requirement for approval by SUP for all superstore uses could have economic development implications.

SUMMARY:

The Commission had considerable discussion on the issues noted above. Based upon those discussions and Council's direction, the Commission discussed the following alternatives:

1. Superstore use will not be allowed by right in any zoning district. SUP approval will be required for superstore use in the R, LC, CE, CB-1, LI-1, LI-2, RC, and CC districts.
2. The supplemental regulations in Subsection 3.113 shall be required for all superstore development regardless of zoning district.

3. Currently, the supplemental regulations in Subsection 3.113 require a 30-foot landscape edge for superstore use abutting a residential zoning district unless separated by a Type D or larger thoroughfare. The proposed amendment would require the landscape edge unless the abutting residential district is separated by a Type C or larger thoroughfare.

The Commission reached consensus on alternative number three. With regards to alternative number one and number two, the Commission could not reach consensus. Generally, there was support for alternative number one or alternative number two, but not both. The Commission directed staff to prepare ordinance amendments for all three alternatives for formal consideration.

RECOMMENDATION:

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

1. Amend the use charts in Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to permit superstore uses with approval of a specific use permit in the LC, CE, CB-1, LI-1, LI-2, RC, and CC zoning districts with the annotation of endnote number "39" that states "See Subsection 3.113." This amendment would not change the requirement for SUP approval for a superstore use in the R district.
2. Amend standard (1) of Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal and Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to read as follows:
 - "(1) These criteria shall apply to new superstore construction in Retail any zoning districts ~~only~~. These criteria shall not apply to the use, reuse, modification, or consolidation of existing retail space developed on ~~the date of the adoption of this ordinance~~ or before January 24, 2005, or to the expansion of existing retail space existing on ~~the date of adoption of this ordinance~~ or before January 24, 2005, by no greater than ten percent of the existing ground floor area."
3. Amend standard (7) of Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal and Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to read as follows:
 - "(7) Where the property immediately abuts a residential zoning district, unless separated by a Type ~~D~~ C or larger thoroughfare, a minimum 30-foot wide landscape edge must be installed in addition to the screening required by Section 3.1000. The landscape edge must include a combination of berms, evergreen shrubs, and a mix of evergreen and deciduous overstory (shade) trees (minimum four inch caliper) placed a minimum 25 feet on center. Plantings may be grouped."

13-6

ORDINANCE NO. _____
(Zoning Case 2004-54)

AN ORDINANCE OF THE CITY OF PLANO AMENDING SUBSECTION 3.113 (SUPERSTORES) OF SECTION 3.100 (SUPPLEMENTARY REGULATIONS FOR PRINCIPAL PERMITTED USES AND SPECIFIC USES) OF ARTICLE 3 (SUPPLEMENTARY REGULATIONS) AND RELATED SECTIONS OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2005-9-37, AS HERETOFORE AMENDED, REGARDING SUPERSTORE USE; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 24th day of January, 2005, for the purpose of considering a change in the Zoning Ordinance; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 24th day of January, 2005; and

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

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

Section I. Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2005-9-37, as the same has been heretofore amended, is hereby further amended regarding superstore use, standards (1) and (7) of Subsection 3.113 (Superstores) of Section 3.100 (Supplementary Regulations for Principal and Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) to read as follows:

“(1) These criteria shall apply to new superstore construction in any zoning district. These criteria shall not apply to the use, reuse, modification, or consolidation of existing retail space developed on or before January 24, 2005, or to the expansion of existing retail space existing on or before January 24, 2005, by no greater than ten percent of the existing ground floor area.”

“(7) Where the property immediately abuts a residential zoning district, unless separated by a Type C or larger thoroughfare, a minimum 30-foot wide landscape edge must be installed in addition to the screening required by Section 3.1000. The landscape edge must include a combination of berms, evergreen shrubs, and a mix of evergreen and deciduous overstory (shade) trees (minimum four inch caliper) placed a minimum 25 feet on center. Plantings may be grouped.”

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

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

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

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 partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

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

PASSED AND APPROVED THIS THE 24TH DAY OF JANUARY, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

13-8



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	1/24/05	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering		Initials	Date
Department Head	Alan L. Upchurch	Executive Director	<i>[Signature]</i>	1/20/05
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	1/20/05
Agenda Coordinator (include phone #):		Irene Pegues (7198)	<i>[Signature]</i>	
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Suspending enforcement of parking regulations on Quincy Lane between Ohio Drive and Family Farm Lane in the corporate city limits of Plano, Texas, for thirty (30) days from the effective date of this resolution so that a traffic study may be conducted to determine the appropriateness of allowing curb side parking along Quincy Lane between Ohio Drive and Family Farm Lane.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
This resolution provides for a traffic study on Quincy Lane east of Ohio Drive to evaluate the feasibility of allowing on street parking. The resolution also suspends the parking enforcement until the study is completed.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
		N/A		

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, SUSPENDING ENFORCEMENT OF PARKING REGULATIONS ON QUINCY LANE BETWEEN OHIO DRIVE AND FAMILY FARM LANE IN THE CORPORATE CITY LIMITS OF PLANO, TEXAS, FOR THIRTY (30) DAYS FROM THE EFFECTIVE DATE OF THIS RESOLUTION SO THAT A TRAFFIC STUDY MAY BE CONDUCTED TO DETERMINE THE APPROPRIATENESS OF ALLOWING CURB SIDE PARKING ALONG QUINCY LANE BETWEEN OHIO DRIVE AND FAMILY FARM LANE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 12-98.1 of the Plano Code of Ordinances prohibits the parking of a motor vehicle within any portion of the traveled portion of a roadway on a street consisting of four (4) or more lanes for vehicular travel and is a two-way street in the corporate city limits of the City of Plano, Texas; and

WHEREAS, Quincy Lane, between Ohio Drive and Family Farm Lane, is Type E thoroughfare consisting of four lanes of travel, two lanes in each direction on which parking is prohibited; and

WHEREAS, there are eleven (11) single-family houses located on the north side of Quincy between Ohio Drive and Family Farm Lane which also face Quincy Lane; and

WHEREAS, the residents of these houses would like to be able to park their cars in front of their house from time to time, and have requested the City to consider waiving the parking prohibition on this portion of Quincy lane; and

WHEREAS, the City Council is of the opinion that is in the best interest of the City to conduct a traffic study on Quincy Lane between Ohio Drive and Family Farm Lane to determine if curbside parking along Quincy at this location is feasible and in the best interests of the citizens of Plano; and

WHEREAS, the Transportation Engineering Division of the City has advised Council that a traffic study for this stretch of Quincy can be completed in thirty (30) days; and

WHEREAS, upon consideration of the above, the City Council is of the opinion that the enforcement of parking regulations along Quincy Lane between Ohio Drive and Family Farm Lane should be suspended for thirty (30) days from the effective date of this Resolution to allow staff time to conduct a traffic study.

14-2

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 enforcement of the parking prohibitions on Quincy Lane from Ohio Drive to Family Farm Lane shall be suspended for thirty (30) days from the effective date of this Resolution to allow staff time to conduct a traffic study.

Section II. The City Manager or his designee is hereby authorized to take such action and execute such documents as he deems necessary to suspend enforcement of the parking restrictions along Quincy Lane from Ohio Drive to Family Farm Lane for a period of thirty (30) days from the effective date of this Resolution to conduct said traffic study.

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

DULY PASSED AND APPROVED this the _____ day of _____, 2005.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY