

CITY COUNCIL

1520 AVENUE K



DATE: 3/14/2016
CALL TO ORDER: 7:00 p.m.
INVOCATION: Pastor Kelvin Foley
North Dallas Community Bible Fellowship
PLEDGE OF ALLEGIANCE: Plano Police Explorer Post 911

ITEM NO.	EXPLANATION	ACTION TAKEN
(a)	<p>OUR MISSION - THE CITY OF PLANO IS A REGIONAL AND NATIONAL LEADER, PROVIDING OUTSTANDING SERVICES AND FACILITIES THROUGH COOPERATIVE EFFORTS THAT ENGAGE OUR CITIZENS AND THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p><u>PROCLAMATIONS & SPECIAL RECOGNITION</u></p> <p>SPECIAL RECOGNITIONS: Due to the fast actions of several Plano department employees and citizens, a child was saved when his house caught fire.</p> <p><u>COMMENTS OF PUBLIC INTEREST</u></p> <p><u>This portion of the meeting is to allow up to five (5) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.</u></p> <p><u>CONSENT AGENDA</u></p> <p><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></p> <p><u>Approval of Minutes</u></p> <p>February 22, 2016</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>Approval of Expenditures</u></p> <p>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</p>	
(b)	Bid No. 2016-0099-C for a one (1) year contract with three (3) City optional renewals for Public Building Landscape Maintenance for the Parks and Recreation Department, with an award to Southlake Landscape and Maintenance for Group 2 in the estimated amount of \$65,820 and to Good Earth Corporation for Groups 1 and 3 in the estimated amount of \$126,659, for a total contract award of \$192,479; and authorizing the City Manager to execute all necessary documents.	
(c)	Bid No. 2016-0112-B for the purchase of Steel Signal Poles to be utilized by Public Works Department to Sanpec, Inc. in the amount of \$165,712; and authorizing the City Manager to execute all necessary documents.	
(d)	Bid No. 2016-95-C for a one-year contract with four City optional one-year renewals for Plano Police Department Lease Vehicle Program to Acme Auto Leasing LLC in the estimated annual amount of \$146,604; and authorizing the City Manager to execute all necessary documents.	
	<p>Purchase from an Existing Contract</p>	
(e)	To approve the purchase of one (1) Ford F750 5-6 Yard Dump Truck for Fleet Services to be utilized by the Parks and Recreation Department in the amount of \$78,521 from Silsbee Ford through an existing TASB/BuyBoard contract; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 430-13)	
(f)	To approve the purchase of Symantec Anti-virus and IT Management Suite Software support for Technology Services' Service Desk in the amount of \$106,808 from Novacoast Inc. through an existing State of Texas Department of Information Resources contract; and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1917)	
	<p>Approval of Contract Modification</p>	
(g)	Termination of Contract No. 2012-240-C for Public Building Landscape Group 3.	
(h)	Termination of Contract No. 2014-208-C for Public Building Landscape Maintenance Group 1.	
	<p>Approval of Expenditure</p>	
(i)	To approve an expenditure for the purchase and installation of a Wireless Network Upgrade Phase 1 in the amount of \$622,258 from Scientel Wireless, LLC, for Traffic Engineering; and authorizing the City Manager to execute all necessary documents.	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<u>Adoption of Resolutions</u>	
(j)	To approve the terms and conditions of a Memorandum of Understanding between North Texas Municipal Water District, Cities of Allen, Frisco, McKinney, Plano, and Richardson regarding Amended and Restated Regional Composting Program Interlocal Agreement; authorizing its execution by the City Manager; and providing an effective date.	
(k)	To approve the terms and conditions of an Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas, for Amended and Restated Regional Composting Program; authorizing its execution by the City Manager; and providing an effective date.	
(l)	To designate the name of the Douglass Neighborhood Park Site as Stimpson and Drake Park; and providing an effective date.	
(m)	To authorize a Construction Manager At Risk (CMAR) contract between the City of Plano and Pogue Construction Co., LP, for Oak Point Recreation Center Expansion and Renovation Phase 1 Outdoor Pool renovation for a Guaranteed Maximum Price (GMP) of \$158,778; authorizing the City Manager to execute the necessary contract documents; and providing an effective date.	
(n)	To approve the terms and conditions of a Memorandum of Understanding by and between Texas A&M Forest Service and the City of Plano, Texas, for the establishment of the National Wildfire Coordinating Group (NWCG) Firefighter Standard; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the Memorandum herein; and providing an effective date.	
	<u>Adoption of Ordinances</u>	
(o)	To repeal Ordinance No. 2013-10-22, codified as Article II, Fire Code, of Chapter 8 of the Code of Ordinances of the City; adopting the 2015 Edition of the International Fire Code, with certain revised additions, deletions and amendments as the Fire Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.	
(p)	To adopt the 2015 Edition of the International Existing Building Code, with certain additions, deletions and amendments, as the Existing Building Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.	
(q)	To repeal in its entirety City of Plano Ordinance Nos. 2013-10-29 and 2014-1-5, codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances; and adopting the 2015 Edition of the International Energy Conservation Code, with certain additions, deletions and amendments, as the Energy Conservation Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.	

ITEM NO.	EXPLANATION	ACTION TAKEN
(r)	To repeal in its entirety City of Plano Ordinance No. 2013-10-28, codified as Article XIX, Fuel Gas Code, of Chapter 6 of the Code of Ordinances; and adopting the 2015 Edition of the International Fuel Gas Code, with certain additions, deletions, and amendments, as the Fuel Gas Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.	
(s)	To repeal in its entirety City of Plano Ordinance No. 2013-10-27, codified as Division 3, Mechanical Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances of the City; and adopting the 2015 Edition of the International Mechanical Code, with certain additions, deletions, and amendments, as the Mechanical Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.	
(t)	To repeal in its entirety City of Plano Ordinance No. 2013-10-26, codified as Division 2, Plumbing Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances; and adopting the 2015 Edition of the International Plumbing Code, with certain additions, deletions and amendments, as the Plumbing Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.	
(u)	To repeal in its entirety City of Plano Ordinance No. 2015-3-8 and Ordinance No. 2013-10-24, codified as Article II, Building Code, of Chapter 6 of the Code of Ordinances; and adopting the 2015 Edition of the International Building Code, with certain additions, deletions, and amendments, as the Building Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.	
(v)	To repeal City of Plano Ordinance No. 2013-10-25 codified as Article XX, Residential Code, of Chapter 6 of the Code of Ordinances; and adopting the 2015 Edition of the International Residential Code with certain additions, deletions, and amendments, as the Residential Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.	
(w)	To repeal Ordinance Nos. 2006-2-23, 2007-12-4 and 2008-9-32 codified as Article VI. Alarm Systems of Chapter 11, Licenses and Business Regulations, of the Code of Ordinances of the City of Plano and adopting a new Alarm Systems ordinance to comply with changes in state law and reflect current practices; and providing a severability clause, a repealer clause, a savings clause, a penalty clause, a publication clause and an effective date.	
(x)	To repeal in its entirety City of Plano Ordinance No. 2013-10-30, codified as Divisions 1 and 2 of Chapter 6, Buildings and Building Regulations, Article III, Property Maintenance Code, of the Code of Ordinances; and adopting the 2015 Edition of the International Property Maintenance Code, with certain additions, deletions, and amendments, as the Property Maintenance Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.	

ITEM NO.	EXPLANATION	ACTION TAKEN
(y)	<p>To abandon all right, title and interest of the City, in and to a tract of land situated in the Maria C. Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas and being portions of Lots 1 and 2, Block A of EDS Lakes Addition, according to the Conveyance Plat thereof recorded in Cabinet H, Page 527 of the Plat Records of Collin County, Texas, same being a portion of a 15-foot wide Sanitary Sewer Easement conveyed to the City of Plano, Texas, recorded in Volume 1053, Page 807 of the Land Records of Collin County, Texas; quitclaiming all right, title and interest of the City in such Easement to the owner of the property underlying the Easement, Children's Medical Center Texas, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date.</p>	
(z)	<p>To abandon all right, title and interest of the City, in and to a tract of land situated in the Maria C. Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas and being a portion of Lot 2, Block A of EDS Lakes Addition, according to the Conveyance Plat thereof recorded in Cabinet H, Page 527 of the Plat Records of Collin County, Texas, same being a portion of a 15-foot wide Sanitary Sewer Easement conveyed to the City of Plano, Texas, recorded in Volume 1053, Page 807 of the Land Records of Collin County, Texas; quitclaiming all right, title and interest of the City in such Easement to the owner of the property underlying the Easement, Children's Health System of Texas, to the extent of its interest; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date.</p>	
<p><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></p> <p><u>Public Hearing Items: Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The presiding officer may extend these times as deemed necessary.</u></p> <p><u>Non-Public Hearing Items: The Presiding Officer may permit limited public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order cards are received until the cumulative time is exhausted.</u></p>		

ITEM NO.	EXPLANATION	ACTION TAKEN
(1)	<p>Public Hearing and consideration of an Ordinance as requested in Zoning Case 2015-27 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 1.4± acres of land located on the west side of K Avenue, 135± feet south of 18th Street in the City of Plano, Collin County, Texas, from Downtown Business/Government to Planned Development-7-Downtown Business/Government to modify development standards related to single-family residence attached; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Carl Franklin Homes, L.C.</p>	
(2)	<p>Public Hearing and consideration of an Ordinance as requested in Zoning Case 2015-31 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Planned Development-64-Central Business-1 on 137.3± acres of land located at the southwest corner of State Highway 121 and the Dallas North Tollway, in the City of Plano, Collin County, Texas, to modify development standards related to mid-rise residential; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: SWC Tollway & 121, LLC</p> <p><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal/L Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. The Senator Florence Shapiro Council Chambers 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.</u></p>	



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		03/14/2016		
Department:		City Manager's Office		
Department Head		Bruce Glasscock		
Agenda Coordinator (include phone #): Melinda White X7548, Cindy Pierce X5161				
CAPTION				
SPECIAL RECOGNITIONS: Due to the fast actions of several Plano employees and citizens a child was saved when his house caught fire.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
February 22, 2016**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Angela Miner
Rick Grady
Ron Kelley
Tom Harrison
David Downs

STAFF PRESENT

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Jim Parrish, Deputy City Manager
Mark Israelson, Assistant City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere called the meeting to order at 5:01 p.m., Monday, February 22, 2016, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor LaRosiliere then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated in order to consult with an attorney and receive Legal Advice, Section 551.071; to receive information regarding Economic Development, Section 551.087; discuss Real Estate, Section 551.072; and discuss Personnel, Section 551.074; for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor LaRosiliere reconvened the meeting back into the Preliminary Open Meeting at 6:11 p.m. in the Senator Florence Shapiro Council Chambers.

**Consideration and action resulting from Executive Session discussion
Personnel – Appointments**

Board of Adjustment

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Grady, the Council voted 8-0 to appoint Joyce Beach as a member.

Police Department Year End Briefing

Police Chief Rushin provided an overview of the organizational structure of the department and its 610 employees and 205 volunteers. He discussed the CALEA accreditation and staffing benchmarks. Chief Rushin spoke to the performance measures of crime rate, traffic safety, timely service, quality of service, and the departmental statistics for each category. He discussed the department's challenges related to growth, density, and mass transit; community relations – 21st century policing; homelessness and mental health issues; effective use of technology; response to organized crime; and hiring and retention. Chief Rushin spoke to programs and services partnering with the community include the Police Public Information office, social media; departmental website, National Night Out, Crime Watch program, security surveys, Citizens and Youth Police Academies, crime reports online, and the community camera program.

Health Department Report

Director of Environmental Health and Sustainability Patterson provided an overview of the department and its two divisions, Environmental Health and Sustainability and Environmental Education (SEED), and the 32 full-time employees. She spoke to the core responsibilities of each division and increased service demands, technology upgrades, and emerging issues being the biggest challenges for the department.

Ms. Patterson discussed the department's strategic planning process to achieve the goal of protecting health and promoting sustainability. She discussed the five priorities of maximizing efficiencies, program development, support people development, increase community engagement, and advance city initiatives; and the objectives to complete the priorities.

Consent and Regular Agendas

No items were discussed.

Council Items for Discussion/Action on Future Agendas

No items were discussed.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 7:02 p.m.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, City Secretary

**PLANO CITY COUNCIL
REGULAR SESSION
February 22, 2016**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Angela Miner
Rick Grady
Ron Kelley
Tom Harrison
David Downs

STAFF PRESENT

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Jim Parrish, Deputy City Manager
Mark Israelson, Assistant City Manager
Paige Mims, City Attorney
Lisa C. Henderson, City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Monday, February 22, 2016, at 7:02 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Father Cloherty with Prince of Peace Catholic Community led the invocation and Delaney Moon, 2015 National American Miss Texas Jr. Pre-Teen led the Pledge of Allegiance and Texas Pledge.

Mayor LaRosiliere presented proclamations recognizing February as National LULAC month and the 20th Anniversary of Collin County LULAC Youth Council #298. LegacyTexas Bank presented a donation to the Plano Neighborhood Services Department. Mayor LaRosiliere recognized the receipt of the Achievement of Library Excellence Award from the Texas Municipal Library Directors Association and the 2015 National Community Improvement Award from Keep America Beautiful, based on Plano's Litter Prevention programs.

COMMENTS OF PUBLIC INTEREST

Patti Snell and Sean Moothart spoke to the Council reconsidering the Collinwood House deconstruction.

CONSENT AGENDA

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

Approval of Minutes

February 8, 2016
(Consent Agenda Item “A”)

Approval of Expenditures

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

Bid No. 2016-0106-B for the Pecan Hollow Golf Course Cart Path Improvements to Brownstone Companies, LLC in the amount of \$68,925; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2016-0094-B for Audio Visual Equipment for Municipal Center Third Floor to 32 Degree Tec., Inc., in the amount of \$91,830; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Purchase from an Existing Contract

To approve the purchase of Dell Server Maintenance and Support for Technology Services in the estimated amount of \$65,732 from Dell Marketing, LP through an existing State of Texas Department of Information Resources contract; and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1951) (Consent Agenda Item “D”)

To approve the purchase of Microsoft software licenses for one year with two City optional one-year renewals, through a Microsoft Enterprise Agreement in the estimated first year amount of \$1,022,974 and estimated amount for each of years two and three of \$1,096,966, for a total estimated three year amount of \$3,216,905 from SHI Government Solutions, Inc. through an existing DIR (Department of Information Resources) contract; and authorizing the City Manager to execute all necessary documents. (DIR-SDD-2503) (Consent Agenda Item “E”)

To approve the purchase of rifle ammunition for the Police Department in the amount of \$73,200 from Precision Delta Corporation through an existing TxSmartBuy contract; and authorizing the City Manager to execute all necessary documents. (TxSmartBuy Contract No. 680-A1) (Consent Agenda Item “F”)

Approval of Expenditure

To approve an expenditure for an agreement for planimetric data in the estimated amount of \$70,748 from North Central Texas Council of Governments (NCTCOG) for the Planning Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

To approve an expenditure for an annual contract with three (3) City optional renewals for a centralized irrigation control supply contract to Interspec, LLC in the amount of \$150,000 for Parks and Recreation; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

To approve an expenditure for InterAct Public Safety Systems maintenance in the amount of \$60,832 from Colossus, Incorporated d/b/a Interact Public Safety Systems for Technology Services in support of Police and Fire Departments; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “I”)

To approve an expenditure for Interim Portfolio and Project Management PMO Support resources in the estimated amount of \$347,200 for an estimated seven month period from Thinkbox Technology Group LLC for the Procurement and Project Management Department; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “J”)

Adoption of Resolutions

Resolution No. 2016-2-6(R): To grant to the ArtCentre of Plano, Inc. (ArtCentre) the authority to bestow naming rights of rooms and spaces at the Saigling House, located at 902 East 16th Street (Property), for sponsorship purposes for the duration of their lease of the Property; and providing an effective date. (Consent Agenda Item “K”)

Adoption of Ordinances

Ordinance No. 2016-2-7: To amend and delete various sections of Articles I, V and VI, Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano; providing new and revised definitions, revising prohibited and permitted parking activities in residential and other zoning districts, updating the penalty provisions for commercial vehicle violations; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date. (Consent Agenda Item “L”)

Ordinance No. 2016-2-8: To abandon all right, title and interest of the City, in and to that certain Right-of-Way, situated in the H. N. Thompson Survey, Abstract No. 896, which is located within the City limits of Plano, Texas, retaining a 15’ Utility easement; quitclaiming all right, title and interest of the City in such Right-of-Way to the property owner of Lot 1, Block B, Legacy West Addition, SWC Tollway & 121, LLC, 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”)

END OF CONSENT

Public Hearing and approval to continue the City of Plano's Juvenile Curfew Ordinance (Ordinance No. 94-11-11); to receive a city staff report on the effectiveness of the Juvenile Curfew Ordinance; and to determine whether the ordinance should be abolished, continued, or modified. (Regular Agenda Item “1”)

Chief Rushin spoke to the requirement to hold a Public Hearing to review the curfew ordinance, reviewed its history and spoke to defenses to prosecution and enforcement. He discussed the small decrease in the juvenile population with the overall number of offenses committed by minors during curfew hours decreasing 31% in the last three years. Chief Rushin advised the ordinance is an effective tool and recommended its continuation

Public Hearing and approval to continue the City of Plano's Juvenile Curfew Ordinance (Ordinance No. 94-11-11) (Cont'd.)

Mayor LaRoiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Grady, the Council voted 8-0 to continue the City of Plano's Juvenile Curfew Ordinance (Ordinance No. 94-11-11).

Public Hearing and adoption of Resolution No. 2016-2-9(R) to repeal Resolution No. 2016-1-10(R) supporting an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project located on 4.8± acres bounded by 14th Street on the north, G Avenue on the east, 13th/14th Connector on the south and F Avenue on the west (Development); supporting an application for four percent (4%) HTC financing to the TDHCA for the same proposed Development; waiving the Certificate of Occupancy fee for the proposed Development; authorizing the City Manager to certify this resolution and the waiver of the fee to TDHCA; and declaring an effective date. (Regular Agenda Item "2")

Community Services Manager Brown stated this item, at the developer's request, is for repeal of the original Resolution of Support of a nine percent tax financing credit and replacing it with Council's support of a four percent tax financing credit. She added staff recommends waiving the \$100 Certificate of Occupancy fee, as a mechanism for additional support for this application and will be included as a part of the resolution of support process in the future.

Mayor LaRoiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing.

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 8-0 to repeal Resolution No. 2016-1-10(R) supporting an application for nine percent (9%) housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) for the proposed affordable residential development project located on 4.8± acres bounded by 14th Street on the north, G Avenue on the east, 13th/14th Connector on the south and F Avenue on the west (Development); supporting an application for four percent (4%) HTC financing to the TDHCA for the same proposed Development; waiving the Certificate of Occupancy fee for the proposed Development; and further to adopt Resolution No. 2016-2-9(R).

Resolution No. 2016-2-10(R): To waive the Certificate of Occupancy fee for applications seeking nine percent housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) that received a Resolution of Support from the City Council; authorizing the City Manager to certify the waiver of the fee; and declaring an effective date. (Regular Agenda Item "3")

Community Services Manager Brown stated this is to waive the \$100 Certificate of Occupancy fee for the three projects that Council had provided a Resolution of Support in January. Ms. Brown advised an updated policy for housing tax credit projects will be brought forward in the future for Council approval. In response to Deputy Mayor Pro Tem Harris,

Ms. Brown stated other cities waive fees for this type of project and with this being a new process, updates are required.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 8-0 to waive the Certificate of Occupancy fee for applications seeking nine percent housing tax credit (HTC) financing to the Texas Department of Housing and Community Affairs (TDHCA) that received a Resolution of Support from the City Council; and further to adopt Resolution No. 2016-2-10(R).

Public Hearing and adoption of Ordinance No. 2016-2-11 as requested in Zoning Case 2015-28 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 6 so as to allow the additional use of a 120-foot Commercial Antenna Support Structure on 0.1± acre of land located on the west side of Custer Road, 184± feet north of Park Boulevard, in the City of Plano, Collin County, Texas, presently zoned Planned Development-316-Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: LegacyTexas Bank(Regular Agenda Item “4”)

Director of Planning Day spoke to the request providing surrounding area uses, site photos, and a location map of all other antenna support structures. She stated staff and the Planning and Zoning Commission recommended approval with the following stipulations:

1. Monopole design is required and must accommodate collocation within the structure.
2. A maximum of three microwave dishes, each not to exceed three feet in diameter, are permitted and are not required to be screened. All other antennas or other equipment attached to the support structure must be screened from view.

In response to Council Member Grady, Ms. Day stated no other organizations plan to use the antenna at this time, but the pole will be designed to accommodate future use. In response to Council Member Kelley, Paul Larson, project engineer for LegacyTexas Bank, stated the tower is needed for redundancy and to accommodate terrain challenges in providing service to the new facility. Mr. Carl Crawley, representing LegacyTexas Bank, was available to answer questions.

Mayor LaRosiliere opened the public hearing. No one appeared to speak. Mayor LaRosiliere closed the public hearing.

Deputy Mayor Pro Tem Harris requested additional information regarding the pole height and size. Mr. Crawley spoke to the tower and the inability to create a stealth tower. In response to Deputy Mayor Pro tem Harris, Ms. Day advised notices went out to property owners within 500 feet of the project and three area homeowner associations and provided a map of the notice area. In response to Council Member Grady, Mr. Larson stated the Pittman location will be closed.

Public Hearing and adoption of Ordinance No. 2016-2-11 (Cont'd.)

Upon a motion made by Council Member Downs and seconded by Mayor LaRosilieri, the Council voted 6-2, with Mayor Pro Tem Smith and Deputy Mayor Pro Tem Harris voting in opposition, to grant Specific Use Permit No. 6 so as to allow the additional use of a 120-foot Commercial Antenna Support Structure, on 0.1± acre of land located on the west side of Custer Road, 184± feet north of Park Boulevard, in the City of Plano, Collin County, Texas, as requested in Zoning Case 2015-28; and further to adopt Ordinance No. 2016-2-11.

Public Hearing and adoption of Ordinance No. 2016-2-12 as requested in Zoning Case 2015-30 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Planned Development-65-Central Business-1 on 275.1± acres of land located at the northeast corner of the Dallas North Tollway and Tennyson Parkway, in the City of Plano, Collin County, Texas, to modify development standards related to multipurpose wall signs, zoned Planned Development-65-Central Business-1 with Specific Use Permit No. 265 for Day Care Center and Specific Use Permit No. 394 for Cemetery/Mausoleum; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: SWC Tollway & 121, LLC (Regular Agenda Item “5”)

Director of Planning Day spoke to the project, notification area, and the location of the request for an increase in size for signage. She stated staff and the Planning and Zoning Commission recommended approval. In response to Council Member Downs, Ms. Day stated all property owners within a planned development are notified of any zoning changes requested.

Mayor LaRoilieri opened the public hearing. No one appeared to speak. Mayor LaRosilieri closed the public hearing.

Upon a motion made by Council Member Downs and seconded by Council Member Grady, the Council voted 8-0 to amend Planned Development-65-Central Business-1 on 275.1± acres of land located at the northeast corner of the Dallas North Tollway and Tennyson Parkway, in the City of Plano, Collin County, Texas, to modify development standards related to multipurpose wall signs as requested in Zoning Case 2015-30; and further to adopt Ordinance No. 2016-2-12.

With no further business, Mayor LaRosilieri adjourned the meeting at 8:10 p.m.

Harry LaRosilieri, Mayor

ATTEST

Lisa C. Henderson, City Secretary



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		3/14/16			
Department:		Parks and Recreation			
Department Head		Amy Fortenberry			
Agenda Coordinator (include phone #): Leslie Hooker x 7204					
CAPTION					
Bid No. 2016-0099-C for a one (1) year contract with three (3) City optional renewals for Public Building Landscape Maintenance for the Parks and Recreation Department with an award to Southlake Landscape and Maintenance for Group 2, in the estimated amount of \$65,820 and to Good Earth Corporation for Groups 1 and 3, in the estimated amount of \$126,659, for a total contract award of \$192,479 and authorizing the City Manager to execute all necessary documents.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	FY 2015-16, 2016-17, 2017-18, 2018-19, 2019-20	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	307,299	620,443	927,742
Encumbered/Expended Amount		0	-48,421	0	-48,421
This Item		0	-149,473	-620,443	-769,916
BALANCE		0	109,405	0	109,405
FUND(S): GENERAL FUND					
COMMENTS: This item approves price quotes. Expenditures will be made in the Parks & Recreation Department within the approved budget appropriations for each year of the contract. The estimated annual amount to be spent in FY 2015-16 for this contract is \$149,473. The estimated future amount is \$620,443 (\$192,479 in FY 2016-17, \$192,479 in FY 2017-18, \$192,479 in FY 2018-19, and \$43,006 in FY 2019-20) and will be based on need within budget appropriations.					
STRATEGIC PLAN GOAL: Contracting for Public Building Landscape Maintenance directly supports the City's Goal of a Financially Strong City with Service Excellence and Great Neighborhoods - 1st Choice to Live.					
SUMMARY OF ITEM					
See recommendation memo.					
List of Supporting Documents: Recommendation Memo			Other Departments, Boards, Commissions or Agencies		

Bid Recap	



Memorandum

Date: February 17, 2016

To: Diane Palmer-Boeck, Director of Procurement and Project Management

From: Jeff Schwartz, Park Operations Superintendent

Subject: Award Recommendation: 2016-0099-C - Public Building Landscape Maintenance Group 1, Group 2 and Group 3

This contract includes public building, park and special use site mowing and grounds maintenance at various locations throughout the City.

After reviewing the vendor submittals and consulting with work history references, Southlake Landscape and Maintenance and Good Earth Corporation are capable of meeting all of the requirements of the aforementioned maintenance contract. As stated in the bid documentation, this contract is to be awarded to the lowest responsive, responsible bidder.

Southlake Landscape and Maintenance is the lowest responsive, responsible bidder for the combined total of all three groups with a bid of \$223,360; however, this amount is approximately \$48,000 over the budgeted amount for this contract. Therefore, it is the recommendation of the Parks and Recreation Department to split the award of Bid 2016-0099-C Public Building Landscape Maintenance between Southlake Landscape and Maintenance and Good Earth Corporation. Group 2 shall be fully awarded to Southlake Landscape and Maintenance for the amount of \$65,820.00. Groups 1 and 3 shall be awarded to Good Earth Corporation for the amount of \$126,659.00 for the line items as follows:

2016-0099-C--01-02, 2016-0099-C--01-04, 2016-0099-C--01-06, 2016-0099-C--01-07, 2016-0099-C--01-08, 2016-0099-C--01-09, 2016-0099-C--01-10, 2016-0099-C--01-11, 2016-0099-C--01-12, 2016-0099-C--01-14, 2016-0099-C--01-15, 2016-0099-C--01-17, 2016-0099-C--03-01, 2016-0099-C--03-02, 2016-0099-C--03-03, 2016-0099-C--03-04, 2016-0099-C--03-05, 2016-0099-C--03-06, 2016-0099-C--03-07, 2016-0099-C--03-08, 2016-0099-C--03-09, 2016-0099-C--03-10, 2016-0099-C--03-11, 2016-0099-C--03-12, 2016-0099-C--03-13, 2016-0099-C--03-14, 2016-0099-C--03-15, 2016-0099-C--03-16

If this contract is not awarded, in-house staff will be forced to absorb the maintenance at public building sites, accomplishing minimum levels of mowing and landscape detail work. This will also reduce the maintenance frequency at other assigned park sites. Therefore, the Parks and Recreation Department will not be capable of effectively maintaining these additional sites with in-house staff.

cc:

Jim Fox, Park Services Manager

Amy Fortenberry, Parks and Recreation Director

CITY OF PLANO

**BID NO. 2016-0099-C
Public Building Landscape Maintenance
(Group 1, Group 2 and Group 3)
BID RECAP**

Bid opening Date/Time: February 10, 2016 @ 10:00 am

Number of Vendors Notified: 3660

Vendors Submitting “No Bids”: 0

Bids Evaluated Non-Responsive to Specifications: 0

Number of Bids Submitted Responsive to Bid: 4

Group 1

Southlake Landscape and Maintenance	\$74,880
Good Earth Corporation	\$58,995
Dyna-Mist Construction Company	\$75,456
The Teter Group, Inc.	\$94,932

Group 2

Southlake Landscape and Maintenance	\$65,820
Good Earth Corporation	\$83,427
Dyna-Mist Construction Company	\$81,360
The Teter Group, Inc.	\$102,540

Group 3

Southlake Landscape and Maintenance	\$79,180
Good Earth Corporation	\$67,664
Dyna-Mist Construction Company	\$123,000
The Teter Group, Inc.	\$124,140

Recommended Vendors for award by group:

Group 2

Southlake Landscape and Maintenance \$65,820

Group 1 & 3

Good Earth Corporation \$126,659

Total: \$192,479

Leslie Hooker

February 10, 2016

Leslie Hooker
Buyer I

Date



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		March 14, 2016		
Department:		Procurement & Project Management		
Department Head		Diane Plamer-Boeck		
Agenda Coordinator (include phone #): Teresa Shelstad x7539				
CAPTION				
Bid No. 2016-0112-B for the purchase of Steel Signal Poles to be utilized by Public Works Department to Sanpec, Inc. in the amount of \$165,712 and authorizing the City Manager to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2015-16	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	1,117,055	0	1,117,055
Encumbered/Expended Amount	0	-414,753	0	-414,753
This Item	0	-165,712	0	-165,712
BALANCE	0	536,590	0	536,590
FUND(s): WAREHOUSE				
COMMENTS: Funds are available in the FY 2015-16 Adopted Budget to purchase Steel Signal Pole Assembly Fabrication for Warehouse Inventory Stock. Remaining balance will be used for other Inventory purchases. STRATEGIC PLAN GOAL: Providing Steel Signal Pole Assembly Fabrication for Warehouse Inventory relates to the City's Goal of a Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
See attached recommendation memo.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Recommendation Memo				
Bid Recap				



Memorandum

Date: February 15, 2016

To: Diane Palmer-Boeck, Director of Procurement and Project Management

From: Josh Mathewes, Inventory Control /Asset Disposal Supervisor

Subject: Award of Bid #2016-0112-B Steel Signal Pole Assembly Fabrication

It is the recommendation from Inventory Control/ Asset Disposal (ICAD) based on inventory requirements and Public Works based on specifications to award of 2016-0112-B to Sanpec, Inc., the lowest responsive, responsible bidder.

The total estimated expenditure for this purchase is \$165,712.

Failure to award this bid could result in extended lead times, higher procurement costs and the inability to provide inventory in an emergency or maintenance situation.

The specifics of this bid are on file with the Purchasing Division.

Josh Mathewes
Inventory Control/Asset Disposal
Supervisor

CITY OF PLANO

BID NO. 2016-0112-B
Steel Signal Pole Assembly Fabrication

BID RECAP

Bid opening Date/Time: February 9, 2016 @ 2:00 pm

Number of Vendors Notified: 316

Vendors Submitting "No Bids": 0

Bids Evaluated Non-Responsive to Specifications: 0

Number of Bids Submitted Responsive to Bid: 4

Sanpec, Inc.	\$165,712
Structural steel Productions	\$279,860
Union metal Corporation	\$281,596
Techline, Inc.	\$429,928

Recommended Vendors:

Sanpec, Inc.	\$165,712
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Teresa Shelstad

February 9, 2016

Teresa Shelstad
Buyer I

Date



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		03/14/16			
Department:	Police				
Department Head	Gregory W. Rushin				
Agenda Coordinator (include phone #): Lincoln Thompson (Ext. 7376)					
CAPTION					
Bid No. 2016-95-C for a one-year contract with four City optional one-year renewals for Plano Police Department Lease Vehicle Program to Acme Auto Leasing LLC in the estimated annual amount of \$146,604, and authorizing the City Manager to execute all necessary documents.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2015-16, 2016-17, 2017-18, 2018-19, 2019-20, and 2020-21	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	182,000	659,718	841,718
Encumbered/Expended Amount		0	-85,272	0	-85,272
This Item		0	-73,302	-659,718	-733,020
BALANCE		0	23,426	0	23,426
FUND(S): GENERAL FUND					
<p>COMMENTS: This item approves price quotes. Expenditures will be made in the Police Department within the approved budget appropriations for each year of the contract. The estimated annual amount to be spent in FY 2015-16 for this contract is \$73,302. The estimated future amount is \$659,718, (\$146,604 in FY 2016-17, \$146,604 in FY 2017-18, \$146,604 in FY 2018-19, \$146,604 in FY 2019-20, and \$73,302 in FY 2020-21) and will be based on need within budget appropriations.</p> <p>STRATEGIC PLAN GOAL: Contracting lease vehicles for the Criminal Investigative Services Division relates to the City's Goal of a Financially Strong City with Service Excellence and Safe, Large City.</p>					
SUMMARY OF ITEM					
See Recommendation Memo.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Recommendation Memo		NA			
Bid Recap					

Date: February 18, 2016
To: Diane Palmer-Boeck, Director of Purchasing and Project Management
From: Gregory W. Rushin, Chief of Police 
Subject: Award Recommendation for Bid 2016-95-C

The Police Department has a number of unmarked vehicles for use by various units of the Criminal Investigative Services Division (CISD). A lease vehicle program is necessary in providing vehicle types beyond the standard fleet for more covert operations.

A bid process was established because the current contract with Acme Auto Leasing is due to expire in April 2016. There were three bids returned; one from Acme Auto Leasing LLC (Acme), one from Enterprise Holdings (Enterprise), and one from Marple Fleet Leasing (Marple). Acme provided the lowest bid at the fixed monthly price of \$643 per vehicle. This bid was \$7 less per vehicle than the bid provided by Enterprise and \$107 less per vehicle than the bid provided by Marple. The cost per vehicle includes all preventative maintenance, replacement vehicles when necessary, and a wide variety of models and styles of vehicles. Also included is the confidential administration of the program, meaning the City of Plano will not be divulged as the lessee, which is vital to covert operations.

The current contract with Acme provides a variety of vehicles from four-door sedans to pickup trucks and sport-utility vehicles. Acme has been meeting all expectations since the current contract was awarded in 2012. The Plano Police Department will be leasing nineteen vehicles on a one-year contract with four optional one-year renewals. The estimated annual amount of the contract for the nineteen vehicles is \$146,604. The continued use of the lease vehicles is vital to police operations. The impact, if not awarded, will be a reduction in the efficiency and effectiveness of service provided to the citizens during various operations.

It is the recommendation of the Plano Police Department to award bid #2016-95-C titled "Plano Police Department Lease Vehicle Program," to Acme Auto Leasing LLC, as the lowest responsive, responsible bidder that met the specifications per the bid solicitation.

**CITY OF PLANO
BID NO. 2016-95-C
PLANO POLICE DEPARTMENT LEASE VEHICLE PROGRAM
BID RECAP**

Bid Opening Date/Time: February 15, 2016 @ 3:00 pm

Number of Vendors Notified: 603

Vendors Submitting "No Bids": 1

Bids Deemed Nonresponsive: 0

Number of Bids Submitted: 3

Monthly Fixed Rate Fee Per Vehicle

Acme Auto Leasing LLC \$643.00

Enterprise Holdings \$650.00

Marple Fleet Leasing \$750.00

Recommended Vendor:

Acme Auto Leasing LLC \$643.00

Lincoln Thompson

Lincoln Thompson
Senior Buyer

February 25, 2016

Date



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		03/14/16		
Department:		Public Works		
Department Head		Gerald Cosgrove		
Agenda Coordinator (include phone #): Lincoln Thompson (Ext. 7376)				
CAPTION				
To approve the purchase of one (1) Ford F750 5-6 Yard Dump Truck for Fleet Services to be utilized by the Parks and Recreation Department in the amount of \$78,521 from Silsbee Ford through an existing TASB/BuyBoard contract and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 430-13)				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2015-16	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	80,000	0	80,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-78,521	0	-78,521
BALANCE	0	1,479	0	1,479
FUND(S): EQUIPMENT REPLACEMENT FUND				
COMMENTS: Funds are available in the FY 2015-16 Adopted Budget to purchase one (1) Ford F750 5-6 Yard Dump Truck for the scheduled replacement of unit #01801 in Cost Center #637/Athletic Fields Maintenance. Remaining balance will be used for other Fleet and Equipment purchases. STRATEGIC PLAN GOAL: Providing one (1) Ford F750 5-6 Yard Dump Truck for Fleet Services relates to the City's Goal of a Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 271 Subchapter F of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (TASB/BuyBoard Contract No. 430-13 / City of Plano Internal Contract No. 2016-253-O)				
List of Supporting Documents: Recommendation Memo Cooperative Quote Recap			Other Departments, Boards, Commissions or Agencies NA	



Memorandum

Date: February 25, 2016
To: Bruce D. Glasscock, City Manager
From: Reid Choate, Fleet Manager
Subject: Dump Truck Purchase Recommendation

It is the recommendation of Fleet Services to purchase one (1) Ford F750 5-6 Yard Dump Truck from Silsbee Ford through TASB/BuyBoard Contract No. 430-13 in the amount of \$78,521.00.

This unit is for the replacement of unit 01801 in Cost Center 637/Athletic Fields Maintenance from the FY15 - 16 Equipment Replacement Fund.

Equipment replacement is analyzed based on age, mileage, maintenance cost, and re-sale value in determining the need for replacement. Based on these criteria, Fleet Services recommends the replacement of the above vehicle. If this vehicle is not replaced we will incur additional maintenance cost and salvage value will be greatly depreciated. In addition, the user department will be limited in their ability to perform their duties due to additional down time of the older equipment. A vehicle of this size is required to pull a heavy trailer for Skid Loaders and Tractors in this Cost Center.

Feel free to contact me if you have any questions at extension 4182.

**CITY OF PLANO
BID NO. 2016-253-O
5-6 YARD DUMP TRUCK
COOPERATIVE QUOTE RECAP**

Number of Vendors Contacted: 10

Vendors Submitting "No Bids": 1

Bids Deemed Nonresponsive: 0

Number of Responsive Quotes Submitted: 6

Silsbee Ford 2016 F-750 Diesel, Crew Cab	\$78,521.00
Grande Truck Center 2016 F-750 Diesel, Crew Cab	\$85,706.12
Houston Freightliner Freightliner Model M2 106	\$90,682.00
Southwest International Trucks International Model 7300	\$91,749.34
Freightliner of Austin Freightliner Model M2 106	\$91,773.00
MHC Kenworth Kenworth Model T370	\$99,841.30

Low Cooperative Quote:

Silsbee Ford 2016 F-750 Diesel, Crew Cab	\$78,521.00
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Lincoln Thompson

Lincoln Thompson
Senior Buyer

February 24, 2016

Date



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		3/14/2016			
Department:		Technology Services			
Department Head		Carlos Oregon			
Agenda Coordinator (include phone #): Dianna Wike x7549					
CAPTION					
To approve the purchase of Symantec Anti-virus and IT Management Suite Software support for Technology Services' Service Desk in the amount of \$106,808 from Novacoast Inc. through an existing State of Texas Department of Information Resources contract and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1917)					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	3,481,583	0	3,481,583
Encumbered/Expended Amount		0	-3,022,214	0	-3,022,214
This Item		0	-106,808	0	-106,808
BALANCE		0	352,561	0	352,561
FUND(s): TECHNOLOGY SERVICES FUND					
<p>COMMENTS: Funding is available in the 2015-16 Technology Services Fund budget for this item. Software support and maintenance for the City of Plano's anti-virus application and service desk management suite, in the amount of \$106,808, will leave a current year balance of \$352,561 available for future maintenance agreement expenditures.</p> <p>STRATEGIC PLAN GOAL: Obtaining maintenance and support for the City of Plano's anti-virus and service desk software relates to the City's goal of a Financially Strong City with Service Excellence.</p>					
SUMMARY OF ITEM					
Per Memorandum					
The City is authorized to purchase from the State Contract list pursuant to Chapter 271 Subchapter D of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (DIR-SDD-1917, City of Plano tracking 2016-0273-O)					
List of Supporting Documents: Memorandum			Other Departments, Boards, Commissions or Agencies		



Memorandum

Date: March 1, 2016
To: Diane Palmer-Boeck, Director of Procurement and Project Management
From: Carlos Oregon, Interim Technology Services Director
Subject: Purchase of Symantec Anti-virus and IT Management Suite Software support

Technology Services proposes purchasing software and maintenance for the Symantec Essential Support - Technical Support. Novacoast Inc. is authorized to resell these support and maintenance services through the Department of Information Resources with the State of Texas. The DIR contract number is DIR-SDD-1917. Novacoast Inc. provided the most cost effective solution from the DIR authorized resellers.

The software support and maintenance provides the City with critical anti-virus protection and access to support for the Symantec IT Management Suite. The anti-virus application is an integral part of our security approach to keeping our data secure at a device level. The IT Management Suite allows the Technology Services Service Desk to provide support to all City staff for computer related issues. This suite allows for local and remote installation of software, remote access to staff PC's to resolve service issues, and overall asset management of related IT hardware.

The software support is for the period of March 26, 2016 to March 25, 2017 and the Service Desk support from March 26, 2016 to September 25, 2016 for \$106,808.41.

If support was not available, Technology Services would not have a reporting system or be able to resolve issues relating to PC's and all other services provided to the departments. This would result in a negative impact on the operations of numerous City departments.



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		3/14/16			
Department:		Parks and Recreation			
Department Head		Amy Fortenberry			
Agenda Coordinator (include phone #): Leslie Hooker x 7204					
CAPTION					
Termination of contract 2012-240-C for Public Building Landscape Group 3.					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
FUND(S): N/A					
COMMENTS: This item has no fiscal impact.					
STRATEGIC PLAN GOAL: Cancellation of the existing contract relates to the City's goal of Financially Strong City with Service Excellence.					
SUMMARY OF ITEM					
See recommendation memo.					
List of Supporting Documents: Recommendation Memo			Other Departments, Boards, Commissions or Agencies		



Memorandum

Date: February 25, 2016

To: Diane Palmer-Boeck, Director of Procurement and Project Management

From: Wesley Boren, Park Field Services Supervisor

Subject: CONTRACT TERMINATION 2012-240-C for Public Building Group 3

At the City Council Meeting of August 8, 2012, Council awarded bid number 2012-240-C for Public Building Landscape Group 3. The Parks Department has attempted to resolve performance issues on this contract since May 2013 and has been unsuccessful. Weldon's Lawn and Tree continues to be in default of the specifications of the contract, Exhibit A Section III.D.3 Damage Liability, Exhibit A Section III.A.7 Coordination, Exhibit A Section III.A.8 Inspection Reports and Exhibit A Section III.A.6 Field Supervisor. Consequently we are recommending contract cancellation, pursuant to contract section XVI Termination.

Weldon's Lawn and Tree has been notified of this recommendation.

cc:

Jeff Schwartz, Park Operations Superintendent

Jim Fox, Park Services Manager

Amy Fortenberry, Parks and Recreation Director



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		3/14/16		
Department:		Parks and Recreation		
Department Head		Amy Fortenberry		
Agenda Coordinator (include phone #): Leslie Hooker x 7204				
CAPTION				
Termination of contract 2014-208-C for Public Building Landscape Maintenance Group 1.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2015-16	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s): N/A				
COMMENTS: This item has no fiscal impact.				
STRATEGIC PLAN GOAL: Cancellation of the existing contract relates to the City's goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
See recommendation memo.				
List of Supporting Documents: Recommendation Memo			Other Departments, Boards, Commissions or Agencies	



Memorandum

Date: February 25, 2016

To: Diane Palmer- Boeck, Director of Procurement and Project Management

From: Wesley Boren, Park Field Services Supervisor

Subject: CONTRACT TERMINATION 2014-208-C for Public Building Landscape Group 1

At the City Council Meeting of May 27, 2014, Council awarded bid number 2014-208-C for Public Building Landscape Maintenance Group 1. The Parks Department has attempted to resolve performance issues on this contract since September 2014 and has been unsuccessful. Weldon's Lawn and Tree continues to be in default of the specifications of the contract, Exhibit A Section II.D.3 Damage Liability, Exhibit A Section II.A.9 Coordination, Exhibit A Section II.A.10 Inspection Reports and Exhibit A Section II.A.8 Field Supervisor. Consequently we are recommending contract section XVI Termination.

Weldon's Lawn and Tree has been notified of this recommendation.

cc:

Jeff Schwartz, Park Operations Superintendent

Jim Fox, Park Services Manager

Amy Fortenberry, Parks and Recreation Director



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		3/14/16		
Department:		Engineering		
Department Head		Caleb Thornhill		
Agenda Coordinator (include phone #): Earl Whitaker x7074				
CAPTION				
To approve an expenditure for the purchase and installation of a Wireless Network Upgrade Phase 1 in the amount of \$622,258 from Scientel Wireless, LLC, for Traffic Engineering and authorizing the City Manager to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		10,037	964,815	250,000
Encumbered/Expended Amount		-10,037	-154,467	0
This Item		0	-622,258	0
BALANCE		0	188,090	250,000
FUND(S): STREET IMPROVEMENTS CIP				
<p>COMMENTS: Funding is available for this item in the 2015-16 Street Improvements CIP. The initial phase of the Wireless Traffic Controller Project, in the amount of \$622,258, will leave a current year balance of \$188,090 available for future expenditures related to traffic signalization or other street improvements.</p> <p>STRATEGIC PLAN GOAL: Improving traffic signalization at intersections in Plano relates to the City's goals of a Safe Large City and a Financially Strong City with Service Excellence</p>				
SUMMARY OF ITEM				
The City is exempt from the competitive bid process for this purchase pursuant to local government code Chapter 252 Subchapter B Sec 252.022 (a)(7)(D).				
See Recommendation Memo.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Recommendation Memo			NA	



Memorandum

Date: February 23, 2016
To: Kellie Boyer, Purchasing Manager
From: Lloyd Neal, Transportation Engineering Manager, Carlos Ibarra (Senior Traffic Engineer)
Subject: Purchase and Installation of Wireless Network Upgrade for the Traffic Management Center

Technology Services, in conjunction with Engineering, proposes purchasing hardware and installation services to increase the network connectivity to the City's Traffic Management Center and 62 networked traffic signal devices within City of Plano city limits. This increased network capacity at the City Traffic Management Center will allow for the 62 networked devices in Phase 1, including traffic signal controller interconnection, and wireless access points for the wireless network.

Scientel Wireless, LLC, has been providing support for the City of Plano's wireless network for the past several years. They are the sole source provider of support and maintenance for the City's wireless network, supporting all city departments including the Traffic Department.

The total cost for Phase 1 is \$ 622,258.00. This cost is broken down into CIP account # 36742 \$ 557,258.00 for City of Plano Computerized Signal System, and CIP account # 36755 \$ 65,000.00 for ICM Signal Timing.

Continuous traffic signal management and surveillance of an additional 62 traffic signals is needed in order to provide better traffic flow to the citizens of Plano.

cc: Caleb Thornhill, Director of Engineering



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		March 14, 2016			
Department:		Public Works			
Department Head		Gerald P. Cosgrove, P.E.			
Agenda Coordinator (include phone #): Tiffany Stephens (972) 769-4264					
CAPTION					
<p>A Resolution of the City of Plano, Texas, approving the terms and conditions of a Memorandum of Understanding between North Texas Municipal Water District, Cities of Allen, Frisco, McKinney, Plano, and Richardson regarding Amended and Restated Regional Composting Program Interlocal Agreement; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.</p>					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2015-16 through 2025-26	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): SUSTAINABILITY & ENVIRONMENTAL SERVICES FUND					
<p>COMMENTS: This item has no financial impact.</p> <p>STRATEGIC PLAN GOAL: Documenting mutual understanding between other governmental entities regarding the Regional Composting Program Interlocal Agreement relates to the City's goal of Financially Strong City With Service Excellent and Partnering For Community Benefit.</p>					
SUMMARY OF ITEM					
<p>The City of Plano entered into a Memorandum of Understanding between the Cities of Allen, Frisco, McKinney and Richardson regarding the regional composting program at the North Texas Municipal Water District's landfill in Melissa, Texas in 2003. This agreement, which has been amended three times, expires on April 30, 2016. This agreement extends the contract for ten years and allows for an additional ten year renewal.</p>					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Memorandum of Understanding					

A Resolution of the City of Plano, Texas, approving the terms and conditions of a Memorandum of Understanding between North Texas Municipal Water District, Cities of Allen, Frisco, McKinney, Plano, and Richardson regarding Amended and Restated Regional Composting Program Interlocal Agreement; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.

WHEREAS, the North Texas Municipal Water District (“**NTMWD**”) and the City of Plano (“**Plano**”) entered into an “Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas, for Regional Composting Program”, (the “**Base Agreement**”) effective October 24, 2003; and

WHEREAS, pursuant to Section II of the Base Agreement, the initial term of the Base Agreement was ten (10) years (the “**Initial Term**”); and

WHEREAS, also pursuant to Section II of the Base Agreement, the Base Agreement may be renewed for two additional five (5) year terms unless terminated earlier by either party; and

WHEREAS, the Initial Term was to expire on October 23, 2013; and

WHEREAS, a “First Amendment to Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas, for Regional Composting Program” (the “**First Amendment**”) was executed and renewed the Base Agreement from October 24, 2013 through October 23, 2015; and

WHEREAS, a “Second Amendment to Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas, for Regional Composting Program” (the “**Second Amendment**”) was executed and renewed the Base Agreement from October 24, 2015 through January 22, 2016; and

WHEREAS, a “Third Amendment to Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas, for Regional Composting Program” (the “**Third Amendment**”) was executed and renewed the Base Agreement through April 30, 2016; and

WHEREAS, the NTMWD and Solid Waste Member Cities consisting of the cities of Allen, Frisco, McKinney, Plano, and Richardson (the “**Member Cities**”) have agreed to have Plano prepare and propose an Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas, for Amended and Restated Regional Composting Program (the “**Amended Agreement**”) for purposes of continuing to serve as the NTMWD’s composting contractor; and

WHEREAS, the purpose of this Memorandum of Understanding (the “**MOU**”) is to improve efficiency, and the coordination of enhanced program support between the NTMWD

and Member Cities through established operating guidelines and supporting strategies throughout the Amended Agreement term; and

WHEREAS, this MOU defines specific actions that are required by NTMWD and each of the Member Cities to achieve the objectives of the regional composting program and in support of executing the Amended Agreement; and

WHEREAS, NTMWD and the Member Cities desire to enhance the existing long-term regional composting program with continued, cost-effective composting services that provide for efficient processing and transport of yard trimming materials from the point of collection to the composting site and back to market as finished products (currently branded Texas Pure Products, but subject to re-branding at Plano's discretion) ("**Products**"); and

WHEREAS, the Member Cities desire to increase awareness, participation and support toward recycling of yard trimmings material and beneficial applications (residential and commercial) of Products as a soil amendment, thereby increasing water conservation and water quality in local creeks, streams and lakes through reducing storm water impacts.

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

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

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

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

DULY PASSED AND APPROVED this 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

MEMORANDUM OF UNDERSTANDING

Between North Texas Municipal Water District, Cities of Allen, Frisco, McKinney, Plano, and Richardson Regarding Amended and Restated Regional Composting Program Interlocal Agreement

WHEREAS, the North Texas Municipal Water District (“**NTMWD**”) and the City of Plano (“**Plano**”) entered into an “Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas for Regional Composting Program”, (the “**Base Agreement**”) effective October 24, 2003;

WHEREAS, pursuant to Section II of the Base Agreement, the initial term of the Base Agreement was ten (10) years (the “**Initial Term**”);

WHEREAS, also pursuant to Section II of the Base Agreement, the Base Agreement may be renewed for two additional five (5) year terms unless terminated earlier by either party;

WHEREAS, the Initial Term was to expire on October 23, 2013;

WHEREAS, a “First Amendment to Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas for Regional Composting Program” (the “**First Amendment**”) was executed and renewed the Base Agreement from October 24, 2013 through October 23, 2015.

WHEREAS, a “Second Amendment to Interlocal Cooperation Agreement between North Texas Municipal Water District and The City of Plano, Texas for Regional Composting Program” (the “**Second Amendment**”) was executed and renewed the Base Agreement from October 24, 2015 through January 22, 2016.

WHEREAS, a “Third Amendment to Interlocal Cooperation Agreement between North Texas Municipal Water District and The City of Plano, Texas for Regional Composting Program” (the “**Third Amendment**”) was executed and renewed the Base Agreement through April 30, 2016.

WHEREAS, the NTMWD and Solid Waste Member Cities consisting of the cities of Allen, Frisco, McKinney, Plano, and Richardson (the “**Member Cities**”) have agreed to have Plano prepare and propose an Interlocal Cooperation Agreement between North Texas Municipal Water District and The City of Plano, Texas, for Amended and Restated Regional Compost Program (the “**Amended Agreement**”) for purposes of continuing to serve as the NTMWD’s composting contractor.

WHEREAS, the purpose of this Memorandum of Understanding (the “**MOU**”) is to improve efficiency, and the coordination of enhanced program support between the NTMWD and Member Cities through established operating guidelines and supporting strategies throughout the Amended Agreement term.

WHEREAS, this MOU defines specific actions that are required by NTMWD and each of the Member Cities to achieve the objectives of the regional compost program and in support of executing the Amended Agreement.

WHEREAS, NTMWD and the Member Cities desire to enhance the existing long-term regional composting program with continued, cost-effective composting services that provide for efficient processing and transport of yard trimming materials from the point of collection to the composting site and back to market as finished products (currently branded Texas Pure Products, but subject to re-branding at Plano's discretion) ("**Products**").

WHEREAS, the Member Cities desire to increase awareness, participation and support toward recycling of yard trimmings material and beneficial applications (residential and commercial) of Products as a soil amendment, thereby increasing water conservation and water quality in local creeks, streams and lakes through reducing storm water impacts.

NOW, THEREFORE, NTMWD and the Member Cities hereto agree as follows:

I. NTMWD Responsibilities

1. NTMWD will execute the Amended Agreement contemporaneously with this MOU prior to the expiration of the Third Amendment. In addition, NTMWD will continue developing facility improvements (as specified in the Amended Agreement) at the Custer grinding and 121 RDF compost sites in accordance with the NTMWD's Regional Solid Waste Disposal System, Capital Improvement Program ("CIP"). NTMWD shall not amend the Amended Agreement without providing notice to the Member Cities a minimum of thirty (30) days prior to executing an amendment to the Amended Agreement.
2. To enhance the marketing of Products, and to increase awareness of the regional partnership and beneficial use of the related compost and mulch products, NTMWD will evaluate incorporating the branding of the Products into appropriate future public awareness and educational campaigns where practicable.
3. Each quarter, NTMWD will distribute the Texas Commission on Environmental Quality ("**TCEQ**") compost rebate, if any, to the Member Cities based upon each Member Cities' quarterly percentage (by weight per the monthly compost invoice) delivered to one of NTMWD's compost program facilities, such facilities being set forth in the Amended Agreement, of "Acceptable Material" as that term is defined in the Amended Agreement.

II. Member City Responsibilities

A. Plano

1. Plano will execute the Amended Agreement contemporaneously with this MOU prior to the expiration of the Third Amendment. In addition, Plano will cooperate with NTMWD's efforts in developing facility improvements (as specified in the Amended

Agreement) at the Custer grinding and 121 RDF compost sites in accordance with the CIP.

2. Plano will maintain and advance operational efficiencies during the term of the Amendment to insure long-term financial sustainability while maintaining a tipping fee of less than or equal to 85% of the solid waste per ton cost charged by NTMWD to Member Cities as calculated from the annual cost per ton. In addition, Plano will provide to the Member Cities the “Profit-Revenue Share” component as set forth in the Amended Agreement to provide additional financial benefits to the Member Cities.

3. Plano will coordinate a minimum of twice yearly Steering Committee meetings to ensure awareness and transparency of the regional compost program’s operational and financial performance, financial benefits, potential enhancements, necessary improvements and to evaluate areas of concerns by NTMWD and Member Cities.

B. All Member Cities (including Plano)

1. Except as described in this section, the Member Cities agree to ensure all Acceptable Material, as defined in the Amended Agreement, will be collected as part of each Member City’s municipal collection program and will be delivered to a NTMWD compost program facility, said facilities being as set forth in the Amended Agreement. In addition, the Member Cities agree to ensure all collected Acceptable Material delivered to an NTMWD compost program facility are free of all non-compostable materials including but not limited to: plastic, glass, metal, tape, nylon twine/cord, rock, brick or dirt. The Member Cities shall not be required to deliver all Acceptable Material to a NTMWD compost program facility in the following circumstances:

- a. During and immediately following Emergency Surges. “Emergency Surges” are defined as short periods of excessive generation of compostable material following unusual events, such as, by way of example only, large storms, such that it is impracticable to timely accept or process the compostable material and impracticable for the Member Cities to store the compostable material until Plano can accept the material. In the event that a Member City is affected by an Emergency Surge, the Member City affected shall notify NTMWD and Plano as soon as practicable, and shall provide to NTMWD and Plano within three (3) business days following said notice, a plan for disposing of the excess compostable material, which may include delivering the excess compostable material to a non-NTMWD facility, and for returning to regular delivery of Acceptable Material as soon as practicable.
- b. When Plano is not able to accept Acceptable Material at the NTMWD compost program facility nearest the Member City because that NTMWD compost program facility has reached its maximum daily waste acceptance rate, as determined by NTMWD, for that day.

2. Not less than once per quarter, the Member Cities agree to include educational messages regarding the Products and the program partnership through city-wide outlets. In addition, where feasible, the Member Cities will incorporate branding the Products

into water efficiency, drought-tolerant landscaping and storm water related community outreach communications.

3. The Member Cities agree to support the CIP to fund the facility improvements set forth in the Amended Agreement.

This Memorandum of Understanding will be effective the date of the last signature or the effective date of the Amended Agreement, whichever is later.



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		March 14, 2016			
Department:		Public Works			
Department Head		Gerald P. Cosgrove, P.E.			
Agenda Coordinator (include phone #): Tiffany Stephens (972) 769-4264					
CAPTION					
A Resolution of the City of Plano, Texas, approving the terms and conditions of an Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas, for Amended and Restated Regional Composting Program; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2015-16 through 2025-26	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): SUSTAINABILITY & ENVIRONMENTAL SERVICES FUND					
<p>COMMENTS: This item, which has no financial impact, amends the interlocal agreement between the North Texas Municipal Water District and the City of Plano for the Regional Composting Program for the next ten (10) years with the option of one additional ten (10) year term.</p> <p>STRATEGIC PLAN GOAL: Working with other governmental entities to provide services to Plano residents relates to the City's goal of Financially Strong City With Service Excellence and Partnering For Community Benefit.</p>					
SUMMARY OF ITEM					
The City of Plano entered into an agreement with the North Texas Municipal Water District to provide composting services at the District's landfill in Melissa, Texas in 2003. That agreement, which has been amended three times, expires on April 30, 2016. This agreement extends the contract for ten years and allows for an additional ten year renewal.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Interlocal Cooperation Agreement					

A Resolution of the City of Plano, Texas, approving the terms and conditions of an Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas, for Amended and Restated Regional Composting Program; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.

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

WHEREAS, the North Texas Municipal Water District (“NTMWD”) currently operates and maintains a Regional Solid Waste Disposal System, which includes facilities for receiving, transporting and disposal of solid waste for the cities of Allen, Frisco, McKinney, Plano, and Richardson, Texas (hereinafter referred to as “Member Cities”); and

WHEREAS, collecting, transporting, sorting, grinding, mulching and composting of landscape materials are governmental functions beneficial to the health, safety and welfare of the citizens of the North Texas regional area; and

WHEREAS, NTMWD and Member Cities desire to continue the Regional Composting Program for the benefit of and utilization by the Member Cities; and

WHEREAS, NTMWD and Plano entered into an “Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas for Regional Composting Program”, (the “Base Agreement”) effective October 24, 2003; and

WHEREAS, pursuant to Section II of the Base Agreement, the initial term of the Base Agreement was ten (10) years (the “Initial Term”); and

WHEREAS, also pursuant to Section II of the Base Agreement, the Base Agreement may be renewed for two additional five (5) year terms unless terminated earlier by either Party; and

WHEREAS, the Initial Term was to expire on October 23, 2013; and

WHEREAS, a “First Amendment to Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas for Regional Composting Program” (the “First Amendment”) was executed and renewed the Base Agreement from October 24, 2013 through October 23, 2015; and

WHEREAS, a “Second Amendment to Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas for Regional Composting Program” (the “Second Amendment”) was executed and renewed the Base Agreement from October 24, 2015 through January 22, 2016; and

WHEREAS, a “Third Amendment to Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas for Regional Composting Program” (the “Third Amendment”) was executed and renewed the Base Agreement through April 30, 2016; and

WHEREAS, NTMWD and the Member Cities are mutually interested in extending the present Regional Composting Program beyond April 30, 2016; and

WHEREAS, Plano and NTMWD desire to enter into this Amended and Restated Regional Composting Program (the “Amended Agreement”), attached hereto as Exhibit “A” pursuant to the Act, and other applicable statutes, contracts pursuant thereto, and Charter provisions; and

WHEREAS, NTMWD and the Member Cities desire to enter into a separate Memorandum of Understanding (the “MOU”) to enhance program support between NTMWD and the Member Cities through specific actions required by NTMWD and each of the Member Cities supporting the Amended Agreement; and

WHEREAS, Plano and NTMWD have current revenues available and allocated to perform the functions described herein.

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

Section I. The terms and conditions of the Interlocal Cooperation 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 citizen, are hereby in all things approved.

Section II. The City Manager or his authorized designee, is hereby authorized to execute the agreement and any 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 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

INTERLOCAL COOPERATION AGREEMENT BETWEEN
NORTH TEXAS MUNICIPAL WATER DISTRICT AND
THE CITY OF PLANO, TEXAS FOR
AMENDED AND RESTATED REGIONAL COMPOSTING PROGRAM

THIS AGREEMENT, is made and entered into by and between the **NORTH TEXAS MUNICIPAL WATER DISTRICT**, a political subdivision of the State of Texas, (hereinafter referred to as “NTMWD” or “Owner”) and the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation (hereinafter referred to as “Plano” or “Contractor”). Individually, NTMWD and Plano may be referred to as a “Party” and collectively, NTMWD and Plano may be referred to as “Parties.”

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

WHEREAS, NTMWD currently operates and maintains a Regional Solid Waste Disposal System, which includes facilities for receiving, transporting and disposal of solid waste for the cities of Allen, Frisco, McKinney, Plano, and Richardson, Texas (hereinafter referred to as “Member Cities”); and

WHEREAS, collecting, transporting, sorting, grinding, mulching and composting of landscape materials are governmental functions beneficial to the health, safety and welfare of the citizens of the North Texas regional area; and

WHEREAS, NTMWD and Member Cities desire to continue the Regional Composting Program for the benefit of and utilization by the Member Cities; and

WHEREAS, NTMWD and Plano entered into an “Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas for Regional Composting Program”, (the “Base Agreement”) effective October 24, 2003; and

WHEREAS, pursuant to Section II of the Base Agreement, the initial term of the Base Agreement was ten (10) years (the “Initial Term”); and

WHEREAS, also pursuant to Section II of the Base Agreement, the Base Agreement may be renewed for two additional five (5) year terms unless terminated earlier by either Party; and

WHEREAS, the Initial Term was to expire on October 23, 2013; and

WHEREAS, a “First Amendment to Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas for Regional Composting Program” (the “First Amendment”) was executed which renewed the Base Agreement from October 24, 2013 through October 23, 2015; and

WHEREAS, a “Second Amendment to Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas for Regional Composting Program” (the “Second Amendment”) was executed which renewed the Base Agreement from October 24, 2015 through January 22, 2016; and

WHEREAS, a “Third Amendment to Interlocal Cooperation Agreement between North Texas Municipal Water District and the City of Plano, Texas for Regional Composting Program” (the “Third Amendment”) was executed which renewed the Base Agreement through April 30, 2016; and

WHEREAS, NTMWD and the Member Cities are mutually interested in extending the present Regional Composting Program beyond April 30, 2016; and

WHEREAS, Plano and NTMWD desire to enter into this Amended and Restated Regional Composting Program (the “Amended Agreement”) pursuant to the Act, and other applicable statutes, contracts pursuant thereto, and Charter provisions; and

WHEREAS, NTMWD and the Member Cities desire to enter into a separate Memorandum of Understanding (the “MOU”) to enhance program support between NTMWD and the Member Cities through specific actions required by NTMWD and each of the Member Cities supporting the Amended Agreement; and

WHEREAS, Plano and NTMWD have current revenues available and allocated to perform the functions described herein.

NOW THEREFORE, for mutual consideration hereinafter stated, Owner and Contractor agree as follows:

**I.
EFFECTIVE DATE**

The Amended Agreement shall be effective on the date of the last signature hereto (the “Effective Date”). The Base Agreement, First Amendment, Second Amendment, and Third Amendment shall be of no further force and effect as of the Effective Date.

**II.
TERM**

This Amended Agreement shall be effective for a period of ten (10) years from the Effective Date. Thereafter, upon mutual agreement, in writing, of the Parties, this Amended Agreement may be renewed for one (1) additional ten (10) year term unless terminated earlier in accordance with Section VII.

III. DUTIES OF PARTIES

A. General Duties

1. Owner shall allow Contractor to use that portion of the property permitted by Texas Commission on Environmental Quality (“TCEQ”) Permit No. MSW-2045A (located at 9901 Custer Road, Plano, Texas, herein the “Custer Road Transfer Station”) described in Exhibit 1 (that portion of the Custer Road Transfer Station to be used by Contractor herein referred to as the “Custer Road Facility”) for the following purposes related to the operation of the Regional Composting Program:

- a. Receiving Acceptable Material (defined in Section III.A.8) from the Member Cities, citizens of the Member Cities, other commercial companies, and those municipalities approved in writing by Owner. Contractor shall be allowed to accept Acceptable Material at the Custer Road Facility.
 - i. Except as limited in Section III.A.10 or as may be changed by Owner by providing thirty (30) days’ written notice to Contractor, Contractor may not accept material or conduct any operations before 7:00 AM or after 7:00 PM Monday through Saturday.
 - ii. Except as limited in Section III.A.10 or as may be changed by Owner by providing thirty (30) days’ written notice to Contractor, Contractor may not accept material or conduct any operations on Sundays.
 - iii. Contractor may accept Acceptable Material from the Member Cities, citizens of the Member Cities, other commercial companies, and those municipalities approved in writing by Owner only from 7:00 AM to 4:30 PM, Monday through Saturday, unless Contractor or Owner requests additional hours no later than 3:30 PM the day of, and said request is approved by Owner in Owner’s sole discretion. These hours are limited in Section III.A.10 and may be changed by Owner by providing thirty (30) days’ written notice to Contractor.
- b. Sorting and grinding Acceptable Material;
- c. Storing Acceptable Material, and storing mulch, compost and other compost blends derived from Acceptable Material;
- d. Storing machinery, equipment and other materials necessary for the purposes described in this Amended Agreement; and
- e. Selling Kraft paper bags, mulch, compost and other compost blends derived from Acceptable Material.

2. Owner shall allow Contractor to use the FM 545 Compost Processing Site located at 5304 Farm-to-Market Road 545, Melissa, Texas (hereinafter the “FM 545 Facility”), until the earlier of (a) the termination of this Amended Agreement, or (b) ninety (90) days following Contractor’s receipt of a written notice to proceed from Owner notifying Contractor of completion of the Phase 2 Improvements (as described in Section III.D.3) at the 121 RDF Facility as described in Section III.A.4 (the “Notice to Proceed”). Owner shall allow Contractor to continue to access the FM 545 Facility for the purpose of cleaning the site as described in and for the time set forth in Section VII.4. The Contractor shall be allowed to operate at the FM 545 Facility for the purposes described below only from 7:00 AM to 5:00 PM, Monday through Saturday, except as limited in Section III.A.10 or as may be changed by Owner by providing thirty (30) days’ written notice to Contractor. Contractor shall be allowed to use the FM 545 Facility for the following purposes related to the operation of the Regional Composting Program:

- a. Receiving finished mulch, compost and other compost blends derived from Acceptable Material from the Custer Road Facility, sand, loam and “ground wood” mulch material;
- b. Coloring and grinding acceptable “ground wood” mulch material;
- c. Processing of acceptable “ground wood” mulch material, including, but not limited to, aging, coloring; grinding mulch, mixing of finished compost, sand, and loam materials; and, staging, mixing, screening and loading finished soil blends, including but not limited to, Pro-bedding and Powerful Potting Soil. No compost processing, neither aerobic nor anaerobic composting methods, shall be conducted at the FM 545 Facility;
- d. Storing mulch, compost and other compost-related products colored and/or processed on the FM 545 Facility; and
- e. Storing machinery, equipment and other materials necessary for the purposes described in this Amended Agreement.

3. Owner shall allow Contractor to use the area designated “Sector 11” in TCEQ Permit No. MSW-2294 for the NTMWD’s 121 RDF landfill (Sector 11 herein referred to as the “121 RDF Facility”) for the purposes described below. Within ninety (90) days of Contractor receiving the Notice to Proceed, all Contractor access to the 121 RDF Facility shall be from State Highway 121 (“SH 121”). The Contractor shall be allowed to accept Acceptable Material at the 121 RDF Facility and sell material at the 121 RDF Facility only from 7:00 AM to 5:00 PM, Monday through Friday and 8:00 AM to 3:00 PM Saturday except as limited in Section III.A.10 or as may be changed by Owner by providing thirty (30) days’ written notice to Contractor. Contractor shall be allowed to operate for all purposes described below other than accepting Acceptable Material and selling material from 7:00 AM to 7:00 PM Monday through Saturday except as limited in Section III.A.10 or as may be

changed by Owner by providing thirty (30) days' written notice to Contractor. Contractor shall be allowed to use the 121 RDF Facility for the following purposes:

- a. Receiving Acceptable Materials, as defined in Section III.A.8 below, and source-separated food waste, from Member Cities, citizens of Member Cities, commercial companies, and those municipalities approved by Owner in writing;
- b. Sorting and grinding Acceptable Materials;
- c. Processing Acceptable Materials, including, but not limited to, aging, staging windrows, windrow turning, watering, grinding, coloring, screening and mixing. An active, aerobic composting method (i.e. windrow or forced aeration) shall be utilized for processing compost following a short-term large windrow-based anaerobic composting method (i.e. static rows staged for no longer than two (2) months without turning and no longer than six (6) months in total) to proactively minimize odor and vectors;
- d. Storing Acceptable Materials, mulch, compost and other compost-related products;
- e. Storing machinery, equipment and other materials necessary for the purposes described in this Amended Agreement; and
- f. Selling compost-related products.

4. Owner shall construct the Phase 2 Improvements at the 121 RDF Facility as described in Section III.D.3. Within seven (7) days of completion of the Phase 2 Improvements, Owner shall provide the Notice to Proceed to Contractor, authorizing Contractor to relocate its operations from the FM 545 Facility to the 121 RDF Facility. Owner shall construct improvements at the Custer Road Facility (the "Custer Road Facility Improvements Project") as described in Section III.B.5.

5. Contractor shall update and revise its Operational Plans, to be reviewed and approved by Owner in continuance of the current operations at all three Regional Composting Facilities. Each Operational Plan will be facility specific, and shall include, at a minimum, the following sections:

- a. Equipment and Personnel- which shall include: a list of the equipment to be used and personnel involved in the operation, including on-site supervision; an organizational chart with e-mail and phone numbers of key personnel, who can be contacted and are able and authorized to respond to complaints or emergencies on a twenty-four (24) hour basis; a description of the operational process, the traffic flow through the site, and the operating hours. Contractor shall provide adequate, qualified personnel

and necessary equipment to conduct operations in an efficient and environmentally responsible manner;

- b. Contingency Plan- which shall outline the steps to be taken in the event of equipment breakdown (*e.g.*, grinding, composting, coloring, mixing, loading, and bagging) or weather related surges of Acceptable Materials;
- c. Fire Prevention and Protection Plan- which shall include a list of the equipment maintained on site to address potential fires, training of personnel in fire prevention, actions to be taken if a fire occurs, and emergency phone numbers;
- d. Safety Plan- which shall include training of personnel, site inspections conducted by a designated safety officer, vehicle operation and safety;
- e. Vector Control Plan- which shall include the operational methods instituted at the site to minimize and prevent the presence of vectors;
- f. Odor Control Plan- which shall include the methods instituted to minimize and control odor;
- g. Dust Control Plan- which shall include methods to be used by Contractor to prevent and minimize dust from the operation and on the roads within the facility;
- h. Emergency Spill Response Plan- which shall include the actions to be taken by Contractor in the event of a spill of liquid feed stock, and the actions to be taken in the event a rain event should cause overfilling of the detention ponds;
- i. Inclement Weather Plan- which shall include the actions to be taken by the Contractor in the operation and access to the site in the case of inclement weather and to prevent overfilling of the detention ponds; and
- j. Noise Control- which shall include the methods used to minimize noise from the operation and contingencies to reduce noise in the event noise complaints are received at the site.

Contractor shall provide two copies of the updated Operational Plans for review and approval by Owner no later than thirty (30) days following the Effective Date. Owner shall provide comments to the Contractor no later than ten (10) days following receipt of each Operational Plan. Contractor shall resubmit the Operational Plans with any requested additional information sufficiently addressing any comments provided by Owner. Once approved, Owner shall provide Contractor with a written Notice of Acceptance.

6. Owner shall demand no rent, payment or fee from Contractor for Contractor's use of the Custer Road Facility, the FM 545 Facility, or the 121 RDF Facility (collectively, the "Composting Facilities").

7. Contractor will manage and operate the Regional Composting Program at the Composting Facilities.

8. Contractor will accept yard trimmings, brush, clean wood material, tree trimmings, vegetative material, leaves, grass clippings (no sod), mixed yard waste, leaf mulch, shrubbery, sawdust, Christmas trees, wood chips, wood demolition debris, wood pallets, old corrugated containers, and tree trunks (not including root balls, and with respect to Bois d'arc tree trunks, no greater than twelve inches (12") in diameter), each no greater than eight feet (8') long (hereinafter defined as "Acceptable Materials") from the Member Cities and others as described in Sections III.A.1-3 above. All food waste and odiferous feedstocks will be received at the 121 RDF Facility exclusively. Any odiferous feed stocks shall be either covered with compost or acceptable "ground wood" mulch material within two hours of receipt or stored in closed containers equipped with biofiltration vents. Any closed containers required for this purpose shall be the responsibility of Contractor to furnish, install, operate and maintain. All composting operations shall be conducted at the 121 RDF Facility, on the Phase 1 or Phase 2 compost processing pads provided by Owner. At no time shall the composting operation be conducted at the FM 545 Facility or the Custer Road Facility, or, if at the 121 RDF Facility, off the Phase 1 and Phase 2 compost processing pad surfaces. Finished or curing products will only be allowed to be staged or stockpiled at the 121 RDF Facility, off of the Phase 1 and Phase 2 compost processing pads.

9. Contractor will provide on-site personnel at the Custer Road Facility and the 121 RDF Facility, during all hours of operation. Contractor shall have at least two (2) employees on staff with an active TCEQ Class A or B MSW Operator license. Contractor shall have at least one supervisor that has completed at least one of the TCEQ approved Specialized Composting Training programs within twelve (12) months of start date. Contractor shall have at least one supervisor present at one of the Composting Facilities during all hours any Composting Facility is in operation. Contractor shall have at least one (1) Compost Operations Superintendent (or manager) who shall have a minimum of three (3) years prior relevant experience in similar composting operations.

10. Member City residents will be allowed to deliver Acceptable Materials to the Custer Road Facility and the 121 RDF Facility during the hours specified in Sections III.A.1.a and III.A.3 respectively. Owner shall have no responsibility regarding the acceptability of materials received. Contractor will offer extended hours of operation when a special request is made by Owner to accommodate emergency response periods. Such extended hours shall not result in a change in the contract price for delivery of Acceptable Materials. Contractor and Owner will agree at least thirty (30) days in advance to cover necessary operations with staffing (Contractors and/or Owners) during additional holidays that are not recognized and shared by Owner, Contractor, and additional Member Cities. Contractor will close the Composting Facilities on the following holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

11. Contractor reserves the right to reject any load having excessive contaminants. Contamination occurs when a material, other than an Acceptable Material, ground wood mulch or food waste, is included in the load. If Contractor determines that a particular load has excessive contaminants, Contractor may stop the individual or driver from emptying the load. Contractor may notify the appropriate NTMWD Member City's contact or his designee of the contamination or Contractor may reject the load. If Contractor notifies the Member City, Contractor will allow the Member City one (1) hour to send an employee to the site and conduct an inspection of the rejected load. If the Member City removes the contaminants from the load, Contractor will accept the load for processing; otherwise Contractor may reject the load. Should Contractor reject the load, the load shall be redirected to an NTMWD solid waste facility; such load shall be charged as solid waste to the Member City that delivered the load. Alternatively, the Member City will have the option to redirect the rejected load to the nearest transfer station or landfill for disposal as solid waste in lieu of sending a supervisor to the site to inspect the load.

12. Contractor agrees not to accept delivery of hazardous materials (as defined by Federal, State or Local law) at the Composting Facilities. Should Contractor be notified by NTMWD, a Member City, or any regulating agency that any materials accepted by Contractor contain hazardous waste, Contractor shall be responsible for the proper disposal and all costs associated with that disposal of such hazardous materials in accordance with all applicable regulations. Contractor shall be responsible for any fines or litigation costs associated with any enforcement action, whether for acceptance of hazardous materials or for any non-compliance with applicable statutes or regulations.

13. Contractor will accept source-separated food waste ("Food Waste") only at the 121 RDF Facility. Food waste is defined as fruits, vegetables, meat, fish, bones, snack foods, breads, cooking grease, wax-coated paper drink containers, and soiled paper, cardboard or compostable serving items that are source-separated in accordance with 30 Texas Administrative Code ("TAC") Section 330.3(147). Rejected loads of Food Waste will be handled by the same process as established for rejecting loads of Acceptable Materials. Contractor shall provide a copy of the report regarding the rejected load to the commercial customer and, if the rejected load was from one of the Member Cities, to that Member City.

14. The Parties shall divide the costs for new improvements, maintenance and upkeep as follows. Maintenance and upkeep shall include, but not be limited to, maintaining all-weather roads, mowing grass in the Composting Facilities, keeping the facilities free of litter and all non-compostable waste, and repairing any and all improvements as described in this Section III.A.14.

a. Custer Road Facility:

i. Owner shall be responsible for extending the existing yard waste wood grind pad (said extension, but not the existing yard waste wood grind pad, hereafter referred to as the "Yard Waste Grind Pad Improvements"). Contractor shall have the right, but not the obligation, to observe installation of the Yard Waste Grind Pad Improvements. Within seven (7) days following completion of the installation of the

Yard Waste Grind Pad Improvements, Owner shall notify Contractor in writing. Within seven (7) days following Contractor's receipt of said notice, Contractor may provide written comments on the work. If Contractor does not provide written comments, the work shall be considered accepted by Contractor. If Contractor does provide written comments, Owner shall have thirty (30) days to use commercially reasonable efforts to address any comments received. At the end of said thirty (30) days, the repair shall be considered accepted unless Contractor objects in writing before the thirtieth (30th) day. If Contractor objects in writing, Owner shall hire a third party professional engineer of the Owner's choosing, licensed in Texas, to review the work and provide his opinion regarding the acceptability of the work for the purpose intended, and any additional work needed, if any. The engineer's opinion shall be binding on the Parties. Once any additional work is performed by Owner and accepted by the engineer, the installation of the Yard Waste Grind Pad Improvements shall be considered accepted by Contractor.

ii. For one (1) year following acceptance by Contractor of the installation of the Yard Waste Grind Pad Improvements, all maintenance and upkeep of the Yard Waste Grind Pad Improvements shall be the responsibility of Owner.

iii. One (1) year following acceptance by Contractor of the installation of the Yard Waste Grind Pad Improvements, all maintenance and upkeep of the Yard Waste Grind Pad Improvements shall be the responsibility of Contractor.

iv. Except as described in Section III.A.14.a.ii, all maintenance and upkeep of the Custer Road Facility shall be the sole responsibility of Contractor.

b. FM 545 Facility

i. All maintenance and upkeep of the FM 545 Facility shall be the sole responsibility of Contractor.

c. 121 RDF Facility

i. Owner shall install the Phase 2 Improvements. Contractor shall have the right, but not the obligation, to observe any and all construction of the Phase 2 Improvements. Within seven (7) days following completion of the Phase 2 Improvements, Owner shall provide the Notice to Proceed to Contractor. Within seven (7) days following Contractor's receipt of said notice, Contractor may provide written comments on the Phase 2 Improvements. If Contractor does not provide written comments, the Phase 2 Improvements shall be considered accepted by Contractor. If Contractor does provide written comments, Owner shall have thirty (30) days to use commercially reasonable efforts to address any comments received. At the end of said thirty (30) days, the Phase 2 Improvements shall be considered accepted unless Contractor objects in writing before the thirtieth (30th) day. If Contractor objects in writing, Owner shall hire a third party professional engineer of the Owner's choosing, licensed in Texas, to review the Phase 2 Improvements and provide his opinion regarding the compliance of the Phase 2 Improvements with the requirements in Section III.A.4, and any additional work needed, if any. The

engineer's opinion shall be binding on the Parties. Once any additional work is performed by Owner and accepted by the engineer, the Phase 2 Improvements shall be considered accepted by Contractor.

ii. For one year following acceptance by Contractor of the installation of the Phase 2 Improvements, all maintenance and upkeep of the Phase 2 Improvements shall be the responsibility of Owner.

iii. One year following acceptance by Contractor of the installation of the Phase 2 Improvements, all maintenance and upkeep of the Phase 2 Improvements shall be the responsibility of Contractor.

iv. Unless agreed to sooner by Owner, after the Phase 2 Improvements are processing at eighty-five (85%) percent of annual capacity of 42,000 composted tons (the "Repair Trigger") and then for the term of this Amended Agreement, Owner shall be responsible for all reasonable and necessary repairs to the existing all-weather compost processing pad. For determining the Repair Trigger, Contractor will track the annual composted tons of materials processed on a monthly basis to show volumes of in-bound feedstock being converted to finished compost products by weight. Contractor will base monthly tons of compost generated by multiplying the total yards of compost sold and month-end inventory by the average pounds per cubic yard of compost generated through weekly measured samples.

v. Except as described in Section III.A.14.c.ii, all maintenance and upkeep of the 121 RDF Facility shall be the sole responsibility of Contractor.

15. Contractor shall operate the Composting Facilities in such a manner as not to be a public nuisance, and in accordance with all required and approved plans and permits. If Owner or Contractor receives an odor complaint related to Contractor's operation of the Composting Facilities, Contractor shall investigate and respond to such odor complaint within two (2) hours of receipt. If Contractor is unable to conduct the investigation within two (2) hours, Contractor shall notify Owner. All other complaints shall be responded to within twenty-four (24) hours of receipt. Within seven (7) days following receipt of a complaint, Contractor shall also provide the Owner a written report on each complaint received, including a summary of Contractor's investigation of the incident upon which the complaint was based. The report shall also include information identifying actions taken by Contractor to resolve the incident, including, when requested by Owner, a plan for preventing a recurrence of the incident in the future. It is the intention of Owner that these matters be resolved; however, if the incident cannot be resolved to the satisfaction of the complainant within five (5) days, Contractor will provide Owner with a plan and schedule for resolving the complaint and/or preventing future occurrences of the incident. The plan and schedule are subject to approval by the Owner. If Contractor determines that no action is necessary and this is not satisfactory to the complainant, Contractor must provide documentation to Owner within five (5) days of notice to the complainant so that Owner can make a determination as to what, if any, type of action by Contractor is necessary.

16. Contractor shall obtain a copy of, be familiar with, and comply with, all requirements of all permits for the Composting Facilities. Contractor shall comply with all federal, state and local laws pertaining to the operation of the Regional Composting Program at the Composting Facilities, including but not limited to the State Composting Regulations found in Chapter 332 of Title 30 of the Texas Administrative Code. Contractor will have access to these regulations through direct website connection at the Custer Road Facility and the 121 RDF Facility. Should Owner notify Contractor, in writing, of any Contractor operation that is not in conformance with any of the requirements noted above, Contractor shall be given 10 days to correct such operation. Should a state or federal agency notify Contractor, either verbally or in writing, of any violation of a state or federal requirement, Contractor shall notify Owner, verbally, within one (1) hour of receiving said notice, and in writing within one (1) day of receiving said notice. Contractor shall immediately take any and all steps to remedy the alleged non-compliance required by Owner, within the time designated by Owner. In the event that Contractor does not take the steps required by Owner, Owner shall have the right, but not the obligation, to take the same steps, and to charge Contractor the reasonable costs for taking the same steps, to be paid by Contractor within sixty (60) days of receiving an invoice detailing the work performed by Owner. Compliance with all permits (including TCEQ-issued permits for the 121 RDF landfill and the Custer Road Transfer Station) and all applicable local, state and federal regulations shall be absolute. The composting operation is within the permit boundary of the Owner's 121 RDF Landfill, and the Custer Road Facility is within the permit boundary of the Owner's Custer Road Transfer Station. As such, both facilities are subject to inspections by the TCEQ. Should any inspection by the TCEQ result in any alleged violation of any governing rule, regulation or ordinance, Contractor shall follow TCEQ requirements to remedy the alleged violation. Contractor shall be responsible for any fines, remediation or litigation costs related to the operation of the Regional Composting Facilities.

17. Contractor shall be responsible for marketing the compost, mulch, and other compost related products generated by the Regional Composting Program ("Products"). Contractor will market the Products under the "Texas Pure Products" label (or other labels at Contractor's sole discretion). Contractor shall offer these Products to NTMWD and the Member Cities at the same discounted rates charged to Plano City Departments. Contractor shall offer the Products to residents of the Member Cities at the same discounted rates charged to Plano City residents. Contractor will market the regional composting facilities to persons seeking alternative disposal options for Acceptable Materials and Food Waste. Contractor's failure to market the Products shall not be grounds for change in the contract cost of delivered Acceptable Materials for the Member Cities.

18. Contractor agrees to provide, at no cost, three (3) cubic yards of bulk finished compost for every one hundred (100) tons of Acceptable Materials delivered by the Member Cities, to be used to promote the use of compost within the community. Alternatively, at the request of a Member City, the Contractor shall provide, at no cost, ten (10) one cubic foot capacity bags of finished compost for every one hundred (100) tons of Acceptable Materials delivered by the participating Member City. The bulk or bagged compost will be delivered within sixty (60) days from receiving written notice from participating Member Cities. The

Member Cities shall be a third party beneficiary of this Amended Agreement with respect to this Section III.A.18.

19. Owner and Contractor agree that Contractor may accept loads of Acceptable Materials at the Custer Road Facility or Acceptable Materials and Food Waste at the 121 RDF Facility, from sources other than the Member Cities, provided that (a) the loads are not contaminated; (b) Contractor charges the commercial hauler a tipping fee that is no less than the amount being charged at that time to the Member Cities for yard waste disposal, unless source-separated feedstock is needed for product development; and (c) acceptance of the additional material does not impair the ability of Contractor to perform its obligations under this Amended Agreement. Contractor shall not accept loads of Acceptable Materials from municipal entities other than Member Cities unless written approval is given to the Contractor in accordance with Sections III.A.1.a and III.A.3.a. Owner shall have the right but not the obligation to verbally notify Contractor when the Custer Road Facility has received ninety percent (90%) of its maximum daily waste acceptance rate (currently 1900 tons per day; the Parties acknowledge that the TCEQ Permit for the Custer Road Transfer Station states that up to 300 tons of yard waste is not included in the maximum daily waste acceptance rate; the Parties further acknowledge that TCEQ's interpretation of this provision will be binding on the Parties). After Contractor has been notified by Owner, if requested by Owner in Owner's sole discretion, Contractor shall not accept any more material that day except material from the Member Cities. Further, if Owner notifies Contractor that it has received one hundred percent (100%) of its maximum daily waste acceptance rate, Contractor shall not accept any more material that day. Contractor shall provide training for all operating personnel in proper procedures for composting in accordance with the terms of this Amended Agreement.

B. Custer Road Facility

1. Contractor will utilize the Custer Road Facility to receive Acceptable Materials, separate, sort, remove contaminants, grind materials, and load ground materials into Contractor's transfer trailers. Contractor will be allowed to market, sell, and distribute mulch, compost, and other related products to private and public customers, contingent upon an approved traffic flow plan by NTMWD. All grinding operations shall be conducted on the concrete grind pad provided by the Owner. At no time shall the grinding operation be conducted off the concrete grind pad. All finished products will be staged or stockpiled on the concrete grind pad.

2. Contractor shall acquire additional equipment at Contractor's cost for the Custer Road Facility as needed to process Acceptable Materials received. Contractor will not allow storage of ground and unground Acceptable Materials to exceed twenty thousand (20,000) cubic yards (combined), excluding all finished and saleable product volumes. Ground Acceptable Materials shall be continuously rotated and removed from the site. The ground Acceptable Materials allowed to be stored on the site shall be the most recent material received and ground on the site. Should the storage of this material result in the production of odors at the site and such odors prove to be a nuisance, Owner shall request Contractor remove and reduce the current amount of stored material.

3. Contractor shall maintain a back-up grinder and sufficient equipment, including front-end loaders, and transfer tractors and trailers to prevent excessive stockpiling of ground and ungrounded Acceptable Materials. Storage of materials will be tracked and maintained in a manner to insure the materials do not develop internal temperatures in excess of 140 degrees or otherwise create potential fire hazards. Should the storage of this material result in the production of odors at the site and such odors prove to be a nuisance, Owner shall request Contractor remove and reduce the current amount of stored material at the site.

4. All loads of Acceptable Material brought from the Member Cities (whether city or contracted commercial hauler) will be weighed on the Custer Road Transfer Station weigh scale prior to processing by Contractor. Contractor shall keep records of all loads received. Owner shall utilize duplicate weight tickets for tracking Acceptable Materials delivered. Distribution of the tickets shall be as follows:

Original – Owner

Copy – Member City (or contract) Driver

Member Cities' residents will be allowed to drop-off a maximum of two (2) loads of Acceptable Materials per month when delivered in their personal vehicle and presenting an original or electronic copy of their most recent City issued Utility Bill and Driver's License with matching address. Contractor shall maintain a log for the Owner of all records regarding receipt of loads from the Member City residents which includes: date, last name, address, and city of residence. In addition, Contractor shall provide an invoice with necessary back-up information by the tenth (10th) day of each month, and include: Member City, number of loads, and total weight in tons. Amount invoiced shall be based on an assumed weight of 0.23 tons per residential load. Once during the Term of this Agreement, Contractor may request that Owner conduct a study to determine the average weight of residential loads, and shall revise the amount invoiced in accordance with the results of the study.

Contractor shall maintain a log of all unweighed Acceptable Materials delivered by non-Member City customers (including residents of non-Member Cities, commercial non-Member City customers, and non-Member Cities). The log shall include the name and address of the person or business delivering the material, the date of delivery and the established weight and cubic yards per delivery. The weight and cubic yards of each delivery will be based upon the delivery vehicle used: passenger vehicle and pick-ups – one (1) cubic yard = 450 pounds, pick-ups towing a single axle trailer – seven (7) cubic yards = 3,220 pounds, and pick-ups towing a double axle trailer – fourteen (14) cubic yards = 6,440 pounds. No reductions will be made for partial loads.

5. Owner shall hire the architects, engineers and other professionals necessary to design the Custer Road Facility Improvements Project consisting of: concrete entrance driveway into the compost grinding area, extending the all-weather concrete-based area for grinding operations with added push walls along the southern area and eastern edge, and relocating current diesel fuel tank from the current location to a mutually acceptable location.

The final plans for the Custer Road Facility Improvements Project will be reviewed and approved by Owner and Steering Committee.

6. Following approval of the final plans, Owner shall put the Custer Road Facility Improvements Project out for bid in accordance with Texas Competitive Bid Laws. Owner shall receive bids for the Custer Road Facility Improvements Project and be responsible for the administration of the Improvements Project.

7. Owner shall pay for all costs associated with construction of the Custer Road Facility Improvements Project, including, but not limited to: design fees, engineering fees, testing fees, and construction costs, including labor, materials and construction equipment costs.

C. FM 545 Facility

1. Contractor will utilize the FM 545 Facility to mix finished compost, sand, loam and accept “ground wood mulch” material, from the Custer Road Facility for such purposes. The Contractor will also use the FM 545 Facility to process acceptable “ground wood mulch” material, including, but not limited to, aging, coloring, and grinding mulch, and mixing finished compost, sand, and loam materials, including, but not limited to, staging, mixing, screening and loading finished soil blends such as: Pro-bedding and Powerful Potting Soil products.

2. Prior to the Contractor closing the FM 545 Facility and moving all operations to the 121 RDF Facility, Owner agrees to complete the Phase 2 Improvements at the 121 RDF Facility.

3. Owner shall provide the Notice to Proceed to Contractor. Contractor will relocate all operations from the FM 545 Facility to the 121 RDF Facility within ninety (90) days of the written Notice to Proceed issued by Owner. Once all material is removed from the FM 545 Facility, Contractor will have an additional one hundred eighty (180) days to remove all improvements from the FM 545 Facility. Owner will provide a detailed “Site Expectation list”, clearly identifying grading plan, clean-up tasks or items, and expected final site conditions along with the Notice to Proceed. Contractor shall provide comments to the Owner within ten (10) days of receipt of the “Site Expectation list”, and Owner shall revise and return to Contractor within ten (10) days the “Site Expectation list” sufficiently addressing comments provided by Contractor or with any additional information sufficiently addressing why specific comments were not revised. Contractor will be responsible for all “Site Expectation list” clean-up costs associated with the FM 545 Facility incurred as a result of operating on this site, excluding those costs associated with off-site removal of excess soil generated by the site grading plan. A final inspection of the site shall be conducted by NTMWD following cleanup by the Contractor. Any deficiencies will be noted in writing and the Contractor shall correct those deficiencies within sixty (60) days of receipt of such notice. Following Owner’s final inspection of the FM 545 Facility and approval of the cleanup, Owner shall release and indemnify Contractor from any liability related to the condition of

the FM 545 Facility. The Contractor's obligations under this Section III.C.3 shall survive termination of this Agreement.

D. 121 RDF Facility

1. Contractor may utilize the 121 RDF Facility to receive Acceptable Materials, Food Waste, and materials noted in TCEQ Compost Rules 30 TAC Section 332.21 (Operations Requiring Notification) such as organic by-products, animal mortalities, and manure. Contractor may also: remove contaminants; grind Acceptable Material; compost Acceptable Materials and Food Waste (including windrow composting, static pile composting, and forced aeration composting); turn compost; water compost; screen compost; mix soil blends; color mulch; store compost, mulch and other material; and bag, market, sell and distribute compost, mulch and other compost related products. Composting at the 121 RDF Facility will be processed through an active, aerobic composting method (i.e., windrows or forced aeration piles for up to six (6) months in total) following the initial short-term large windrow-based anaerobic composting method (i.e., static rows staged for no longer than two (2) months without turning and no longer than six (6) months in total). As the composting process varies based on type of material, percentage of material (carbon to nitrogen), moisture levels and technology, Owner agrees to allow Contractor to continually evaluate and pilot improved composting processes and methods in compliance with TCEQ Compost Rules 30 TAC Section 332 and the 121 RDF MSW Permit No. 2294, to insure the operational effectiveness and financial efficiencies are improved wherever proven. Owner and Contractor agree that, if the compost process substantially changes, Contractor will provide the Owner an updated Operational Plan for review and approval within thirty (30) days of confirming a substantial change.

2. The Owner will allow Contractor to use the 121 RDF Facility truck scales to weigh all deliveries of Acceptable Materials and Food Waste delivered. The Owner will provide a monthly report to Contractor and shall include the Customer name, vehicle number, scale ticket number, weight, date, and time of each individual delivery. Contractor will invoice all commercial non-Member City customers based on the tonnage weight. All these deliveries will be included in the Contractor's monthly summary report invoice file that includes the following information shall be provided to the Owner by the tenth (10th) day of each month: Member City, number of loads, total tons.

3. Owner shall hire the architects, engineers and other professionals necessary to design the following improvements at the 121 RDF Facility (the "Phase 2 Improvements"): concrete compost processing pad, retention pond, fire suppression loop around the exterior area of the pad, and grading of adjoining land to direct all stormwater runoff away from the composting site and retention ponds. Owner will submit the design of the Phase 2 Improvements to Contractor for approval, such approval to not be unreasonably withheld or delayed.

4. Owner shall put the 121 RDF Facility Improvements out for bid in accordance with Texas Competitive Bid Laws. Owner shall receive bids for the project and be responsible for the administration of the Phase 2 Improvements in conjunction with

Contractor's involvement in scheduled project team meetings throughout the completion of the project.

5. Owner shall pay for all costs associated with the Phase 2 Improvements including, but not limited to: design fees, engineering fees, testing fees, and construction costs including labor, materials and construction equipment costs.

IV. POSSESSION AND WARRANTIES Environmental Warranty and Responsibilities

1. Owner represents and warrants it has not placed, nor allowed to be placed, any hazardous substance, pollutant or contaminant, as defined by CERCLA, 42 U.S.C. 9601, on the Composting Facilities. Further, it has no knowledge of any activity that has been conducted on the 121 RDF Facility that would result, cause, or constitute an environmental hazard, nor is Owner aware, or should be aware, of any hazardous substance on said 121 RDF Facility or the abatement thereof.

2. **Without waiving the doctrines of sovereign immunity and immunity from suit, and to the extent permitted by the laws and Constitution of the State of Texas, Contractor agrees to indemnify and hold Owner harmless against all costs of environmental clean-up of Composting Facilities resulting from Contractor's composting operation at the Composting Facilities. This Section IV.2 shall survive termination of this Amended Agreement.**

3. Contractor agrees to be responsible for all actual cleanup costs incurred as a result of its composting operations, including, but not limited to, those associated with contaminated soil. Notwithstanding the foregoing indemnification provided in Section IV, Sub-section 2, the Parties agree Contractor shall not be responsible for contamination or any other damage which occurred prior to Contractor's operation on the Composting Facilities or which occurs after Contractor ceases operations and completes cleanup on the Composting Facilities. This Section IV.3 shall survive termination of this Amended Agreement.

4. Contractor acknowledges that it has inspected the area proposed for the Regional Composting Program within the Composting Facilities and finds no contamination. Contractor agrees to accept the Composting Facilities in their present condition.

V. IRRIGATION

Owner shall make sufficient quantities of water available to Contractor to meet the needs of the 121 RDF Facility and the Custer Road Facility. Contractor agrees to pay an annual pro-rated percentage of the potable water used in composting site operations billed by the City of Melissa and the City of Plano to Owner, and a pro-rated percentage of electricity

used at the Custer Road *Facility* in composting site operations billed by CoServ Electric Cooperative.

VI. PAYMENT/FUNDING

1. Owner agrees to pay Contractor a fee of twenty-three dollars and twenty seven cents (\$23.27) per ton for each ton of Acceptable Materials delivered by Allen, Frisco, McKinney, and Richardson (City, contractor or residents) to the Custer Road Facility, and sixteen dollars and fourteen cents (\$16.14) per ton for each ton of Acceptable Materials delivered to the 121 RDF Facility. All Food Waste must be delivered to the 121 RDF Facility exclusively. Owner will pay Contractor seven dollars and fifty cents (\$7.50) per ton for each ton of Food Waste delivered to the 121 RDF Facility from Allen, Frisco, McKinney and Richardson collections. Owner shall make payment to Contractor within thirty (30) days of Owner's receipt of an acceptable invoice from Contractor. All fees and costs paid to Contractor in accordance with this section shall be paid from fees collected from Allen, Frisco, McKinney, and Richardson for delivery of Acceptable Materials.

2. Owner agrees to allow Contractor to charge separate tipping fees to individual commercial businesses (i.e., waste & recycling haulers, landscape contractors, and other generators of Acceptable Materials and Food Waste) that deliver material to either the Custer Road Facility or the 121 RDF Facility for composting, which supports Contractor with material and revenue until such time as the Member Cities are supplying all necessary volumes of material. Additional materials from non-Member Cities will be adjusted and reduced when necessary to prevent operational limitations to all Member Cities material. At no time will these tipping fees be less than the Member Cities' fees, unless it is for Food Waste.

3. Owner agrees to track the tonnage of ground material and compost overs material that Contractor disposes of into the working face of the 121 RDF landfill on an annual basis. Owner will invoice Contractor for disposal of ground material and compost overs material that Contractor disposes of into the working face of the 121 RDF landfill at the end of Owner's fiscal year as follows:

- i. For years in which Contractor disposes of greater than ten percent (10%) of its ground material and compost overs at the 121 RDF landfill, the cost for disposal of the material charged using Owner's one-half ton accounting for material delivered.
- ii. For years in which Contractor disposes of less than or equal to ten percent (10%) of its ground material and compost overs at the 121 RDF landfill Owner shall not charge for disposal of the ground material and compost overs.

4. Owner shall distribute the TCEQ Compost Refund to the Member Cities based upon each Member Cities' quarterly percentage of Acceptable Material tonnage

delivered to regional composting program. This Section VI.4 shall survive termination of this Amended Agreement.

5. Contractor agrees to provide the "Profit/Revenue" share component described in this Section VI.5, to financially benefit the Member Cities for supplying Acceptable Materials, improving operational challenges and quality control aspects, supporting promotional and educational awareness of the Products throughout their communities, purchasing and applying the Products, and advocating the Products as the preferred compost and mulch related products. Each December following the Effective Date, Contractor will provide to Owner and the Member Cities an annual Regional Composting Program Profit/Revenue Share Report (hereinafter referred to as "Profit/Revenue Report") that documents the expenses, revenues and/or profit or loss per each Fiscal Year (October 1st to September 30th). Upon final audit of the Contractor's individual fiscal year budget, the Profit/Revenue Report will be updated to reflect the annual data and a cumulative total for the length of the Amended Agreement. On or prior to December 31 of the following year the profit (if any) will be distributed between the participating member cities on a pro-rata basis, based upon each Member Cities' percentage of Acceptable Material (by weight) delivered to the regional composting program for the fiscal year in which the profit was generated. The Member Cities shall be a third party beneficiary of this Amended Agreement with respect to this Section VI.5. This Section VI.5 shall survive termination of this Amended Agreement.

6. The processing rates set out in Section VI.1 shall be adjusted annually by the net percentage increase or decrease in the September Consumer Price Index for All Urban Consumers in the Dallas-Fort Worth metropolitan area ("CPI-U") as established by the Bureau of Labor Statistics of the U.S. Department of Labor, or any successor governmental agency, from the date of the last adjustment or the Effective Date (in the case of the first annual adjustment). In no event, shall the processing rate be increased more than three and a half percent (3.5%) in any given year or more than the CPI-U for the given year.

7. At no time shall the tipping fee for the Regional Composting Program exceed eighty-five percent (85%) of the solid waste per ton cost charged by NTMWD to Member Cities as calculated from the annual cost per ton.

8. Owner and Contractor agree that the continuation of this Amended Agreement beyond the close of any given fiscal year of either Owner or Contractor shall be subject to approval by the governing body of each party. In the event that the governing body of either Owner or Contractor does not approve the appropriation of funds for this Amended Agreement, this Amended Agreement shall terminate at the end of the fiscal year for which funds were appropriated and the Parties shall have no further obligations hereunder other than those specifically stated to survive termination of this Amended Agreement.

VII. TERMINATION

1. In the event of any default by Contractor in any of the covenants or obligations contained in this Amended Agreement, NTMWD shall notify Contractor in

writing and specify the precise nature of the default. Contractor shall thereafter have thirty (30) days from date the notice is received in which to cure such default (or, if same cannot be reasonably cured within such period, to take significant steps to commence such cure and thereafter diligently complete such cure), failing in which NTMWD shall be entitled to terminate this Amended Agreement.

2. This Amended Agreement may be terminated, in accordance with Section VI.8.

3. This Amended Agreement may be terminated, without fault, at any time by either party giving one hundred and eighty (180) days' advance notice to the other party.

4. In the event of termination for any reason, including the end of the term of this Amended Agreement, as said term may be extended from time to time, Contractor shall, within one hundred and eighty (180) days following such termination, remove all material (including but not limited to Acceptable Material, contaminated or otherwise unsuitable raw material, paint and dye, and finished product) and equipment from the Composting Facilities, clean the Composting Facilities, and remove and properly dispose of any contaminated soil from the Composting Facilities. This Section VII.4 shall survive termination of this Amended Agreement.

VIII. NOTICE

Notice as required by this Agreement shall be in writing delivered to the Parties via e-mail or certified mail at the addresses listed below:

PLANO

Gerald Cosgrove
Director of Public Works
City of Plano
P.O. Box 860358
Plano, TX 75086-0358
972-964-4276 (Telephone)
GeraldC@plano.gov

NTMWD

Thomas W. Kula
Executive Director
North Texas Municipal Water District
P.O. Box 2408
Wylie, TX 75098
972-442-5405 (Telephone)
tkula@ntmwd.com

Each Party shall notify the other in writing within ten (10) days of any change in the information listed in this paragraph.

IX. HOLD HARMLESS

Each Party to this Amended Agreement does hereby agree to waive all claims against, release and hold the other party and its respective officials, officers, agents, and employees, both in their official and individual capacity, harmless from and against any and all liability,

claims, suits, demands, losses, damages (including court costs and attorney's fees) or causes of action which may arise by reason of injury to or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement.

X. INSURANCE

Satisfactory certificates of insurance or letters of self-insurance for all coverage listed herein shall be filed with the Owner within 30 days of executing this Agreement. Contractor is a self-insured entity as allowed by law. The Contractor can only assume those liabilities that it is legally liable for.

1. Worker's Compensation and Employer's Liability:

Contractor will provide Worker's Compensation benefits for its employees in accordance with the Texas Worker's Compensation Act. The Contractor is self-funded for Worker's Compensation as allowed by the Act.

2. Comprehensive Automobile Liability:

This insurance shall be written in comprehensive form and shall protect Contractor against all claims for injuries to members of the public and damage to property of others arising from the use of motor vehicles by Contractor's employees during the course and scope of their employment and shall cover operation on or off the site of all motor vehicles licensed for highway use, whether they are owned, non-owned, or hired.

3. Comprehensive General Liability:

This insurance shall be written in comprehensive form and shall protect Contractor against all claims arising from injuries to persons other than his employees or damage to property of Owner or others arising out of any act or omission of Contractor or his agents, employees, or subcontractors.

4. Notice of Cancellation.

Notification of cancellation or change in insurance carriers or agencies shall be given to the Owner thirty (30) days prior to such cancellation or change and satisfactory current certificates of insurance shall be furnished at the time of such change.

XI. ENTIRE AGREEMENT

This Amended Agreement replaces the Base Agreement and all prior amendments to the Base Agreement, represents the entire agreement between Owner and Contractor, and supersedes all prior negotiations, representations and/or agreements, either written or oral.

This Amended Agreement may be amended only by written instrument signed by both Parties.

XII. VENUE

This Amended Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas, and this Amended Agreement is performable in Collin County, Texas. Exclusive venue shall be in Collin County, Texas.

XIII. SEVERABILITY

The provisions of this Amended Agreement are severable. In the event that any section, sub-section, paragraph, sentence, clause, or phrase of this Amended Agreement shall be found to be contrary to law, or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of this Amended Agreement; however, upon the occurrence of such event, either Party may terminate this Amended Agreement by giving the other Party thirty (30) days written notice of its intent to terminate.

XIV. ASSIGNMENT AND SUBLETTING

This Amended Agreement shall not be assigned in whole or in part without the written consent of both Parties. Any responsibilities that the Contractor sub-contracts to a separate entity, that entity will be required to provide certification of insurance listing the Owner as “additional insured” and will demonstrate the following minimum levels of coverage: General Liability - \$1,000,000 Limit per Occurrence & \$2,000,000 Aggregate, Automobile Liability - \$500,000 Limit per Accident or Combined Single Limit, Bodily Injury Liability - \$1,000,000 per Person or Accident, Property Damage Liability - \$1,000,000 per Accident or Combined Single Limit, and Workers’ Compensation equal to state statute.

XV. INTERPRETATION OF AGREEMENT

This is a negotiated document. Should any part of this Amended Agreement be in dispute, the Parties agree that this Amended Agreement shall not be construed more favorably for either Party based on the presumption that it was drafted by either Party.

XVI. REMEDIES

No right or remedy granted herein or reserved to the Parties is exclusive of any right or remedy granted by law or equity, but each shall be cumulative of every right or remedy

given hereunder. No covenant or condition of this Amended Agreement may be waived without the express written consent of the Parties. It is further agreed that one (1) or more instances of forbearance by either Party in the exercise of its respective rights under this Amended Agreement shall in no way constitute a waiver thereof.

**XVII.
AUTHORITY TO SIGN**

The undersigned officers and/or agents of the Parties hereto are the duly authorized officials and have the necessary authority to execute this Amended Agreement on behalf of the Party it represents.

**XVIII.
CALENDAR DAYS**

Throughout this Amended Agreement, “Day” shall mean a calendar day, unless otherwise specified. If a deadline falls on a weekend or holiday, the deadline shall be the following working day.

[Remainder of Page Intentionally Blank]

EXECUTED in duplicate originals this ____ day of _____, 2016.

CITY OF PLANO, TEXAS

By: _____
Bruce D. Glasscock
CITY MANAGER

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

**NORTH TEXAS MUNICIPAL WATER
DISTRICT**

By: _____
Thomas W. Kula
Executive Director

ACKNOWLEDGMENTS

STATE OF TEXAS §

§

COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, 2016, by **BRUCE D. GLASSCOCK**, City Manager of the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §

§

COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, 2016, by **THOMAS W. KULA**, Executive Director of the **NORTH TEXAS MUNICIPAL WATER DISTRICT**, on behalf of the District.

Notary Public, State of Texas

My Commission Expires: _____

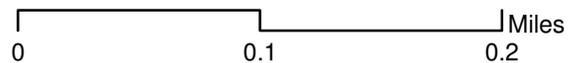
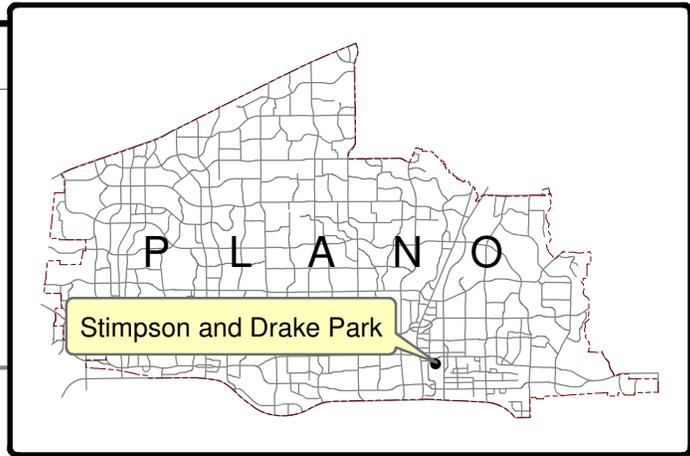
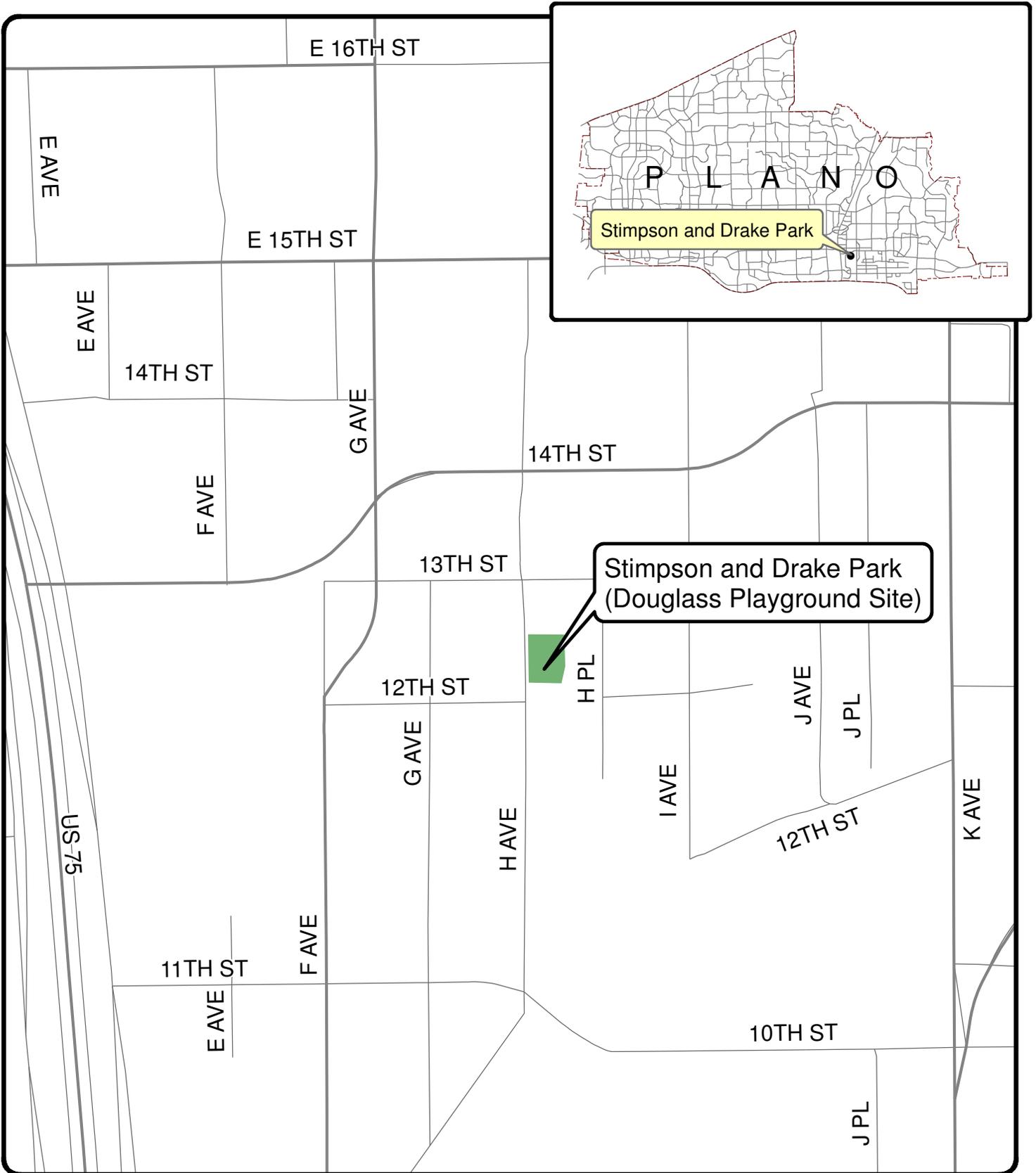


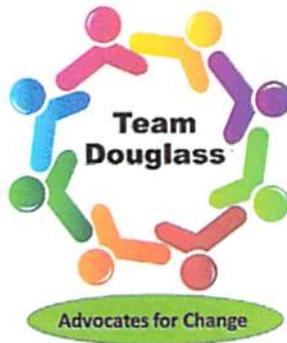
CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		3/14/16		
Department:		Parks and Recreation		
Department Head		Amy Fortenberry		
Agenda Coordinator (include phone #): Susan Berger (7255)				
CAPTION				
A Resolution of the City of Plano, Texas, designating the name of the Douglass Neighborhood Park Site as Stimpson and Drake Park 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:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S): N/A				
COMMENTS: This item has no financial impact.				
STRATEGIC PLAN GOAL: Naming Plano parks relates to the City's goals of Great Neighborhoods - 1st Choice to Live and a Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
The City Council of the City of Plano is authorized to name parks in the City of Plano. A committee, including Mayor Pro Tem Lissa Smith and Deputy Mayor Pro Tem Ben Harris, has recommended that the park be named Stimpson and Drake Park. Letters of support from the community are included as part of this item.				
Project Location Map: https://goo.gl/maps/YPZQxinW7PJ2				
List of Supporting Documents: Location Map Letters of Recommendation Resolution			Other Departments, Boards, Commissions or Agencies	

Location Map

Stimpson and Drake Park





RECEIVED

JAN 07 2016

CITY MANAGER'S OFFICE

City of Plano
Attention: City Manager Bruce Glasscock

Subject: Naming of Upcoming City Park in the Douglass Community

Mr. Glasscock,

Team Douglass is a group of community advocates with a dedication to enhancing the historical, educational, economical, and social events of the underutilized Douglass community, which also reaches beyond the borders of the Douglass community.

It was brought to Team Douglass' attention that the City of Plano is in the process of erecting a park in the Douglass Community, on previously owned property by the Stimpson family. We applaud the efforts to add that presence to our community.

After much discussion and community feedback, Team Douglass has conducted a fact finding process to recommend to the City of Plano the naming of that upcoming park in honor and respect to two families (Stimpson and Drake). These families shared in growth, development, and spiritual awareness for this community for over a century.

Mose Stimpson and Andy Drake were the first African American free men to be share croppers in Plano, and the Douglass Community and should be recognized for the contributions they achieved and through succeeding generations. Family bios can be produced when requested. The families have a history of community service.

We have gathered letters of support from organizations, churches, and community activities (See attachments).

Mr. Glasscock, we would welcome the city's acknowledgement through naming of this upcoming project for the Douglass Community.

Thanks in Advance for Your Consideration,

Cecil Starks
Team Douglass

ADVOCATES

Cecil Starks
Eva Drake
TaKisha Voss
Eleanor Evans
Dollie Thomas
David Evans
Ramon Hodridge



December 2, 2015

To Whom It May Concern,

The Douglass Community Seniors is an organization in the Douglass community that represents most of its long-time community members, many of whose families were born and raised in the neighborhood for generations.

This organization is standing to lend its full support to Team Douglass in naming the proposed park, Stimpson/Drake. This park is much needed for the enhancement of the community.

We are asking the City of Plano to support this naming of the park.

Sincerely,



Eleanor Evans, President

Douglass Community Seniors

Board of Directors

Takisha S. Voss
President

Darsell Johnson
Vice President

Ramon Hodridge
Treasurer

Callie Aquaye
Secretary

Tamara Thomas

Nancy Albert

Aretha Lafettye

Pauline White



November 18, 2015

To whom it may concern:

On the behalf of the Douglass Community Neighborhood Association, I would highly recommend the Douglass Community Park to be named after the Drake & Stimpson Family which has been one of the most prominent historical families within the Douglass Community. The polished named of the Drake & Stimpson Memorial Park will be monumental in preserving our rich heritage as a community.

We look forward to the park development and honorable name.

Respectfully,

Takisha S. Voss

Douglass Community Neighborhood Association, President

tvoss@dcnaplano.com

469-685-4442

Mission Statement

To create, plan and implement programs activities and events in our community that will enlighten, educate and train residents to reach self sufficiency and wholesome family living



Douglass Community
Neighborhood Association - Home

Welcome to the Douglass Neighborhood Association (DCNA) online resource center.

View on www.dcnaplano.com

Preview by Yahoo



December 8, 2015

To Whom It May Concern:

On behalf of The Avenue F Family Enrichment Corporation of Texas, Inc (dba, AFFECT, Inc) and the Avenue F Church of Christ we would like to offer this letter of support for the naming of new Douglass Community Park to be named after the Drake and Stimpson families. These two families made a monumental impact on the Douglass Community and we agree that it would be befitting to honor their legacy by bestowing the name of the future park in their memory.

Thank you for considering this request.

Respectfully,

A handwritten signature in blue ink that reads "Ramon Hodridge".

Mr. Ramon Hodridge, M.Ed.
AFFECT, Inc., CEO
Avenue F Church of Christ, Senior Minister
ramonhodridge@affectedinc.org

Avenue F Family Enrichment Corporation of Texas, Inc.
"Affecting positive changes in the community"

1026 F Avenue Suite 100 | Plano, TX 75074-6712 | Ph: 972-885-7568 | Fx: 866-845-6404
W: www.AFFECTInc.org | E: affectedinc@affectedinc.org | Tax Exempt #: 27-1923306

A Resolution of the City of Plano, Texas, designating the name of the Douglass Neighborhood Park Site as Stimpson and Drake Park and providing an effective date.

WHEREAS, the Douglass Neighborhood Park Site was purchased for the purpose of serving the citizens of Plano as a neighborhood park; and

WHEREAS, plans for the park have been completed and contract for construction of the park has been approved; and

WHEREAS, the City Council of the City of Plano is authorized to name parks in the City of Plano; and a committee has recommended that the park be named Stimpson and Drake Park.

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 hereby designates the name of the Douglass Neighborhood Park Site as Stimpson and Drake Park.

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

DULY PASSED AND APPROVED this the 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



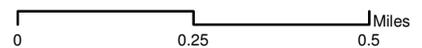
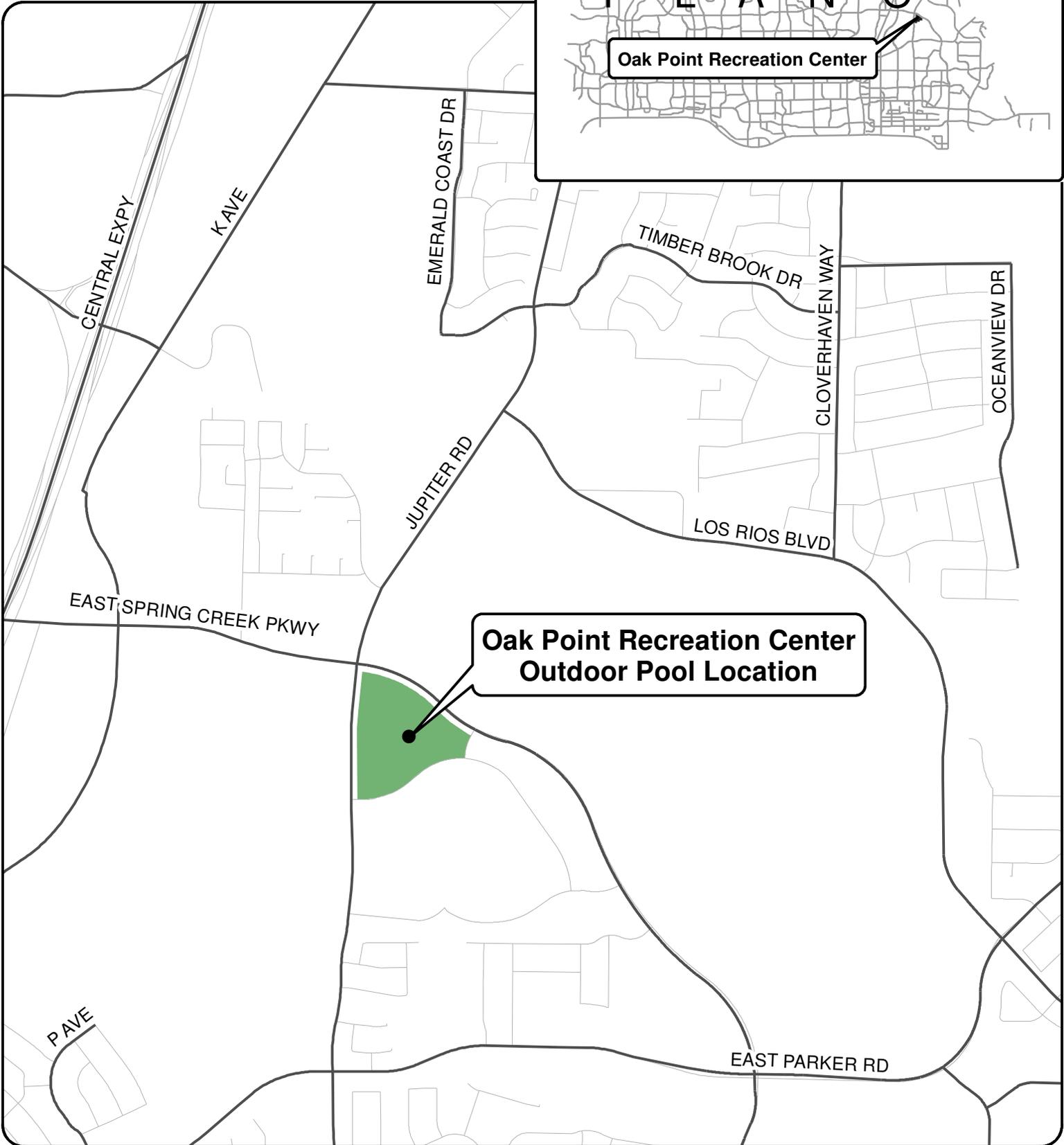
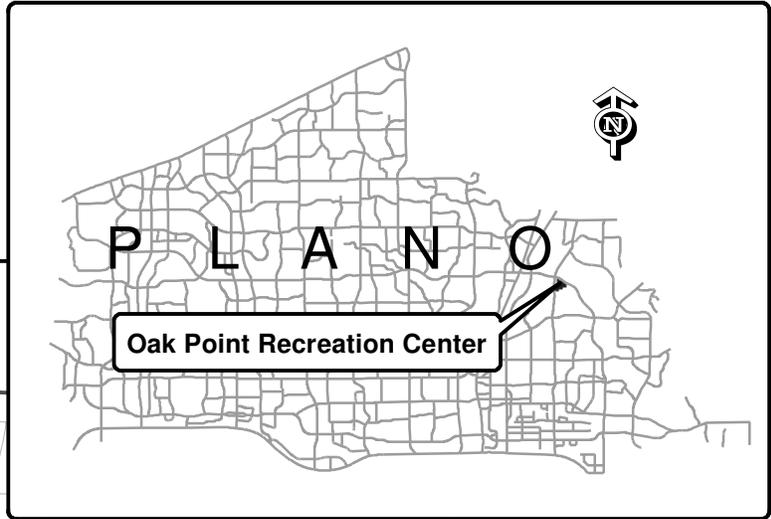
CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		3/14/16		
Department:		Parks and Recreation		
Department Head		Amy Fortenberry		
Agenda Coordinator (include phone #): Susan Berger (7255)				
CAPTION				
A Resolution of the City of Plano, Texas, authorizing a Construction Manager At Risk (CMAR) contract between the City of Plano and Pogue Construction Co., LP, for Oak Point Recreation Center Expansion and Renovation Phase 1 Outdoor Pool renovation for a Guaranteed Maximum Price (GMP) of \$158,778; authorizing the City Manager or his designee to execute the necessary contract documents; and providing an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		0	950,000	0
Encumbered/Expended Amount		0	0	0
This Item		0	-158,778	0
BALANCE		0	791,222	0
FUND(s): CAPITAL RESERVE FUND				
COMMENTS: Funding is available in the 2015-16 Park Capital Reserve CIP for this item. Renovation of the outdoor pool area, in the amount of \$158,778, will leave a current year balance of \$791,222 available for future expenditures related to the Oak Point Recreation Center Expansion & Renovation project. STRATEGIC PLAN GOAL: Renovating the outdoor pool area at Oak Point Recreation Center relates to the City's goals of Great Neighborhoods - 1st Choice to Live and a Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
See Recommendation Memo				
Project Location Map: https://goo.gl/maps/JwblWzuBGio				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map Recommendation Memo Resolution				



Location Map

Oak Point Recreation Center
Outdoor Pool Renovation





Memorandum

Date: February 24, 2016

To: Bruce Glasscock, City Manager

From: Amy Fortenberry, Director of Parks and Recreation

Subject: Recommendation for Accepting a Guaranteed Maximum Price for Phase I Construction of Oak Point Recreation Center Expansion and Renovation

Through a two-step process, City staff reviewed qualifications from six firms that responded to our RFQ to provide Construction Manager at Risk (CMAR) services for the Oak Point Recreation Center Expansion and Renovation project. After interviewing four firms in the second step of the process, the City selected Pogue Construction Co., LP as the most qualified firm for the project.

Pogue Construction Co., LP, is in the process of developing a Guaranteed Maximum Price (GMP) for the entire Expansion and Renovation project. The initial bids exceeded the allocated budget for this project. Staff is working with Pogue to redefine the project scope of work in order to stay within budget. While this is in progress, a portion of the work needs to be done sooner to ensure that the outdoor aquatic area is ready to open for summer use. Staff believes it is in the City's best interest to proceed with this work while a GMP is being developed for the rest of the project. As a result, this project will be split into two phases of work.

Staff recommends accepting the GMP of \$158,778 as proposed by Pogue Construction Co., LP for Phase 1 of the Oak Point Recreation Center Expansion and Renovation. Proceeding with Phase 1 now will ensure the opening of the outdoor pool for the 2016 summer season.

Phase 1, aquatic work will include repairing decking around entire pool, slide tower repair/repainting, resurfacing slide, refurbishing the water play features and structure to include a new slide, and new shade covers.

Phase 2 will include a new 11,000 SF 2-level space for cardio/fitness and new locker rooms; renovation of the existing locker rooms, administrative offices and other spaces; replacement of indoor aquatic features and indoor aquatic mechanical systems; and replacement of all of the non-natatorium HVAC units.

Staff and the design consultant recommend acceptance and approval of the Phase I GMP of \$158,778, for the outdoor aquatic work.

A Resolution of the City of Plano, Texas, authorizing a Construction Manager At Risk (CMAR) contract between the City of Plano and Pogue Construction Co., LP, for Oak Point Recreation Center Expansion and Renovation Phase 1 Outdoor Pool renovation for a Guaranteed Maximum Price (GMP) of \$158,778; authorizing the City Manager or his designee to execute the necessary contract documents; and providing an effective date.

WHEREAS, the City of Plano has engaged in a request for qualifications for renovation of the Oak Point Recreation Center Outdoor Pool, which is being renovated to update an aging infrastructure; and

WHEREAS, Pogue Construction Co., LP, has been selected as the most qualified firm to provide CMAR services for the renovation of Oak Point Recreation Center Outdoor Pool; and

WHEREAS, the City Council wishes to establish a GMP of \$158,778 for the Phase 1 renovation of Oak Point Recreation Center Outdoor Pool; and

WHEREAS, upon full review of all matters attendant and related thereto, the City Council is of the opinion that the City Manager or his designee should be authorized to execute a GMP of \$158,778 for the Oak Point Recreation Center Phase 1, Outdoor Pool Renovation construction project.

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

Section I. A GMP of \$158,778 for Oak Point Recreation Center Phase 1 Outdoor Pool Renovation has been established and reviewed by the City Council of the City of Plano, Texas, and found to be in the best interest of the City of Plano and its citizens and is hereby in all things approved.

Section II. The City Manager or his designee is authorized to execute a GMP Amendment and all other necessary documents with Pogue Construction Co., LP, for the construction of the Oak Point Recreation Center Expansion and Renovation Phase 1 Outdoor Pool with a GMP of \$158,778.

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

DULY PASSED AND APPROVED this the 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		03/14/16			
Department:		Fire			
Department Head		Sam Greif, ext. 7041			
Agenda Coordinator (include phone #): Cynthia Morgan, ext. 7164					
CAPTION					
<p>A Resolution of the City of Plano, Texas, approving the terms and conditions of a Memorandum of Understanding by and between Texas A&M Forest Service and the City of Plano, Texas, for the establishment of the National Wildfire Coordinating Group (NWCG) Firefighter Standard; authorizing the City Manager or his designee to take such action and execute such documents as necessary to effectuate the Memorandum herein; and providing an effective date.</p>					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	FY2015-16	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
FUND(s): N/A					
<p>COMMENTS: This item has no financial impact. STRATEGIC PLAN GOAL: Executing a memorandum of understanding between the City of Plano and Texas A&M Forest Service relates to the City's goals of Partnering for Community Benefit and Safe Large City.</p>					
SUMMARY OF ITEM					
<p>Memorandum of Understanding between the parties for the establishment of the National Wildfire Coordinating Group (NWCG) Firefighter Standard.</p>					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Resolution and Memorandum of Understanding					

A Resolution of the City of Plano, Texas, approving the terms and conditions of a Memorandum of Understanding by and between Texas A&M Forest Service and the City of Plano, Texas, for the establishment of the National Wildfire Coordinating Group (NWCG) Firefighter Standard; authorizing the City Manager or his designee to take such action and execute such documents as necessary to effectuate the Memorandum herein; and providing an effective date.

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

WHEREAS, the City Council has been presented a proposed Memorandum of Agreement by and between Texas A&M Forest Service and the City of Plano, Texas, for the establishment of the NWCG Wildland Firefighter Standard, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Memorandum"); and

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

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

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

Section II. The City Manager or his designee is hereby authorized to execute the Memorandum 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 Memorandum.

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

DULY PASSED AND APPROVED this the 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



**Memorandum of Understanding
For the Establishment of the NWCG Wildland Firefighter Standard
Between
Texas A&M Forest Service
And
The City of Plano**

This Memorandum of Understanding (MOU) is dated the 8th day of October, 2015, and is between the City of Plano, Fire Rescue ("Cooperator") and the Texas A&M Forest Service, an agency of the state of Texas and a member of The Texas A&M University System ("TFS").

Definitions

- Director: The Director of TFS.
- South Central Forest Fire Compact: A compact between TX, OK, LA, and MS, established by Federal Law and ratified by the respective state legislatures that provides for sharing of each state's wildland fire suppression personnel and equipment.
- National Wildfire Coordinating Group here after referred to as (NWCG): A consortium of Federal and state wildland fire agencies that includes the TFS which establishes the National firefighter qualification standard.
- Incident Management Teams here after referred to as (IMTs): A qualified group of emergency responders specifically trained and qualified by virtue of training and experience to manage wildfire and other incidents
- Qualification Board: a select group of individuals qualified to review the training and experience records of wildland fire personnel trainees and determine the qualifications attained.
- PMS 310-1: The publication of the NWCG that contains the minimum requirements for wildland fire positions.
- PPE: Personal Protective Equipment.

Authorities

- TFS is the state signatory to the NWCG under Texas Education Code 88.120 and supports that standard for state wildland firefighters and Fire Departments in Texas.
- TFS may cooperate with the United States Forest Service and other Federal agencies under Texas Education Code 88.106 (a);
- Is responsible for wildland fire training within the State under Texas Education Code 88.120;
- Has responsibility to establish Incident Management Teams under Texas Education Code 88.122;

- And, further provides and receives support through the South Central States Forest Fire Compact in suppression of wildfires as requested by member states under Texas Education Code 88.112 and 88.116.

Purpose

This MOU is entered into with the intent of establishing the National Wildfire Coordinating Group (NWCG) Training and Qualification Standards contained in the current or latest version of PMS 310-1 as the wildland qualification standard for the Cooperator. The fire potential and the amount of property within the area protected by the cooperator fosters the need to have local fire agency personnel qualified to a higher wildland fire standard to assure that adequate well trained and physically prepared fire personnel can be deployed to meet a local and state wildfire response need. This MOU could represent both a cost saving and public safety measure for the people of Texas. Benefits include increasing the number of wildland fire personnel in the state, increasing the capability of the cooperator to more effectively deal with wildfire response, and reduce loss of life and property at the local level. The MOU could further enhance the State's ability to assist other state and Federal agencies on wildfires and all risk incidents by increasing the number of NWCG fully qualified wildfire personnel to assist outside the state on incidents of National and Regional significance.

Responsibilities under the MOU

TFS shall:

- Provide NWCG qualified trainers to conduct training courses.
- Provide NWCG instructor training to local fire personnel as needed to allow them to instruct.
- Establish a State Qualification Review board consisting of 3 representatives from the TFS, 1 representative from the United States Department of Agriculture - Forest Service, one representative from the Department of Interior, 1 representative from the State Firemen's & Fire Marshal's Association and 1 representative from the Texas Fire Chiefs Association to review instructor and individual qualifications within the participating agency.
- Conduct audits of training records, taskbooks and qualifications at the discretion of the TFS.
- Status qualified individuals/resources within the Resource Ordering System.
- Recognize, where possible, the Prior Learning of individuals within the Cooperators personnel that is accepted within the NWCG standard.
- Provide a qualified Strike Team Leader - Engines (STEN) or Crew Representative (CREP) when deemed necessary by TFS.

The Cooperator shall:

- Designate a training officer that will determine the training and taskbook needs of the Cooperator's personnel and coordinates with the State Qualification Review Board.

- Follow all course and taskbook requirements as described in the latest version of the NWCG PMS 310-1.
- Develop NWCG qualified instructors to teach at the 100, 200 and 300 course level.
- Follow the fitness standard established by the NWCG for the respective positions and administer the Work Capacity Test as prescribed by the NWCG..
- Work toward the establishment of at least one Fire Hand Crew and/or one Strike Team of Engines.
- Follow all NWCG annual requirements for refresher training and fitness testing.
- Enter training and experience that lead to NWCG qualifications in the TFS firefighter records in the Incident Qualification System when they are Review Board approved.
- Issue cards of qualification (Red Cards) to those fire personnel that attain any or all respective NWCG qualifications as approved by the Review Board up to the NWCG position of Strike Team Leader.
- Provide the appropriate PPE for the respective incident assignment.

Termination

Either party may terminate this MOU at any time by giving written notice to the other party of such termination and specifying the effective date, thereof, at least thirty (30) days before the effective date of such termination. Otherwise, this MOU remains in effect for a period of five years from the date of last signature.

Parties Responsible for their own Acts

Each party agrees that it will be responsible for its own acts and the results thereof and each party shall not be responsible for the acts of the other party; and each party agrees it will assume to itself risk and liability resulting from their own acts under this MOU.

Permits and Laws

The parties shall acquire and maintain in good standing all permits, licenses and other entitlement necessary to the performance under this MOU. All actions taken by the parties under this agreement shall comply with all applicable laws, statutes, ordinances, rules and regulations.

Non-Waiver

The failure of the Cooperator, or the State, at any time to enforce a provision of this MOU shall in no way constitute a waiver of the provisions, nor in any way affect the validity of this MOU or any part thereof to enforce each and every protection hereof.

Modifications

The parties, from time to time may agree to modifications in the scope of services to be performed under this MOU. All modifications to the agreement shall be incorporated by written amendments to this MOU and approved by all signatories prior to effect.

Fair Intent

The parties following negotiations between them have jointly drafted this MOU. It shall be construed according to the fair intent of the language as a whole, not for or against any party. This MOU is not a fiscal document and no funds will be expended or exchanged under its provisions.

Severability

In the event a provision of this MOU is found to be unenforceable or void for any reason, it shall be considered as severed from this MOU, and the remaining portions of this agreement shall stand as if that provision had never been included in the MOU.

Notice

All legal notices relating to this MOU, including change of address, shall be mailed to the parties at the following addresses:

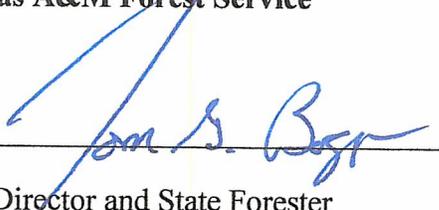
TFS
Texas A&M Forest Service
2318 Atascocita Rd.
Humble, TX 77396
ATTN: Steve Pollock

COOPERATOR
Plano Fire Rescue
1901 K. Ave.
Plano, TX 75074
Chief, Sam Greif

IN WITNESS WHEREOF, the Texas A&M Forest Service and Cooperator have executed and delivered this Agreement to be effective as of the Effective Date.

Texas A&M Forest Service

City of Plano

By: 
Director and State Forester

By: _____

Date: 10-9-15

Date: _____



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		03/14/16			
Department:		Fire			
Department Head		Sam Greif, ext. 7041			
Agenda Coordinator (include phone #): Cynthia Morgan, ext. 7164					
CAPTION					
<p>An Ordinance of the City of Plano, Texas, repealing Ordinance No. 2013-10-22, codified as Article II, Fire Code, of Chapter 8 of the Code of Ordinances of the City; adopting the 2015 Edition of the International Fire Code, with certain revised additions, deletions and amendments as the Fire Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.</p>					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	FY 2015-16	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
FUND(s): N/A					
COMMENTS: This item has no fiscal impact. STRATEGIC PLAN GOAL: Adopting the 2015 International Fire Code relates to the City's Goals of Financially Strong City with Service Excellence and Safe Large City.					
SUMMARY OF ITEM					
Ordinance adopting the 2015 Edition of the International Fire Code amendments as the Fire Code of the City of Plano.					
List of Supporting Documents: Ordinance			Other Departments, Boards, Commissions or Agencies N/A		

An Ordinance of the City of Plano, Texas, repealing Ordinance No. 2013-10-22, codified as Article II, Fire Code, of Chapter 8 of the Code of Ordinances of the City; adopting the 2015 Edition of the International Fire Code, with certain revised additions, deletions and amendments as the Fire Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.

WHEREAS, on October 28, 2013, the City Council enacted Ordinance No. 2013-10-22 adopting the 2012 Edition of the International Fire Code with certain additions, deletions and amendments as the Fire Code of the City of Plano; and

WHEREAS, upon full review and consideration of all matters related and attendant thereto, the City Council is of the opinion that Ordinance No. 2013-10-22 should be repealed and the 2015 Edition of the International Fire Code, along with the revised local amendments thereto, should be adopted as the Fire Code for the City of Plano and that regulations and fees should be established thereunder.

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

Section I. Ordinance No. 2013-10-22 duly passed and approved by the City Council of the City of Plano on October 28, 2013, and codified as Article II, Fire Code, of Chapter 8 of the Code of Ordinances, is hereby repealed in its entirety.

Section II. The 2015 Edition of the International Fire Code with certain revised additions, deletions and amendments is hereby adopted as the Fire Code of the City of Plano and shall read in its entirety as follows:

“ARTICLE II. FIRE CODE

Section 8-16 Penalty

Any person, firm, or corporation violating any of the provisions or terms of this Article or the Code adopted herein shall be guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed TWO THOUSAND AND NO/100 (\$2000.00) DOLLARS for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 8-17 Adoption of International Fire Code

There is hereby adopted by the City Council of the City of Plano, Texas, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the 2015 Edition of the International Fire Code including Appendix B, E, and F of the 2015 Edition of the International Fire Code published by the International Fire Code Institute and the International Conference of Building Officials, being particularly the 2015 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this Ordinance, of which code and standards copies have been and are now filed in the office of the City Secretary and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Plano.

Section 101 Scope and General Requirements

Sec. 101.1 Title. These regulations shall be known as the Fire Code of the City of Plano, hereinafter referred to as “this code.”

Section 102 Applicability

Sec. 102.1 change #3 to read as follows:

3. Existing structures, facilities and conditions when required in Chapter 11 or in specific sections of this code.

Sec. 102.4 is amended to read as follows:

Sec. 102.4 Application of other building codes. The design and construction of new structures shall comply with this code, and other codes as applicable, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the International Building Code, shall be made in accordance herewith.

Section 104 General Authority and Responsibilities

Sec. 104 add new section 104.12 to read as follows:

Sec. 104.12 Fire prevention bureau personnel and police. The chief and members of the fire prevention bureau shall have the power to issue citations for violations of this code. When requested to do so by the fire chief, the chief of police is authorized to assign such available police officers as necessary to assist the fire department in enforcing the provisions of this code.

Section 105 Permits

Sec. 105.6.27 is amended to read as follows:

Sec. 105.6.27 LP-gas. An operational permit is required for:

1. Storage and use of LP-gas.

Exception: A permit is not required for individual containers with a 20-pound (9.0 Kg) water capacity or less serving occupancies in Group R-3.

2. Operation of cargo tankers that transport LP-gas.

Sec. 105.7.14 is amended to read as follows:

Sec. 105.7.14 Smoke control or exhaust systems. Construction permits are required for smoke control or exhaust systems as specified in Section 909 and Section 910 respectively. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Section 109 Violations

Sec. 109.4 is amended to read as follows:

Sec. 109.4 Violation penalties. Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 111 Stop Work Order

Sec. 111.4 is amended to read as follows:

Sec. 111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine not to exceed TWO THOUSAND AND NO/100

(\$2,000.00) DOLLARS for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 202 General Definitions

Sec. 202 the following are amended to read as follows:

ATRIUM. An opening connecting three or more stories, other than enclosed *stairways*, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is closed at the top and not defined as a mall. Stories, as used in this definition, do not include balconies within assembly groups or *mezzanines* that comply with Section 505 of the International Building Code.

HIGH-PILED COMBUSTIBLE STORAGE

Sec. 202 add a second paragraph to the definition of “High-Piled Combustible Storage” to read as follows:

Any building exceeding 6,000 sq. ft. that has a clear height in excess of 12 feet, shall be considered to be high-piled storage and shall comply with the provisions of this section. When a specific product cannot be identified, a fire protection system shall be installed as for Class IV commodities, to the maximum pile height.

HIGH-RISE BUILDING. A building having floors used for human occupancy located more than 55 feet (16,764 mm) above the lowest level of fire department vehicle access.

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification, and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement, and other such minor repairs.

STANDPIPES, TYPES OF. MANUAL DRY. A dry standpipe system that does not have a permanent water supply attached to the system. Manual dry standpipe systems require water from a fire department pumper to be pumped into the system through the fire department connection in order to supply the system demand. The system must be supervised as specified in Section 905.9.

Sec. 202 is amended by the addition of the following:

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

STANDBY PERSONNEL. Qualified fire service personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for the utilization of fire service personnel shall be as normally calculated by the jurisdiction.

Section 307 Open Burning, Recreational Fire, and Portable Outdoor Fireplaces.

Sec. 307.1.1 is amended to read as follows:

Sec. 307.1.1 Prohibited Open Burning. Open burning shall be prohibited within the City of Plano.

Exceptions:

1. Permits may be issued for ceremonial campfires not to exceed 3 feet in diameter and 2 feet in height, and located a minimum of 25 feet from any structure or property line.

2. Permits may be issued for warming fires when the following are met:
 - a. The fire is placed in a barrel not to exceed 55 gallons in size.
 - b. The barrel must have a screen secured to the top of the barrel.
 - c. The barrel must be located a minimum of 25 feet from any structure or property line.

Sec. 307.4.3 is amended by deleting the following Exceptions:

Exception: Portable outdoor fireplaces used at one- and two-family *dwelling*s.

Section 308 Open Flames

Sec. 308.1.4 is amended to read as follows:

Sec. 308.1.4 Open-flame cooking devices. Open-flame cooking devices, charcoal grills, and other similar devices used for cooking shall not be located or used on combustible balconies, decks, or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings, except that LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP-gas capacity] with an aggregate LP-gas capacity not to exceed 100 lbs (5 containers).
2. Where buildings, balconies and decks are protected by an approved automatic sprinkler system, except that LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP-gas capacity], with an aggregate LP-gas capacity not to exceed 40 lbs. (2 containers).

Sec. 308.1.6.2 Exception #3 is amended to read as follows:

Exceptions:

3. Torches or flame-producing devices in accordance with Section 308.1.3.

Section 311 Vacant Premises

Sec. 311.5 is amended to read as follows:

Sec. 311.5 Placards. The Fire Code Official is authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards, shall be marked as required by Section 311.5.1 through 311.5.5.

Section 401 General

Sec. 401.3 add Section 401.3.4 to read as follows:

Sec. 401.3.4 False Alarms and Nuisance Alarms. False alarms, nuisance alarms, and unwanted alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

Section 403 Emergency Preparedness Requirements

Sec. 403.2 Group A Occupancies

Sec. 403.2 is amended by the addition of the following:

Sec. 403.2.5 Standby personnel/Crowd managers. When, in the opinion of the code official, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ standby personnel/crowd managers, to remain on duty during the times such places are open to the public, or when such activity is being conducted.

Before each performance or the start of such activity, standby personnel/crowd managers shall keep diligent watch for fires during the time such place is open to the public or such activity is being conducted to take prompt measures as directed by the Fire Chief.

There shall be trained crowd managers or crowd manager supervisors at a ratio determined by the Fire Marshal.

Section 501 General

Sec. 501.4 is amended to read as follows:

Sec. 501.4 Timing of installation. When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure.

Section 503 Fire Apparatus Access Roads

Sec. 503.1.1 is amended by the addition of the following to the first paragraph:

Sec. 503.1.1 Building and Facilities. The 150 feet (150') shall be measured along a ten foot (10') wide unobstructed pathway around the external walls of the structure. The grade shall not exceed six (6) percent. The provision of this section notwithstanding, fire lanes may be required to be located within thirty feet (30') of a building if deemed to be reasonably necessary by the Fire Chief to enable proper protection of the building. A five (5) foot wide level pathway shall be provided unobstructed through all barriers. A continuous row of parking between the fire lane and the structure shall be considered a barrier.

Fire lane and access easements shall be provided to serve all buildings through parking areas, to service entrances of buildings, loading areas and trash collection areas, and other areas deemed necessary to be available to fire and emergency vehicles. The Fire Chief is authorized to designate additional requirements for fire lanes where the same is reasonably necessary so as to provide access for fire and rescue personnel.

Fire lanes provided during the platting process shall be so indicated on the plat as an easement. Where fire lanes are provided and a plat is not required, the limits of the fire lane shall be shown on a site plan and placed on permanent file with the Fire Marshal and City Planning Department.

No owner or person in charge of any premises served by a fire lane or access easement shall abandon, restrict or close any fire lane or easement without first securing from the City of Plano approval of an amended plat or other acceptable legal instrument showing the removal of the fire lane.

Sec. 503.1.2 is amended by the addition of the following to the first paragraph:

Sec. 503.1.2 Additional Access. All structures and subdivisions shall provide two points of access. The two points of access shall be a minimum of 140 feet apart. The maximum block length shall be 1200' and the maximum cul-de-sac length shall not exceed 600' in length as measured from the centerline of the intersection, street to the center point of the radius.

Sec. 503.2.1 is amended to read as follows:

Sec. 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7,315 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4,267 mm).

Any such fire lane easement shall either connect both ends to a dedicated street or be provided with a turnaround having a minimum outer radius of 50 feet. If two or more interconnecting lanes are provided, interior radius for that connection shall be required in accordance with the following:

For 90 degree or greater turns only

24' fire lane – minimum radius 20'

30' fire lane – minimum radius 10'

For turns tighter than 90 degrees, American Association of State and Highway Transportation Officials (AASHTO) Geometric Design of Highways and Streets shall be utilized.

Sec. 503.2.2 is amended to read as follows:

Sec. 503.2.2 Authority. The *fire code official* shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.

Sec. 503.2.3 Surface is amended to read as follows:

Sec. 503.2.3 Surface. Fire lanes shall be constructed of an asphalt or concrete surface capable of supporting the imposed loads of fire apparatus and meeting the requirements of the City of Plano parking lot standards. Those portions of the fire lane within sixty feet (60') of the structure to be protected shall be constructed with 6-inch thick, 3000 psi concrete or 5-inch thick, 3600 psi concrete reinforced with No. 3 bars spaced 24 inches on centers both ways and with sub-grade to a density not less than 95 percent as determined by TSDHPT Test Method Tex-113. Portions of the fire lane constructed of asphalt shall be ninety-five (95) percent compaction with a 6-inch asphalt stabilized base and 2-inch type D hot mix asphalt concrete. (State Highway specification number 292.) Whenever forty percent (40%) of existing, non-conforming fire lanes are replaced within a twelve month period, the entire fire lane shall be replaced according to current standards.

All fire lanes shall be maintained and kept in a good state of repair at all times by the owner and the City of Plano shall not be responsible for the maintenance thereof. It shall further be the responsibility of the owner to insure that all fire lane markings required by Section 503.3 be kept so that they are easily distinguishable by the public.

Sec. 503.2 is amended by the deleting Section 503.2.5

Sec. 503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an *approved* area for turning around fire apparatus.

Sec. 503.2.6 is amended by the addition of the following:

Sec. 503.2.6 Bridges and elevated surfaces. All bridges and fire lane grades shall meet the City of Plano Engineering specifications.

Sec. 503.3 is amended to read as follows:

Sec. 503.3 Marking. Approved striping or, when allowed by the code official, signs, or both shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

- (1) STRIPING – Fire apparatus access roads shall be marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “fire lane no parking” shall appear in four inch (4”) white letters at 25 foot intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.
- (2) SIGNS – shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” wide and 18” high. Signs shall be painted on a white background with letters and borders in red, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than fifty feet (50’) apart. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.

Sec. 503.4 is amended to read as follows:

Sec. 503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

Sec. 503.6 is amended to read as follows:

Sec. 503.6 Security gates. Where security fencing is necessary, the owner shall provide gates or openings which may be secured. Gates when provided must open fully in either direction or be of a sliding or raised arm type. The main entry gates serving Group R & I occupancies shall be equipped with an approved automated entry system. All other entry points along the fire lane must be automated or Knox compatible as approved by the Fire Chief, to permit immediate access by fire personnel and equipment in the event of fire or emergency.

Section 505 Premises Identification

Sec. 505.1 is amended to read as follows:

Sec. 505.1 Address Identification. Approved numerals of a minimum 6” height and of a color contrasting with the background designating the address shall be placed on all new and existing buildings or structures in such a position as to be plainly visible and legible from the street or road fronting the property and from all rear alleyways where said alleyways exist. Where buildings do not immediately front a street, approved 6 inch height building numerals or address and 3-inch height suite/apartment numerals of a color contrasting with the background of the building shall be placed on all new and existing buildings or structures. Numerals or addresses shall be posted on a minimum 20 inch by 30 inch background or border. Address numbers shall be Arabic numerals or alphabet letters. The minimum stroke width shall be 0.5 inches. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response.

Exception 1. R-3 Single Family occupancies shall have approved numerals of a minimum 4-inches in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

Sec. 505 is amended by the addition of the following:

Sec. 505.3 Address Marking in Parking Garages. An approved sign displaying the building name and address with a minimum 1 inch high letters and numerals on a contrasting background in new and existing parking garages. The signs shall be located in each elevator lobby and at the entrance to each stairwell.

Section 506 Key Boxes

Sec. 506.1 add new Section 506.1.3 to read as follows:

Sec. 506.1.3 Knox Box approved locations. The key box shall be provided at the entrance to each sprinkler riser room and pump room. An additional key box shall be provided at the main entrance of large facilities typically where the remote annunciator or fire alarm control panel is located.

Section 507 Fire Protection Water Supplies

Sec. 507.4 is amended to read as follows:

Sec. 507.4 Water supply test date and information. The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA 291 "Recommended Practice for Fire Flow Testing and Marking of Hydrants" and within one year of sprinkler plan submittal. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings.

Sec. 507.5.1 is amended to read as follows:

Sec. 507.5.1 Where Required. As properties develop, fire hydrants shall be located at all intersecting streets and at the maximum spacing indicated in Table 903.4.2. Distances between hydrants shall be measured along the route that fire hose is laid by a fire vehicle from hydrant to hydrant.

Maximum Distance between Hydrants

OCCUPANCY	SPRINKLERED	NOT SPRINKLERED
Residential (1 & 2 Family)	600 feet	500 feet
Residential (Multi Family)	400 feet	300 feet
All Other	500 feet	300 feet

Table 903.4.2

- 1. PROTECTED PROPERTIES.** Fire hydrants required to provide a supplemental water supply for automatic fire protection system shall be within 100 feet of the fire department connection for such system and shall have an isolation valve located between the connections to a looped main.
- 2. FIRE HYDRANT LOCATIONS.** Fire hydrants shall be located 4 feet to 7 feet back of curb or fire lane and shall not be located in the bulb of a cul-de-sac.
- 4. MINIMUM NUMBER OF FIRE HYDRANTS.** There shall be a minimum of two (2) fire hydrants serving each property within the prescribed distances listed above.

Section 509 Fire Protection and Utility Equipment Identification and Access

Sec. 509 add new Section 509.1.2 to read as follows:

Sec. 509.1.2 Sign Requirements. Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 3/4 inch when located inside a building and 2

inches when located outside, or as approved by the *fire code official*. The letters shall be of a color that contrasts with the background.

Section 603 Fuel-Fired Appliances

Sec. 603.1 is amended to read as follows:

Sec. 603.1 Installations. The installation of nonportable fuel gas appliances and systems shall comply the *International Fuel Gas Code*. The installation of all other fuel-fired appliances, oil lamps and portable devices such as blow torches, melting pots and weed burners, shall comply with this section and the *International Mechanical Code*.

Section 807 Decorative Materials other than Decorative Vegetation in New and Existing Buildings

Sec. 807.5.2.2 and 807.5.5.2 are amended by the addition of the following:

Sec. 807.5.2.2 Artwork in corridors. Artwork and teaching materials shall be limited on the walls of *corridors* to not more than 50 percent of the wall area.

Sec. 807.5.5.2 Artwork in corridors. Artwork and teaching materials shall be limited on the walls of *corridors* to not more than 50 percent of the wall area.

Section 901 General

Sec. 901.4 is amended by deleting Section 901.4.3

Sec. 901.4.3 Fire areas. Where buildings, or portions thereof, are divided into *fire areas* so as not to exceed the limits established for requiring a *fire protection system* in accordance with this chapter, such *fire areas* shall be separated by *fire barriers* constructed in accordance with Section 707 of the *International Building Code* or *horizontal assemblies* constructed in accordance with Section 711 of the *International Building Code*, or both, having a fire-resistance rating of not less than that determined in accordance with Section 707.3.10 of the *International Building Code*.

Sec. 901.5 amended by the addition of the following to the first paragraph:

Sec. 901.5 Installation acceptance testing. All required tests shall be conducted by and at the expense of the owner or his representative. The Fire Department shall not be held responsible for any damages incurred in such test. Where it is required that the Fire Department witness any such test, such test shall be scheduled with a minimum of 48 hour notice to the Fire Chief or his representative.

Sec. 901.7 is amended to read as follows:

Sec. 901.7 Systems out of service. Where a required fire alarms system is out of service or in the event of an excessive number of activations, alarms or unwanted alarms, the fire department and the code official shall be notified immediately and, where required by the code official, the building shall either be evacuated or standby personnel shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service.

Where utilized, standby personnel shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

Section 903 Automatic Sprinkler Systems

Sec. 903.1.1 is amended to read as follows:

Sec. 903.1.1 Alternative protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler protection where recognized by the applicable standard and approved by the *fire code official*.

Sec. 903.2 is amended to read as follows:

Sec. 903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machines spaces, and elevator hoistways. Storage shall not be allowed within the elevator machine room.

Sec. 903.2 is amended by deleting the Exception:

Exception: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour *fire barriers* constructed in accordance with Section 707 of the *International Building Code* or not less than 2-hour horizontal assemblies constructed in accordance, with Section 711 of the *International Building Code*, or both.

Sec. 903.2.1.1, 903.2.1.3, 903.2.1.4, 903.2.3, 903.2.4 903.2.7, 903.2.9, 903.2.9.1, and 903.2.10 are amended to read as follows:

Sec. 903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 Occupancies where one of the following conditions exists:

1. The fire area exceeds 6,000 square feet (557.4m²)
2. The fire area has an occupant load of 300 or more
3. The fire area is located on a floor other than the level of exit discharge
4. The fire area contains a multi theater complex

Sec. 903.2.1.3 Group A-3. An automatic sprinkler system shall be for Group A-3 Occupancies where one of the following conditions exists:

1. The fire area exceeds 6,000 square feet (557.4m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

Sec. 903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 Occupancies where one of the following conditions exists:

1. The fire area exceeds 6,000 square feet (557.4m²).
2. The fire area has an occupant load of 300 or more
3. The fire area is located on a floor other than the level of exit discharge.

Sec. 903.2.3 Group E. An automatic sprinkler system shall be provided for Group E Occupancies where one of the following conditions exists:

1. Throughout all Group E fire areas greater than 6,000 square feet (557.4m²) in area;

2. Throughout every portion of educational building below the level of exit discharge.

Exception: An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

Sec. 903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 Occupancy where one of the following conditions exists:

1. Where a Group F-1 fire area exceeds 6,000 square feet (557.4m²);
2. Where a Group F-1 fire area is located more than three stories above grade plane; or
3. Where combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230m²).
4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).

Sec. 903.2.7 Group M. An automatic sprinkler system shall be provided throughout all buildings containing a Group M Occupancy where one of the following conditions exists:

1. Where a Group M fire area exceeds 6,000 square feet (557.4m²);
2. Where a Group M fire area is located more than three stories above grade plane; or
3. Where the combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230m²).
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464m²)

Sec. 903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 Occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 6,000 square feet (557.4m²);
2. A Group S-1 fire area is located more than three stories above grade plane; or
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230m²).
4. A Group S-1 *fire area* used for the storage of commercial trucks or buses where the *fire area* exceeds 5,000 square feet (464m²).
5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2500 square feet (232m²).

Sec. 903.2.9.1 Repair Garages. An automatic sprinkler system shall be provided throughout all buildings used as Repair Garages where one of the following conditions exists:

1. Buildings two or more stories in height, including basements, with a fire area containing a repair garage exceeding 6,000 square feet (557.4m²);
2. One-story buildings with a fire area containing a repair garage exceeding 6,000 square feet (557.4m²);
3. Buildings with a repair garage servicing vehicles parked in the basement.
4. A Group S-1 *fire area* used for the repair of commercial trucks or buses where the *fire area* exceeds 5,000 square feet (464m²).

Sec. 903.2.9 add new Section 903.2.9.3 to read as follows:

Sec. 903.2.9.3 Self-service storage facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities. A screen shall be installed at eighteen (18) inches below the level of the sprinkler heads to restrict storage above that level. This screen shall be a mesh of not less than one (1) inch nor greater than six (6) inches in size. The screen and its supports shall be installed such that all elements are at least eighteen (18) inches below any sprinkler heads.

Sec. 903.2.10 Group S-2 enclosed parking garages. An *automatic sprinkler system* shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the *International Building Code* where wither of the following conditions exists:

1. Where the *fire area* of the enclosed parking garage exceeds 12,000 square feet (1115 m²)
2. Where the enclosed parking garage is located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

Sec. 903.2.11.3 is amended to read as follows:

Sec. 903.2.11.3 Buildings more than 35 feet in height. An automatic sprinkler system shall be installed throughout buildings with a floor level, other than penthouses in compliance with Section 1509 of the *International Building Code*, that are located 35 feet (10,668 mm) or more above the lowest level of fire department vehicle access.

Exception: Open parking structures in compliance with Section 406.5 of the *International Building Code*.

Sec. 903.2.11 add new Sections 903.2.11.7, 903.2.11.8, 903.2.11.9, and 903.2.11.10 to read as follows:

Sec. 903.2.11.7 High Piled Combustible Storage. For any building with a clear height exceeding 12 feet (4,572 mm), see Chapter 32 to determine if those provisions apply.

Sec. 903.2.11.8 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

Sec. 903.2.11.9 Buildings Over 6,000 sq. ft. An automatic sprinkler system shall be installed throughout all buildings over 6,000 sq. ft. and greater, and in all existing buildings that are enlarged to be 6,000 square feet or greater, and in buildings greater than 6,000 square feet which are enlarged. For the purpose of this provision, fire walls, fire barriers, or horizontal assemblies shall not define separate buildings.

Exceptions:

1. Open parking garages in compliance with Section 406.5 of the *International Building Code*.
2. When of non-combustible construction, the area of awning extension or free-standing canopies, both sides, and not used for display or storage shall not be considered for requiring sprinkler protection for areas greater than 6,000 square feet but less than otherwise required in this code.

Sec. 903.2.11.10 Expanded Tenant Spaces. Fire sprinklers shall be installed in all tenant spaces where the total fire area exceeds 6,000 square feet. For the purpose of fire sprinklers, fire walls, fire barriers, or horizontal assemblies shall not be used to separate single tenant fire areas.

Sec. 903.3.1.1.1 is amended to read as follows:

Sec. 903.3.1.1.1 Exempt locations. When approved by the fire code official, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
3. Elevator machine rooms, machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.

Sec. 903.3.1.2 is amended by the addition of a 3rd paragraph to read as follows:

Sec. 903.3.1.2 NFPA 13 R Sprinkler Systems. Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinklers shall be installed throughout in accordance with NFPA 13R. Sprinkler systems installed in accordance with 13R shall include sprinkler protection in combustibles attics of buildings two (2) or more stories in height.

Sec. 903.3.1 add new Section 903.3.1.4 to read as follows:

Sec. 903.3.1.4 Installation. Automatic sprinkler and standpipe systems shall be installed with the following:

1. A single underground supply from a looped water main and point for the Fire Department Connection (FDC) shall be provided for all buildings.
2. Fire Department connections serving more than 500 GPM shall be provided with one 5-inch storz connection and one 2-1/2 inch connection.
3. All inspectors' test, ball-drips, and main-drains shall be piped directly to the outside of the building.
4. At least one inspection test valve shall be located at the remote system area.
5. Fire pumps shall be equipped with a properly sized test header.
6. Underground piping shall have a 10-foot minimum separation from all other utilities and placed in a separate trench. Underground piping within 5 feet of the building may be combined with other utilities for entrance to the building.
7. Porches and balconies shall be sprinklered on all Group R-2 and R-3 occupancies.
8. A minimum of 4 feet of pipe between the check valve and inside wall of the Fire Department Connection.

Sec. 903.3.5 is amended to include a second paragraph to read as follows:

Sec. 903.3.5 Water supplies. Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10 psi safety factor.

Sec. 903.4 is amended to include a second paragraph after the exceptions to read as follows:

Sec. 903.4 Sprinkler system monitoring and alarms. Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for a minimum of 45 seconds and not more than 90 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Sec. 903.4.2 is amended to include a second paragraph to read as follows:

Sec. 903.4.2 Alarms. The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

Sec. 903.4.3 is amended to read as follows:

Sec. 903.4.3 Floor control valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor.

Section 905 Standpipe Systems

Sec. 905.2 is amended to read as follows:

Sec. 905.2 Installation standards. Standpipe system shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

Sec. 905.3 Required Installations

Sec. 905.3.2 is amended to read as follows:

Sec. 905.3.2 Group A; delete exceptions 1 and 2

1. Open-air-seating spaces without enclosed spaces.
2. Class I automatic dry and semiautomatic dry standpipes or manual wet standpipes are allowed in buildings that are not high-rise buildings.

Sec. 905.3 is amended by deleting Section 905.3.4 including the Exception

Sec. 905.3.4 Stages. Stages greater than 1,000 square feet (93 m²) in area shall be equipped with a Class III wet stand-pipe system with 1 ½ -inch and 2 ½ -inch (38mm and 64mm) hose connections on each side of the stage.

Exception: where the building or area is equipped throughout with an *automatic sprinkler system*, a 1 ½ -inch (38mm) hose connection shall be installed in accordance with NFPA 13 or in accordance with NFPA 14 for Class II or III standpipes.

Sec. 905.3 add new Section 905.3.9 to read as follows:

Sec. 905.3.9 Travel Distance. Class I standpipes shall also be required on all occupancies in which the distance from accessible points for Fire Department ingress to any point in the structure exceeds two hundred fifty feet (250') along the route that a fire hose is laid as measured from the fire lane.

Sec. 905.4 item 5 is amended to read as follows:

Sec. 905.4 Location of Class I standpipe hose connections

5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located either on the roof or at the highest landing of stairways with stair access to the roof. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.

Sec. 905.4 is amended to by the addition of item 7 as follows:

Sec. 905.4 Location of Class I standpipe hose connections

7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors or pathways thereafter.

Sec. 905 is amended by deleting Section 905.5

Sec. 905 is amended by deleting Section 905.6

Sec. 905.9 is amended to add a second paragraph after the exceptions to read as follows:

Sec. 905.9 Valve Supervision. Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for a minimum of 45 seconds and not more than 90 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Sec. 905 add new Section 905.12 to read as follows:

Sec. 905.12 Locking Standpipe Outlet Caps. The fire code official is authorized to require locking caps on the outlets on dry standpipe connections where the responding fire department carries appropriate key wrenches for removal that are compatible with locking FDC connection caps.

Section 907 Fire Alarm and Detection Systems

Sec. 907.1.1 is amended by adding the following sentence:

Sec. 907.1.1 Construction documents. Plans for fire alarm systems shall be in accordance with Plano Fire Department Fire Alarm Submittal Guidelines.

Sec. 907.1 add new Section 907.1.4 to read as follows:

Sec. 907.1.4 Design Standards. All alarm systems new or replacement shall be addressable. Alarm systems serving more than 20 smoke detectors shall be analog addressable.

Exception: Existing systems need not comply unless the total building remodel or expansion initiated after January 1, 1998, as adopted, exceeds 30% of the building. When cumulative building remodel or expansion exceeds 50% of the building must comply within 18 months of permit application.

Sec. 907.2.1 is amended to read as follows:

Sec. 907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with new Section 907.5 shall be installed in Group A occupancies having an

occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

Activation of fire alarm notification appliances shall:

1. Cause illumination of the *means of egress* with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

Sec. 907.2.3 is amended to read as follows, Exceptions to remain:

Sec. 907.2.3 Group E. A manual alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems. Where automatic fire sprinklers are not provided, a full-coverage smoke detection system shall be provided in all Group E occupancies.

Sec. 907.2.3 Exception 1 is amended to read as follows:

1. A manual fire alarm system is not required in Group E educational and day care occupancies with an occupant load of less than 50 when provided with an approved automatic sprinkler system.

Sec. 907.2.3 add new Section 907.2.3.1 to read as follows:

Sec. 907.2.3.1 In-Home Daycare. Residential In-Home daycare with not more than 12 children shall use interconnected single station detectors in all habitable rooms.

Sec. 907.2.6 add new Section 907.2.6.4 to read as follows:

Sec. 907.2.6.4 Group I-4 Occupancies. An approved smoke detection system shall be installed in Group I-4 occupancies. Where automatic fire sprinklers are not provided, a full-coverage smoke detection system shall be provided in all Group I-4 occupancies.

Sec. 907.2.13 Exception 3 is amended to read as follows:

3. Buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code*, when used for open air seating; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas.

Sec. 907.4.2 add new Section 907.4.2.7 to read as follows:

Sec. 907.4.2.7 Type. Manual alarm actuating devices shall be an approved double action type.

Sec. 907.5.2 add new Section 907.5.2.4 to read as follows:

Sec. 907.5.2.4 I-2 and Group B Occupancies

Occupant notification systems are not required where private mode fire alarm systems are needed in critical care areas of I-2 and Group B Ambulatory Occupancies. A Chime sound shall be used as the audible notification at the constantly attended location and public areas where audible notification is required.

A visible alarm notification appliance installed in a nurses control station or other continuously attended staff location shall be provided as an acceptable alternative to the installation of audible alarm notification appliances throughout the occupancy.

In areas where private mode fire alarm system is being installed, audible alarm notification appliances are not required in critical care areas of Group I-2 and Group B- Ambulatory Occupancies.

Visible alarm notification appliances are not required in critical care areas of Group I-2 and Group B – Ambulatory Occupancies.

The private mode area and public mode area of the occupancy **shall be identified on the plans** for review.

Sec. 907.6.1 add new Section 907.6.1.1 to read as follows:

Sec. 907.6.1.1 Wiring. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an signaling line circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet of separation horizontal and one foot vertical between supply and return circuit conductors. Notification appliance circuits (NAC) may be installed as Class B circuits.

Sec. 907.6.3 add new Sections 907.6.3.2 and 907.6.3.3 to read as follows:

Sec. 907.6.3.2 Communication Requirements. All alarm systems, new or replacement, shall transmit alarm, supervisory, and trouble signals descriptively to the approved central station, remote supervisory station or proprietary supervising station as defined in NFPA 72, with the device designation and location of addressable device identification. Alarms shall not be permitted to be transmitted as a General Alarm or Zone condition.

Sec. 907.6.3.3 Flow detectors and electronic monitoring. Sprinkler and standpipe system water flow detectors shall be provided for each floor zone to the sprinkler system and shall cause an alarm upon detection of water flow for a minimum of 45 seconds and not more than 90 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a trouble signal at the central station upon tampering.

Section 910 Smoke and Heat Removal

Sec. 910.2 add new Section 910.2.3 to read as follows:

Sec. 910.2.3 Group H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394m²) in single floor area.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3 and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

Exception. Buildings of noncombustible construction containing only noncombustible materials.

Sec. 910.3.1 is amended to read as follows: Gravity operated drop out vents are prohibited.

Sec. 910.4.1 is amended by the addition of the following to the first paragraph:

Sec. 910.4.1 Sprinklered Buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically. The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100°F (38°C) greater than the temperature rating of the sprinklers installed.

Section 912 Fire Department Connections

Sec. 912.2 is amended by the addition of the following:

Sec. 912.2.3 Hydrant distance. An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

Sec. 912.4.1 is amended to read as follows:

Sec. 912.4.1 Locking Fire Department Connection Caps. All new fire department connections and existing where caps are missing shall be protected by Knox secure plugs.

Section 913 Fire Pumps

Sec. 913.1 is amended to include the following:

Sec. 913.1 General. When located on the ground level, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the fire code official. Access keys shall be provided in the key box as required by Section 506.1.

Sec. 913.4 is amended to read as follows:

Sec. 913.4 Supervision. Where provided, the fire pump suction, discharge and bypass valves, and the isolation valves on the backflow prevention devices or assembly shall be supervised open by a central-station, proprietary, or remote-station signaling service.

The fire-pump system shall also be supervised for “loss of power”, and “phase reversal” on supervisory circuits, and “pump running” as an alarm condition and shall report individually to the monitoring station.

Section 914 Fire Protection Based on Special Detailed Requirements of Use and Occupancy

Sec. 914.3.1.2 is amended to read as follows:

Sec. 914.3.1.2 Water supply to required fire pumps. In buildings that are more than 420 feet (128m) in *building height*, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

Exception: Two connections to the same main shall be permitted provided the main is valved such that an interruption can be isolated so that the water supply will continue without interruption through no fewer than one of the connections.

Section 1004 Occupant Load

Sec. 1004.1.2 is amended by deletion of the exception as follows:

1004.1.2 Areas without Fixed Seating

Exception: Where approved by the building official, the actual number of occupants for whom each occupied space, floor or building is designed, although less than those determined by calculation shall be permitted to be used in the determination of the design occupant load.

Section 1010 Doors, Gates, and Turnstiles

Sec. 1010.1.9.4; Exceptions 3 and 4 are amended to read as follows:

Exceptions:

3. Where a pair of doors serves an *occupant load* of less than 50 persons in a Group B, F, M or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf. The inactive leaf shall contain no doorknobs, panic bars or similar operating hardware.
4. Where a pair of doors serves a Group A, B, F, M, or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf provided such inactive leaf is not needed to meet egress width requirements and the building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1. The inactive leaf shall contain no doorknobs, panic bars or similar operating hardware.

Sec. 1010.1.9.9 is amended to read as follows:

Sec. 1010.1.9.9 Electromagnetically locked egress doors. Doors in the *means of egress* in buildings with an occupancy in Group A, B, E, I-1, I-2, M, R-1, or R-2 and doors to tenant spaces in Group A, B, E, I-1, I-2, M, R-1, or R-2 shall be permitted to be electromagnetically locked if equipped with *listed* hardware that incorporates a built-in switch and meet the requirements below:

1. The listed hardware that is affixed to the door leaf has an obvious method of operation that is readily operated under all lighting conditions.
2. The listed hardware is capable of being operated with one hand.

3. Operation of the *listed* hardware directly interrupts the power to the electromagnetic lock and unlocks the door immediately.
4. Loss of power to the listed hardware automatically unlocks the door.
5. Where panic or *fire exit hardware* is required by Section 1008.1.10, operation of the *listed* panic or *fire exit hardware* also releases the electromagnetic lock.

Section 1016 Exit Access

Sec. 1016.2 add new section 1016.2.2 to read as follows:

Sec. 1016.2.2 Group F-1 and S-1 Increase. The maximum exit access travel distance shall be 400 feet (122 m) in Group F-1 or S-1 occupancies where all of the following are met:

1. The portion of the building classified as Group F-1 or S-1 is limited to one story in height;
2. The minimum height from the finished floor to the bottom of the ceiling or roof slab or deck is 24 feet (7315 mm); and
3. The building is equipped throughout with an automatic fire sprinkler system in accordance with Section 903.3.1.1.

Section 1020 Corridors

Sec. 1020.1 is amended by the addition of Exception 6 to read as follows:

Sec. 1020.1 Construction

6. In Group B office buildings, corridor walls and ceilings need not be of fire-resistive construction within office spaces of a single tenant when the space is equipped with an approved automatic smoke-detection system within the corridor. The smoke-detection system shall be connected to the building's fire alarm system where such a system is provided.

Section 1023 Interior Exit Stairways and Ramps

Sec. 1023.11 is amended to read as follows:

Sec. 1023.11 Smoke proof enclosures. In buildings required to comply with Section 403 or 405 of the IBC, each of the exits of a building that serves stores where any floor surface is located more than 55 feet (16,764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9144 mm) below the level of exit discharge service such floor levels shall be a smoke-proof enclosure or pressurized stairway in accordance with Section 909.20 of the International Building Code.

Section 1030 Emergency Escape and Rescue

Sec. 1030.1 is amended to read as follows:

Sec. 1030.1 General. In addition to the *means of egress* required by this chapter, provisions shall be made for *emergency escape and rescue openings* in Group R and I-1 occupancies. *Basements* and sleeping rooms below the fourth *store above grade plane* shall have at least one exterior *emergency escape and rescue opening* in accordance with this section. Where *basements* contain one or more sleeping rooms, *emergency escape and rescue openings* shall be required in each sleeping room, but shall not be required in adjoining areas of the *basement*. Such openings shall open directly into a *public way* or to a *yard or court* that opens to a *public way*.

Exceptions:

1. *Basements* with a ceiling height of less than 80 inches (2032 mm) shall not be required to have *emergency escape and rescue openings*.
2. *Emergency escape and rescue openings* are not required from *basements* or sleeping rooms that have an *exit door* or *exit access door* that opens directly into a *public way* or to a *yard, court* or exterior exit balcony that opens to a *public way*.
3. *Basements* without habitable spaces and having no more than 200 square feet (18.6 m²) in floor area shall not be required to have *emergency escape and rescue openings*.
4. In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

Section 1031 Maintenance of the Means of Egress***Sec. 1031.2 is amended to read as follows:***

Sec. 1031.2 Reliability. Required *exit accesses, exits, and exit* discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency. An *exit or exit passageway* shall not be used for any purpose that interferes with a means of egress.

Section 1103 Fire Safety Requirement for Existing Buildings***Section 1103.5 is amended to read as follows:***

Sec. 1103.5 Sprinkler Systems. An automatic sprinkler system shall be provided in existing buildings in accordance with Sections 1103.5.1 through 1103.5.4.

Sec. 1103. Add new Sections 1103.5.5 and 1103.5.6 to read as follows:

Sec. 1103.5.5 Spray booths and rooms. Existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 2404.

Sec. 1103.5.6 Existing R-1, 2, 3, and 4 Occupancies: In R-1, 2, 3, and 4 occupancies where a fire has occurred and displaces one or more occupants, the affected building shall be fire-sprinkled prior to re-occupancy of the unit/building.

Section 3310 Assess for Fire Fighting***Sec. 3310.1 is amended to read as follows:***

Sec. 3310.1 Required access. When fire apparatus access roads are required to be installed for any structure or development, they shall be approved and installed prior to the time of which construction has progressed beyond completion of the foundation of any structure.

Section 5601 General***Sec. 5601.1.3 is amended to read as follows:***

Sec. 5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Only when approved for fireworks displays, storage and handling of fireworks as provided in Section 5604 and 5608.
2. The use of fireworks for approved display as permitted in Section 5608.

The presence or use of fireworks within the jurisdiction of the City of Plano in violation of this ordinance is hereby declared to be a common and public nuisance. The restrictions of this Section shall be applicable and in force throughout the territory of the City of Plano, Texas, and extending for a distance outside the City limits for a total of 5,000 feet; provided that this Section shall not be in effect within any portion of such 5,000 feet area which is contained within the territory of any other municipal corporation.

Sec. 5601.3 is amended to read as follows:

Sec. 5601.3 Prohibited explosives. Permits shall not be issued or renewed for possession, manufacture, storage, handling, sale or use of explosives within the city limits of Plano.

Section 5608 Fireworks Display

Sec. 5608 add new Section 5608.11 to read as follows:

Sec. 5608.11 Marking of shells. Each aerial shell shall have printed directly on its outer casing the following minimum warning 1/8 inch high letters which contrast to the background:

**WARNING
EXPLOSIVES CLASS "C"
FIRE WORKS
DO NOT HANDLE – CALL "911"**

Sec. 5608; add new Section 5608.12 to read as follows:

Sec. 5608.12 Ignition. Aerial shells shall be ignited by lighting the tips of fuses by an electrical ignition source except when manual ignition is approved by the Fire Chief. Operators shall not place any part of their bodies over the throat of the mortar.

Section 5703 General Requirements

Sec. 5703.6 is amended to add the following sentence:

An approved method of secondary containment shall be provided for underground tank and piping systems.

Section 5704 Storage

Sec. 5704.2.7 is amended by the addition of the following:

Secondary containment shall be provided for all Above and Underground Storage Tanks (UST) and product lines in the form of double wall tanks and piping. Alternate methods of secondary containment may be used if approved by the Chief.

Sec. 5704.2.9.6.1 is amended to read as follows:

Sec. 5704.2.9.6.1 Location Where Above-Ground Tanks are Prohibited. The storage of flammable or combustible liquids in outside above ground tanks is prohibited within each and every zoning district within the City of Plano with the exception of those districts which are zoned for light

industrial zoning use. Installation of above ground tanks in other than light industrial zoning districts shall be permitted at the discretion of the Fire Chief following his review of the proposed installation location, and the fire protection for the storage area. Tanks shall not be located within one hundred feet (100') of the property line of any Group E, I or R occupancies.

Sec. 5704.2.11.4 is amended to read as follows:

Sec. 5704.2.11.4 Leak prevention. Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 through 5704.2.11.4.3. An approved method of secondary containment shall be provided for underground tank and piping systems.

Sec. 5704.2.11.4 is amended to read as follows:

Sec. 5704.2.11.4.2 Leak detection. Underground storage tank systems shall be provided with an approved method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 5704.2.11.4.3.

Sec. 5704.2.11.4.3 is amended to read as follows:

Sec. 5704.2.11.4.3 Observation Wells. Approved sampling tubes of a minimum 6 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling sump at the corners of the excavation with a minimum of 4 sumps. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers. A minimum of two are required.

Section 5706 Special Operations

Sec. 5706.5.4.5 and 5706.5.4.5.1 through 5706.5.4.5.3 are amended to read as follows:

Sec. 5706.5.4.5 Commercial, industrial, governmental, or manufacturing. Dispensing of Class II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments is allowed where permitted, provided such dispensing operations are conducted in accordance with Sections 5706.5.4.5.1 through 5706.5.4.5.3.

Sec. 5706.5.4.5.1 Site requirements

1. Dispensing may occur at sites that have been permitted to conduct mobile fueling.
2. A detailed site plan shall be submitted with each application for a permit. The site plan must indicate:
 - a) All buildings, structures, and appurtenances on site and their use or function;
 - b) All uses adjacent to the property lines of the site;
 - c) The locations of all storm drain openings, adjacent waterways or wetlands;
 - d) Information regarding slope, natural drainage, curbing, impounding and how a spill will be retained upon the site property; and,
 - e) The scale of the site plan.
3. The Code Official is authorized to impose limits upon the times and/or days during which mobile fueling operations are allowed to take place, and specific locations on a site where fueling is permitted.

4. Mobile fueling operations shall be conducted in areas not generally accessible to the public. Mobile fueling shall not take place with 15 feet (4.572 m) of buildings, property lines, or combustible storage.

Sec. 5706.5.4.5.2 Refueling Operator Requirements

1. The owner of a mobile fueling operation shall provide to the jurisdiction a written response plan which demonstrates readiness to respond to a fuel spill, carry out appropriate mitigation measures, and to indicate its process to properly dispose of contaminated materials when circumstances require.
2. The tank vehicle shall comply with the requirements of NFPA 385 and Local, State and Federal requirements. The tank vehicle's specific functions shall include that of supplying fuel to motor vehicle fuel tanks. The vehicle and all its equipment shall be maintained in good repair.
3. Signs prohibiting smoking or open flames within 25 feet (7.62 m) of the tank vehicle or the point of fueling shall be prominently posted on 3 sides of the vehicle including the back and both sides.
4. A fire extinguisher with a minimum rating of 40:BC shall be provided on the vehicle with signage clearly indicating its location.
5. The dispensing nozzles and hoses shall be of an approved and listed type.
6. The dispensing hose shall not be extended from the reel more than 100 feet (30.48 m) in length.
7. Absorbent materials, non-water absorbent pads, a 10 foot (3.048 m) long containment boom, and approved container with lid, and a non-metallic shovel shall be provided to mitigate a minimum 5-gallon fuel spill.
8. Tanker vehicles shall be equipped with a fuel limit switch such as a count-back switch, limiting the amount of a single fueling operation to a maximum of 500 gallons (1,893 L) between re-settings of the limit switch.

Exception: Tankers utilizing remote emergency shut-off device capability where the operator constantly carries the shut-off device which, when activated, immediately causes flow of fuel from the tanker to cease.

9. Persons responsible for dispensing operations shall be trained in the appropriate mitigating actions in the event of fire, leak, or spill. Training records shall be maintained by the dispensing company and shall be made available to the Code Official upon request.
10. Operators of tank vehicles used for mobile fueling operations shall have in their possession at all times an emergency communications device to notify the proper authorities in the event of an emergency.

Sec. 5706.5.4.5.3 Operational Requirements

1. The tank vehicle dispensing equipment shall be constantly attended and operated only by designated personnel who are trained to handle and dispense motor fuels.
2. Prior to beginning dispensing operations, precautions shall be taken to assure ignition sources are not present.
3. The engines of vehicles being fueled shall be shut off during dispensing operations.
4. Night time fueling operations shall only take place in adequately lighted areas.

5. The tank vehicle shall be positioned with respect to vehicles being fueled so as to preclude traffic from driving over the delivery hose and between the tank vehicle and the motor vehicle being fueled.
6. During fueling operations, tank vehicle brakes shall be set, chock blocks shall be in place and warning lights shall be in operation.
7. Motor vehicle fuel tanks shall not be topped off.
8. The dispensing hose shall be properly placed on an approved reel or in an approved compartment prior to moving the tank vehicle.
9. The Code Official and other appropriate authorities shall be notified when a reportable spill or unauthorized discharge occurs.

Section 5804 Storage

Sec. 5804 is amended by the addition of the following:

Sec. 5804.3 Maximum capacity within established limits. Tanks shall not be located within one hundred feet (100') of the property line of any Group A, E, I, or R occupancies.

Section 6103 Installation of Equipment

Sec. 6103.2.1 add new Section 6103.2.1.8 to read as follows:

Sec. 6103.2.1.8 Jewelry Repair, Dental Labs, and Similar Occupancies. Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20 pounds (9.0 kg) water capacity. Aggregate capacity shall not exceed 60 pounds (27.2 kg) water capacity. Each device shall be separated from other containers by not less than 20 feet.

Section 6104 Location of LP-Gas Containers

Sec. 6104.2 is amended to read as follows:

Sec. 6104.2 Maximum capacity within established limits. The manufacturing of LP-Gas shall be prohibited in each and every zoning district of the City of Plano. The storage and use of LP-Gas shall be allowed only in industrial zoned districts of the City of Plano and as allowed in specific uses outlined in Section 6103 and 6104. Storage shall not be located within one hundred feet (100') of the property line of E, A, I, or R occupancies, except those permitted in single family districts in accordance with 6104.3.

Sec. 6104.3 add new Section 6104.3.3 to read as follows:

Sec. 6104.3.3 Spas, pool heaters and other listed devices. LP-Gas containers are allowed to be used to supply spa and pool heaters or other listed devices. Such container shall not exceed 500 gallon water capacity per lot for above ground containers or 1,000 gallon water capacity per lot for underground containers and shall be off loaded wholly on the property where the tank is located. See Table 6104.3 for location of containers.

Appendix L Requirements for Fire Fighter Air Replenishment Systems

Sec. L101 add new Section L101.2 to read as follows:

Sec. L101.2 Required Location. In new buildings, fill stations shall be required when any of the following conditions occur:

1. Any new building 5 or more stories in height.

2. Any new building with 2 or more floors below grade.
3. Any new building 500,000 square feet or more in size.

Section 8-18 Authorizing suits for injunctive relief

Any person, firm, or corporation violating any of the provisions of this article or the International Fire Code as adopted is subject to a civil lawsuit, including injunctive relief, in addition to and exclusive of any other available legal remedies.”

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

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

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

Section VI. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

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

DULY PASSED AND APPROVED on this 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		03/14/16		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, adopting the 2015 Edition of the International Existing Building Code, with certain additions, deletions and amendments, as the Existing Building Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(s): N/A				
<p>COMMENTS: This item has no fiscal impact.</p> <p>STRATEGIC PLAN GOAL: Adopting the 2015 Edition of the International Existing Building Code relates to the City's Goal of a Financially Strong City with Service Excellence and a Safe Large City.</p>				
SUMMARY OF ITEM				
<p>This Ordinance will adopt the most recent version of the International Building Codes published by the International Code Council and includes regional amendments which have been developed by the North Central Texas Council of Governments. The Building Standards Commission held public code review meetings in September, October, November, and December of 2015. At their January 19, 2016 meeting the Commission voted unanimously to recommend the Codes with amendments to the City Council for adoption as the Existing Building Code for the City of Plano.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Letter from the Home Builders Association Letter from Council of Governments Letter from the Building Standards Commission Building Department Memo				



Memorandum

Date: March 1, 2016

To: Bruce D. Glasscock, City Manager
Jack Carr, Deputy City Manager

From: Selso Mata, Chief Building Official

Subject: **2015 International Code - Adoption**

Every three years, building codes are promulgated by the International Code Council. Jurisdictions throughout the nation review these codes for their use and adoption. For the past year and half, Plano has continued its established code review process for the 2015 Codes through the North Central Texas Council of Governments. Upon completion of this process, the codes are further vetted through our Building Standards Commission. Our review is now complete. The following 2015 Codes are recommended to the City Council for adoption.

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Mechanical Code
- 2015 International Plumbing Code
- 2015 International Fuel and Gas Code
- 2015 International Energy Conservation Code
- 2015 International Existing Building Code

A common question at this time is; Are there any changes in the codes? One can imagine with thousands of pages of material and improvements in building products each year that some changes are expected. This is not uncommon at each code cycle. However, the development community is involved with adoption of the codes at the national, state, and regional levels. Many changes in the codes are editorial in nature and consist of relocated information and clarification language and meaning. Yet all building codes remain minimum standards and requirements for building safety in each respective category.

One such change is a new requirement for storm shelters based on geographic locations which have a potential for strong wind storm occurrence. Plano falls within this defined regional area and as a result, storm shelters are now required for new schools, police stations, fire stations, 911 emergency call centers and emergency operation centers. The storm shelter must consist of a building or room large enough to accommodate the occupants of the use with a structural integrity capable of withstanding a 250 M.P.H. wind load. This would only apply to new schools and buildings or additions to a school or building as described. The Plano Independent School District is aware of this requirement for inclusion in future projects.

Please let me know if you need additional information.



Memo

Date: February 16, 2016
To: Bruce D. Glasscock, City Manager
From: Art Stone, Chairman, Building Standards Commission
Subject: **Adoption of the 2015 International Codes with Amendments**

The Building Standards Commission, along with staff, has reviewed the 2015 International Building Codes with amendments at each monthly meeting occurring from August 2015 through January 2016 until completion. In addition, staff has vetted the codes with the North Central Council of Governments and made Plano amendment presentations for each code to our Commission. All code review is now completed.

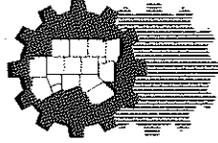
It is my pleasure to inform you that the Building Standards Commission unanimously recommends the following codes with amendments to the City Council for approval and adoption;

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Plumbing Code
- 2015 International Mechanical Code
- 2015 International Fuel and Gas Code
- 2015 International Energy Conservation Code
- 2015 International Existing Building Code

Sincerely,

A handwritten signature in black ink that reads "Art Stone". The signature is written in a cursive, slightly stylized font.

Art Stone
Chairman
Building Standards Commission



North Central Texas Council Of Governments

TO: Local Governments throughout
North Central Texas

DATE: September 21, 2015

FROM: Mike Eastland
Executive Director

David Kerr
Chair, Regional Codes Coordinating Committee

SUBJECT: 2015 International Codes and Regional Code Amendments for North Central Texas

The North Central Texas Council of Government's (NCTCOG) Executive Board, upon the recommendation of the Regional Codes Coordinating Committee (RCCC) and its Advisory Boards, endorsed the most recent regional amendments to the 2015 International Codes on September 17, 2015. Furthermore, the Executive Board encourages your jurisdiction to adopt the following 2015 International Codes and regional amendments by January 31, 2016:

- International Building Codes
- International Energy Conservation Code
- International Existing Building Code
- International Fire Code
- International Fuel Gas Code
- International Mechanical Code
- International Plumbing Code
- International Residential Code

Regional amendments to the 2015 International Codes can be found at the following website: www.nctcog.org/envir/codes. In addition, the Executive Board previously endorsed the 2014 National Electrical Code and regional amendments which are available for adoption.

Please Note:

In review of local government's adoption of code amendments, there is a wide range in the fire-fighting philosophies/capabilities of cities across the region; the consensus of the RCCC has been to include both an OPTION "A" and an OPTION "B" in the fire, building and residential code amendments. Jurisdictions should choose one or the other based on their fire-fighting philosophies/capabilities when adopting code amendments.

Notice of Codes Workshop

On November 5, 2015, a free 2015 International Building and Fire Code Workshop will be offered to cover the regional code review process, results of a recent Regional Code Adoption Survey, presentations from Texas A&M Energy Systems Laboratory and South-central Partnership for Energy Efficiency as a Resource, a summary of the 2015 recommended amendments, and upcoming building code training. Register for the workshop at <http://www.nctcog.org/envir/events.asp>.

Regional Code Amendments Background

NCTCOG has actively promoted the standardization of model construction codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs. The ultimate goal is regional uniformity in the model construction codes for the North Central Texas region. NCTCOG feels strongly that municipalities, contractors, architects, builders, and manufacturers will benefit from the positive economic results coming from achievement of that goal.

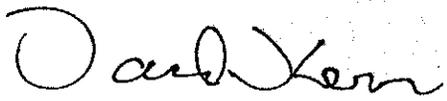
In 2014, the NCTCOG's RCCC directed its Advisory Boards to review the International Code Council's 2015 family of model construction codes. The Advisory Boards, comprised of over 100 code professionals representing local jurisdictions and professional associations, held open meetings to consider the codes and achieve consensus on any needed regional amendments.

As a follow-up measure, the RCCC intends to submit some of the regional amendments as proposed changes during the next international code change cycle. In the past, several NCTCOG regional amendments have been incorporated into the codes at the national level.

NCTCOG appreciates your local government's support of our continued efforts toward regional code uniformity. For more information regarding regional codes, contact Sandra Barba, Senior Planner, Department of Environment and Development, at sbarba@nctcog.org, or 817.608.2368. Please send a copy of your adopted ordinance(s) to NCTCOG including any amendments. Your ordinance will help us to document the effectiveness of the codes coordination effort in our region and may be used to provide a model to other jurisdictions.



Mike Eastland, Executive Director



David Kerr, Chair
Regional Codes Coordinating Committee

February 18, 2016

Selso Mata, Chief Building Official
City of Plano
1520 Avenue K
Plano, Texas 75086-0358

Dear Mr. Mata:

The Dallas Builders Association appreciates the role building codes play in maintaining the integrity of home construction in our area. As such, the Association conducts a detailed review of each International Code Council (ICC) code that pertains to the residential construction industry. This review emphasizes health and safety as well as housing affordability concerns.

As it has for many years, the Association was an active participant in reviewing the 2015 ICC codes serving on the North Central Texas Council of Governments Regional Codes Coordinating Committee (RCCC). Our members and staff were provided an opportunity during that process to convey the industry's concerns and many of those concerns were incorporated into the amendments that are now being considered for adoption by the City of Plano.

Thanks to the RCCC process and for the advanced notice that you have provided the Association to review Plano's local amendments, the Dallas Builders Association is comfortable with the residential provisions of Plano's 2015 code amendments package as presented. As you know, the state's energy code is changing this year and alternative compliance strategies are now under review by Texas A&M Energy Systems Laboratory. We hope that you will accept, through your power to do so in these Amendments, any additional compliance strategies approved by the Laboratory. Doing so will give the industry needed flexibility without detracting from the code's resource conservation objectives.

We appreciate your proactive efforts to seek our input and we look forward to being a continued resource for housing in the City of Plano and throughout the Dallas area.

Sincerely,



Executive Officer
Dallas Builders Association

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Donnie Evans, CGP
Altura Homes

First Vice President

Michael Turner, CGB, GMB, CAPS,
CGP, MCGP
Classic Urban Homes

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2016 INDUSTRY INVESTORS

The Bath & Kitchen Showplace
Dow Building Solutions
Fox Energy Specialists
Hotchkiss Insurance Agency
Johnson Supply
STELLAR Home Theater and Beyond
StrucSure Home Warranty
The Thompson Group at Classic
Chevrolet

AFFILIATED WITH:

Texas Association of Builders
National Association of Home Builders

An Ordinance of the City of Plano, Texas, adopting the 2015 Edition of the International Existing Building Code, with certain additions, deletions and amendments, as the Existing Building Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on November 17, 2015, the Building Standards Commission held a public hearing to discuss the adoption of the 2015 Edition of the International Existing Building Code, a publication of the International Code Council (I.C.C.), and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and relate thereto, the City Council is of the opinion that the 2015 Edition of the International Existing Building Code and the additions, deletions, and amendments thereto, should be approved and adopted as the Existing Building Code of the City of Plano.

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

Section I. A new Article XXII, Existing Building Code, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

“ARTICLE XXII EXISTING BUILDING CODE

Division 1. General

Section 6-716. Penalty.

- (a) Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and 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.
- (b) Civil. The city may file a civil action for enforcement of this Division with civil penalties up to \$1,000.00 per day for each offense as authorized by Subchapter B of Chapter 54 of the Texas Local Government Code, as amended.

Section 6-717. Adopted.

The 2015 Edition of the International Existing Building Code, a publication of the International Code Council (I.C.C.) along with the appendices of such Code is hereby adopted and designated as the Existing Building Code of the city, to the same extent as if such code were copied verbatim in this section, subject to the deletions, additions and amendments prescribed in this Division. A copy of the 2015 Edition of the International Existing Building Code is on file in the office of the City Secretary.

Section 6-718. Administrative authority.

For purposes of this Division and interpreting the Code adopted in this Division, the term “Administrative Authority” shall mean the Building Official of the City, and his agents and employees who are hereby empowered with the authority to administer and enforce the provisions of this Division and the Existing Building Code.

Section 6-719. Deletions, Additions, Amendments.

The following deletions, additions, and amendments to the International Existing Building Code adopted in this Division are hereby approved and adopted:

Section 102.4; change to read as follows:

102.4 Referenced codes and standards. The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

Section 202 General Definitions; definition of Existing Building amended as follows:

Existing Building - A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; or a change of occupancy.

Section 405.1.2; amended as follows:

Section 405.1.2 Existing fire escapes. Existing fire escapes shall continue to be accepted as a component in the means of egress in *existing buildings* only. Existing fire escapes shall be permitted to be repaired or replaced.

Section 405.1.3 New fire escapes; delete entire section.

Section 408.3 Flood hazard areas; delete this section.

Section 409.1 Conformance; add an exception to read as follows:

Exception: Moved historic buildings need not be brought into compliance with the exception of new construction features required as the result of such movement, including but not limited to foundations and/or other structural elements.

Section 410.1 Scope; add an exception to read as follows:

Exception: Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

Section 410.4.2 Complete change of occupancy; *add # 7 to the list of requirements as follows:*

7. At least one accessible family or assisted use toilet room shall be provided in accordance with Chapter 11 of the International Building Code.

Section 601.3 Flood hazard areas; *delete this section.*

Section 602.3; *add code reference to read as follows:*

602.3 Glazing in hazardous locations. Replacement glazing in hazardous locations shall comply with the safety glazing requirements of the International Building Code, International Energy Conservation Code and International Residential Code as applicable.

Section 606.2.4: Flood hazard areas; *delete this section.*

Section 607.1; *add a code reference to read as follows:*

607.1 Material. Existing electrical wiring and equipment undergoing *repair* shall be allowed to be repaired or replaced with like material, in accordance with the requirements of NFPA 70.

Section 701.3: Flood Hazard areas; *delete this section.*

Section 702.6; *add a code reference to read as follows:*

702.6 Materials and methods. All new work shall comply with the materials and methods requirements in the International Building Code, International Energy Conservation Code, International Mechanical Code, National Electrical Code, and International Plumbing Code, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

Section 802.1; *add a code reference to read as follows:*

802.1 General. Alteration of buildings classified as special use and occupancy as described in Chapter 4 of the International Building Code shall comply with the requirements of Section 801.1 and the scoping provisions of Chapter 1 where applicable.

Section 803.5.1; *change to read as follows:*

803.5.1 Minimum requirement. Every portion of open-sided walking surfaces, including mezzanines, equipment platforms, aisles, stairs, ramps and landings that are not provided with guards, or those in which the existing guards are judged to be in danger of collapsing, shall be provided with guards.

Section 804.1 Occupancy requirements; add a sentence to read as follows:

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the work area shall be extended to include at least the entire tenant space or spaces bounded by walls capable of resisting the passage of smoke containing the subject work area, and if the *work area* includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

Section 804.2.2 Groups A, B, E, F-1, H, I, M, R-1, R-2, R-4, S-1 and S-2 Number 2; delete exception.

Section 804.2.5 Supervision; change exception to read as follows:

Exception: Supervision is not required where the Fire Code does not require such for new construction.

Section 804.3; change section to read as follows:

804.3 Standpipes. Refer to Section 1103.6 of the Fire Code for retroactive standpipe requirements. *{Delete the remainder of Section 804.3.}*

Section 805.2 General; remove Exception #1.

Section 805.3.1.1 Single-exit buildings; delete #4.

Section 805.3.1.2; add change to read as follows:

805.3.1.2 Fire Escapes required. For other than Group I-2, where more than one exit is required an existing fire escape complying with section 805.3.1.2.1 shall be accepted as providing one of the required means of egress.

Section 805.3.1.2.1; add changes as follows:

805.3.1.2.1 Fire Escape access and details.

2. Access to a fire escape shall be through a door *{remainder unchanged}*
3. *[deleted.]*
5. In all building of Group E occupancy up to and including the 12th grade, building of Group I occupancy, boarding houses, and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

Section 805.3.1.2.2 Construction; delete entire section.

Section 805.3.1.2.3 Dimensions; delete entire section.

Section 806.2 Stairways and escalators in existing buildings; add an exception to read as follows:

Exception: Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

Section 904.1 Automatic sprinkler systems; add sentence to read as follows:

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the *work area* shall be extended to include at least the entire tenant space or spaces bounded by walls containing the subject *work area*, and if the *work area* includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

Section 904.1; add sentence to read as follows:

904.1.1 High-rise buildings. An automatic sprinkler system shall be provided in work areas of high-rise buildings.

Section 1103.5 Flood hazard areas; delete this section.

Section 1201.4 Flood hazard areas; delete this section.

Section 1302.7 Flood hazard areas; delete this section.

Section 1401.2; change to read as follows:

1401.2 Applicability. Structures existing prior to the date of an approved final inspection issued under a code edition which is at least two published code editions preceding the currently adopted building code; or a change of occupancy, *{rest of section unchanged}*.

Section 1401.3.2; change to read as follows:

1401.3.2 Compliance with other codes. Buildings that are evaluated in accordance with this section shall comply with the International Fire Code.

Chapter 16 – Referenced Standards; add the following standard:

IECC - International Energy Conservation Code—Edition as adopted by the State of Texas
{remainder unchanged}”

Section II. All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, 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.

Section IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty

accruing or to accrue, or as affecting any rights of the municipality under any section or provision of any Ordinances at the time of passage of this Ordinance.

Section V. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. This Ordinance shall become effective April 1, 2016, and after its passage and publication as required by law.

DULY PASSED AND APPROVED this 14th day of March, 2016

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		03/14/16		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, repealing in its entirety City of Plano Ordinance Nos. 2013-10-29 and 2014-1-5, codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances; and adopting the 2015 Edition of the International Energy Conservation Code, with certain additions, deletions and amendments, as the Energy Conservation Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S): N/A				
COMMENTS: This item has no fiscal impact.				
STRATEGIC PLAN GOAL: Repealing in its entirety City of Plano Ordinance No. 2013-10-29 and 2014-1-5 relates to the City's Goal of a Financially Strong City with Service Excellence and a Safe Large City.				
SUMMARY OF ITEM				
<p>This Ordinance will adopt the most recent version of the International Building Codes published by the International Code Council and includes regional amendments which have been developed by the North Central Texas Council of Governments. The Building Standards Commission held public code review meetings in September, October, November, and December of 2015. At their January 19, 2016 meeting the Commission voted unanimously to recommend the Codes with amendments to the City Council for adoption as the Energy Conservation Code for the City of Plano.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Letter from the Home Builders Association Letter from Council of Governments Letter from the Building Standards Commission				



**CITY OF PLANO
COUNCIL AGENDA ITEM**

Building Department Memo	



Memorandum

Date: March 1, 2016

To: Bruce D. Glasscock, City Manager
Jack Carr, Deputy City Manager

From: Selso Mata, Chief Building Official

Subject: **2015 International Code - Adoption**

Every three years, building codes are promulgated by the International Code Council. Jurisdictions throughout the nation review these codes for their use and adoption. For the past year and half, Plano has continued its established code review process for the 2015 Codes through the North Central Texas Council of Governments. Upon completion of this process, the codes are further vetted through our Building Standards Commission. Our review is now complete. The following 2015 Codes are recommended to the City Council for adoption.

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Mechanical Code
- 2015 International Plumbing Code
- 2015 International Fuel and Gas Code
- 2015 International Energy Conservation Code
- 2015 International Existing Building Code

A common question at this time is; Are there any changes in the codes? One can imagine with thousands of pages of material and improvements in building products each year that some changes are expected. This is not uncommon at each code cycle. However, the development community is involved with adoption of the codes at the national, state, and regional levels. Many changes in the codes are editorial in nature and consist of relocated information and clarification language and meaning. Yet all building codes remain minimum standards and requirements for building safety in each respective category.

One such change is a new requirement for storm shelters based on geographic locations which have a potential for strong wind storm occurrence. Plano falls within this defined regional area and as a result, storm shelters are now required for new schools, police stations, fire stations, 911 emergency call centers and emergency operation centers. The storm shelter must consist of a building or room large enough to accommodate the occupants of the use with a structural integrity capable of withstanding a 250 M.P.H. wind load. This would only apply to new schools and buildings or additions to a school or building as described. The Plano Independent School District is aware of this requirement for inclusion in future projects.

Please let me know if you need additional information.



Memo

Date: February 16, 2016
To: Bruce D. Glasscock, City Manager
From: Art Stone, Chairman, Building Standards Commission
Subject: **Adoption of the 2015 International Codes with Amendments**

The Building Standards Commission, along with staff, has reviewed the 2015 International Building Codes with amendments at each monthly meeting occurring from August 2015 through January 2016 until completion. In addition, staff has vetted the codes with the North Central Council of Governments and made Plano amendment presentations for each code to our Commission. All code review is now completed.

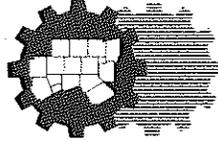
It is my pleasure to inform you that the Building Standards Commission unanimously recommends the following codes with amendments to the City Council for approval and adoption;

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Plumbing Code
- 2015 International Mechanical Code
- 2015 International Fuel and Gas Code
- 2015 International Energy Conservation Code
- 2015 International Existing Building Code

Sincerely,

A handwritten signature in black ink that reads "Art Stone". The signature is written in a cursive, slightly stylized font.

Art Stone
Chairman
Building Standards Commission



North Central Texas Council Of Governments

TO: Local Governments throughout
North Central Texas

DATE: September 21, 2015

FROM: Mike Eastland
Executive Director

David Kerr
Chair, Regional Codes Coordinating Committee

SUBJECT: 2015 International Codes and Regional Code Amendments for North Central Texas

The North Central Texas Council of Government's (NCTCOG) Executive Board, upon the recommendation of the Regional Codes Coordinating Committee (RCCC) and its Advisory Boards, endorsed the most recent regional amendments to the 2015 International Codes on September 17, 2015. Furthermore, the Executive Board encourages your jurisdiction to adopt the following 2015 International Codes and regional amendments by January 31, 2016:

- International Building Codes
- International Energy Conservation Code
- International Existing Building Code
- International Fire Code
- International Fuel Gas Code
- International Mechanical Code
- International Plumbing Code
- International Residential Code

Regional amendments to the 2015 International Codes can be found at the following website: www.nctcog.org/envir/codes. In addition, the Executive Board previously endorsed the 2014 National Electrical Code and regional amendments which are available for adoption.

Please Note:

In review of local government's adoption of code amendments, there is a wide range in the fire-fighting philosophies/capabilities of cities across the region; the consensus of the RCCC has been to include both an OPTION "A" and an OPTION "B" in the fire, building and residential code amendments. Jurisdictions should choose one or the other based on their fire-fighting philosophies/capabilities when adopting code amendments.

Notice of Codes Workshop

On November 5, 2015, a free 2015 International Building and Fire Code Workshop will be offered to cover the regional code review process, results of a recent Regional Code Adoption Survey, presentations from Texas A&M Energy Systems Laboratory and South-central Partnership for Energy Efficiency as a Resource, a summary of the 2015 recommended amendments, and upcoming building code training. Register for the workshop at <http://www.nctcog.org/envir/events.asp>.

Regional Code Amendments Background

NCTCOG has actively promoted the standardization of model construction codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs. The ultimate goal is regional uniformity in the model construction codes for the North Central Texas region. NCTCOG feels strongly that municipalities, contractors, architects, builders, and manufacturers will benefit from the positive economic results coming from achievement of that goal.

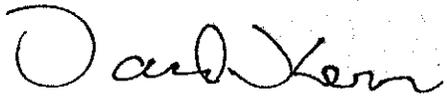
In 2014, the NCTCOG's RCCC directed its Advisory Boards to review the International Code Council's 2015 family of model construction codes. The Advisory Boards, comprised of over 100 code professionals representing local jurisdictions and professional associations, held open meetings to consider the codes and achieve consensus on any needed regional amendments.

As a follow-up measure, the RCCC intends to submit some of the regional amendments as proposed changes during the next international code change cycle. In the past, several NCTCOG regional amendments have been incorporated into the codes at the national level.

NCTCOG appreciates your local government's support of our continued efforts toward regional code uniformity. For more information regarding regional codes, contact Sandra Barba, Senior Planner, Department of Environment and Development, at sbarba@nctcog.org, or 817.608.2368. Please send a copy of your adopted ordinance(s) to NCTCOG including any amendments. Your ordinance will help us to document the effectiveness of the codes coordination effort in our region and may be used to provide a model to other jurisdictions.



Mike Eastland, Executive Director



David Kerr, Chair
Regional Codes Coordinating Committee

February 18, 2016

Selso Mata, Chief Building Official
City of Plano
1520 Avenue K
Plano, Texas 75086-0358

Dear Mr. Mata:

The Dallas Builders Association appreciates the role building codes play in maintaining the integrity of home construction in our area. As such, the Association conducts a detailed review of each International Code Council (ICC) code that pertains to the residential construction industry. This review emphasizes health and safety as well as housing affordability concerns.

As it has for many years, the Association was an active participant in reviewing the 2015 ICC codes serving on the North Central Texas Council of Governments Regional Codes Coordinating Committee (RCCC). Our members and staff were provided an opportunity during that process to convey the industry's concerns and many of those concerns were incorporated into the amendments that are now being considered for adoption by the City of Plano.

Thanks to the RCCC process and for the advanced notice that you have provided the Association to review Plano's local amendments, the Dallas Builders Association is comfortable with the residential provisions of Plano's 2015 code amendments package as presented. As you know, the state's energy code is changing this year and alternative compliance strategies are now under review by Texas A&M Energy Systems Laboratory. We hope that you will accept, through your power to do so in these Amendments, any additional compliance strategies approved by the Laboratory. Doing so will give the industry needed flexibility without detracting from the code's resource conservation objectives.

We appreciate your proactive efforts to seek our input and we look forward to being a continued resource for housing in the City of Plano and throughout the Dallas area.

Sincerely,



Executive Officer
Dallas Builders Association

OFFICERS

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Donnie Evans, CGP
Altura Homes

First Vice President

Michael Turner, CGB, GMB, CAPS,
CGP, MCGP
Classic Urban Homes

Vice President/Secretary

Alan G. Hoffmann
Alan Hoffmann LLC

Associate Vice President

Cole Baker
BMC

Treasurer

Tom Sadler, CGA, CGP
Tom Sadler & Associates

Executive Officer

Phil Crone, CGP, GSP, JD

2016 INDUSTRY INVESTORS

The Bath & Kitchen Showplace
Dow Building Solutions
Fox Energy Specialists
Hotchkiss Insurance Agency
Johnson Supply
STELLAR Home Theater and Beyond
StrucSure Home Warranty
The Thompson Group at Classic
Chevrolet

AFFILIATED WITH:

Texas Association of Builders
National Association of Home Builders

An Ordinance of the City of Plano, Texas, repealing in its entirety City of Plano Ordinance Nos. 2013-10-29 and 2014-1-5, codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances; and adopting the 2015 Edition of the International Energy Conservation Code, with certain additions, deletions and amendments, as the Energy Conservation Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on October 28, 2013, by Ordinance No. 2013-10-29, the City Council of the City of Plano established an Energy Conservation Code and provided regulations thereunder, and such Ordinances were codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances of the City of Plano (“City”); and

WHEREAS, on January 13, 2014 by Ordinance 2014-1-5, the City Council of the City of Plano amended the Energy Conservation Code and such Ordinances were codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances of the City of Plano, and

WHEREAS, on November 17, 2015 the Building Standards Commission held a public hearing to discuss the adoption of the 2015 Edition of the International Energy Conservation Code, a publication of the International Code Council (I.C.C.), and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2015 Edition of the International Energy Conservation Code, and the additions, deletions, and amendments thereto, should be approved and adopted as the Energy Conservation Code of the City.

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

Section I. Ordinance No. 2013-10-29, duly passed and approved by the City Council of the City of Plano on October 28, 2013 and Ordinance No. 2014-1-5 duly passed and approved by the City Council of the City of Plano on January 14, 2015 are hereby repealed in their entirety.

Section II. A new Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances of City of Plano is hereby adopted and shall read in its entirety as follows:

“ARTICLE XVIII. ENERGY CONSERVATION CODE

DIVISION 1. GENERALLY

Section 6-684. Penalty.

Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and 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 6-685 Adopted.

The 2015 Edition of the International Energy Conservation Code, a publication of the International Code Council (I.C.C.), along with the Appendices of such Code, is hereby adopted and designated as the Energy Conservation Code of the City to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the 2015 Edition of the International Energy Conservation Code is on file in the office of the City Secretary.

DIVISION 2. AMENDMENTS

Section 6-686. Deletions, Additions, Amendments.

The following deletions, additions, and amendments to the International Energy Conservation Code adopted herein are hereby approved and adopted:

Section C102/R102; *add Section C102.1.2 and R102.1.2 to read as follows:*

C102.1.2 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

R102.1.2 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance. Regardless of the program or the path to compliance, each 1- and 2-family dwelling shall be tested for air and duct leakage as prescribed in Section R402.4 and R403.3.3 respectively.

Section C202 and R202; *add the following definition:*

PROJECTION FACTOR. The ratio of the horizontal depth of the overhang, eave or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave or permanently attached shading device.

Section R202; *add the following definition:*

DYNAMIC GLAZING. Any fenestration product that has the fully reversible ability to change its performance properties, including *U*-factor, solar heat gain coefficient (SHGC), or visible transmittance (VT).

Table R402.1.2 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT; Amend by changing the WOOD FRAME WALL R-VALUE for CLIMATE ZONE 3 to read as follows:

13ⁱ

ⁱ This amendment expires on August 31, 2016 and the code requirements revert to the code as published

Table R402.1.4 EQUIVALENT U-FACTORS; Amend by changing the WOOD FRAME WALL U-FACTOR for CLIMATE ZONE 3 to read as follows:

0.082^d

^d This amendment expires on August 31, 2016 and the code requirements revert to the code as published

Section R402.3.2 Glazed fenestration SHGC; amend by adding a paragraph and table following the exception to read as follows:

Where vertical fenestration is shaded by an overhang, eave, or permanently attached shading device, the SHGC required in Table R402.1.2 shall be reduced by using the multipliers in Table R402.3.2 SHGC Multipliers for Permanent Projections.

Table R402.3.2 SHGC Multipliers for Permanent Projections ^a

Projection Factor	SHGC Multiplier (all Other Orientation)	SHGC Multiplier (North Oriented)
0 - 0.10	1.00	1.00
>0.10 – 0.20	0.91	0.95
>0.20 – 0.30	0.82	0.91
>0.30 – 0.40	0.74	0.87
>0.40 – 0.50	0.67	0.84
>0.50 – 0.60	0.61	0.81
>0.60 – 0.70	0.56	0.78
>0.70 – 0.80	0.51	0.76
>0.80 – 0.90	0.47	0.75
>0.90 – 1.00	0.44	0.73

^a North oriented means within 45 degrees of true north.

Section R402.4.1.2 Testing; modify the first paragraph to read as follows:

R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Climate Zone 3. {Remainder of text unchanged}

This amendment expires on August 31, 2016 and the code requirements revert to the code as published

R402.4.1.2 Testing; *add a last paragraph to read as follows:*

Mandatory testing shall only be performed by individuals that are certified to perform air infiltration testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

R403.3.3 Duct Testing (Mandatory); *add a last paragraph to read as follows:*

Mandatory testing shall only be performed by individuals that are certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

Section C402.2. /R402.2; *add Section C402.2.7 and R402.2.14 to read as follows:*

Section C402.2.7/R402.2.14 Insulation installed in walls. To insure that insulation remains in place, insulation installed in walls shall be totally enclosed on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting or other equivalent material approved by the building official.

Section R405.6.2; *add the following sentence to the end of paragraph:*

Acceptable performance software simulation tools may include, but are not limited to, REM Rate™, Energy Gauge and IC3. Other performance software programs accredited by RESNET BESTEST and having the ability to provide a report as outlined in R405.4.2 may also be deemed acceptable performance simulation programs and may be considered by the building official.

TABLE R406.4 MAXIMUM ENERGY RATING INDEX; *amend to read as follows:*

**TABLE R406.4¹
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
3	65

¹ This table is effective until August 31, 2019.

**TABLE R406.4²
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
3	63

² The table is effective from September 1, 2019 to August 31, 2022.

TABLE R406.4³
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
3	59

³ This table is effective on or after September 1, 2022.”

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

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

Section VI. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VII. This Ordinance shall become effective April 1, 2016, and after its passage and publication as required by law.

DULY PASSED AND APPROVED this the 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		03/14/16		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
<p>An Ordinance of the City of Plano, Texas; repealing in its entirety City of Plano Ordinance No. 2013-10-28, codified as Article XIX, Fuel Gas Code, of Chapter 6 of the Code of Ordinances; and adopting the 2015 Edition of the International Fuel Gas Code, with certain additions, deletions, and amendments, as the Fuel Gas Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
<p>COMMENTS: This item has no fiscal impact. STRATEGIC PLAN GOAL: Repealing in its entirety City of Plano Ordinance 2013-10-28 relates to the City's Goal of a Financially Strong City with Service Excellence and a Safe Large City.</p>				
SUMMARY OF ITEM				
<p>This Ordinance will adopt the most recent version of the International Building Codes published by the International Code Council and includes regional amendments which have been developed by the North Central Texas Council of Governments. The Building Standards Commission held public code review meetings in September, October, November, and December of 2015. At their January 19, 2016 meeting the Commission voted unanimously to recommend the Codes with amendments to the City Council for adoption as the Fuel Gas Code for the City of Plano.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Letter from the Home Builders Association Letter from Council of Governments Letter from the Building Standards Commission				



**CITY OF PLANO
COUNCIL AGENDA ITEM**

Building Department Memo	



Memorandum

Date: March 1, 2016

To: Bruce D. Glasscock, City Manager
Jack Carr, Deputy City Manager

From: Selso Mata, Chief Building Official

Subject: **2015 International Code - Adoption**

Every three years, building codes are promulgated by the International Code Council. Jurisdictions throughout the nation review these codes for their use and adoption. For the past year and half, Plano has continued its established code review process for the 2015 Codes through the North Central Texas Council of Governments. Upon completion of this process, the codes are further vetted through our Building Standards Commission. Our review is now complete. The following 2015 Codes are recommended to the City Council for adoption.

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- 2015 International Residential Code
- 2015 International Mechanical Code
- 2015 International Plumbing Code
- 2015 International Fuel and Gas Code
- 2015 International Energy Conservation Code
- 2015 International Existing Building Code

A common question at this time is; Are there any changes in the codes? One can imagine with thousands of pages of material and improvements in building products each year that some changes are expected. This is not uncommon at each code cycle. However, the development community is involved with adoption of the codes at the national, state, and regional levels. Many changes in the codes are editorial in nature and consist of relocated information and clarification language and meaning. Yet all building codes remain minimum standards and requirements for building safety in each respective category.

One such change is a new requirement for storm shelters based on geographic locations which have a potential for strong wind storm occurrence. Plano falls within this defined regional area and as a result, storm shelters are now required for new schools, police stations, fire stations, 911 emergency call centers and emergency operation centers. The storm shelter must consist of a building or room large enough to accommodate the occupants of the use with a structural integrity capable of withstanding a 250 M.P.H. wind load. This would only apply to new schools and buildings or additions to a school or building as described. The Plano Independent School District is aware of this requirement for inclusion in future projects.

Please let me know if you need additional information.



Memo

Date: February 16, 2016
To: Bruce D. Glasscock, City Manager
From: Art Stone, Chairman, Building Standards Commission
Subject: **Adoption of the 2015 International Codes with Amendments**

The Building Standards Commission, along with staff, has reviewed the 2015 International Building Codes with amendments at each monthly meeting occurring from August 2015 through January 2016 until completion. In addition, staff has vetted the codes with the North Central Council of Governments and made Plano amendment presentations for each code to our Commission. All code review is now completed.

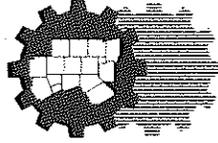
It is my pleasure to inform you that the Building Standards Commission unanimously recommends the following codes with amendments to the City Council for approval and adoption;

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Plumbing Code
- 2015 International Mechanical Code
- 2015 International Fuel and Gas Code
- 2015 International Energy Conservation Code
- 2015 International Existing Building Code

Sincerely,

A handwritten signature in black ink that reads "Art Stone". The signature is written in a cursive, slightly stylized font.

Art Stone
Chairman
Building Standards Commission



North Central Texas Council Of Governments

TO: Local Governments throughout
North Central Texas

DATE: September 21, 2015

FROM: Mike Eastland
Executive Director

David Kerr
Chair, Regional Codes Coordinating Committee

SUBJECT: 2015 International Codes and Regional Code Amendments for North Central Texas

The North Central Texas Council of Government's (NCTCOG) Executive Board, upon the recommendation of the Regional Codes Coordinating Committee (RCCC) and its Advisory Boards, endorsed the most recent regional amendments to the 2015 International Codes on September 17, 2015. Furthermore, the Executive Board encourages your jurisdiction to adopt the following 2015 International Codes and regional amendments by January 31, 2016:

- International Building Codes
- International Energy Conservation Code
- International Existing Building Code
- International Fire Code
- International Fuel Gas Code
- International Mechanical Code
- International Plumbing Code
- International Residential Code

Regional amendments to the 2015 International Codes can be found at the following website: www.nctcog.org/envir/codes. In addition, the Executive Board previously endorsed the 2014 National Electrical Code and regional amendments which are available for adoption.

Please Note:

In review of local government's adoption of code amendments, there is a wide range in the fire-fighting philosophies/capabilities of cities across the region; the consensus of the RCCC has been to include both an OPTION "A" and an OPTION "B" in the fire, building and residential code amendments. Jurisdictions should choose one or the other based on their fire-fighting philosophies/capabilities when adopting code amendments.

Notice of Codes Workshop

On November 5, 2015, a free 2015 International Building and Fire Code Workshop will be offered to cover the regional code review process, results of a recent Regional Code Adoption Survey, presentations from Texas A&M Energy Systems Laboratory and South-central Partnership for Energy Efficiency as a Resource, a summary of the 2015 recommended amendments, and upcoming building code training. Register for the workshop at <http://www.nctcog.org/envir/events.asp>.

Regional Code Amendments Background

NCTCOG has actively promoted the standardization of model construction codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs. The ultimate goal is regional uniformity in the model construction codes for the North Central Texas region. NCTCOG feels strongly that municipalities, contractors, architects, builders, and manufacturers will benefit from the positive economic results coming from achievement of that goal.

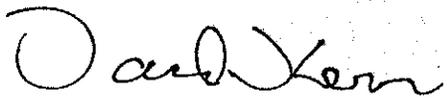
In 2014, the NCTCOG's RCCC directed its Advisory Boards to review the International Code Council's 2015 family of model construction codes. The Advisory Boards, comprised of over 100 code professionals representing local jurisdictions and professional associations, held open meetings to consider the codes and achieve consensus on any needed regional amendments.

As a follow-up measure, the RCCC intends to submit some of the regional amendments as proposed changes during the next international code change cycle. In the past, several NCTCOG regional amendments have been incorporated into the codes at the national level.

NCTCOG appreciates your local government's support of our continued efforts toward regional code uniformity. For more information regarding regional codes, contact Sandra Barba, Senior Planner, Department of Environment and Development, at sbarba@nctcog.org, or 817.608.2368. Please send a copy of your adopted ordinance(s) to NCTCOG including any amendments. Your ordinance will help us to document the effectiveness of the codes coordination effort in our region and may be used to provide a model to other jurisdictions.



Mike Eastland, Executive Director



David Kerr, Chair
Regional Codes Coordinating Committee

February 18, 2016

Selso Mata, Chief Building Official
City of Plano
1520 Avenue K
Plano, Texas 75086-0358

Dear Mr. Mata:

The Dallas Builders Association appreciates the role building codes play in maintaining the integrity of home construction in our area. As such, the Association conducts a detailed review of each International Code Council (ICC) code that pertains to the residential construction industry. This review emphasizes health and safety as well as housing affordability concerns.

As it has for many years, the Association was an active participant in reviewing the 2015 ICC codes serving on the North Central Texas Council of Governments Regional Codes Coordinating Committee (RCCC). Our members and staff were provided an opportunity during that process to convey the industry's concerns and many of those concerns were incorporated into the amendments that are now being considered for adoption by the City of Plano.

Thanks to the RCCC process and for the advanced notice that you have provided the Association to review Plano's local amendments, the Dallas Builders Association is comfortable with the residential provisions of Plano's 2015 code amendments package as presented. As you know, the state's energy code is changing this year and alternative compliance strategies are now under review by Texas A&M Energy Systems Laboratory. We hope that you will accept, through your power to do so in these Amendments, any additional compliance strategies approved by the Laboratory. Doing so will give the industry needed flexibility without detracting from the code's resource conservation objectives.

We appreciate your proactive efforts to seek our input and we look forward to being a continued resource for housing in the City of Plano and throughout the Dallas area.

Sincerely,



Executive Officer
Dallas Builders Association

OFFICERS

President

Donnie Evans, CGP
Altura Homes

First Vice President

Michael Turner, CGB, GMB, CAPS,
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Classic Urban Homes

Vice President/Secretary

Alan G. Hoffmann
Alan Hoffmann LLC

Associate Vice President

Cole Baker
BMC

Treasurer

Tom Sadler, CGA, CGP
Tom Sadler & Associates

Executive Officer

Phil Crone, CGP, GSP, JD

2016 INDUSTRY INVESTORS

The Bath & Kitchen Showplace
Dow Building Solutions
Fox Energy Specialists
Hotchkiss Insurance Agency
Johnson Supply
STELLAR Home Theater and Beyond
StrucSure Home Warranty
The Thompson Group at Classic
Chevrolet

AFFILIATED WITH:

Texas Association of Builders
National Association of Home Builders

An Ordinance of the City of Plano, Texas; repealing in its entirety City of Plano Ordinance No. 2013-10-28, codified as Article XIX, Fuel Gas Code, of Chapter 6 of the Code of Ordinances; and adopting the 2015 Edition of the International Fuel Gas Code, with certain additions, deletions, and amendments, as the Fuel Gas Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on October 28, 2013, by Ordinance No. 2013-10-28, the City Council of the City of Plano established a Fuel Gas Code and provided regulations thereunder, and such Ordinances were codified as Article XIX, Fuel Gas Code, of Chapter 6 of the Code of Ordinances of the City of Plano (“City”); and

WHEREAS, on September 15, 2015, the Building Standards Commission held a public hearing to discuss the adoption of the 2015 Edition of the International Fuel Gas Code, a publication of the International Code Council (I.C.C.), along with Appendices A, B, C and D of such Code, and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2015 Edition of the International Fuel Gas Code, along with Appendices A, B, C and D of such Code and the additions, deletions, and amendments thereto, should be approved and adopted as the Fuel Gas Code of the City.

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

Section I. Ordinance No. 2013-10-28, duly passed and approved by the City Council of the City of Plano on October 28, 2013 is hereby repealed in its entirety.

Section II. A new Article XIX, Fuel Gas Code, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

“ARTICLE XIX, FUEL GAS CODE

DIVISION 1. GENERALLY

Section 6-696 Penalty.

Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and 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 6-697 Adopted.

The 2015 Edition of the International Fuel Gas Code, a publication of the International Code Council (I.C.C.), along with the Appendices of such Code, is hereby adopted and designated as the Fuel Gas Code of the City of Plano to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the 2015 Edition of the International Fuel Gas Code is on file in the office of the City Secretary.

DIVISION 2. AMENDMENTS

Section 6-698. Deletions, additions, amendments.

Chapter 1, Scope and Administration

Section 102.2 Existing installations; *add an exception to read as follows:*

Exception: Existing dwelling units shall comply with Section 621.2.

Section 102.8; *is amended to read as follows:*

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and such codes, when specifically adopted, and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well.

Section 108.4. Violation penalties; *are deleted in their entirety.*

Section 108.7.1 Authority to condemn equipment; *the following sentence of paragraph two is deleted:*

When such installation is to be disconnected, written notice as prescribed in Section 108.2 shall be given.

Section 109.1; *is amended to read as follows:*

109.1 Application for appeal. A person directly affected by a decision of the code official shall have the right to appeal the decision to the Building Standards Commission, provided that a written application for appeal is filed within twenty (20) days after the day the decision was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. A person's exercise of an appeal does not preclude or abate criminal enforcement of a violation of this code.

Sections 109.2, Membership of board through Section 109.7 Court review; are deleted in their entirety.

Section 306.3; change to read as follows:

306.3 Appliances in attics. Attics containing appliances requiring access shall be provided . . . *{remainder of paragraph unchanged}* . . . side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), and larger where such dimensions are not large enough to allow removal of the largest appliance. A walkway to an appliance shall be rated as a floor as approved by the code official. As a minimum, for access to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor level.
4. An access panel may be used in lieu of items 1, 2, or 3 with prior approval of the code official.

Exceptions:

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.
2. Where the passageway is not less than six (6) feet (1829 mm) high for its entire length, the passageway shall not be greater than fifty (50) feet (15,250 mm) in length.

Section 306.5; change to read as follows:

306.5 Equipment and appliances on roofs or elevated structures. Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access such equipment or appliances, a permanent interior or exterior means of access shall be provided. Permanent exterior ladders providing roof access need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the equipment and appliances' level service space. Such access shall not require climbing over obstructions greater than thirty (30) inches (762 mm) in height or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). Such access shall not require the use of portable ladders. ... *{bulk of section to read the same}*.

Section 306.5.1; is amended to read as follows:

306.5.1 Sloped roofs. Where appliances, equipment, fans or other components that require service are installed on a roof having a slope of 3 units vertical in 12 units horizontal (25-percent slope) or greater on roofs having slopes greater than 4 units vertical in 12 units horizontal and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches (406 mm) in width with substantial cleats spaced not more than

16 inches (406 mm) apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the International Building Code.

Section 306; *add Section 306.7 with exception to read as follows:*

306.7 Water heaters above ground or floor. When the attic, roof, mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: Any water heater of ten (10) gallons or less capacity (or larger with approval) capable of being accessed through a lay-in ceiling or any water heater installed not more than ten (10) feet (3048 mm) above the ground or floor level that may be reached with a portable ladder are excluded from the requirement of this section.

Section 401.5 Identification; *add a second paragraph to read as follows:*

Both ends of each section of medium pressure gas piping shall identify its operating gas pressure with an approved tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:

"WARNING
1/2 to 5 psi gas pressure
Do Not Remove"

Section 402.3 Sizing; *add an exception to read as follows:*

Exception: Corrugated stainless steel tubing (CSST) shall be a minimum of 1/2" (18 EHD).

Section 404.12; *is amended to read as follows:*

404.12 Minimum burial depth. Underground piping systems shall be installed a minimum depth of 18 inches (458 mm) top of pipe below grade.

Section 406.1; *is amended to read as follows:*

406.1 General. Prior to acceptance and initial operation, all piping installations shall be inspected and pressure tested to determine that the materials, design, fabrication, and installation practices comply with the requirements of this code. The permit holder shall make the applicable tests prescribed in Sections 406.1.1 through 406.1.5 to determine

compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the piping system is ready for testing. The equipment, material, power and labor necessary for the inspections and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the piping installation will withstand the test pressure prescribed in the following tests.

Section 406.4; *change to read as follows:*

406.4 Test pressure measurement. Test pressure shall be measured with a monometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made.

Section 406.4.1; *change to read as follows:*

406.4.1 Test pressure. The test pressure to be used shall be no less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one half inches (3 ½”), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 ½”), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.

Diaphragm gauges used for testing must display a current calibration and be in good working condition. The appropriate test must be applied to the diaphragm gauge used for testing.

Section 406.4.2; *change to read as follows:*

406.4.2 Test duration. Test duration shall be held for a length of time satisfactory to the code official, but in no case for less than fifteen (15) minutes. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the code official, but in no case for less than thirty (30) minutes. *{Delete remainder of section.}*

Section 408.2 Drips; *delete Section.*

Section 408.4 Sediment trap; *delete Section.*

Section 409.1; *add Section 409.1.4 to read as follows:*

409.1.4 Valves in CSST installations. Shutoff valves installed with corrugated stainless steel (CSST) piping systems shall be supported with an approved termination fitting, or equivalent support, suitable for the size of the valves, and shall be made of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration but in no case greater than 12-inches (203 mm) from the center of the valve. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's piping, fittings, and valves between anchors. All valves and supports shall be designed and installed so they will not be disengaged by movement of the supporting piping.

Section 410.1 Pressure regulators; *add a second paragraph and exception to read as follows:*

Access to regulators shall comply with the requirements for access to appliances as specified in Section 306.

Exception: A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.

Section 621.2; *add exception as follows:*

621.2 Prohibited use. One or more unvented room heaters shall not be used as the sole source of comfort heating in a dwelling unit.

Exception: Existing approved unvented heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the code official unless an unsafe condition is determined to exist as described in Section 108.7.”

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

Section IV. 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 V. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or

altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any Ordinances at the time of passage of this Ordinance.

Section VI. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VII. This Ordinance shall become effective April 1, 2016, and after its passage and publication as required by law.

DULY PASSED AND APPROVED this, the 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		03/14/16		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
<p>An Ordinance of the City of Plano Texas, repealing in its entirety City of Plano Ordinance No. 2013-10-27, codified as Division 3, Mechanical Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances of the City; and adopting the 2015 Edition of the International Mechanical Code, with certain additions, deletions, and amendments, as the Mechanical Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		0	0	0
	Encumbered/Expended Amount	0	0	0
	This Item	0	0	0
	BALANCE	0	0	0
FUND(S): N/A				
<p>COMMENTS: This item has no fiscal impact. STRATEGIC PLAN GOAL: Repealing in its entirety City of Plano Ordinance No. 2013-10-27 relates to the City's Goal of a Financially Strong City with Service Excellence and a Safe Large City.</p>				
SUMMARY OF ITEM				
<p>This Ordinance will adopt the most recent version of the International Building Codes published by the International Code Council and includes regional amendments which have been developed by the North Central Texas Council of Governments. The Building Standards Commission held public code review meetings in September, October, November, and December of 2015. At their January 19, 2016 meeting the Commission voted unanimously to recommend the Codes with amendments to the City Council for adoption as the Mechanical Code for the City of Plano.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Letter from the Home Builders Association Letter from Council of Governments Letter from the Building Standards Commission				



**CITY OF PLANO
COUNCIL AGENDA ITEM**

Building Department Memo	



Memorandum

Date: March 1, 2016

To: Bruce D. Glasscock, City Manager
Jack Carr, Deputy City Manager

From: Selso Mata, Chief Building Official

Subject: **2015 International Code - Adoption**

Every three years, building codes are promulgated by the International Code Council. Jurisdictions throughout the nation review these codes for their use and adoption. For the past year and half, Plano has continued its established code review process for the 2015 Codes through the North Central Texas Council of Governments. Upon completion of this process, the codes are further vetted through our Building Standards Commission. Our review is now complete. The following 2015 Codes are recommended to the City Council for adoption.

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Mechanical Code
- 2015 International Plumbing Code
- 2015 International Fuel and Gas Code
- 2015 International Energy Conservation Code
- 2015 International Existing Building Code

A common question at this time is; Are there any changes in the codes? One can imagine with thousands of pages of material and improvements in building products each year that some changes are expected. This is not uncommon at each code cycle. However, the development community is involved with adoption of the codes at the national, state, and regional levels. Many changes in the codes are editorial in nature and consist of relocated information and clarification language and meaning. Yet all building codes remain minimum standards and requirements for building safety in each respective category.

One such change is a new requirement for storm shelters based on geographic locations which have a potential for strong wind storm occurrence. Plano falls within this defined regional area and as a result, storm shelters are now required for new schools, police stations, fire stations, 911 emergency call centers and emergency operation centers. The storm shelter must consist of a building or room large enough to accommodate the occupants of the use with a structural integrity capable of withstanding a 250 M.P.H. wind load. This would only apply to new schools and buildings or additions to a school or building as described. The Plano Independent School District is aware of this requirement for inclusion in future projects.

Please let me know if you need additional information.



Memo

Date: February 16, 2016
To: Bruce D. Glasscock, City Manager
From: Art Stone, Chairman, Building Standards Commission
Subject: **Adoption of the 2015 International Codes with Amendments**

The Building Standards Commission, along with staff, has reviewed the 2015 International Building Codes with amendments at each monthly meeting occurring from August 2015 through January 2016 until completion. In addition, staff has vetted the codes with the North Central Council of Governments and made Plano amendment presentations for each code to our Commission. All code review is now completed.

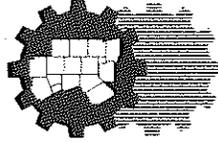
It is my pleasure to inform you that the Building Standards Commission unanimously recommends the following codes with amendments to the City Council for approval and adoption;

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Plumbing Code
- 2015 International Mechanical Code
- 2015 International Fuel and Gas Code
- 2015 International Energy Conservation Code
- 2015 International Existing Building Code

Sincerely,

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Art Stone
Chairman
Building Standards Commission



North Central Texas Council Of Governments

TO: Local Governments throughout
North Central Texas

DATE: September 21, 2015

FROM: Mike Eastland
Executive Director

David Kerr
Chair, Regional Codes Coordinating Committee

SUBJECT: 2015 International Codes and Regional Code Amendments for North Central Texas

The North Central Texas Council of Government's (NCTCOG) Executive Board, upon the recommendation of the Regional Codes Coordinating Committee (RCCC) and its Advisory Boards, endorsed the most recent regional amendments to the 2015 International Codes on September 17, 2015. Furthermore, the Executive Board encourages your jurisdiction to adopt the following 2015 International Codes and regional amendments by January 31, 2016:

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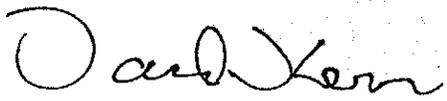
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NCTCOG appreciates your local government's support of our continued efforts toward regional code uniformity. For more information regarding regional codes, contact Sandra Barba, Senior Planner, Department of Environment and Development, at sbarba@nctcog.org, or 817.608.2368. Please send a copy of your adopted ordinance(s) to NCTCOG including any amendments. Your ordinance will help us to document the effectiveness of the codes coordination effort in our region and may be used to provide a model to other jurisdictions.



Mike Eastland, Executive Director



David Kerr, Chair
Regional Codes Coordinating Committee

February 18, 2016

Selso Mata, Chief Building Official
City of Plano
1520 Avenue K
Plano, Texas 75086-0358

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We appreciate your proactive efforts to seek our input and we look forward to being a continued resource for housing in the City of Plano and throughout the Dallas area.

Sincerely,



Executive Officer
Dallas Builders Association

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Classic Urban Homes

Vice President/Secretary

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Alan Hoffmann LLC

Associate Vice President

Cole Baker
BMC

Treasurer

Tom Sadler, CGA, CGP
Tom Sadler & Associates

Executive Officer

Phil Crone, CGP, GSP, JD

2016 INDUSTRY INVESTORS

The Bath & Kitchen Showplace
Dow Building Solutions
Fox Energy Specialists
Hotchkiss Insurance Agency
Johnson Supply
STELLAR Home Theater and Beyond
StrucSure Home Warranty
The Thompson Group at Classic
Chevrolet

AFFILIATED WITH:

Texas Association of Builders
National Association of Home Builders

An Ordinance of the City of Plano Texas, repealing in its entirety City of Plano Ordinance No. 2013-10-27, codified as Division 3, Mechanical Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances of the City; and adopting the 2015 Edition of the International Mechanical Code, with certain additions, deletions, and amendments, as the Mechanical Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on October 28, 2013, by Ordinance No. 2013-10-27, the City Council of the City of Plano established a Mechanical Code and regulations thereunder, and such Ordinance was codified as Division 3, Mechanical Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances of the City of Plano (“City”); and

WHEREAS, on September 15, 2015, the Building Standards Commission held a public hearing to discuss the adoption of the 2015 Edition of the International Mechanical Code, a publication of the International Code Council (I.C.C.), and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2015 Edition of the International Mechanical Code and the additions, deletions, and amendments thereto, should be approved and adopted as the Mechanical Code of the City.

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

Section I. Ordinance No. 2013-10-27, duly passed and approved by the City Council of the City of Plano on October 28, 2013, and codified as Division 3, Mechanical Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances, is hereby repealed in its entirety.

Section II. A new Division 3, Mechanical Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

“DIVISION 3. MECHANICAL CODE

Section 6-251 Penalty.

Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and 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 6-252 Adopted.

The 2015 Edition of the International Mechanical Code, a publication of the International Code Council (I.C.C.), along with the Appendices of such Code, are hereby adopted and designated as the Mechanical Code of the City, to the same extent as if such Code were copied verbatim in this

section, subject to the deletions, amendments, and additions prescribed in this Division. A copy of the 2015 Edition of the International Mechanical Code is on file in the office of the City Secretary.

Section 6-253 Administrative Authority.

For purposes of this Division and interpreting the Code adopted in this Division, the term “Administrative Authority” shall mean the Building Official of the City, his agents, and employees who are hereby empowered with the authority to administer and enforce the provisions of this Division and the Mechanical Code.

Section 6-254 Deletions, Additions, Amendments.

The following deletions, additions, and amendments to the International Mechanical Code adopted in this Division are hereby approved and adopted:

Chapter 1 Administration

Section 102.8; change to read as follows:

102.8 Referenced Codes and standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the adopted amendments. Any reference to NFPA 70 or the *National Electrical Code* (NEC) shall mean the Electrical Code as adopted.

Section 108.5 Stop work orders; is amended to delete the last sentence.

Section 108.7.1 Authority to condemn equipment; the following sentence of paragraph two is deleted:

Where such mechanical system is to be disconnected, written notice as prescribed in Section 108.2 shall be given.

Section 109.1; is amended to read as follows:

109.1 Application for appeal. Any person shall have the right to appeal a decision of the code official to the Building Standards Commission as established by ordinance. The Commission shall be governed by the enabling ordinance.

Sections 109.1.1 Limitation of authority through 109.7 Court review; are deleted in their entirety.

Section 306.3; change to read as follows:

306.3 Appliances in attics. Attics containing appliances shall be provided . . . *{bulk of paragraph unchanged}* . . . side of the *appliance*. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm) or larger where such dimensions are not large enough to allow removal of the largest *appliance*. A walkway to an *appliance* shall be rated as a floor, as approved by the code official. As a minimum, for access to the attic space, provide one of

the following:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor level.
4. Access Panel may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.

Exceptions:

1. The passageway and level service space are not required where the *appliance* is capable of being serviced and removed... *{remainder of section unchanged}*

Section 306.5; *change to read as follows:*

306.5 Equipment and appliances on roofs or elevated structures. Where *equipment* requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access such equipment or appliances, a permanent interior or exterior means of access shall be provided. Permanent exterior ladders providing roof access need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the *equipment* and appliance level service space. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) *{remainder of section unchanged}*.

Section 306.5.1; *change to read as follows:*

306.5.1 Sloped Roofs. Where appliances, *equipment*, fans or other components that require service are installed on a roof having a slope of three units vertical in 12 units horizontal (25-percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the *appliance*. A level platform shall be provided on each side of the *appliance* to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

Section 306.6; *change to read as follows:*

306.6 Water Heaters above ground or floor. When the mezzanine or platform in which a water heater is installed is more than 8 feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A maximum 10 gallon water heater or larger, with approval, is capable of being accessed through a lay-in ceiling and the water heater installed is not more than 10 feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

Section 307.2.3 Auxiliary and secondary drain systems; *amend item 2 to read as follows:*

2. A separate overflow drain line shall be connected to the drain pan provided with the *equipment*. Such overflow drain shall discharge to a conspicuous point of disposal to alert

occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection. However, the conspicuous point shall not create a hazard such as dripping over a walking surface or other areas so as to create a nuisance.

Section 403.2.1 Recirculation of air; *add an item 5 to read as follows:*

5. Toilet rooms within private dwellings that contain only a water closet, lavatory, or combination thereof may be ventilated with an *approved* mechanical recirculating fan or similar device designed to remove odors from the air.

Section 501.3 Exhaust discharge; *add an exception to read as follows:*

4. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

Section 607.5.1; *change to read as follows:*

607.5.1 Fire Walls. Ducts and air transfer openings permitted in fire walls in accordance with Section 706.11 of the *International Building Code* shall be protected with *listed* fire dampers installed in accordance with their listing. For hazardous exhaust systems see Section 510.1-510.9 IMC.”

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

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

Section VI. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VII. This Ordinance shall become effective April 1, 2016, and after its passage and publication as required by law.

DULY PASSED AND APPROVED this the 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		03/14/16		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, repealing in its entirety City of Plano Ordinance No. 2013-10-26, codified as Division 2, Plumbing Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances; and adopting the 2015 Edition of the International Plumbing Code, with certain additions, deletions and amendments, as the Plumbing Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
<p>COMMENTS: This item has no fiscal impact. STRATEGIC PLAN GOAL: Repealing in its entirety City of Plano Ordinance No. 2013-10-26 relates to the City's Goal of a Financially Strong City with Service Excellence and a Safe Large City.</p>				
SUMMARY OF ITEM				
<p>This Ordinance will adopt the most recent version of the International Building Codes published by the International Code Council and includes regional amendments which have been developed by the North Central Texas Council of Governments. The Building Standards Commission held public code review meetings in September, October, November, and December of 2015. At their January 19, 2016 meeting the Commission voted unanimously to recommend the Codes with amendments to the City Council for adoption as the Plumbing Code for the City of Plano.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Letter from the Home Builders Association Letter from Council of Governments Letter from the Building Standards Commission				



**CITY OF PLANO
COUNCIL AGENDA ITEM**

Building Department Memo	



Memorandum

Date: March 1, 2016

To: Bruce D. Glasscock, City Manager
Jack Carr, Deputy City Manager

From: Selso Mata, Chief Building Official

Subject: **2015 International Code - Adoption**

Every three years, building codes are promulgated by the International Code Council. Jurisdictions throughout the nation review these codes for their use and adoption. For the past year and half, Plano has continued its established code review process for the 2015 Codes through the North Central Texas Council of Governments. Upon completion of this process, the codes are further vetted through our Building Standards Commission. Our review is now complete. The following 2015 Codes are recommended to the City Council for adoption.

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Mechanical Code
- 2015 International Plumbing Code
- 2015 International Fuel and Gas Code
- 2015 International Energy Conservation Code
- 2015 International Existing Building Code

A common question at this time is; Are there any changes in the codes? One can imagine with thousands of pages of material and improvements in building products each year that some changes are expected. This is not uncommon at each code cycle. However, the development community is involved with adoption of the codes at the national, state, and regional levels. Many changes in the codes are editorial in nature and consist of relocated information and clarification language and meaning. Yet all building codes remain minimum standards and requirements for building safety in each respective category.

One such change is a new requirement for storm shelters based on geographic locations which have a potential for strong wind storm occurrence. Plano falls within this defined regional area and as a result, storm shelters are now required for new schools, police stations, fire stations, 911 emergency call centers and emergency operation centers. The storm shelter must consist of a building or room large enough to accommodate the occupants of the use with a structural integrity capable of withstanding a 250 M.P.H. wind load. This would only apply to new schools and buildings or additions to a school or building as described. The Plano Independent School District is aware of this requirement for inclusion in future projects.

Please let me know if you need additional information.



Memo

Date: February 16, 2016
To: Bruce D. Glasscock, City Manager
From: Art Stone, Chairman, Building Standards Commission
Subject: **Adoption of the 2015 International Codes with Amendments**

The Building Standards Commission, along with staff, has reviewed the 2015 International Building Codes with amendments at each monthly meeting occurring from August 2015 through January 2016 until completion. In addition, staff has vetted the codes with the North Central Council of Governments and made Plano amendment presentations for each code to our Commission. All code review is now completed.

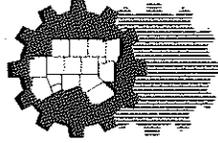
It is my pleasure to inform you that the Building Standards Commission unanimously recommends the following codes with amendments to the City Council for approval and adoption;

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Plumbing Code
- 2015 International Mechanical Code
- 2015 International Fuel and Gas Code
- 2015 International Energy Conservation Code
- 2015 International Existing Building Code

Sincerely,

A handwritten signature in black ink that reads "Art Stone". The signature is written in a cursive, slightly stylized font.

Art Stone
Chairman
Building Standards Commission



North Central Texas Council Of Governments

TO: Local Governments throughout
North Central Texas

DATE: September 21, 2015

FROM: Mike Eastland
Executive Director

David Kerr
Chair, Regional Codes Coordinating Committee

SUBJECT: 2015 International Codes and Regional Code Amendments for North Central Texas

The North Central Texas Council of Government's (NCTCOG) Executive Board, upon the recommendation of the Regional Codes Coordinating Committee (RCCC) and its Advisory Boards, endorsed the most recent regional amendments to the 2015 International Codes on September 17, 2015. Furthermore, the Executive Board encourages your jurisdiction to adopt the following 2015 International Codes and regional amendments by January 31, 2016:

- International Building Codes
- International Energy Conservation Code
- International Existing Building Code
- International Fire Code
- International Fuel Gas Code
- International Mechanical Code
- International Plumbing Code
- International Residential Code

Regional amendments to the 2015 International Codes can be found at the following website: www.nctcog.org/envir/codes. In addition, the Executive Board previously endorsed the 2014 National Electrical Code and regional amendments which are available for adoption.

Please Note:

In review of local government's adoption of code amendments, there is a wide range in the fire-fighting philosophies/capabilities of cities across the region; the consensus of the RCCC has been to include both an OPTION "A" and an OPTION "B" in the fire, building and residential code amendments. Jurisdictions should choose one or the other based on their fire-fighting philosophies/capabilities when adopting code amendments.

Notice of Codes Workshop

On November 5, 2015, a free 2015 International Building and Fire Code Workshop will be offered to cover the regional code review process, results of a recent Regional Code Adoption Survey, presentations from Texas A&M Energy Systems Laboratory and South-central Partnership for Energy Efficiency as a Resource, a summary of the 2015 recommended amendments, and upcoming building code training. Register for the workshop at <http://www.nctcog.org/envir/events.asp>.

Regional Code Amendments Background

NCTCOG has actively promoted the standardization of model construction codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs. The ultimate goal is regional uniformity in the model construction codes for the North Central Texas region. NCTCOG feels strongly that municipalities, contractors, architects, builders, and manufacturers will benefit from the positive economic results coming from achievement of that goal.

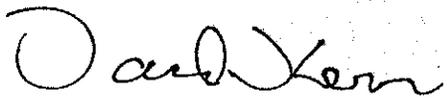
In 2014, the NCTCOG's RCCC directed its Advisory Boards to review the International Code Council's 2015 family of model construction codes. The Advisory Boards, comprised of over 100 code professionals representing local jurisdictions and professional associations, held open meetings to consider the codes and achieve consensus on any needed regional amendments.

As a follow-up measure, the RCCC intends to submit some of the regional amendments as proposed changes during the next international code change cycle. In the past, several NCTCOG regional amendments have been incorporated into the codes at the national level.

NCTCOG appreciates your local government's support of our continued efforts toward regional code uniformity. For more information regarding regional codes, contact Sandra Barba, Senior Planner, Department of Environment and Development, at sbarba@nctcog.org, or 817.608.2368. Please send a copy of your adopted ordinance(s) to NCTCOG including any amendments. Your ordinance will help us to document the effectiveness of the codes coordination effort in our region and may be used to provide a model to other jurisdictions.



Mike Eastland, Executive Director



David Kerr, Chair
Regional Codes Coordinating Committee

February 18, 2016

Selso Mata, Chief Building Official
City of Plano
1520 Avenue K
Plano, Texas 75086-0358

Dear Mr. Mata:

The Dallas Builders Association appreciates the role building codes play in maintaining the integrity of home construction in our area. As such, the Association conducts a detailed review of each International Code Council (ICC) code that pertains to the residential construction industry. This review emphasizes health and safety as well as housing affordability concerns.

As it has for many years, the Association was an active participant in reviewing the 2015 ICC codes serving on the North Central Texas Council of Governments Regional Codes Coordinating Committee (RCCC). Our members and staff were provided an opportunity during that process to convey the industry's concerns and many of those concerns were incorporated into the amendments that are now being considered for adoption by the City of Plano.

Thanks to the RCCC process and for the advanced notice that you have provided the Association to review Plano's local amendments, the Dallas Builders Association is comfortable with the residential provisions of Plano's 2015 code amendments package as presented. As you know, the state's energy code is changing this year and alternative compliance strategies are now under review by Texas A&M Energy Systems Laboratory. We hope that you will accept, through your power to do so in these Amendments, any additional compliance strategies approved by the Laboratory. Doing so will give the industry needed flexibility without detracting from the code's resource conservation objectives.

We appreciate your proactive efforts to seek our input and we look forward to being a continued resource for housing in the City of Plano and throughout the Dallas area.

Sincerely,



Executive Officer
Dallas Builders Association

OFFICERS

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Altura Homes

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CGP, MCGP
Classic Urban Homes

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Phil Crone, CGP, GSP, JD

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Dow Building Solutions
Fox Energy Specialists
Hotchkiss Insurance Agency
Johnson Supply
STELLAR Home Theater and Beyond
StrucSure Home Warranty
The Thompson Group at Classic
Chevrolet

AFFILIATED WITH:

Texas Association of Builders
National Association of Home Builders

An Ordinance of the City of Plano, Texas, repealing in its entirety City of Plano Ordinance No. 2013-10-26, codified as Division 2, Plumbing Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances; and adopting the 2015 Edition of the International Plumbing Code, with certain additions, deletions and amendments, as the Plumbing Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on October 28, 2013, by Ordinance No. 2013-10-26, the City Council of the City of Plano established a Plumbing Code and provided regulations thereunder, and such Ordinances were codified as Division 2, Plumbing Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances of the City of Plano (“City”); and

WHEREAS, on September 15, 2015, the Building Standards Commission held a public hearing to discuss the adoption of the 2015 Edition of the International Plumbing Code, a publication of the International Code Council (I.C.C.), and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2015 Edition of the International Plumbing Code, and the additions, deletions, and amendments thereto, should be approved and adopted as the Plumbing Code of the City.

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

Section I. Ordinance No. 2013-10-26, duly passed and approved by the city Council of the City of Plano on October 28, 2013 is hereby repealed in its entirety.

Section II. A new Division 2, Plumbing Code, of Article VIII, Plumbing and Mechanical Equipment, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

“DIVISION 2. PLUMBING CODE

Section 6-236. Penalty.

- (a) Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and 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.

(b) Civil. The City may file a civil action for enforcement of this Division with civil penalties up to \$1,000.00 per day for each offense as authorized by Subchapter B of Chapter 54 of the Texas Local Government Code, as amended.

Section 6-237. Adopted.

The 2015 Edition of the International Plumbing Code a publication of the International Code Council (I.C.C.), along with the appendices of such Code is hereby adopted and designated as the Plumbing Code of the City, to the same extent as if such code were copied verbatim in this Section, subject to the deletions, additions and amendments prescribed in this Division. A copy of the 2015 Edition of the International Plumbing Code is on file in the office of the City Secretary.

Section 6-238. Administrative authority.

For purposes of this Division and interpreting the Code adopted in this Division, the term “Administrative Authority” shall mean the Building Official of the City, and his agents and employees who are hereby empowered with the authority to administer and enforce the provisions of this Division and the Plumbing Code.

Section 6-239. Deletions, Additions, Amendments.

The following deletions, additions, and amendments to the International Plumbing Code adopted in this Division are hereby approved and adopted:

Table of Contents, Chapter 7, Section 714; change to read as follows:

714	Engineered Drainage Design	69
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Section 102.8; change to read as follows:

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the adopted amendments. Any reference to NFPA 70 or the National Electrical Code (NEC) shall mean the Electrical Code as adopted.

Sections 106.6.2 and 106.6.3; change to read as follows:

106.6.2 Fee schedule. The fees for all plumbing work shall be as adopted by resolution of the City of Plano.

106.6.3 Fee Refunds. The code official shall establish a policy for authorizing the refunding of fees.

Section 108.4 Violation penalties; *are deleted in their entirety*

Section 108.5 Stop work orders; *is amended to delete the last sentence.*

Section 108.7.1 Authority to condemn equipment; *the following sentence of paragraph two is deleted:*

When such plumbing is to be disconnected, written notice as prescribed in Section 108.2 shall be given.

Section 109; *delete entire section and insert the following:*

109.1 Application for appeal. Any person shall have the right to appeal a decision of the code official to the Building Standards Commission as established by ordinance. The board shall be governed by the enabling ordinance.

109.2 Membership of Board through 109.7 Court Review; *are deleted in their entirety.*

Section 305.4.1; *change to read as follows:*

305.4.1 Sewer depth. Building sewers shall be a minimum of 12 inches (304 mm) below grade.

Section 305.7; *change to read as follows:*

305.7 Protection of components of plumbing system. Components of a plumbing system installed within three (3) feet along alleyways, driveways, parking garages or other locations in a manner in which they could be exposed to damage shall be recessed into the wall or otherwise protected in an approved manner.

Section 314.2.1; *change to read as follows:*

314.2.1 Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to an approved place of disposal. *{language unchanged}* Condensate shall not discharge into a street, alley, sidewalk, rooftop, or other areas so as to cause a nuisance.

Section 314.2.2; *change to read as follows:*

314.2.2 Drain pipe materials and sizes. Components of the condensate disposal system shall be cast iron, galvanized steel, copper, cross-linked polyethylene, polyethylene, ABS, CPVC, or schedule 80 PVE pipe or tubing when exposed to ultra violet light. All components shall be selected for the pressure, temperature and exposure rating of the

installation. Joints and connections shall be made in accordance with the applicable provisions of chapter 7 relative to the material type. Condensate waste and drain line size shall not be less than ¾ inch (19.1 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with table 314.2.2. All horizontal sections or drain piping shall be installed in uniform alignment at a uniform slope.

Table 403.1; *add footnote f*

f. Drinking fountains are not required in M Occupancies with an occupant load of 100 or less, B Occupancies with an occupant load of 25 or less, and for dining and/or drinking establishments.

Section 412.4; *change to read as follows:*

412.4 Required location for floor drains. Floor drains shall be installed in the following areas.

1. In public coin-operated laundries and in the central washing facilities of multiple family dwellings, the rooms containing automatic clothes washers shall be provided with floor drains located to readily drain the entire floor area. Such drains shall have a minimum outlet of not less than 3 inches (76 mm) in diameter.
2. Commercial kitchens. In lieu of floor drains in commercial kitchens, the code official may accept floor sinks.
3. Public restrooms.

Section 419.3; *change to read as follows:*

419.3 Surrounding material. Wall and floor space to a point 2 feet (610 mm) in front of a urinal lip and 4 feet (1219 mm) above the floor and at least 2 feet (610 mm) to each side of the urinal shall be waterproofed with a smooth, readily cleanable, hard, nonabsorbent material.

Section 502.3; *change to read as follows:*

502.3 Appliances in attics. Attics containing a water heater shall be provided . . . {bulk of paragraph unchanged} . . . side of the water heater. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not less than 20 inches by 30 inches(508mm by 762mm) where such dimensions are large enough to allow removal of the water heater. A walkway to an appliance shall be rated as a floor as approved by the building official. As a minimum, for access to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor level.
4. Access Panel may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.

Exceptions: The passageway and level service space are not required where the appliance is capable of being serviced and removed... *{remainder of section unchanged}*

Section 502.6; *add Section 502.6 to read as follows:*

502.6 Water heaters above ground or floor. When the attic, roof, mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A maximum 10 gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and is installed not more than ten (10) feet (3048 mm) above the ground or floor level and is reachable with a portable ladder.

Section 504.6; *change to read as follows:*

504.6 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.

Exception: Multiple relief devices may be installed to a single T & P discharge piping system when approved by the administrative authority and permitted by the manufacture's installation instructions and installed per those instructions.

5. Discharge to an indirect waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Terminate not more than 6 inches above and not less than two times the discharge pipe diameter above the floor or flood level rim of the waste receptor.

11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 605.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.

Section 504.7.1; *change to read as follows:*

Section 504.7.1 Pan size and drain: The pan shall be not less than 1 ½ inches (38 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than ¾ inch (19 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4. Multiple pan drains may terminate to a single discharge piping system when approved by the administrative authority and permitted by the manufactures installation instructions and installed per those instructions. *{remainder of section unchanged}*

Section 604.4; *add Section 604.4.1 to read as follows:*

604.4.1 State maximum flow rate. Where the State mandated maximum flow rate is more restrictive than those of this section, the State flow rate shall take precedence.

Section 605; *delete PVC from table 605.3.*

Section 606.1; *delete items #4 and #5.*

Section 606.2 Location of shutoff valves; *change to read as follows:*

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture other than bathtubs and showers in one and two family residential occupancies, and other than in individual sleeping units that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.
2. On the water supply pipe to each appliance or mechanical equipment.

Section 608.1; *change to read as follows:*

608.1 General. A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from non-potable liquids, solids or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. Backflow preventer applications shall conform to applicable local regulations, Table 608.1, and as specifically stated in Sections 608.2 through 608.16.10.

Section 608.16.5; *change to read as follows:*

608.16.5 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

Section 608.17; *change to read as follows:*

608.17 Protection of individual water supplies. An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with applicable local regulations. Installation shall be in accordance with Sections 608.17.1 through 608.17.8.

Section 610.1; *add exception to read as follows:*

610.1 General. New or repaired potable water systems shall be purged of deleterious matter and disinfected prior to utilization. The method to be followed shall be that prescribed by the health authority or water purveyor having jurisdiction or, in the absence of a prescribed method, the procedure described in either AWWA C651 or AWWA C652, or as described in this section. This requirement shall apply to “on-site” or “in-plant” fabrication of a system or to a modular portion of a system.

1. The pipe system shall be flushed with clean, potable water until dirty water does not appear at the points of outlet.
2. The system or part thereof shall be filled with a water/chlorine solution containing at least 50 parts per million (50 mg/L) of chlorine, and the system or part thereof shall be valved off and allowed to stand for 24 hours; or the system or part thereof shall be filled with a water/chlorine solution containing at least 200 parts per million (200 mg/L) of chlorine and allowed to stand for 3 hours.
3. Following the required standing time, the system shall be flushed with clean potable water until the chlorine is purged from the system.
4. The procedure shall be repeated where shown by a bacteriological examination that contamination remains present in the system.

Exception: With prior approval the code official may wave this requirement when deemed un-necessary.

Section 703.6; *Delete*

Section 704.5; *added to read as follows:*

704.5 Single stack fittings. Single stack fittings with internal baffle, PVC schedule 40 or cast iron single stack shall be designed by a registered engineer and comply to a national recognized standard.

Section 705.11.2; *change to read as follows:*

705.11.2 Solvent cementing. Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D2564, CSA B137.3, CSA B181.2 or CSA B182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent cement joints shall be permitted above or below ground.

Section 712.5; *add Section 712.5 to read as follows:*

712.5 Dual Pump System. All sumps shall be automatically discharged and, when in any “public use” occupancy where the sump serves more than 10 fixture units, shall be provided with dual pumps or ejectors arranged to function independently in case of overload or mechanical failure. For storm drainage sumps and pumping systems, see Section 1113.

Section 714; *change to read as follows:*

SECTION 714 ENGINEERED DRAINAGE DESIGN

Section 714.1; *change to read as follows:*

714.1 Design of drainage system. The sizing, design and layout of the drainage system shall be designed by a registered engineer using approved design methods.

Section 804.2; *added to read as follows:*

804.2 Special waste pipe, fittings, and components. Pipes, fittings, and components receiving or intended to receive the discharge of any fixture into which acid or corrosive chemicals are placed shall be constructed of CPVC, high silicone iron, PP, PVDF, chemical resistant glass, or glazed ceramic materials.

Section 903.1; *change to read as follows:*

903.1 Roof extension. Open vent pipes that extend through a roof shall terminate not less than six (6) inches (152 mm) above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 7 feet (2134mm) above the roof.

Section 917 Single stack vent system. *Delete entire section.*

Section 1002.10; *delete.*

Section 1101.8; *change to read as follows:*

1101.8 Cleanouts required. Cleanouts or manholes shall be installed in the storm drainage system and shall comply with the provisions of this code for sanitary drainage pipe cleanouts.

Section 1106.1; *change to read as follows:*

1106.1 General. The size of the vertical conductors and leaders, building storm drains, building storm sewers, and any horizontal branches of such drains or sewers shall be based on six (6) inches per hour rainfall rate

Section 1108.3; *change to read as follows:*

1108.3 Sizing of secondary drains. Secondary (emergency) roof drain systems shall be sized in accordance with Section 1106. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by Section 1101.7. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

Section 1109; *delete this section.*

Section 1202.1; *delete Exception 2."*

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

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

Section VI. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in

accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VII. This Ordinance shall become effective April 1, 2016, and after its passage and publication as required by law.

DULY PASSED AND APPROVED this 14th day of March, 2016

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		03/14/16		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, repealing in its entirety City of Plano Ordinance No. 2015-3-8 and Ordinance No. 2013-10-24, codified as Article II, Building Code, of Chapter 6 of the Code of Ordinances; and adopting the 2015 Edition of the International Building Code, with certain additions, deletions, and amendments, as the Building Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		0	0	0
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S): N/A				
<p>COMMENTS: This item has no fiscal impact. STRATEGIC PLAN GOAL: Repealing in its entirety City of Plano Ordinance 2015-3-8 and Ordinance No. 2013-10-24 relates to the City's Goal of a Financially Strong City with Service Excellence and a Safe Large City.</p>				
SUMMARY OF ITEM				
<p>This Ordinance will adopt the most recent version of the International Building Codes published by the International Code Council and includes regional amendments which have been developed by the North Central Texas Council of Governments. The Building Standards Commission held public code review meetings in September, October, November, and December of 2015. At their January 19, 2016 meeting the Commission voted unanimously to recommend the Codes with amendments to the City Council for adoption as the Building Code for the City of Plano.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Letter from the Home Builders Association Letter from Council of Governments Letter from the Building Standards Commission				



**CITY OF PLANO
COUNCIL AGENDA ITEM**

Building Department Memo	



Memorandum

Date: March 1, 2016

To: Bruce D. Glasscock, City Manager
Jack Carr, Deputy City Manager

From: Selso Mata, Chief Building Official

Subject: **2015 International Code - Adoption**

Every three years, building codes are promulgated by the International Code Council. Jurisdictions throughout the nation review these codes for their use and adoption. For the past year and half, Plano has continued its established code review process for the 2015 Codes through the North Central Texas Council of Governments. Upon completion of this process, the codes are further vetted through our Building Standards Commission. Our review is now complete. The following 2015 Codes are recommended to the City Council for adoption.

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Mechanical Code
- 2015 International Plumbing Code
- 2015 International Fuel and Gas Code
- 2015 International Energy Conservation Code
- 2015 International Existing Building Code

A common question at this time is; Are there any changes in the codes? One can imagine with thousands of pages of material and improvements in building products each year that some changes are expected. This is not uncommon at each code cycle. However, the development community is involved with adoption of the codes at the national, state, and regional levels. Many changes in the codes are editorial in nature and consist of relocated information and clarification language and meaning. Yet all building codes remain minimum standards and requirements for building safety in each respective category.

One such change is a new requirement for storm shelters based on geographic locations which have a potential for strong wind storm occurrence. Plano falls within this defined regional area and as a result, storm shelters are now required for new schools, police stations, fire stations, 911 emergency call centers and emergency operation centers. The storm shelter must consist of a building or room large enough to accommodate the occupants of the use with a structural integrity capable of withstanding a 250 M.P.H. wind load. This would only apply to new schools and buildings or additions to a school or building as described. The Plano Independent School District is aware of this requirement for inclusion in future projects.

Please let me know if you need additional information.



Memo

Date: February 16, 2016
To: Bruce D. Glasscock, City Manager
From: Art Stone, Chairman, Building Standards Commission
Subject: **Adoption of the 2015 International Codes with Amendments**

The Building Standards Commission, along with staff, has reviewed the 2015 International Building Codes with amendments at each monthly meeting occurring from August 2015 through January 2016 until completion. In addition, staff has vetted the codes with the North Central Council of Governments and made Plano amendment presentations for each code to our Commission. All code review is now completed.

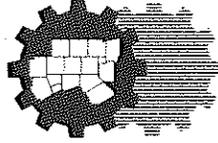
It is my pleasure to inform you that the Building Standards Commission unanimously recommends the following codes with amendments to the City Council for approval and adoption;

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Plumbing Code
- 2015 International Mechanical Code
- 2015 International Fuel and Gas Code
- 2015 International Energy Conservation Code
- 2015 International Existing Building Code

Sincerely,

A handwritten signature in black ink that reads "Art Stone". The signature is written in a cursive, slightly stylized font.

Art Stone
Chairman
Building Standards Commission



North Central Texas Council Of Governments

TO: Local Governments throughout
North Central Texas

DATE: September 21, 2015

FROM: Mike Eastland
Executive Director

David Kerr
Chair, Regional Codes Coordinating Committee

SUBJECT: 2015 International Codes and Regional Code Amendments for North Central Texas

The North Central Texas Council of Government's (NCTCOG) Executive Board, upon the recommendation of the Regional Codes Coordinating Committee (RCCC) and its Advisory Boards, endorsed the most recent regional amendments to the 2015 International Codes on September 17, 2015. Furthermore, the Executive Board encourages your jurisdiction to adopt the following 2015 International Codes and regional amendments by January 31, 2016:

- International Building Codes
- International Energy Conservation Code
- International Existing Building Code
- International Fire Code
- International Fuel Gas Code
- International Mechanical Code
- International Plumbing Code
- International Residential Code

Regional amendments to the 2015 International Codes can be found at the following website: www.nctcog.org/envir/codes. In addition, the Executive Board previously endorsed the 2014 National Electrical Code and regional amendments which are available for adoption.

Please Note:

In review of local government's adoption of code amendments, there is a wide range in the fire-fighting philosophies/capabilities of cities across the region; the consensus of the RCCC has been to include both an OPTION "A" and an OPTION "B" in the fire, building and residential code amendments. Jurisdictions should choose one or the other based on their fire-fighting philosophies/capabilities when adopting code amendments.

Notice of Codes Workshop

On November 5, 2015, a free 2015 International Building and Fire Code Workshop will be offered to cover the regional code review process, results of a recent Regional Code Adoption Survey, presentations from Texas A&M Energy Systems Laboratory and South-central Partnership for Energy Efficiency as a Resource, a summary of the 2015 recommended amendments, and upcoming building code training. Register for the workshop at <http://www.nctcog.org/envir/events.asp>.

Regional Code Amendments Background

NCTCOG has actively promoted the standardization of model construction codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs. The ultimate goal is regional uniformity in the model construction codes for the North Central Texas region. NCTCOG feels strongly that municipalities, contractors, architects, builders, and manufacturers will benefit from the positive economic results coming from achievement of that goal.

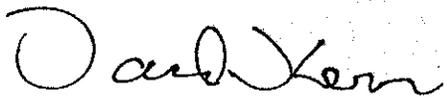
In 2014, the NCTCOG's RCCC directed its Advisory Boards to review the International Code Council's 2015 family of model construction codes. The Advisory Boards, comprised of over 100 code professionals representing local jurisdictions and professional associations, held open meetings to consider the codes and achieve consensus on any needed regional amendments.

As a follow-up measure, the RCCC intends to submit some of the regional amendments as proposed changes during the next international code change cycle. In the past, several NCTCOG regional amendments have been incorporated into the codes at the national level.

NCTCOG appreciates your local government's support of our continued efforts toward regional code uniformity. For more information regarding regional codes, contact Sandra Barba, Senior Planner, Department of Environment and Development, at sbarba@nctcog.org, or 817.608.2368. Please send a copy of your adopted ordinance(s) to NCTCOG including any amendments. Your ordinance will help us to document the effectiveness of the codes coordination effort in our region and may be used to provide a model to other jurisdictions.



Mike Eastland, Executive Director



David Kerr, Chair
Regional Codes Coordinating Committee

February 18, 2016

Selso Mata, Chief Building Official
City of Plano
1520 Avenue K
Plano, Texas 75086-0358

Dear Mr. Mata:

The Dallas Builders Association appreciates the role building codes play in maintaining the integrity of home construction in our area. As such, the Association conducts a detailed review of each International Code Council (ICC) code that pertains to the residential construction industry. This review emphasizes health and safety as well as housing affordability concerns.

As it has for many years, the Association was an active participant in reviewing the 2015 ICC codes serving on the North Central Texas Council of Governments Regional Codes Coordinating Committee (RCCC). Our members and staff were provided an opportunity during that process to convey the industry's concerns and many of those concerns were incorporated into the amendments that are now being considered for adoption by the City of Plano.

Thanks to the RCCC process and for the advanced notice that you have provided the Association to review Plano's local amendments, the Dallas Builders Association is comfortable with the residential provisions of Plano's 2015 code amendments package as presented. As you know, the state's energy code is changing this year and alternative compliance strategies are now under review by Texas A&M Energy Systems Laboratory. We hope that you will accept, through your power to do so in these Amendments, any additional compliance strategies approved by the Laboratory. Doing so will give the industry needed flexibility without detracting from the code's resource conservation objectives.

We appreciate your proactive efforts to seek our input and we look forward to being a continued resource for housing in the City of Plano and throughout the Dallas area.

Sincerely,



Executive Officer
Dallas Builders Association

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Altura Homes

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2016 INDUSTRY INVESTORS

The Bath & Kitchen Showplace
Dow Building Solutions
Fox Energy Specialists
Hotchkiss Insurance Agency
Johnson Supply
STELLAR Home Theater and Beyond
StrucSure Home Warranty
The Thompson Group at Classic
Chevrolet

AFFILIATED WITH:

Texas Association of Builders
National Association of Home Builders

An Ordinance of the City of Plano, Texas, repealing in its entirety City of Plano Ordinance No. 2015-3-8 and Ordinance No. 2013-10-24, codified as Article II, Building Code, of Chapter 6 of the Code of Ordinances; and adopting the 2015 Edition of the International Building Code, with certain additions, deletions, and amendments, as the Building Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on October 28, 2013, by Ordinance No. 2013-10-24, the City Council of the City of Plano established a Building Code and provided regulations thereunder, and such Ordinances were codified as Article II, Building Code, of Chapter 6 of the Code of Ordinances of the City of Plano (“City”); and

WHEREAS, on March 17, 2015, by Ordinance No. 2015-3-8, the City Council of the City of Plano amended Ordinance 2013-10-24 to reflect changes to the International Building Code to align with the International Fire Code.

WHEREAS, on October 20, 2015 the Building Standards Commission held a public hearing to discuss the adoption of the 2015 Edition of the International Building Code, a publication of the International Code Council (I.C.C.), and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2015 Edition of the International Building Code, and the additions, deletions, and amendments thereto, should be approved and adopted as the Building Code of the City.

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

Section I. Ordinance No. 2013-10-24 duly passed and approved by the City Council of the City of Plano on October 28, 2013 and Ordinance No. 2015-3-8 duly passed and approved by the City Council of the City of Plano, on March, 17, 2015, are hereby repealed in their entirety.

Section II. A new Article II, Building Code, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

“ARTICLE II. BUILDING CODE

DIVISION 1. GENERALLY

Section 6-16. Penalty.

Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and 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 6-17. Adopted.

The 2015 Edition of the International Building Code, a publication of the International Code Council (I.C.C.), is hereby adopted and designated as the Building Code of the City of Plano to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the 2015 Edition of the International Building Code is on file in the office of the City Secretary.

Sections 6-20 through 6-36. Reserved.

DIVISION 2. AMENDMENTS

Section 6-37. Deletions, Additions, Amendments.

The following deletions, additions, and amendments to the International Building Code adopted herein are hereby approved and adopted:

Section 101.4; *change to read as follows:*

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.

Section 101.4.8; *add the following:*

101.4.8 Electrical. The provisions of the Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Section 103 and 103.1; *amend to insert the Department Name:*

City of Plano Building Inspections

103.1 Creation of enforcement agency. The City of Plano Building Inspections Department is hereby created and the official in charge thereof shall be known as the *building official*.

Section [A] 104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas; is deleted in its entirety.

Section 104.10.1 Flood hazard areas; is deleted in its entirety.

Section 105.1.1 Annual Permits; is deleted in its entirety.

Section 105.1.1; is created to read as follows:

105.1.1 Toilet Facilities. At least one permanent or temporary toilet facility shall be maintained at every site where a building permit has been issued, as long as a building permit is active for the project.

Permanent toilet facility is defined as a room in an existing building or in the building being constructed with a water closet installed in such a room that conforms to the Plumbing Code and is continuously available to all workers involved in a construction project.

Temporary toilet facility is defined as a portable, fully enclosed, chemically sanitized toilet, which is serviced and cleaned at least once each week.

A Stop Work Order may be issued for any project not in compliance with this section.

Section 105.2 Work exempt from permit; is amended by the deletion and addition of the following:

2. *Item is deleted in its entirety.*

6. Sidewalks and driveways not more than 30 inches (762mm) above adjacent grade, and not over any basement or story below, and that are not part of an accessible route and not in the city right-of-way.

Section 105.3 Application for permit; add the following:

8. Be issued to a registered contractor.

General: To obtain a permit, the applicant shall be registered as a contractor. Contractor may register by making application on forms provided by the Building Official.

Exception:

1. Homeowners may obtain permits for their private residence without being registered, however a contractor working under the homeowner's permit must meet state requirements for license registration.
2. Contractors exempt from local registration fees must show proof of state license.

Revocation/Suspension: A contractor's registration may be suspended for the following causes:

1. The contractor fails to finalize permits by obtaining the required approved inspections.
2. The contractor allows use or occupancy of a structure for which a permit was obtained without first obtaining the required authorization.
3. Expiration, suspension or revocation of required license, or insurance.

Section 105.3.1 Action on application; *is amended by the addition of the following paragraph:*

A demolition permit may be withheld for any building or structure within the Plano Historic Building and Site Survey as designated in the Preservation Plan for a period not exceeding thirty (30) days pending review by the Heritage Commission.

Section 105.8; *is added:*

105.8. Withdrawn Permits. Permits may be withdrawn by the applicant if no work has commenced on the project. Permit fees exceeding \$100.00 may be partially refunded. Where applicable, fees will be refunded at 80 percent of their original value, excluding the plan review and fire protection plan review deposits.

1. Permits for which work has commenced may not be withdrawn unless a subsequent permittee has obtained a permit to complete the work, or when work has started unless an inspection has been made and the Building Official has determined that the existing work has created no violation of any code or ordinance.
2. Expired permits may be withdrawn if determined by the Building Official that no work has commenced.
3. Withdrawn permits with fees of less than fifty (\$50) dollars are nonrefundable.

Section 107.3.1. Approval of construction documents; *amended to read as follows:*

When the building official issues a permit, the construction documents shall be approved, in writing, or by a stamp which states, "APPROVED AND APPROVED AS NOTED BY THE BUILDING OFFICIAL" *{the remainder of the section is unchanged}*

Section 109; *add Section 109.7 to read as follows:*

109.7 Re-inspection Fee. A reinspection fee may be charged and may include:

1. The inspection called for is not ready when the inspector arrives;
2. No building address or permit card is clearly posted;
3. City approved plans are not on the job site available to the inspector;

4. The building is locked or work otherwise not available for inspection when called;
5. The job site is red-tagged twice for the same item;
6. The original red tag has been removed from the job site.
7. Failure to maintain erosion control, trash control or tree protection.

Any re-inspection fees assessed shall be paid before any more inspections are made on that job site.

Section 109; *add Sections 109.8, 109.8.1, 109.8.2 and 109.9 to read as follows:*

109.8 Work without a permit.

109.8.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

109.8.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

109.9 Unauthorized cover up fee. Any work concealed without first obtaining the required inspection in violation of Section 110 shall be assessed a fee as established by the city fee schedule.

Section 110.3.5 Lath, gypsum board and gypsum panel product inspection; *Delete exception.*

Section 113 Board of Appeal; *change Section title to "Building Standards Commission," and all references to "board" or "board of appeals" shall be replaced by "commission," and "building standards commission," as applicable.*

Section 115.4 Construction debris; *add paragraph:*

a. Whenever work is being done that is authorized by a permit, and construction debris from that work is not confined to a container or to a site on the property approved by the Building Official or his designee, and such construction debris poses a threat to public health, safety and comfort so that it constitutes a nuisance, the Building Official or his designee may order the work stopped and the Contractor shall clean up the construction debris within twenty-four (24) hours of receiving written notice of the violation. After the expiration of the twenty-four (24) hour period, Contractor shall pay City a reinspection fee to offset costs incurred by City due to the necessary reinspection before the stop work order is lifted.

b. As used herein, the term “Construction Debris” shall include all materials utilized in the construction process, including all litter and debris deposited and left remaining upon the premises of a job site by a Contractor, Subcontractor, and their employees, agents, and assigns.

c. As used herein “Costs” shall mean all expenses incurred by City for the cleaning of the job site

Section 202; *amend definition of Ambulatory Care Facility as follows:*

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less than 24-hour basis to individuals who are rendered incapable of self-preservation by the services provided. This group may include, but is not be limited to the following:

- Dialysis centers
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

Section 202; *add definition of Assisting Living Facilities to read as follows.*

ASSISTED LIVING FACILITIES. A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff.

Section 202; *change definition of Atrium as follows:*

ATRIUM. An opening connecting three or more stories ... *{Remainder unchanged}*

Section 202; *add definition of Repair Garage as follows:*

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.

Section 202; *amend definition of Special Inspector as follows:*

SPECIAL INSPECTOR. A qualified person employed or retained by an approved agency who shall prove to the satisfaction of the registered design professional in responsible charge and the Building Official as having the competence necessary to inspect a particular type of construction requiring special inspection.

Section 202; *amend definition of High-Rise Building as follows:*

HIGH-RISE BUILDING. A building with an occupied floor located more than 55 feet (22 860 mm) (16 764 mm) above the lowest level of fire department vehicle access.

Section 303.1.3; *add a sentence to read as follows:*

303.1.3 Associated with Group E occupancies. A room or space used for assembly purposes that is associated with a Group E occupancy is not considered a separate occupancy. Except when applying the assembly requirements of Chapter 10 and 11.

Section 304.1; *add the following to the list of occupancies:*

Fire stations
Police stations with detention facilities for 5 or less

Section 307.1.1; *add the following sentence to exception 4:*

4. Cleaning establishments... *{Text unchanged}* ... with Section 707 or 1-hour horizontal assemblies constructed in accordance with Section 711 or both. See also IFC Chapter 21, Dry Cleaning Plant provisions.

Section 403.1, Exception 3; *change to read as follows:*

3. The open air portion of a building *{remainder unchanged}*

Section 403.3, Exception; *delete item 2.*

Section 404.5; *delete exception.*

Section 406.3.5.1 Carport separation; *add sentence to read as follows:*

A fire separation is not required between a Group R-2 and U carport provided that the carport is entirely open on all sides and that the distance between the two is at least 10 feet (3048 mm).

Section 406.8 Repair garages; *add a second paragraph to read as follows:*

This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other minor repairs.

Section 501.2, Premises identification; *is changed to read as follows:*

Approved numerals of minimum six (6) inches height and of a color contrasting with the background designating address shall be placed on all new and existing buildings or structures as to be plainly visible and legible from the street or road fronting the property and from all rear alleyways where said alleyways exist. Where buildings do not immediately front a street, approved six (6) inch height building numerals or address and three (3) inch height suite/apartment numerals of a color contrasting with the background of the building shall be placed on all new and existing buildings or structures. Numerals or addresses shall be posted on a minimum twenty (20) inch by thirty (30) inch background or border.

Section 506.3.2; Add Section 506.3.2.1 to read as follows:

506.3.2.1 Open space limits. Such open space shall be either on the same lot or dedicated for public use and shall be accessed from a street or approved fire lane. In order to be considered accessible, if not in direct contact with a street or fire lane, a minimum 10-foot wide pathway meeting fire department access from the street or approved fire lane shall be provided.

Section 712.1.9; change item 4 to read as follows:

4. Is not open to a corridor in Group I and H occupancies.

Section 901.5; is amended by adding the following:

Section 901.5 Installation acceptance testing. All required tests shall be conducted by and at the expense of the owner or his representative. The Fire Department shall not be held responsible for any damages incurred in such test. Where it is required that the Fire Department witness any such test, such test shall be scheduled with a minimum of 48 hour notice to the Fire Chief or his representative.

Section 901.7 Fire areas; is amended by deletion of this section.

Section 901.7.1; is amended to read as follows:

Section 901.7.1 Systems out of service. Where a required fire protection system is out of service or in the event of an excessive number of activations, alarms or unwanted alarms, the fire department and the code official shall be notified immediately and, where required by the code official, the building shall either be evacuated or standby personnel shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service.

Section 903.1.1; change to read as follows:

903.1.1 Alternative protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted instead of in addition to automatic sprinkler protection where recognized by the applicable standard and, or as *approved* by the *fire code official*.

Section 903.2; add the following and delete the exception:

903.2 Where required. Approved *automatic sprinkler systems* in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. *Automatic Sprinklers systems* shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways. Storage shall not be allowed within the elevator machine room.

Section 903.2.1.1; *is amended to read as follows:*

903.2.1.1 Group A-1. An *automatic sprinkler system* shall be provided for Group A-1 Occupancies where one of the following conditions exists:

1. The *fire area* exceeds 6,000 square feet (557.4m²).
2. The *fire area* has an *occupant load* of 300 or more.
3. The *fire area* is located on a floor other than the *level of exit discharge*.
4. The *fire area* contains a multi theater complex.

Section 903.2.1.3; *is amended to read as follows:*

903.2.1.3 Group A-3. An *automatic sprinkler system* shall be for Group A-3 Occupancies where one of the following conditions exists:

1. The *fire area* exceeds 6,000 square feet (557.4m²).
2. The *fire area* has an occupant load of 300 or more.
3. The *fire area* is located on a floor other than the *level of exit discharge*.

Section 903.2.1.4; *is amended to read as follows:*

903.2.1.4 Group A-4. An *automatic sprinkler system* shall be provided for Group A-4 Occupancies where one of the following conditions exists:

1. The *fire area* exceeds 6,000 square feet (557.4m²).
2. The *fire area* has an occupant load of 300 or more
3. The *fire area* is located on a floor other than the *level of exit discharge*.

Section 903.2.3; *is amended to read as follows:*

903.2.3 Group E. An *automatic sprinkler system* shall be provided for Group E Occupancies where one of the following conditions exists:

1. Throughout all Group E *fire areas* greater than 6,000 square feet (557.4m²) in area;
2. Throughout every portion of educational building below the *level of exit discharge*.

Exception: An *automatic sprinkler system* is not required in any *fire area* or area below the *level of exit discharge* where every classroom throughout the building has at least one exterior exit door at ground level.

Section 903.2.4; *is amended to read as follows:*

903.2.4 Group F-1. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group F-1 Occupancy where one of the following conditions exists:

1. Where a Group F-1 *fire area* exceeds 6,000 square feet (557.4m²);
2. Where a Group F-1 *fire area* is located more than three stories above grade plane;
or
3. Where combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230m²).
4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).

Section 903.2.7; *is amended to read as follows:*

903.2.7 Group M. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group M Occupancy where one of the following conditions exists:

1. Where a Group M *fire area* exceeds 6,000 square feet (557.4m²);
2. Where a Group M *fire area* is located more than three stories above grade plane; or
3. Where the combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230m²).
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464m²)

Section 903.2.9; *is amended to read as follows:*

903.2.9 Group S-1. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-1 Occupancy where one of the following conditions exists:

1. A Group S-1 *fire area* exceeds 6,000 square feet (557.4m²);
2. A Group S-1 *fire area* is located more than three stories above grade plane; or
3. The combined area of all Group S-1 *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230m²).
4. A Group S-1 *fire area* used for the storage of commercial trucks or buses where the *fire area* exceeds 5,000 square feet (464m²).

5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2500 square feet (232m²).

Section 903.2.9.1; *is amended to read as follows:*

903.2.9.1 Repair Garages. An *automatic sprinkler system* shall be provided throughout all buildings used as Repair Garages where one of the following conditions exists:

1. Buildings two or more stories in height, including basements, with a *fire area* containing a repair garage exceeding 6,000 square feet (557.4m²);
2. One-story buildings with a *fire area* containing a repair garage exceeding 6,000 square feet (557.4m²);
3. Buildings with a repair garage servicing vehicles parked in the basement.
4. A Group S-1 *fire area* used for the repair of commercial trucks or buses where the *fire area* exceeds 5,000 square feet (464m²).

Section 903.2.9 Group S-1; *is amended by the addition of the following:*

903.2.9.3 Self-service storage facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities. A screen shall be installed at eighteen (18) inches below the level of the sprinkler heads to restrict storage above that level. This screen shall be a mesh of not less than one (1) inch nor greater than six (6) inches in size. The screen and its supports shall be installed such that all elements are at least eighteen (18) inches below any sprinkler heads.

Section 903.2.10; *is amended to read as follows:*

903.2.10 Group S-2 enclosed parking garages. An *automatic sprinkler system* shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 where either of the following conditions exists:

1. Where the *fire area* of the enclosed parking garage exceeds 6,000 square feet (1115 m²).
2. Where the enclosed parking garage is located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

Section 903.2.11.3; *is amended to read as follows:*

903.2.11.3 Buildings 35 feet or more in height. An *automatic sprinkler system* shall be installed throughout buildings that have one or more stories other than penthouses in compliance with Section 1510, located 35 feet (10 668 mm) or more above the lowest level of fire department vehicle access.

Exception:

Open parking structures in compliance with Section 406.5 having no other occupancies above the subject garage.

Sec. 903.2.11; *is amended by adding Sections 903.2.11.7 through 903.2.11.10 as follows:*

903.2.11.7 High-Piled Combustible Storage. For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 32 of the IFC to determine if those provisions apply.

903.2.11.8 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

903.2.11.9 Buildings Over 6,000 sq. ft. An *automatic sprinkler system* shall be installed throughout all buildings over 6,000 sq. ft. and greater, and in all existing buildings that are enlarged to be 6,000 square feet or greater, and in buildings greater than 6,000 square feet which are enlarged. For the purpose of this provision, fire walls, fire barriers, or horizontal assemblies shall not define separate buildings.

Exceptions:

1. Open parking garages in compliance with Section 406.5 of the *International Building Code*.
2. When of non-combustible construction, the area of awning extension or free-standing canopies, both sides, and not used for display or storage shall not be considered for requiring sprinkler protection for areas greater than 6,000 square feet but less than otherwise required in this code.

903.2.11.10 Expanded Tenant Spaces. Fire sprinklers shall be installed in all tenant spaces where the total fire area exceeds 6,000 square feet. For the purpose of fire sprinklers, fire walls, fire barriers, or horizontal assemblies shall not be used to separate single tenant fire areas.

Section 903.3.1.1.1; *change to read as follows*

903.3.1.1.1 Exempt locations. When approved by the *fire code official*, automatic sprinklers shall not be required in the following rooms or areas where such ...*{text unchanged}*... Sprinklers shall not be omitted from any room merely because it is damp, of fire- resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.

3. Elevator machine rooms, machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.

Section 903.3.1.2; *amend to read as follows:*

903.3.1.2 NFPA 13R sprinkler systems. Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinklers shall be installed throughout in accordance with NFPA 13R. Sprinkler systems installed in accordance with 13R shall include sprinkler protection in combustible attics of buildings two (2) or more stories in height.

Section 903.3.1.; *is amended by adding Section 903.3.1.4 to read as follows:*

903.3.1.4 Installation. Automatic sprinkler and standpipe systems shall be installed with the following:

1. A single underground supply from a looped water main and point for the Fire Department Connection (FDC) shall be provided for all buildings.
2. Fire department connections serving more than 500 GPM shall be provided with one 5-inch Storz connection and one 2-1/2 inch connection.
3. All inspectors' test, ball-drips, and main-drains shall be piped directly to the outside of the building.
4. At least one inspection test valve shall be located at the remote system area.
5. Fire pumps shall be equipped with a properly sized test header.
6. Underground piping shall have a 10-foot minimum separation from all other utilities and placed in a separate trench. Underground piping within 5 feet of the building may be combined with other utilities for entrance to the building.
7. Porches and balconies shall be sprinklered on all Group R-2 and R-3 occupancies.
8. A minimum of 4-feet of pipe between the check valve and inside wall of the Fire Department Connection.

Section 903.3.5; *add a second paragraph to read as follows;*

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every water-based fire protection system shall be designed with a 10 psi safety factor.

Section 903.4; *add a second paragraph after the exceptions to read as follows;*

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than forty five (45) seconds/ and not more than ninety (90) seconds. All control valves

in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 903.4.2; *add second paragraph to read as follows;*

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

Section 903.4.3 Floor control valves; *is amended to read as follows:*

903.4.3 Floor control valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor.

Section 905.2; *changed to read as follows:*

905.2 Installation standard. Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

905.3.2 *is amended to read as follows:*

905.3.2 Group A; *delete exceptions 1 and 2.*

1. Open-air-seating spaces without enclosed spaces.
2. Class I automatic dry and semiautomatic dry standpipes or manual wet standpipes are allowed in buildings that are not high-rise buildings.

Sec. 905.3.4 Stages; *delete this section.*

Section 905.3; *is amended to add section 905.3.10 as follows:*

905.3.10 Travel Distance. Class I standpipes shall also be required on all occupancies in which the distance from accessible points for Fire Department ingress to any point in the structure exceeds two hundred fifty feet (250') along the route that a fire hose is laid as measured from the fire lane.

Sec. 905.4 Location of Class I Standpipe hose connections. *is amended to read as follows:*

5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located either on the roof or at the highest landing of stairways with stair access to the roof. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.

Sec. 905.4 Location of Class I Standpipe hose connections. *is amended to add as follows:*

7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors or pathways thereafter.

Section 905.9; *add a second paragraph after the exceptions to read as follows:*

905.9 Valve Supervision.

{Bulk of Section to remain unchanged}

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 905 Standpipe Systems; *is amended by adding the following Section:*

905.11 Locking Standpipe Outlet Caps. The fire code official is authorized to require locking caps on the outlets on standpipe connections where the responding fire department carries appropriate key wrenches for removal that are compatible with locking FDC connection caps.

Section 907.1.1; *is amended by adding the following sentence:*

907.1.1 Construction documents. *{Bulk of Section to remain unchanged}* Plans for fire alarm systems shall be in accordance with Plano Fire Department Fire Alarm Submittal Guidelines.

Section 907.1 General; *is amended by adding the following Section and exception:*

907.1.4 Design Standards. All alarm systems new or replacement shall be addressable. Alarm systems serving more than 20 smoke detectors shall be analog addressable.

Exception: Existing systems need not comply unless the total building remodel or expansion initiated after January 1, 1998, as adopted, exceeds 30% of the building. When cumulative building remodel or expansion exceeds 50% of the building must comply within 18 months of permit application.

Sec. 907.2.1; *is amended to read as follows:*

[F] 907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3. 10 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of

Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception:

{Bulk of section unchanged}

Activation of fire alarm notification appliances shall:

1. Cause illumination of the means of egress with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

Section 907.2.3; change to read as follows

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems. Where automatic fire sprinklers are not provided, a full-coverage smoke detection system shall be provided in all Group E occupancies.

Exceptions:

1. A manual fire alarm system is not required in Group E educational and day care occupancies with an occupant load of less than 50 when provided with an approved automatic sprinkler system.
 - 1.1 Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 ½ or less years of age, see Section 907.2.6)

{No change to remainder of exceptions}

Section 907.2.6; add Section 907.2.6.4 to read as follows:

907.2.6.4 Group I-4 Occupancies. An approved smoke detection system shall be installed in Group I-4 occupancies. Where automatic fire sprinklers are not provided, a full-coverage smoke detection system shall be provided in all Group I-4 occupancies.

Section 907.2.13, Exception 3; change to read as follows:

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code*; however, this exception does not

apply to accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas.

Section 907.4.2; *add Section 907.4.2.7 to read as follows:*

907.4.2.7 Type. Manual alarm initiating devices shall be an approved double action type.

Section 907.6.1; *add Section 907.6.1.1 to read as follows:*

907.6.1.1 Wiring Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. Notification appliance circuits (NAC) may be installed as Class B circuits.

Section 907.6.5; *is amended by the adding Sections 907.6.5.1 and 907.6.5.2:*

907.6.5.1 Communication Requirements. All alarm systems, new or replacement, shall transmit alarm, supervisory, and trouble signals descriptively to the approved central station, remote supervisory station or proprietary supervising station as defined in NFPA 72, with the device designation and location of addressable device identification. Alarms shall not be permitted to be transmitted as a General Alarm or Zone condition.

907.6.5.2 Flow detectors and electronic monitoring. Sprinkler and standpipe system water flow detectors shall be provided for each floor zone to the sprinkler system and shall cause an alarm upon detection of water flow for a minimum of 45 seconds and not more than 90 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a trouble signal at the central station upon tampering.

Section 907.6.6 Monitoring; *add sentence at end of paragraph to read as follows:*

See 907.6.3 for the required information transmitted to the supervising station.

Section 910.2 Where Required; *change exception 2 and 3 to read as follows:*

2. Only manual smoke and heat removal shall be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.
3. Only manual smoke and heat removal shall not be required in areas of buildings equipped with control mode special application sprinklers with a response time index of $50(m \cdot S)^{1/2}$ or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

Section 910.2; *add Section 910.2.3 with exceptions to read as follows:*

910.2.3 Group H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394 m²) in single floor area

Exception: Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of building in Group H used for storing Class 2,3, and 4 liquid and solid Oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

Section 910.3 Smoke and heat vents; *add Sections 910.3.4, 910.3.4.1 and an exception, and 910.3.4.2 and an exception to read as follows:*

910.3.4 Vent operation. Smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.2.1 through 910.3.2.3.

910.3.4.1 Sprinklered buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically. The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

Exception: Manual only system per 910.2

910.3.4.2 Nonsprinklered buildings. Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.

Exception: Listed gravity-operated drop out vents.

Section 910.4.3.1; *change to read as follows:*

910.4.3.1 Makeup air. Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be manual or automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m² per 0.4719 m³/s) of smoke exhaust.

Section 910.4.4; *change and add an exception to read as follows;*

910.4.4 Activation. The mechanical smoke removal system shall be activated automatically by the automatic sprinkler system or by an approved fire detection system. Individual manual controls shall also be provided.

Exception: Manual only systems per Section 910.2.

Section 912.2 Location; *add Section 912.2.3 to read as follows:*

912.2.3 Hydrant distance. An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

Section 913.2.1 Protection of fire pump rooms; *add second paragraph and exception to read as follows:*

When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft - 8 in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the *fire code official*. Access keys shall be provided in the key box as required by Section 506.1.

Section 913.4; *is amended to read as follows:*

913.4 Supervision. Where provided, the fire pump suction, discharge and bypass valves, and the isolation valves on the backflow prevention devices or assembly shall be supervised open by a central-station, proprietary, or remote-station signaling service.

The fire-pump system shall also be supervised for “loss of power”, and “phase reversal” on supervisory circuits, and “pump running” as an alarm condition and shall report individually to the monitoring station.

Section 1006.2.2.6; *add Section 1006.2.2.6 to read as follows:*

1006.2.2.6 Electrical Rooms. For electrical rooms, special exiting requirements may apply. Reference the electrical code as adopted.

Section 1009.1 Accessible means of egress required; *add the following exception 4:*

Exceptions:

4. Buildings regulated under State Law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009.

Section 1010.1.9.4 Bolt Locks; *amend exceptions 3 and 4 as follows:*

Exceptions:

3. Where a pair of doors serves an *occupant load* of less than 50 persons in a Group B, F, M or S occupancy. {*Remainder unchanged*}
4. Where a pair of doors serves a Group A, B, F, M or S occupancy {*Remainder unchanged*}

Section 1015.8 Window Openings; *amend subsection 1 as follows:*

1. Operable windows where the top of the sill of the opening is located more than 55 feet (16 764 mm) above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F 2006.

Section 1020.1 Construction; *add exception 6 to read as follows:*

6. In group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved automatic smoke-detection within the corridor. The actuation of any detector shall activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors shall be connected to an approved automatic fire alarm system where such system is provided.

Section 1029.1.1.1 Spaces under grandstands and bleachers; *delete this section.*

Section 1101.1 Scope; *add exception as follows:*

Exception: Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

Section 1106 Parking and Passenger Loading Facilities; *is deleted in its entirety.*

Section 1203.1; *amend to read as follows:*

1203.1 General. Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical ventilation in accordance with the *International Mechanical Code*.

Where air infiltration rate in a *dwelling unit* is less than 5 air changes or less per hour when tested with a blower door at a pressure 0.2 inch w.c. (50 Pa) in accordance with Section 402.4.1.2 of the *International Energy Conservation Code*, the *dwelling unit* shall be ventilated by mechanical means in accordance with Section 403 of the *International Mechanical Code*.

Table 1505.1; *delete footnote c and replace footnote b with the following:*

- b. Non-classified roof coverings shall be permitted on buildings of U occupancies having not more than 120 sq. ft. of protected roof area. When exceeding 120 sq. ft. of protected

roof area, buildings of U occupancies may use non-rated non-combustible roof coverings.

c. [delete]

Section 1505.7; *delete this section.*

Section 1510.1; *add a sentence to read as follows:*

1510.1 General. Materials and methods of applications used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 15. All individual replacement shingles or shakes shall be in compliance with the rating required by Table 1505.1.

{text of exception unchanged}

Section 1603.2; *add chart to read as follows:*

<i>GROUND SNOW LOAD</i>	<i>WIND DESIGN</i>		<i>SEISMIC DESIGN CATEGORY^f</i>
	<i>SPEED^d (mph)</i>	<i>Topographic Effects^k</i>	
<i>5 lb/ft²</i>	<i>115 (3-sec-gust)/76 fastest mile</i>	<i>No</i>	<i>A</i>

<i>SUBJECT TO DAMAGE FROM</i>		
<i>Weathering^a</i>	<i>Frost line depth^b</i>	<i>Termite^c</i>
<i>moderate</i>	<i>6"</i>	<i>very heavy</i>

<i>WINTER DESIGN TEMP^e</i>	<i>ICE BARRIER UNDER-LAYMENT REQUIRED^h</i>	<i>FLOOD HAZARDS^g</i>	<i>AIR FREEZING INDEXⁱ</i>	<i>MEAN ANNUAL TEMP^j</i>
<i>22°F</i>	<i>No</i>	<i>local code</i>	<i>150</i>	<i>64.9°F</i>

Footnotes reference Table R301.2(1) - IRC

Section 1704.2; *is amended to read as follows:*

1704.2 Special inspections and tests. Where application is made to the Building Official for construction as specified in Section 105, the owner or the owner's authorized agent, or the registered design professional in responsible charge, other than the contractor, shall employ one or more approved agencies to provide special inspections and tests during construction on the types of work listed under Section 1705 and identify the approved agencies to the Building Official. The special inspector shall not be employed by the contractor. These special inspections and tests are in addition to the inspections identified by the Building Official that are identified in Section 110.

Section 1704.2.1; *is amended to read as follows:*

1704.2.1 Special inspector qualifications. Prior to the start of construction and or upon request, the approved agencies shall provide written documentation to the registered design professional in responsible charge and the building official demonstrating the competence and relevant experience or training of the special inspectors who will perform the special inspections and tests during construction. *{Remainder unchanged}*

Section 1704.2.4; *is amended to read as follows:*

1704.2.4 Report requirement. Approved agencies shall keep records of special inspections and tests. The approved agency shall submit reports of special inspections and tests to the Building Official upon request, and to the registered design professional in responsible charge. Individual inspection reports [Reports] shall indicate that work inspected or tested was or was not completed in conformance to approved construction documents. *[Remainder unchanged]*

Section 1704.2.5; *add sentence to read as follows:*

1704.2.5 Inspection of fabricators. This section provides minimum requirements for inspection of fabricators for buildings in Group E Occupancies and buildings in excess of 55 feet in height; *{remainder unchanged}*

Section 1704.2.5.1; *is amended to read as follows:*

1704.2.5.1 Fabricator approval. Special inspections during fabrications required by Section 1704 are not required where the work is done on the premises of a fabricator registered and approved to perform such work without special inspection. Approval shall be based upon review of the fabricator's written procedural and quality control manuals and periodic auditing of fabrication practices by an approved agency, or a fabricator that is enrolled in a nationally accepted inspections program. At completion of fabrication, the acceptable or approved fabricator shall submit a certificate of compliance to the owner or the owner's authorized agent or the registered design professional in responsible charge, stating that the work was performed in accordance with the approved construction documents. The certificate of compliance shall also be made available to the Building Official upon request.

Section 2901.1; *add a sentence to read as follows:*

2901.1 Scope. *{existing text to remain}* The provisions of this Chapter are meant to work in coordination with the provisions of Chapter 4 of the International Plumbing Code. Should any conflicts arise between the two chapters, the Building Official shall determine which provision applies.

Section 2902.1; *add a second paragraph to read as follows:*

In other than E Occupancies, the minimum number of fixtures in Table 2902.1 may be lowered, if requested in writing, by the applicant stating reasons for a reduced number and approved by the Building Official.

Table 2902.1; *add footnote f to read as follows:*

f. Drinking fountains are not required in M Occupancies with an occupant load of 100 or less, B Occupancies with an occupant load of 25 or less, and for dining and/or drinking establishments.

Section 2902.1.3; *add Section 2902.1.3, 2902.1.3.1 and 2902.1.3.2 to read as follows:*

2902.1.3 Additional fixtures for food preparation facilities. In addition to the fixtures required in this Chapter, all food service facilities shall be provided with additional fixtures set out in this section.

2902.1.3.1 Hand washing lavatory. At least one hand washing lavatory shall be provided for use by employees that is accessible from food preparation, food dispensing and ware washing areas. Additional hand washing lavatories may be required based on convenience of use by employees.

2902.1.3.2 Service sink. In new or remodeled food service establishments, at least one service sink or one floor sink shall be provided so that it is conveniently located for the cleaning of mops or similar wet floor cleaning tool and for the disposal of mop water and similar liquid waste. The location of the service sink(s) and/or mop sink(s) shall be approved by the health department.

Section 2902.2 Separate Facilities; *change exception 2 as follows:*

2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers of 25 or less, unless otherwise required by City of Plano Health Department.

Section 3002.1 Hoistway Enclosure Protection; *add exceptions to read as follows:*

Exceptions:

1. Elevators wholly located within atriums complying with Section 404 shall not require hoistway enclosure protection.
2. Elevators in open or enclosed parking garages that serve only the parking garage, and complying with Sections 406.5 and 406.6, respectively, shall not require hoistway enclosure protection.

Section 3005.4 Machine rooms, control rooms, machinery spaces and control spaces; *amend to read as follows:*

Elevator machine rooms, control rooms, control spaces and machinery spaces shall be enclosed with fire barriers constructed in accordance with Section 707 or horizontal

assemblies constructed in accordance with Section 711, or both.
{Remainder unchanged}

Section 3005 Machine Rooms; *add Sections 3005.7 and subsections 3005.7.1, 3005.7.2.1, 3005.7.2.2, 3005.7.3, and 3005.7.4 as follows:*

3005.7 Fire Protection in Machine rooms, control rooms, machinery spaces and control spaces.

3005.7.1 Automatic sprinkler system. The building shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, except as otherwise permitted by Section 903.3.1.1.1 and as prohibited by Section 3005.7.2.1.

3005.7.2.1 Prohibited locations. Automatic sprinklers shall not be installed in machine rooms, elevator machinery spaces, control rooms, control spaces and elevator hoist-ways.

3005.7.2.2 Sprinkler system monitoring. The sprinkler system shall have a sprinkler control valve supervisory switch and water-flow initiating device provided for each floor that is monitored by the building's fire alarm system.

3005.7.3 Water protection. An approved method to prevent water from infiltrating into the hoistway enclosure from the operation of the automatic sprinkler system outside the elevator lobby shall be provided.

3005.7.4 Shunt trip. Means for elevator shutdown in accordance with Section 3005.5 shall not be installed.

Section 3005 Machine Rooms; *add Section 3005.8 as follows:*

3005.8 Storage. Storage shall not be allowed within the elevator machine room, control room, machinery spaces and or control spaces. Provide approved signage at each entry to the above listed locations stating: "No Storage Allowed."

Section 3006.2 Hoistway opening protection required; *amend condition 5 text as follows:*

5. The building is a high rise and the elevator hoistway is more than 55 feet (16 764 mm) in height. The height of the hoistway shall be measured from the lowest floor at or above grade to the highest floors served by the hoistway.

Section 3005.5 Shunt trip; *deleted in its entirety.*

Section 3109.1; *change to read as follows:*

3109.1 General. Swimming pools shall comply with the requirements of sections 3109.2 through 3109.5 and other applicable sections of this code and complying with applicable state laws."

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

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

Section VI. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VII. This Ordinance shall become effective April 1, 2016 and after its passage and publication as required by law.

DULY PASSED AND APPROVED this, the 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		03/14/16		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
<p>An Ordinance of the City of Plano, Texas repealing City of Plano Ordinance No. 2013-10-25 codified as Article XX, Residential Code, of Chapter 6 of the Code of Ordinances; and adopting the 2015 Edition of the International Residential Code with certain additions, deletions, and amendments, as the Residential Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		0	0	0
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S): N/A				
<p>COMMENTS: This item has no fiscal impact. STRATEGIC PLAN GOAL: Repealing City of Plano Ordinance No. 2013-10-25 relates to the City's Goal of a Financially Strong City with Service Excellence and a Safe Large City.</p>				
SUMMARY OF ITEM				
<p>This Ordinance will adopt the most recent version of the International Building Codes published by the International Code Council and includes regional amendments which have been developed by the North Central Texas Council of Governments. The Building Standards Commission held public code review meetings in September, October, November, and December of 2015. At their January 19, 2016 meeting the Commission voted unanimously to recommend the Codes with amendments to the City Council for adoption as the Residential Code for the City of Plano.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Letter from the Home Builders Association Letter from Council of Governments Letter from the Building Standards Commission				



**CITY OF PLANO
COUNCIL AGENDA ITEM**

Building Department Memo	



Memorandum

Date: March 1, 2016

To: Bruce D. Glasscock, City Manager
Jack Carr, Deputy City Manager

From: Selso Mata, Chief Building Official

Subject: **2015 International Code - Adoption**

Every three years, building codes are promulgated by the International Code Council. Jurisdictions throughout the nation review these codes for their use and adoption. For the past year and half, Plano has continued its established code review process for the 2015 Codes through the North Central Texas Council of Governments. Upon completion of this process, the codes are further vetted through our Building Standards Commission. Our review is now complete. The following 2015 Codes are recommended to the City Council for adoption.

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Mechanical Code
- 2015 International Plumbing Code
- 2015 International Fuel and Gas Code
- 2015 International Energy Conservation Code
- 2015 International Existing Building Code

A common question at this time is; Are there any changes in the codes? One can imagine with thousands of pages of material and improvements in building products each year that some changes are expected. This is not uncommon at each code cycle. However, the development community is involved with adoption of the codes at the national, state, and regional levels. Many changes in the codes are editorial in nature and consist of relocated information and clarification language and meaning. Yet all building codes remain minimum standards and requirements for building safety in each respective category.

One such change is a new requirement for storm shelters based on geographic locations which have a potential for strong wind storm occurrence. Plano falls within this defined regional area and as a result, storm shelters are now required for new schools, police stations, fire stations, 911 emergency call centers and emergency operation centers. The storm shelter must consist of a building or room large enough to accommodate the occupants of the use with a structural integrity capable of withstanding a 250 M.P.H. wind load. This would only apply to new schools and buildings or additions to a school or building as described. The Plano Independent School District is aware of this requirement for inclusion in future projects.

Please let me know if you need additional information.



Memo

Date: February 16, 2016
To: Bruce D. Glasscock, City Manager
From: Art Stone, Chairman, Building Standards Commission
Subject: **Adoption of the 2015 International Codes with Amendments**

The Building Standards Commission, along with staff, has reviewed the 2015 International Building Codes with amendments at each monthly meeting occurring from August 2015 through January 2016 until completion. In addition, staff has vetted the codes with the North Central Council of Governments and made Plano amendment presentations for each code to our Commission. All code review is now completed.

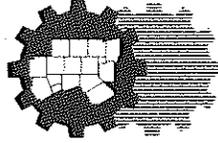
It is my pleasure to inform you that the Building Standards Commission unanimously recommends the following codes with amendments to the City Council for approval and adoption;

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Plumbing Code
- 2015 International Mechanical Code
- 2015 International Fuel and Gas Code
- 2015 International Energy Conservation Code
- 2015 International Existing Building Code

Sincerely,

A handwritten signature in black ink that reads "Art Stone". The signature is written in a cursive, slightly stylized font.

Art Stone
Chairman
Building Standards Commission



North Central Texas Council Of Governments

TO: Local Governments throughout
North Central Texas

DATE: September 21, 2015

FROM: Mike Eastland
Executive Director

David Kerr
Chair, Regional Codes Coordinating Committee

SUBJECT: 2015 International Codes and Regional Code Amendments for North Central Texas

The North Central Texas Council of Government's (NCTCOG) Executive Board, upon the recommendation of the Regional Codes Coordinating Committee (RCCC) and its Advisory Boards, endorsed the most recent regional amendments to the 2015 International Codes on September 17, 2015. Furthermore, the Executive Board encourages your jurisdiction to adopt the following 2015 International Codes and regional amendments by January 31, 2016:

- International Building Codes
- International Energy Conservation Code
- International Existing Building Code
- International Fire Code
- International Fuel Gas Code
- International Mechanical Code
- International Plumbing Code
- International Residential Code

Regional amendments to the 2015 International Codes can be found at the following website: www.nctcog.org/envir/codes. In addition, the Executive Board previously endorsed the 2014 National Electrical Code and regional amendments which are available for adoption.

Please Note:

In review of local government's adoption of code amendments, there is a wide range in the fire-fighting philosophies/capabilities of cities across the region; the consensus of the RCCC has been to include both an OPTION "A" and an OPTION "B" in the fire, building and residential code amendments. Jurisdictions should choose one or the other based on their fire-fighting philosophies/capabilities when adopting code amendments.

Notice of Codes Workshop

On November 5, 2015, a free 2015 International Building and Fire Code Workshop will be offered to cover the regional code review process, results of a recent Regional Code Adoption Survey, presentations from Texas A&M Energy Systems Laboratory and South-central Partnership for Energy Efficiency as a Resource, a summary of the 2015 recommended amendments, and upcoming building code training. Register for the workshop at <http://www.nctcog.org/envir/events.asp>.

Regional Code Amendments Background

NCTCOG has actively promoted the standardization of model construction codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs. The ultimate goal is regional uniformity in the model construction codes for the North Central Texas region. NCTCOG feels strongly that municipalities, contractors, architects, builders, and manufacturers will benefit from the positive economic results coming from achievement of that goal.

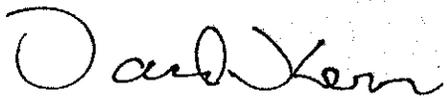
In 2014, the NCTCOG's RCCC directed its Advisory Boards to review the International Code Council's 2015 family of model construction codes. The Advisory Boards, comprised of over 100 code professionals representing local jurisdictions and professional associations, held open meetings to consider the codes and achieve consensus on any needed regional amendments.

As a follow-up measure, the RCCC intends to submit some of the regional amendments as proposed changes during the next international code change cycle. In the past, several NCTCOG regional amendments have been incorporated into the codes at the national level.

NCTCOG appreciates your local government's support of our continued efforts toward regional code uniformity. For more information regarding regional codes, contact Sandra Barba, Senior Planner, Department of Environment and Development, at sbarba@nctcog.org, or 817.608.2368. Please send a copy of your adopted ordinance(s) to NCTCOG including any amendments. Your ordinance will help us to document the effectiveness of the codes coordination effort in our region and may be used to provide a model to other jurisdictions.



Mike Eastland, Executive Director



David Kerr, Chair
Regional Codes Coordinating Committee

February 18, 2016

Selso Mata, Chief Building Official
City of Plano
1520 Avenue K
Plano, Texas 75086-0358

Dear Mr. Mata:

The Dallas Builders Association appreciates the role building codes play in maintaining the integrity of home construction in our area. As such, the Association conducts a detailed review of each International Code Council (ICC) code that pertains to the residential construction industry. This review emphasizes health and safety as well as housing affordability concerns.

As it has for many years, the Association was an active participant in reviewing the 2015 ICC codes serving on the North Central Texas Council of Governments Regional Codes Coordinating Committee (RCCC). Our members and staff were provided an opportunity during that process to convey the industry's concerns and many of those concerns were incorporated into the amendments that are now being considered for adoption by the City of Plano.

Thanks to the RCCC process and for the advanced notice that you have provided the Association to review Plano's local amendments, the Dallas Builders Association is comfortable with the residential provisions of Plano's 2015 code amendments package as presented. As you know, the state's energy code is changing this year and alternative compliance strategies are now under review by Texas A&M Energy Systems Laboratory. We hope that you will accept, through your power to do so in these Amendments, any additional compliance strategies approved by the Laboratory. Doing so will give the industry needed flexibility without detracting from the code's resource conservation objectives.

We appreciate your proactive efforts to seek our input and we look forward to being a continued resource for housing in the City of Plano and throughout the Dallas area.

Sincerely,



Executive Officer
Dallas Builders Association

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Altura Homes

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Fox Energy Specialists
Hotchkiss Insurance Agency
Johnson Supply
STELLAR Home Theater and Beyond
StrucSure Home Warranty
The Thompson Group at Classic
Chevrolet

AFFILIATED WITH:

Texas Association of Builders
National Association of Home Builders

An Ordinance of the City of Plano, Texas repealing City of Plano Ordinance No. 2013-10-25 codified as Article XX, Residential Code, of Chapter 6 of the Code of Ordinances; and adopting the 2015 Edition of the International Residential Code with certain additions, deletions, and amendments, as the Residential Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on October 28, 2013, by Ordinance No. 2013-10-25 the City Council of the City of Plano established a Residential Code and provided regulations thereunder, and such Ordinances were codified as Article XX, Residential Code, of Chapter 6 of the Code of Ordinances of the City of Plano (“City”); and

WHEREAS, on October 20, 2015, the Building Standards Commission held a public hearing to discuss the adoption of the 2015 Edition of the International Residential Code, a publication of the International Code Council (I.C.C.), and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, for regulatory purposes due to changes in state law, the City Council is of the opinion that Section 6-710, Chapter 3, Section R325 of Article XX of Chapter 6 of the City Code of Ordinances regarding Automatic Sprinkler Systems, originally established by Ordinance No. 2008-4-39 and retained in the City’s Residential Code since that time, should be retained as codified in the City Code of Ordinances and that all remaining provisions of Ordinance No. 2013-10-25 should be repealed; and

WHEREAS, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2015 Edition of the International Residential Code, and the local amendments thereto, should be approved and adopted as the Residential Code of the City.

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

Section I. All provisions of Ordinance No. 2013-10-25, duly passed and approved by the City Council of the City of Plano on October 28, 2013, codified as Chapter 6, Article XX of the City of Plano Code of Ordinances are repealed with the exception of the below referenced section which is hereby explicitly retained and shall remain codified in its entirety:

Section 6-710, Chapter 3, Section R325 of Article XX of Chapter 6 of the City of Plano Code of Ordinances established by Ordinance No. 2008-4-39 regarding Automatic Sprinkler Systems as follows:

“Section R325, Automatic Sprinkler Systems. An automatic sprinkler system shall be installed in all new buildings 6,000 square feet and greater, and in all existing buildings that are enlarged to be 6,000 square feet or greater, and in building greater than 6,000 square feet which are enlarged. Only gross floor area within the exterior walls shall be used to calculate the building area.

Exception:

a. The floor areas of covered patios and porches open entirely on at least one side, except for guardrails, need not be included in the calculation of the area of the building.”

Section II. A new Article XX, Residential Code, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

ARTICLE XX. RESIDENTIAL CODE

“DIVISION 1. GENERALLY

Section 6-708.Penalty.

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 6-709.Adopted.

The 2015 Edition of the International Residential Code, a publication of the International Code Council (I.C.C.), along with the Appendices of such Code, is hereby adopted and designated as the Residential Code of the City of Plano to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the 2015 Edition of the International Residential Code is on file in the office of the City Secretary.

DIVISION 2. AMENDMENTS

Section 6-710.Deletions, Additions, Amendments.

The following deletions, additions, and amendments to the International Residential Code adopted herein are hereby approved and adopted:

Section R101.1; *insert jurisdiction name as follows:*

R101.1 Title. These regulations shall be known as the *Residential Code for One- and Two-family Dwellings* of the City of Plano, Texas hereinafter referred to as "this code."

Section R102.4; *change to read as follows:*

R102.4 Referenced codes and standards. The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.

Section R104.2 Applications and permits; *amended by the addition of section R104.2.1.*

R104.2.1 Adequate toilet facilities. In partially completed phased subdivisions or projects, more than one permanent or temporary toilet may be required, but not less than one shall be provided and at least one permanent or temporary toilet facility shall be maintained in each subdivision or project for the employees or subcontractors of each builder holding a permit for a building in that subdivision or project. A toilet facility must be provided by each builder as long as the builder holds an active building permit in the subdivision or project.

Permanent toilet facility is defined as a room in an existing building or in the building being constructed with a water closet installed in such a room that conforms to the Plumbing Code and is continuously available to all workers involved in a construction project.

Temporary toilet facility is defined as a portable, fully enclosed, chemically sanitized toilet, which is serviced and cleaned at least once each week.

A Stop Work Order may be issued for any project not in compliance with this section.

Section R104.10.1 Flood Hazard areas; *delete this section.*

Section R105.2 Work exempt from permit; *amend and delete as follows:*

Building:

1. One-story... *{item unchanged}* does not exceed 120 square feet.
2. *[Deleted.]*
5. *[Deleted.]*

Section R105.3 Application for permit; *is amended by the addition of the following paragraphs:*

Registration:

To obtain a permit the applicant shall be registered as a contractor.

- a. Registration Requirements: Contractor may register by making application on forms provided by the Building Official. Electrical, irrigation, mechanical, and plumbing contractors shall provide proof of required State of Texas licenses and insurance.
- b. Revocation/Suspension: A contractor's registration may be suspended for the following causes:
 1. The contractor fails to finalize permits by obtaining the required, approved inspections.
 2. The contractor allows use or occupancy of a structure for which a permit was obtained without first obtaining the required authorization.
 3. Expiration, suspension or revocation of required license, bond or insurance.

Exception: Homeowners may obtain permits to do work at their residence without being registered.

Section R105.3.1 Action on application; *is amended by the addition of the following paragraph:*

A demolition permit may be withheld for any building or structure within the Plano Historic Building and Site Survey as designated in the Preservation Plan for a period not exceeding thirty (30) days pending review by the Heritage Commission.

Section R105.3.1.1 & R106.1.4; *delete these sections.*

Section R105.10; *amend as follows:*

R105.10 Withdrawn Permits. Permits may be withdrawn by the applicant if no work has commenced on the project. Permit fees exceeding \$100.00 may be partially refunded. Where applicable, fees will be refunded at 80 percent of their original value, excluding the plan review and fire protection plan review deposits.

Permits for which work has commenced may not be withdrawn unless a subsequent permittee has obtained a permit to complete the work, or when work has started unless an inspection has been made and the Building Official has determined that the existing work has created no violation of any code or ordinance.

Expired permits may be withdrawn if determined by the Building Official that no work has commenced.

Withdrawn permits with fees of less than fifty (\$100) dollars are nonrefundable.

Section R106.1 Submittal documents; *is amended by the addition of the following paragraphs:*

Foundation plans and braced wall plans shall be submitted with each application. These plans shall be designed by an engineer licensed by the State of Texas and shall bear that engineer's seal, signature, and date. Braced wall design plans may be approved by the building official.

All structural plans, 6,000 square feet and greater under roof, shall be designed by an engineer licensed by the State of Texas and shall bear that engineer's seal, signature, and date.

Section R106.3.1 Approval of construction documents; *is changed to read as follows:*

When the building official issues a permit, the construction documents shall be approved, in writing, or by a stamp which states "APPROVED and APPROVED AS NOTED BY THE BUILDING OFFICIAL". *{the remainder of the section is unchanged}*

Section R108.7; *add Section 108.7 to read as follows:*

R108.7 Re-inspection Fee. A re-inspection fee may be charged but not be limited to the following:

- 1.The inspection called for is not ready when the inspector arrives;
- 2.No building address or permit card is clearly posted;

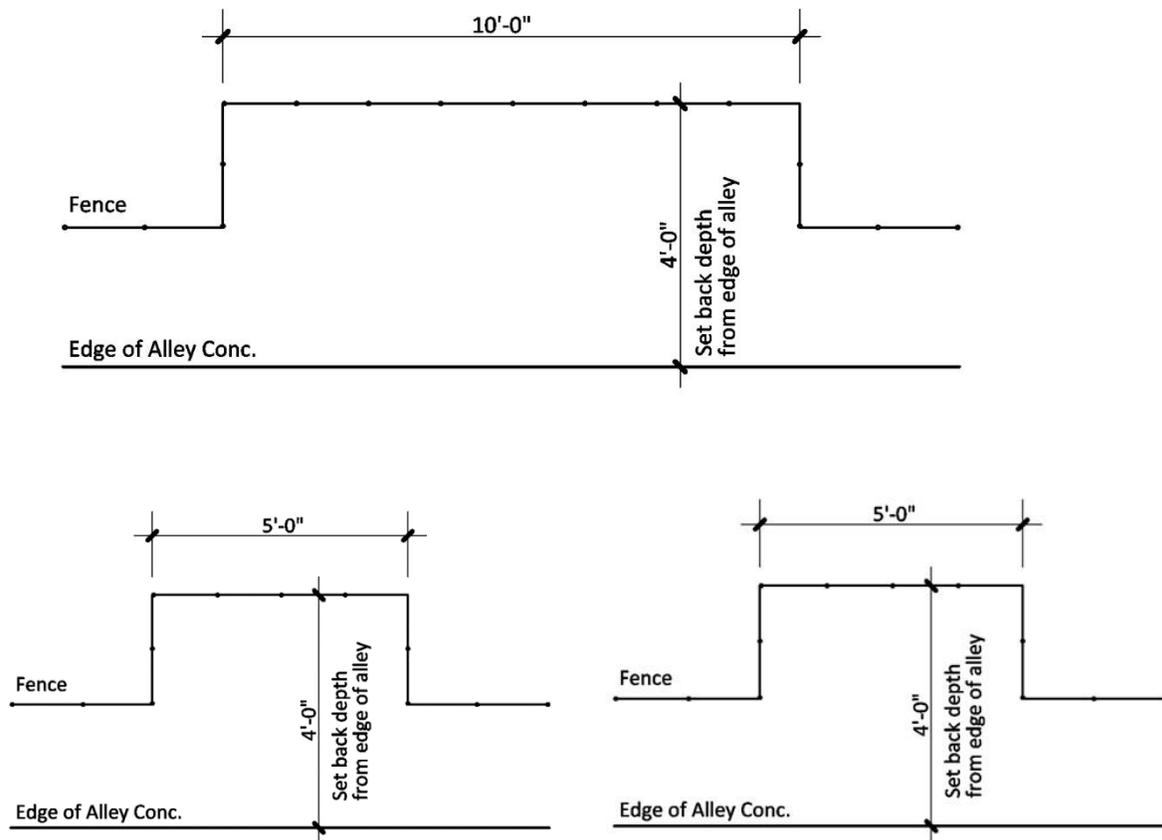
3. Approved plans are not on the job site available to the inspector;
4. The building is locked or work otherwise not available for inspection when called;
5. The job site is red-tagged twice for the same item;
6. Violations exist on the property including failure to maintain erosion control, trash control or tree protection.

Section R109 Other Inspections; *add section 109.1.5.2 to read as follows:*

R109.1.5.2 Fences with rolling gates. Where a fence with a rolling gate is constructed a trash dumpster service access pad shall be installed. The trash dumpster service access pad shall be a ten foot by four (10x4) foot space, setback four (4) feet from the edge of the alley or shall be two (2) five foot by four (5x4) foot spaces, setback four (4) feet from the edge of the alley. See figure 109.1.5.2

Section R109 Other Inspections; *add figure R109.1.5.2*

FIGURE R 109.1.5.2 - FENCE LAYOUTS FOR ROLLING GATES



Section R110 (R110.1 through R110.5); *are deleted in its entirety.*

Section R112 Board of Appeals; *is changed so that the Section title shall read “Building Standards Commission.”*

Section R112.3 Qualifications; *deleted in its entirety.*

Section R114 Stop Work Order; *add Section R114.3 to read as follows:*

Section R114.3 Construction debris

a. Whenever work is being done that is authorized by a permit, and construction debris from that work is not confined to a container or to a site on the property approved by the Building Official or his designee, and such construction debris poses a threat to public health, safety and comfort so that it constitutes a nuisance, the Building Official or his designee may order the work stopped and the Contractor shall clean up the construction debris within thirty-six (36) hours of receiving written notice of the violation. After the expiration of the thirty-six (36) hour period, Contractor shall pay City a re-inspection fee to offset costs incurred by City due to the necessary re-inspection before the stop work order is lifted.

b. As used herein, the term “Construction Debris” shall include all materials utilized in the construction process, including all litter and debris deposited and left remaining upon the premises of a job site by a Contractor, Subcontractor, and their employees, agents, and assigns.

c. As used herein “Costs” shall mean all expense incurred by City for the cleaning of the job site and the amount of any unpaid municipal court fine.

Section R202 Definitions; *definition of “Townhouse” is changed to read as follows:*

A single-family dwelling unit constructed in a group of three or more attached units separated by property lines in which each unit extends from foundation to roof and with open space on at least two sides.

Section R202 Definitions; *add definition of “Floor Area, Gross” as follows;*

The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts

Section R202 Definitions; *add definition of “Recreation Room” as follows;*

A room in a dwelling unit, which is intended for such uses as viewing television or films, listening to recordings, or participating in video or similar games. The area of this room is not to exceed one-tenth of the floor area of the habitable space of the dwelling unit.

Table R301.2(1); fill in as follows:

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f
	SPEED ^d (mph)	Topographic Effects ^k	Special Wind Region ^L	Windborne Debris Zone ^M	
5 lb/ft ²	115 (3-sec-gust)/76 fastest mile	No	No	No	A

SUBJECT TO DAMAGE FROM		
Weathering ^a	Frost line depth ^b	Termite ^c
moderate	6"	Very Heavy

WINTER DESIGN TEMP ^e	ICE BARRIER UNDER-LAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
22°F	No	01/02/80	69 °F	64.9°F

{No change to footnotes}

Section R302.1 Exterior Walls; add exception to read as follows:

Exceptions: *{previous exceptions unchanged}*

- Open metal carport structures may be constructed when also approved within adopted ordinances.

Section R302.3 Two-family Dwellings; add exception #3 to read as follows:

Exceptions:

- Two-family dwelling units that are also divided by a property line through the structure shall be separated as required for townhouses.

Section R302.5.1; change to read as follows:

R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8" inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8" inches (35 mm) thick, or 20-minute fire-rated doors.

Section R303.3 Bathrooms; *amend exception to read as follows:*

Exception: *{existing text unchanged}* Exhaust air from the space shall be exhaust out to the outdoors unless the space contains only a water closet, a lavatory, or water closet and a lavatory may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

Section R313 Automatic Fire Sprinkler Systems; *delete sections R313.1, R313.1.1, R313.2, R313.2.1 in their entirety.*

Section R314.3 Location; *is amended with the addition of the following:*

5. Enclosed Recreation/Media Room

Section R315.2.2 Alterations, repairs and additions; *amend exception #2 to read as follows:*

Exception:

2. Installation, alteration or repairs of electrical powered, *{remaining text unchanged}*

Section R319.1 Address Numbers; *amend and add to the second sentence as follows:*

....street or road fronting the property, and from rear alleyways adjacent to the property.
{remainder unchanged}

Section R322 Flood Resistant Construction; *delete section.*

Section R325 Mezzanines; *change number to Section R327 Mezzanines*

Renumber and change the following:

R325.1; *change number to R327.1***General.**

R325.2; *change number to R327.2* **Mezzanines.**

R325.3; *change number to R327.3* **Area limitations.**

R325.4; *change number to R327.4* **Means of egress.**

R325.5; *change number to R327.5* **Openness**

Section R326 Swimming Pools, Spas and Hot Tubs; *amended to read as follows:*

R326.1 General. The design and construction of pools and spas shall comply with the **2015 IRC Appendix Q. Swimming Pools, Spas and Hot Tubs.**

Section R401.2; *amended by adding the following sentence to read as follows:*

Section R401.2. Requirements. *{existing text unchanged}* ...

Every foundation and/or footing, or any size addition to an existing post-tension foundation, regulated by this code shall be designed and sealed by a Texas-registered engineer.

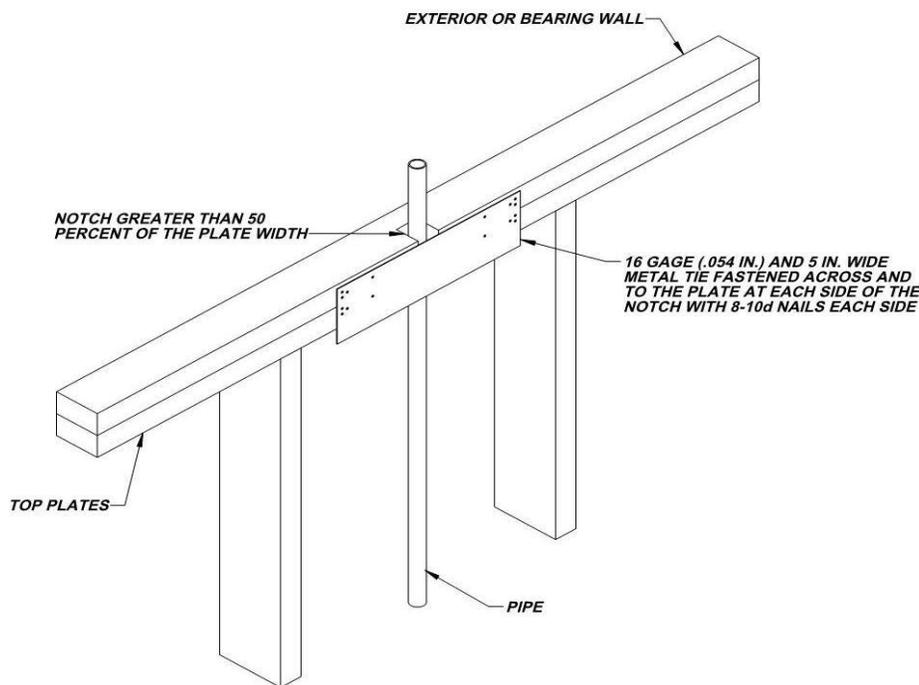
Subsection R602.6 Drilling and notching of studs; *is amended by the addition to first sentence to read as follows.*

Studs that are drilled or notched for plumbing pipes shall be 2x6 or larger.

Section R602.6.1; *amend the following:*

R602.6.1 Drilling and notching of top plate. When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (1.37 mm) (16 Ga) and ½ inches (38) mm 5 inches (127 mm) wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d (0.148 inch diameter) having a minimum length of 1 ½ inches (38 mm) at each side or equivalent. Fasteners will be offset to prevent splitting of the top plate material. The metal tie must extend a minimum of 6 inches past the opening. See figure R602.6.1. {*remainder unchanged*}

Figure R602.6.1; *delete the figure and insert the following figure:*



Section R703.8.4.1; *add a second paragraph to read as follows:*

In stud framed exterior walls, all ties shall be anchored to studs as follows:

1. When studs are 16 in (407 mm) o.c., stud ties shall be spaced no further apart than 24 in (737 mm) vertically starting approximately 12 in (381 mm) from the foundation; or

2. When studs are 24 in (610 mm) o.c., stud ties shall be spaced no further apart than 16 in (483 mm) vertically starting approximately 8 in (254 mm) from the foundation.

Section R902.1; *amend and add exception #5 to read as follows:*

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. Class A, B and C roofing shall be installed *{remainder unchanged}*

Exceptions:

1. *{text unchanged}*
2. *{text unchanged}*
3. *{text unchanged}*
4. *{text unchanged}*
5. Non-classified roof coverings shall be permitted on one-story detached *accessory structures* used as tool and storage sheds, and similar uses, provided the floor area does not exceed (area defined by jurisdiction).

Section R905.1 Roof covering applications; *is amended by the addition of the following;*

Roof systems in place prior to January 18, J 988, may be repaired with roof coverings of the same type as the original roof when all the following conditions are met:

1. The repair does not exceed twenty-five (25) percent of the roof.
2. The repair does not result in an increase in the total surface area of the roof.
3. Repairs shall not exceed (twenty-five) (25) percent of the roof surface area within any twelve month period unless Class C or better roof covering is provided.

Shingles and shakes shall be applied to roofs with solid sheathing. Existing roofs may be replaced over spaced sheathing. When spaced sheathing is used, sheathing boards shall not be less than 1- inch by 4-inch (25 mm by 102 mm) nominal dimensions and shall be spaced on centers equal to the weather exposure to coincide with the placement of fasteners. When 1-inch by 4-inch (25 mm by 102 mm) spaced sheathing is installed at 10 inches (254 mm) on center, additional 1-inch by 4- inch (25 mm by 102 mm) boards must be installed between the sheathing boards.

Chapter 11 [RE] – Energy Efficiency; *deleted in its entirety and replaced with the following:*

N1101.1 Scope. This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

N1101.2 Compliance. Compliance shall be demonstrated by meeting the requirements of the residential provisions of 2015 International Energy Conservation Code.

Section M1305.1.3; *change to read as follows:*

M1305.1.3 Appliances in attics. *Attics containing appliances shall be provided . . . {bulk of paragraph unchanged} . . . sides of the appliance where access is required. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger and large enough to allow removal of the largest appliance. A walkway to an appliance shall be rated as a floor as approved by the building official. As a minimum, for access to the attic space, provide one of the following:*

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An *access* door from an upper floor level.

Exceptions:

1. The passageway and level service space are not required where the *appliance* can be serviced and removed through the required opening.
2. Where the passageway is unobstructed...*{remaining text unchanged}*

Section M1307.3.1 Protection from impact; *is deleted in its entirety.*

Section M1411.3; *change to read as follows:*

M1411.3 Condensate disposal. Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to a sanitary sewer through a trap, by means of a direct or indirect drain. *{remaining text unchanged}*

Section M1411.3.1; *add text to items # 3 and # 4 to read as follows:*

M1411.3.1 Auxiliary and secondary drain systems. *{bulk of paragraph unchanged}*

1. *{text unchanged}*
2. *{text unchanged}*
3. An auxiliary drain pan... *{bulk of text unchanged}*... with Item 1 of this section. A water level detection device may be installed only with prior approval of the *building official*.
4. A water level detection device... *{bulk of text unchanged}*... overflow rim of such pan. A water level detection device may be installed only with prior approval of the *building official*.

Section M1411.3.1.1; *add text to read as follows:*

M1411.3.1.1 Water-level monitoring devices. On down-flow units ...*{bulk of text unchanged}* ... installed in the drain line. A water level detection device may be installed only with prior approval of the *building official*.

Section M1503.4 Makeup air required; *amend and add exception as follows:*

M1503.4 Makeup air required. Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute (0.19 m³/s) shall be provided with makeup air at a rate approximately equal to the difference between the exhaust air rate and 400 cubic feet per minute. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

Exception: Where all appliances in the house are of sealed combustion, power-vent, unvented, or electric, the exhaust hood system shall be permitted to exhaust up to 600 cubic feet per minute (0.28 m³/s) without providing makeup air. Exhaust hood systems capable of exhausting in excess of 600 cubic feet per minute (0.28 m³/s) shall be provided with a makeup air at a rate approximately equal to the difference between the exhaust air rate and 600 cubic feet per minute.

Section M2005.2; *change to read as follows:*

M2005.2 Prohibited locations. Fuel-fired water heaters shall not be installed in a room used as a storage closet. Water heaters located in a bedroom or bathroom shall be installed in a sealed enclosure so that *combustion air* will not be taken from the living space. Access to such enclosure may be from the bedroom or bathroom when through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the *International Energy Conservation Code* and equipped with an *approved* self-closing device. Installation of direct-vent water heaters within an enclosure is not required

Section G2408.3 Private Garages (305.5); *deleted in its entirety.*

Section G2415.2.1 (404.2.1) CSST Piping Systems; *add a second paragraph to read as follows:*

Both ends of each section of medium pressure gas piping shall identify its operating gas pressure with an *approved* tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:

"WARNING: 1/2 to 5 psi gas pressure - Do Not Remove"

Section G2415.2.2 CSST Piping Systems Requirement (404.2.2) ; *add an exception to read as follows:*

Exception: Corrugated stainless steel tubing (CSST) shall be a minimum of 1/2" (18 EDH).

Section G2415.12 (404.12); *change to read as follows:*

G2415.12 (404.12) Minimum burial depth. Underground *piping systems* shall be installed a minimum depth of 18 inches (457 mm) below grade.

Section G2417.1 (406.1); change to read as follows:

G2417.1 (406.1) General. Prior to acceptance and initial operation, all *pipng* installations shall be inspected and *pressure tested* to determine that the materials, design, fabrication, and installation practices comply with the requirements of this *code*. The *permit* holder shall make the applicable tests prescribed in Sections 2417.1.1 through 2417.1.5 to determine compliance with the provisions of this *code*. The *permit* holder shall give reasonable advance notice to the *building official* when the *pipng system* is ready for testing. The *equipment*, material, power and labor necessary for the inspections and test shall be furnished by the *permit* holder and the *permit* holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

Section G2417.4.1; change to read as follows:

G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall be no less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one half inches (3 ½”), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 ½”), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.

Diaphragm gauges used for testing must display a current calibration and be in good working condition. The appropriate test must be applied to the diaphragm gauge used for testing

Section G2417.4.2; change to read as follows:

G2417.4.2 (406.4.2) Test duration. The test duration shall be held for a length of time satisfactory to the *Building Official*, but in no case for less than fifteen (15) minutes. For welded *pipng*, and for *pipng* carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the *Building Official*, but in no case for less than thirty (30) minutes.

Section G2420.1 (406.1); add Section G2420.1.4 to read as follows:

G2420.1.4 Valves in CSST installations. Shutoff *valves* installed with corrugated stainless steel (CSST) *pipng systems* shall be supported with an approved termination fitting, or equivalent support, suitable for the size of the *valves*, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration but in no case greater than 12-inches from the center of the *valve*. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's *pipng*, fittings, and *valves* between anchors.

All *valves* and supports shall be designed and installed so they will not be disengaged by movement of the supporting *pipng*.

Section G2420.5.1 (409.5.1); *add text to read as follows:*

G2420.5.1 (409.5.1) Located within the same room. The shutoff valve ...*{bulk of paragraph unchanged}*... in accordance with the appliance manufacturer's instructions. A secondary shutoff valve must be installed within 3 feet (914 mm) of the firebox if appliance shutoff is located in the firebox.

Section G2421.1 (410.1); *add text and exception to read as follows:*

G2421.1 (410.1) Pressure regulators. A line *pressure regulator* shall be ... *{bulk of paragraph unchanged}*... *approved* for outdoor installation. Access to *regulators* shall comply with the requirements for access to *appliances* as specified in Section M1305.

Exception: A passageway or level service space is not required when the *regulator* is capable of being serviced and removed through the required *attic* opening.

Section G2422.1.2.3 (411.1.3.3); *delete exception 1 and exception 4.*

Section G2445.2 (621.2); *add exception to read as follows:*

G2445.2 (621.2) Prohibited use. One or more *unvented room heaters* shall not be used as the sole source of comfort heating in a *dwelling unit*.

Exception: Existing *approved unvented room heaters* may continue to be used in *dwelling units*, in accordance with the *code* provisions in effect when installed, when *approved* by the *Building Official* unless an unsafe condition is determined to exist as described in *International Fuel Gas Code* Section 108.7 of the *Fuel Gas Code*.

Section G2448.1.1 (624.1.1); *change to read as follows:*

G2448.1.1 (624.1.1) Installation requirements. The requirements for *water heaters* relative to access, sizing, relief valves, drain pans and scald protection shall be in accordance with this *code*.

Section P2603.5.1; *add to read as follows:*

P2603.5.1 Sewer Depth. Building sewers that connect to private sewage disposal systems shall be not less than 6 inches *{remainder unchanged}*. Building sewers shall be not less than 6 inches below grade.

Section P2801.6.1; *change to read as follows:*

P2801.6.1 Pan size and drain. The pan shall be not less than 1 1/2 inches (38 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 3/4 inch (19 mm). Piping for safety pan drains shall be of those materials listed in IPC Table 605.4. Multiple pan drains may terminate to a single discharge piping system when *approved* by the administrative authority and permitted by the manufactures installation instructions and installed with those instructions.

Section P2801.7; *add exception to read as follows:*

Exceptions:

1. Electric Water Heater.

Section P2902.5.3; *change to read as follows:*

P2902.5.3 Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

Table P2906.4; *change to read as follows.*

Table P2906.4 Water Service Pipe; *amended by the deletion of “PVC plastic pipe”.*

Section P3111 Combination Waste and Vent System; *delete in its entirety.*

Section P3112.2; *delete and replace with the following:*

P3112.2 Installation. Traps for island sinks and similar equipment shall be roughed in above the floor and may be vented by extending the vent as high as possible, but not less than the drainboard height and then returning it downward and connecting it to the horizontal sink drain immediately downstream from the vertical fixture drain. The return vent shall be connected to the horizontal drain through a wye-branch fitting and shall, in addition, be provided with a foot vent taken off the vertical fixture vent by means of a wye-branch immediately below the floor and extending to the nearest partition and then through the roof to the open air or may be connected to other vents at a point not less than six (6) inches (152 mm) above the flood level rim of the fixtures served. Drainage fittings shall be used on all parts of the vent below the floor level and a minimum slope of one-quarter (1/4) inch per foot (20.9 mm/m) back to the drain shall be maintained. The return bend used under the drain-board shall be a one (1) piece fitting or an assembly of a forty-five (45) degree (0.79 radius), a ninety (90) degree (1.6 radius) and a forty-five (45) degree (0.79 radius) elbow in the order named. Pipe sizing shall be as elsewhere required in this Code. The island sink drain, upstream of the return vent, shall serve no other fixtures. An accessible cleanout shall be installed in the vertical portion of the foot vent.

Chapters 34-43; *deleted in their entirety. Replace with the 2014 National Electrical Code*

Appendix M, “Home Day Care — R3 Occupancy; *amended to read as follows:*

**REQUIREMENTS FOR GROUP R; DIVISION 3.1 OCCUPANCIES
“In Home Daycare”**

Subsection AM101.I General; *changed in its entirety to read as follows;*

Building or parts of buildings classified as R3.1 shall comply the provisions noted below along with any non-amended provisions located in Appendix M .

Subsection AM101.2 Special Provisions *is added:*

All rooms or spaces used for the purpose of providing daycare shall be located on the ground floor. All stairways or ramps providing access to areas above or below the ground floor shall be made inaccessible to children by means of an approved permanent barrier located at the ground floor.

Subsection AM101.3 Certificate of Occupancy *is added.*

A Certificate of Occupancy is required for all buildings containing R-3.1 occupancy. Such Certificate of Occupancy must be renewed annually in conjunction with the State mandated inspections conducted by the Fire Department. The Certificate of Occupancy will only be renewed when it is determined by the Fire Marshall that the building complies with all the provisions of this Chapter. Application for the Certificate of Occupancy shall be made in the Office of the Building Official and a fee shall be collected as prescribed in the approved fee schedule.

Section AM102 — Definitions *added the following:*

In home daycare or Day Care Center (in home) - An operation providing care in the caretaker's residence for less than 24 hours a day for up to 8 children under the age of 14, provided that the total number of children, including the caretaker's own children, is no more than 8 at any time. (ZC 20012-21, Ordinance No. 2012-8-16); if required by the State of Texas, the daycare must be licensed or registered.

Habitable rooms - Rooms use for living, sleeping, eating, anad cooking.

Subsection AM103.1.2 Basements; *is deleted in its entirety.*

Subsection AM103.3; *adds the following:*

Subsection AM103.3 Type of lock and latches for exits. An approved emergency plan shall be posted and maintained in the dwelling.

Section AM104 Smoke Detection; *is changed in its entirety and replacing AM104.1, AM104.2, and AM104.3 with the following sections:*

Subsection AM104.1 General. Every habitable room in buildings housing R3.1 Occupancies shall be equipped with an approved smoke detector. All such smoke detectors shall be interconnected in such a manner that if smoke is detected by a detector, all of the detectors will alarm.

Exceptions: An approved heat detector may be substituted for the required smoke detector located in the kitchen in R3.1 Occupancies. All other requirements for smoke detection equipment for R3.1 Occupancies must be met.

Subsection AM104.2 Kitchens. Kitchens in buildings housing R3.1 Occupancies shall be equipped with an approved 2A:10-B:C fire extinguisher. An additional approved 2A:10-B:C fire extinguisher shall be located in the area of the building used for daycare purposes.

Appendix Q Reserved; *amended to read as follows:*

Appendix Q. Swimming Pools, Spas and Hot Tubs.

SECTION AQ101 GENERAL

AQ101.1 General. The provisions of this appendix shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- or two-family dwelling.

AQ101.2 Pools in flood hazard areas. Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on- ground pools and in-ground pools that involve placement of fill, shall comply with Section AQ101.2.1 or AQ101.2.2.

Exception: Pools located in riverine flood hazard areas which are outside of designated floodways.

AQ101.2.1 Pools located in designated floodways. Where pools are located in designated floodways, documentation shall be submitted to the building official which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the jurisdiction.

AQ101.2.2 Pools located where floodways have not been designated. Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.

SECTION AQ102 DEFINITIONS

AQ102.1 General. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

BARRIER. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling, or a one-family townhouse not more than three stories in height.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SECTION AQ103 SWIMMING POOLS

AQ103.1 In-ground pools. In-ground pools shall be designed and constructed in compliance with ANSI/NSPI-5.

AQ103.2 Above-ground and on-ground pools. Above-ground and on-ground pools shall be designed and constructed in compliance with ANSI/NSPI-4.

AQ103.3 Pools in flood hazard areas. In flood hazard areas established by Table R301.2(1), pools in coastal high-hazard areas shall be designed and constructed in compliance with ASCE 24.

SECTION AQ104 SPAS AND HOT TUBS

AQ104.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-3.

AQ104.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-6.

SECTION AQ105 BARRIER REQUIREMENTS

AQ105.1 Application. The Provisions of this appendix shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

AQ105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219mm) above grade measured on the side of the barrier, which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51mm) measured on

the side of the barrier, which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102mm).

2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102mm) sphere.

3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

6. Maximum mesh size for chain link fences shall be a 2.25-inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).

8. Access gates shall comply with the requirements of Section AQ105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and

8.2. The gate and barrier shall have not opening greater than 0.5 inch (13 mm) within 18 inches (457 mm) of the release mechanism.

9. Where a wall of a dwelling serves a part of the barrier one of the following conditions shall be met:

9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or

9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are

opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch (es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or

9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.

10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or

10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AQ105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter (102 mm) sphere.

AQ105.3 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Section AQ105.2, Item 9.

AQ105.4 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb them.

AQ105.5 Barrier exceptions. Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AQ107, shall be exempt from the provisions of this appendix

SECTION AQ106 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

AQ106.1 General. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

SECTION AQ107 ABBREVIATIONS

AQ107.1 General.

ANSI—American National Standards Institute
11 West 42nd Street
New York, NY 10036

APSP—Association of Pool and Spa Professionals
NSPI—National Spa and Pool Institute
2111 Eisenhower Avenue
Alexandria, VA 22314

ASCE—American Society of Civil Engineers
1801 Alexander Bell Drive
Reston, VA 98411-0700

ASTM—ASTM International

100 Barr Harbor Drive
West Conshohocken, PA 19428

UL—Underwriters Laboratories, Inc.
333 Pfingsten Road
Northbrook, IL 60062-2096

SECTION AQ108 REFERENCED STANDARDS

AQ108.1 General.

ANSI/NSP

ANSI/NSPI- 3—99	Standard for Permanently Installed Residential Spas	AQ104.1
ANSI/NSPI- 4—99	Standard for Above-ground/ On-ground Residential Swimming Pools	AQ103.2
ANSI/NSPI- 5—03	Standard for Residential In-ground Swimming Pools	AQ103.1
ANSI/NSPI- 6—99	Standard for Residential Portable Spas	AQ104.2

ANSI/APSP

ANSI/APSP- 7—06	Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins	AQ106.1
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ASCE

ASCE/SEI-24— 05	Flood-resistant Design and Construction	AQ103.3
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ASTM

ASTM F 1346—91 (2003)	Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools Spas and Hot Tubs	AQ105.2, AQ105.5
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UL 2017— 2000	Standard for General-purpose Signaling Devices and Systems—with revisions through June 2004	AQ105.2”
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Section III. All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

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

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

Section VII. This Ordinance shall become effective April 1, 2016, and after its passage and publication as required by law.

DULY PASSED AND APPROVED this the 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		03/14/2016		
Department:		Police		
Department Head		Gregory W. Rushin		
Agenda Coordinator (include phone #): Pam Haines, ext 2538				
CAPTION				
An Ordinance of the City of Plano, Texas, repealing Ordinance Nos. 2006-2-23, 2007-12-4 and 2008-9-32 codified as Article VI. Alarm Systems of Chapter 11, Licenses and Business Regulations, of the Code of Ordinances of the City of Plano and adopting a new Alarm Systems ordinance to comply with changes in state law and reflect current practices; and providing a severability clause, a repealer clause, a savings clause, a penalty clause, a publication clause and 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: 2015-16	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	1,932,928	0	1,932,928
Encumbered/Expended Amount	0	0	0	0
This Item	0	100,000	0	100,000
BALANCE	0	2,032,928	0	2,032,928
FUND(S): GENERAL				
COMMENTS: Adopting the proposed new ordinance will add a \$200 fee for Police response to a false alarm from a non-permitted alarm system, as well as eliminating the fee charged when a deactivated permit is activated, producing an estimated \$100,000 in additional revenue per year. STRATEGIC PLAN GOAL: Changes in the alarm systems ordinance to comply with changes in state law relates to the City's Goal of a Financially Strong City with Service Excellence and a Safe Large City.				
SUMMARY OF ITEM				
The revision of the current ordinance is necessary to comply with the new law and to reflect the City's current practices.				
List of Supporting Documents: Memo and Ordinance		Other Departments, Boards, Commissions or Agencies		

Date: February 3, 2016
To: LaShon Ross, Deputy City Manager
From: Gregory W. Rushin, Chief of Police 
Subject: Proposed Alarm Ordinance Changes

NEW LEGISLATION

On June 18, 2015, the 84th Texas Legislature passed House Bill 2162 modifying the laws affecting alarm systems. A copy of H.B. 2162, which was effective September 1, 2015, is attached. Highlights of the changes to H.B. 2162 that directly affect the current ordinance are as follows:

- Property owners or agents authorized to make property decisions can choose to exclude the municipality from receiving an alarm signal from an alarm system located on the owner's property without the permission or exception of the municipality. If the property owner excludes the municipality, the municipality would be:
 - Prohibited from imposing a fee to obtain a permit to use the alarm system
 - Allowed to impose a maximum fee of \$250 for each law enforcement response to an alarm system signal that was requested by an alarm systems monitor
 - Prohibited from imposing or collecting any other fine, fee, or penalty related to the alarm system
- Amended the definition of alarm system in the Local Government Code to reflect the definition in the Occupations Code
- A burglar alarm can only be considered a false alarm if it is called in by a monitoring company.

PROPOSED CHANGES

We propose the following changes:

1. Eliminate reinstatement penalties
2. Apply penalties for late false alarm payments after 30 days past due
3. Define an opt-out process for locations that choose to exclude the municipality from receiving an alarm signal from an alarm system.
4. Impose a \$200 penalty for a non-permitted false alarm
5. Modify various definitions
6. Charge fire alarms based on a twelve month rolling calendar instead of the life of the permit
7. Delete the stipulation of fire alarms not being charged in high-risk loss of life occupancies
8. Delete suspension and revocation of permits
9. Modify the appeal process
10. Remove decal requirement
11. Give a ten day grace period for expired permits
12. Revise Sec. 11-225 Persons relaying alarm notifications

1. Eliminate reinstatement penalties

The current ordinance enforces a \$35 de-active penalty when a permit holder fails to renew the permit within 30 days of the expiration date. The majority of our alarm customer complaints are about this penalty. Plano is the only city in the area that charges reinstatement penalties.

The penalty is intended to serve as a deterrent to letting a permit expire, but the proposed non-permitted penalty will replace that and only be charged if a false alarm occurs.

Expiring permits will receive a notice of the expiration 30 days prior to the expiration date. A 10 day grace period will be given after the permit has expired before designating the location as non-permitted.

2015 De-Active Penalties Collected: \$39,130

2016 Estimate of Possible Non-Permitted Penalties based on 2015 data: \$140,000

2. Apply penalties for late false alarm payments after 30 days past due

Currently, a past due penalty (10% of the false alarm charge) is applied once a false alarm invoice is 90 days overdue.

It is proposed to apply the 10% past due penalty when the invoice is 30 days overdue to encourage payment in a timely manner and to avoid permits accruing an unmanageable balance.

2015 Past Due Penalties Billed 90 Days Overdue: \$1,303.50

2016 Estimate of Past Due Penalties Billed at 30 Days Overdue based on 2015 data: \$8,050

3. Impose a \$200 penalty for a non-permitted response

In the past, officers writing citations was problematic because property owners were not there at the time of the false alarm. The new law allows agencies to apply a maximum \$250 penalty for each response to a non-permitted false alarm called in by a monitoring company.

The average cost of responding to a false alarm is \$200; therefore, as a solution to the problematic citation process, it is proposed to issue a \$200 penalty for each response to a non-permitted alarm location that is required by the ordinance to have a permit.

In regards to the actual process, non-permitted alarm users in violation of the ordinance will be issued a warning via mail by the Alarms Unit. The warning will inform the alarm user of permit requirements, consequences for continued violations, and false alarm prevention information. On the 2nd and subsequent occurrences, a \$200 penalty will be sent to the violator.

See #1 for information regarding potential non-permitted penalties collected.

4. Define an opt-out process

The new law allows alarm users to decline a police response for a burglar alarm. The law prohibits municipalities from charging a permit fee to those that elect this option, but it allows the municipality to have certain requirements that must be met before the alarm user can make this selection.

These changes to the law make it necessary for Plano to define an opt-out process for those that do not want a police response to a burglar alarm.

To establish the process of opting out, alarm systems have been broken down into two categories.

- Alarm System – When an alarm has the intent to summon an emergency service during an activation. Alarms audible on the exterior of the premise will be considered an attempt to summon an emergency service. This type of alarm is required to have a permit.
- Monitoring System – When a burglar alarm is *not* audible beyond the premise and it does *not* have the intent to summon an emergency service during an activation. This type of alarm does not require a permit, but requires an alarm user to notify their alarm monitoring company of their opt-out decision.

This proposed process will eliminate the need for the Alarm Unit to keep track of individuals' response preferences. In addition, the \$200 non-permitted response penalty will be applied uniformly with either system. Further details of the \$200 non-permitted penalty are noted above in #3.

5. Modify various definitions

Various definitions were modified, added, or deleted. All definitions that were changed are listed below, along with an explanation.

Alarm Administrator – Added for clarification. This term is more consistent with the alarm industry. This definition also absorbed the term director and appeal hearing official.

Alarm System – Modified to change out emergency assistance alarm with panic/distress alarm.

Alarm System User – Added for clarification of who is considered responsible for the alarm system.

Alarm Systems Company – Modified to reference Section 1702.105, Occupations Code. This will prevent further changes to the ordinance in the event the definition evolves again.

Appeal Hearing Official – Deleted this term to coincide with the actual appeal process. Alarm administrator is referenced in the proposed appeal process.

Burglar Alarm Notification – Modified for clarification and simplicity.

Director – Deleted this term. It was absorbed by the new term, alarm administrator.

Emergency Assistance Alarm – Replaced this term with Panic/Distress Alarm to coincide with Plano's terminology for the calltype.

False Burglar Alarm Notification – Modified to add, "or attempted unauthorized intrusion" for clarification.

Fire Chief – Added for clarification and to distinguish a difference between fire and police authority.

Local Alarm – Deleted term. This term is redundant of alarm system.

Monitoring System – Added term to distinguish the difference between an audible alarm that needs a permit versus an alarm that does not.

Panel Alarm – Deleted this term because it is no longer used in the ordinance.

Panic/Distress Alarm – Added to coincide with Plano's terminology regarding these types of calls for service. This definition also absorbed the term emergency assistance alarm.

Police Chief - Added for clarification and to distinguish a difference between fire and police authority.

Responsible Party - Added for clarification of who is considered responsible for the alarm system.

Robbery Alarm – Modified definition for clarification, simplicity, and to include, “attempted robbery”.

6. Change the false fire alarm penalty schedule

The current penalty schedule for a fire alarm is two free false fire alarms, then \$200 for each subsequent alarm for the life of the permit. Per the Fire Department's request, it is proposed to eliminate the 'life of the permit' and allow two free false fire alarms within a twelve month period, then \$200 for each subsequent alarm.

Unlike burglar alarms, false fire alarm penalties are not regulated by any law or code. This proposed change would allow Plano to be consistent with other municipalities.

7. Delete section related to high-risk loss of life buildings

Deletion of Sec. 11-227(a)(6) is requested by the Fire Department. This section refers to false fire alarms in high-risk loss of life occupancies such as hotels, hospitals, and theaters. This puts limitations on which situations a fire alarm can be considered false. This section specifically prohibits Plano from counting a fire alarm as false if it was caused by undetermined means or by a condition beyond the control of the building management.

8. Remove permit suspensions and revocations

It is proposed to remove 'suspension' and such terms from the ordinance as it will no longer be applicable if non-permitted response penalties are implemented.

Going forward with a \$200 non-permitted penalty for any non-permitted response will eliminate the necessity to suspend, revoke, or deny a permit.

9. Modify the appeal process

The appeal process is outlined in the current ordinance and is intended for alarm users to appeal suspensions or permit denials. If Plano no longer suspends permits, as detailed in #8, there is no longer a necessity for an appeal process for suspensions.

There *is* a need, however, to establish an appeal process for false alarms. It is proposed to insert a false alarm appeal process under Sec. 11-227 to provide clear expectations to alarm users.

Alarm users that desire to appeal a false alarm decision can submit their basis for the appeal along with any supporting documentation in writing. Appeals will be responded to within 5 business days. The appeal process for false alarms is meant to be a straightforward process to coincide with the Alarm Unit's actual process of handling false alarm appeals. The appeal process allows for an appeal to the Police Chief whose decision is final.

10. Remove decal requirement

Currently, each permit number receives a small 4.5" x 3" window decal with their permit number on it. The intent of the decal is to notify responding emergency personnel of the permit number; however, that information is now computerized and stored in a database, therefore, decals are no longer needed.

11. Give a ten day grace period for expired permits

The current process, as written in the current ordinance, is to mail a reminder 30 days prior to the expiration date, mail another reminder with a notice of de-activation on the expiration date, then a

final letter 30 days after the expiration date to confirm de-activation. The current wording gives an unintended extra 30 day grace period once the permit expiration date has arrived.

The intended process is to give notice of expiration and possible de-activation 30 days prior to the expiration date. If payment is not received by the expiration date, then the permit is de-activated. In the alarm industry, either a permit is valid or not. This 30 day gray area is not clear for alarm users and gives a false expectation of the permitting process.

In the proposed ordinance, the expiration timeline is made clear. To accommodate those customers that are accustomed to paying after the expiration date, we will allow a 10 day grace period for submitting renewal payments.

12. Revise Sec. 11-225 Persons relaying alarm notifications

A two call verification before dispatching is the only requirement a municipality can have for an alarm company related to burglar alarms. Alarm companies are regulated by the Texas Private Security Board, therefore municipalities cannot enforce regulations for alarm companies in their ordinance.

This section has also been revised in the proposed ordinance to guide alarm companies to follow National Fire Protection Association Codes and Standards for fire alarm signal verifications.

AN ACT

relating to municipal regulation of the use of alarm systems; authorizing a municipal fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter F, Chapter 214, Local Government Code, is amended to read as follows:

SUBCHAPTER F. BURGLAR ALARM SYSTEMS IN CERTAIN MUNICIPALITIES WHOLLY LOCATED
IN CERTAIN COUNTIES

SECTION 2. Subchapter F, Chapter 214, Local Government Code, is amended by adding Section 214.1915 to read as follows:

Sec. 214.1915. APPLICABILITY. This subchapter applies only to a municipality with a population of less than 100,000 that is located wholly in a county with a population of less than 500,000.

SECTION 3. Chapter 214, Local Government Code, is amended by adding Subchapter F-1 to read as follows:

SUBCHAPTER F-1. BURGLAR ALARM SYSTEMS IN LARGE MUNICIPALITIES AND
MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN LARGE COUNTIES

Sec. 214.201. DEFINITIONS. In this subchapter:

- (1) "Alarm system" and "permit" have the meanings assigned by Section 214.191.
- (2) "Alarm systems monitor" means a person who acts as an alarm systems company under Section 1702.105, Occupations Code.
- (3) "False alarm" means a notification of possible criminal activity reported to law enforcement:
 - (A) that is based solely on electronic information remotely received by an alarm systems monitor;
 - (B) that is uncorroborated by eyewitness, video, or photographic evidence that an emergency exists; and

(C) concerning which an agency of the municipality has verified that no emergency exists after an on-site inspection of the location from which the notification originated.

Sec. 214.2015. APPLICABILITY. This subchapter does not apply to a municipality to which Subchapter F applies.

Sec. 214.202. CATEGORIES OF ALARM SYSTEMS. The category of alarm system to be regulated is burglary.

Sec. 214.203. DURATION OF MUNICIPAL PERMIT. (a) If a municipality adopts an ordinance that requires a person to obtain a permit from the municipality before a person may use an alarm system in the municipality, the ordinance must provide that the permit is valid for at least one year.

(b) This requirement does not affect the authority of the municipality to:

(1) revoke, suspend, or otherwise affect the duration of a permit for disciplinary reasons at any time during the period for which the permit is issued; or

(2) make a permit valid for a period of less than one year if necessary to conform the permit to the termination schedule established by the municipality for permits.

Sec. 214.204. MUNICIPAL PERMIT FEE GENERALLY. (a) If a municipality adopts an ordinance that requires a person to pay an annual fee to obtain a permit from the municipality before the person may use an alarm system in the municipality, the fee shall be used for the general administration of this subchapter, including the provision of responses generally required to implement this subchapter other than specific responses to false alarms.

(b) A municipal permit fee imposed under this section for an alarm system may not exceed the rate of:

(1) \$50 a year for a residential location; and

(2) \$250 a year for other alarm system locations.

Sec. 214.205. NONRENEWAL OR REVOCATION OF PERMIT; TERMINATION OF MUNICIPAL RESPONSE; DISCRIMINATION PROHIBITED. (a) Except as provided by Subsection (d), a municipality may not terminate its law enforcement response to a residential permit holder because of excess false alarms if the false alarm fees are paid in full.

(b) In permitting free false alarm responses and in setting false alarm fees, a municipality must administer any ordinance on a fair and equitable basis as determined by the governing body.

(c) A municipality may not terminate an alarm permit for nonrenewal without providing at least 30 days' notice.

(d) A municipality may revoke or refuse to renew the permit of an alarm system that has had eight or more false alarms during the preceding 12-month period.

Sec. 214.2055. MULTIUNIT HOUSING FACILITIES. (a) A municipality may not refuse to issue an alarm system permit for a residential location solely because the residential location is an individual residential unit located in a multiunit housing facility.

(b) In issuing an alarm system permit for an alarm installed in an individual residential unit of a multiunit housing facility, the municipality shall issue the permit to the person occupying the individual residential unit.

(c) A municipality may impose a penalty under Section 214.207 for the signaling of a false alarm on the premises of a multiunit housing facility for a facility other than an individual residential unit only if the permit holder is notified of:

(1) the date of the signaling of the false alarm;

(2) the address of the multiunit housing facility where the signaling of the false alarm occurred; and

(3) the identification of the individual facility, if applicable, located on the multiunit housing facility premises where the signaling of the false alarm occurred.

Sec. 214.206. ON-SITE INSPECTION REQUIRED. A municipality may not consider a false alarm to have occurred unless a response is made by an agency of the municipality within a reasonable time and the agency determines from an inspection of the interior or exterior of the premises that the alarm report by an alarm systems monitor was false.

Sec. 214.207. PENALTIES FOR FALSE ALARMS. (a) A municipality may impose a penalty on a person who uses an alarm system in the municipality for the report of a false alarm by an alarm systems monitor if at least three other false alarms have occurred at that location during the preceding 12-month

period. The amount of the penalty for the report of a false alarm as described by Section 214.206 may not exceed:

(1) \$50, if the location has had more than three but fewer than six other false alarms in the preceding 12-month period;

(2) \$75, if the location has had more than five but fewer than eight other false alarms in the preceding 12-month period; or

(3) \$100, if the location has had eight or more other false alarms in the preceding 12-month period.

(b) A municipality may not impose a penalty authorized under Subsection (a) if reasonable visual proof of possible criminal activity recorded by an alarm systems monitor is provided to the municipality before the inspection of the premises by an agency of the municipality.

(c) A municipality that adopts an ordinance requiring a person to obtain a permit from the municipality before the person may use an alarm system in the municipality may impose a penalty, not to exceed \$250, for the report of a false alarm by an alarm systems monitor on a person who has not obtained a permit for the alarm system as required by the municipal ordinance.

(d) A municipality:

(1) may impose a penalty, not to exceed \$250, for the report of a false alarm on a person not licensed under Chapter 1702, Occupations Code, that to any extent is reported or facilitated by the unlicensed person; and

(2) may not impose a penalty for the report of a false alarm on a person licensed under Chapter 1702, Occupations Code.

(e) A municipality may not impose or collect any fine, fee, or penalty, other than collection fees, related to a false alarm or alarm system unless the fine, fee, or penalty is defined in the ordinance in accordance with this subchapter.

Sec. 214.208. PROCEDURES FOR REDUCING FALSE ALARMS. A municipality may require an alarm systems monitor to attempt to contact the occupant of the alarm system location twice before the municipality responds to the alarm signal.

Sec. 214.209. EXCEPTION OF MUNICIPALITY FROM ALARM SYSTEM RESPONSE. (a) The governing body of a municipality may not adopt an ordinance providing that law enforcement personnel of the municipality will not respond to any alarm signal indicated by an alarm system in the municipality unless, before adopting the ordinance, the governing body of the municipality:

(1) makes reasonable efforts to notify permit holders of its intention to adopt the ordinance;

and

(2) conducts a public hearing at which persons interested in the response of the municipality to alarm systems are given the opportunity to be heard.

(b) A municipality that adopts an ordinance under this section may not impose or collect any fine, fee, or penalty otherwise authorized by this subchapter.

(c) A municipality that adopts or proposes to adopt an ordinance under this section may notify permit holders that a permit holder may contract with a security services provider licensed by the Texas Private Security Board under Chapter 1702, Occupations Code, to respond to an alarm. The notice, if given, must include the board's telephone number and Internet website address.

Sec. 214.210. PRIORITY OR LEVEL OF RESPONSE NOT AFFECTED; LIABILITY OF MUNICIPALITY FOR NONRESPONSE. (a) Nothing in this subchapter:

(1) affects the priority or level of response provided by a municipality to a permitted location; or

(2) waives the governmental immunity provided by law for a municipality.

(b) A municipality that does not respond to an alarm system signal is not liable for damages that may occur relating to the cause of the alarm system signal.

Sec. 214.2105. EXCLUSION OF CERTAIN ALARM SYSTEMS BY OWNER. (a) A property owner or an agent of the property owner authorized to make decisions regarding the use of the property may elect to exclude the municipality from receiving an alarm signal by an alarm system located on the owner's property. A municipality may adopt an ordinance that specifies the requirements a property owner must satisfy for an election to be made under this section.

(b) If an election is made under Subsection (a), the municipality:

(1) may not impose a fee to obtain a permit to use the alarm system;

(2) may impose a fee on the property owner, not to exceed \$250, for each law enforcement response to a signal from the alarm system requested by an alarm systems monitor; and

(3) may not impose or collect any other fine, penalty, or fee, other than a collection fee, related to the alarm system.

SECTION 4. With respect to a municipality subject to Subchapter F-1, Chapter 214, Local Government Code, as added by this Act, that on the effective date of this Act is a party to a contract with a third party to provide alarm system services, the changes in law made by this Act apply beginning after the date the contract, including any renewals, is terminated or expires by the contract's own terms. During the period a contract described by this section is effective, the municipality described by this section is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2015.

An Ordinance of the City of Plano, Texas, repealing Ordinance Nos. 2006-2-23, 2007-12-4 and 2008-9-32 codified as Article VI. Alarm Systems of Chapter 11, Licenses and Business Regulations, of the Code of Ordinances of the City of Plano and adopting a new Alarm Systems ordinance to comply with changes in state law and reflect current practices; and providing a severability clause, a repealer clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, the City Council of the City of Plano adopted Ordinance No. 2006-2-23 with two subsequent amendments in 2007 and 2008 to establish and adjust certain fees; and

WHEREAS, on June 18, 2015, the 84th Texas Legislature passed H.B. 2162 modifying the laws affecting alarm systems; and

WHEREAS, staff recommends adopting a new ordinance to be codified as Article VI. Alarm Systems of the City of Plano Code of Ordinances to comply with the new law and to reflect the City's current practices; and

WHEREAS, after consideration of the recommendation of staff and all matters attendant and related thereto, the City Council is of the opinion that it is in the best interest of the City and its citizens that the new ordinance be adopted and codified as Article VI. Alarm Systems of the City of Plano Code of Ordinances as set forth herein.

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

Section I. Ordinance Nos. 2006-2-23, 2007-12-4 and 2008-9-32 are hereby repealed in their entirety.

Section II. Article VI. Alarm Systems of Chapter 11 Licenses and Business Regulations, of the Code of Ordinances of the City of Plano, is hereby adopted to read as follows:

“ARTICLE VI. ALARM SYSTEMS

Sec. 11-221. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm Administrator means a person or persons designated by the Police Chief to administer, review, and enforce alarm permitting and false alarm notifications, billing, and permit revocations.

Alarm site means a location or premises served by an alarm system.

Alarm system means a device or system which transmits a signal intended to summon police and/or fire services of the city. The categories of alarm systems are robbery, burglary, fire, medical, and panic/distress alarm. "Alarm system" does not mean an alarm installed on a vehicle, unless used for a habitation at a permanent site, or an alarm designed to alert only the inhabitants within premises, but includes an alarm that emits an audible signal on the exterior of a structure.

Alarm system user means the property owner, the owner's agent, other person, or business entity legally responsible for the operation of a validly permitted alarm system.

Alarm systems company means a person who acts as an alarm systems company under Section 1702.105, Occupations Code.

Burglar alarm notification means a notification of an unauthorized intrusion or attempted unauthorized intrusion.

Emergency medical assistance alarm notification means an alarm system which summons emergency medical assistance.

False burglar alarm notification means a burglar alarm notification to the police when the responding police officer reasonably finds there is no evidence of unauthorized intrusion or attempted unauthorized intrusion.

False emergency medical assistance alarm notification means an emergency medical assistance alarm notification to the fire department, when the responding fire department personnel reasonably find there is no evidence of need for emergency medical assistance.

False fire alarm notification means a fire alarm notification to the fire department, when the responding fire department personnel reasonably find there is no evidence of a fire having occurred.

False robbery alarm notification means a robbery alarm notification to the police, when the responding police officer reasonably finds there is no evidence of a robbery.

Fire alarm notification means a notification which is initiated or triggered by an alarm system designed to react to any of the visual or physical characteristics of fire.

Fire Chief means the City of Plano Fire Chief or designee.

Monitoring System means a device or system that transmits a burglar alarm signal intended to notify only the responsible person of the system or the inhabitants of the structure without the intent of summoning an emergency service of the city.

Panic/Distress alarm means a notification generated by the activation of a device intended to signal a life threatening or emergency situation.

Permitted site means a location that has an active permit and for which the permit owner information on file is current.

Police Chief means the City of Plano Chief of Police or designee.

Responsible party means an alarm system user who is required to comply with the terms of this article.

Robbery alarm notification means a notification of a robbery or an attempted robbery.

Sec. 11-222. Permit.

- (a) *Required.* A person commits an offense if he operates, causes, or allows to be operated, an alarm system without a valid permit. A separate permit is required for each alarm system.
- (b) *Contents of application.* Each permit application must contain the name, address, and telephone number of the person who is responsible for the proper maintenance and operation of the alarm system and payment of fees or charges levied under this article. For an alarm permit for a commercial premise, the permit application shall contain the names and phone numbers (home and business) of two (2) people that when notified by the police or fire department(s) will come to the alarm site within thirty (30) minutes, if requested, to terminate the alarm signal and secure the property. Application for a permit under the provisions of this article constitutes a grant of approval to the city to deactivate an alarm system that sounds an alarm signal for longer than thirty (30) minutes after being notified.

- (c) *False statement.* Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining an alarm permit or renewal, or for the purpose of making a change thereto, shall be sufficient cause for refusal to grant a permit.
- (d) *Fee.*
 - (1) A nonrefundable fee of fifty dollars (\$50.00) is required annually for each residential alarm system.
 - (2) A nonrefundable fee of one hundred dollars (\$100.00) is required annually for each commercial permit.
 - (3) It is the responsibility of the alarm system user to pay the permit fee no later than the expiration date stated on the notification. If payment is not received prior to the expiration date, the permit will be deactivated after a ten (10) business day grace period.
- (e) *Issuance.* Upon receipt of the required fee and completed application form, the Alarm Administrator or designee shall issue a permit unless there is reasonable cause to believe the equipment responsible for initiating an alarm will not be maintained or operated in accordance with this article or the applicant will not comply with each provision of this article.
- (f) *Transferability; change of individual designated to respond.* An alarm permit cannot be transferred to another person. However, the individual designated to respond to an alarm or relay an alarm may be changed. A permit holder must inform the Alarm Administrator or designee of any change that alters information listed on the permit applications. No fee will be assessed for such changes.
- (g) *Penalty for operation without permit.* A two hundred dollar (\$200) penalty will be imposed for a person or business entity operating, causing, or allowing to be operated any alarm system as defined in this article without having a valid permit in accordance with the provisions of this article.
- (h) *Enforcement.* The Alarm Administrator or designee shall have the authority to enforce the provisions of this article.

Sec. 11-223. Inspection of alarm site and system.

Upon reasonable notification, the Police Chief or designee or Fire Chief or designee may inspect an alarm site and alarm system of a permit holder during regular business hours.

Sec. 11-224. Responsibilities of alarm system users.

- (a) *Generally.* An alarm system user:
 - (1) Is responsible for the adjustment or modification of the sensory mechanism for his alarm system to suppress false indications so that the alarm system will not be activated by impulses due to:
 - a. Transient pressure changes in water pipes;
 - b. Flashes of light;
 - c. Wind noise caused by the rattling or vibrating of doors or windows;
 - d. Vehicular noise adjacent to the installation; and
 - e. Other events unrelated to actual emergencies.
 - (2) Must maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system. It is the responsibility of the alarm permit holder to properly maintain the alarm system to prevent false activations. Should a permit holder have more than two (2) activations within thirty (30) calendar days, an inspection of the alarm system will be required by a licensed company. Notice must be made in writing to the Alarm Administrator or

designee from the licensed monitoring company of findings of the inspection within thirty (30) calendar days.

- (3) Must provide the City of Plano Police Department Alarm Unit written notification of the date the permit is to be cancelled.
- (b) *Reporting alarm signals through an alarm systems company.* An alarm system user shall not report any alarm signals through a relaying intermediary person that does not meet the requirements of Section 1702.105, Occupations Code.

Sec. 11-225. Duties of an alarm systems company.

- (a) A person or company who is engaged in the business of relaying alarm notifications to the city shall:
 - (1) Attempt to contact the responsible party of the alarm system twice before contacting the city to respond to the alarm signal; and
 - (2) Follow §26.2.3.1 of NFPA 72, National Fire Alarm and Signaling Code, 2013 edition, for alarm signal verification.

Sec. 11-226. Monitoring systems.

- (a) *Requirements.* A person in control of a monitoring system must:
 - (1) Adjust the mechanism so that any audible signals emitted can be heard only inside the alarmed location.
 - (2) If applicable, notify the alarm systems company not to dispatch police for burglar alarms unless there is an indication of an emergency or criminal offense.
- (b) *No permit required.* The operation of a monitoring system does not require a permit from the city.
- (c) *Penalty if dispatched.* A two hundred dollar (\$200) penalty will be imposed against the responsible party when an alarm systems company reports to the City any burglary alarm that is intended only to notify the responsible party of the monitoring system.

Sec. 11-227. False alarms.

- (a) *Determination.*
 - (1) The Alarm Administrator or designee shall not consider the alarm notification to be false if:
 - a. the emergency responders respond within thirty (30) minutes and
 - b. after inspection of the interior or exterior of the premises, the alarm is determined to be caused by:
 1. A natural or man-made catastrophe;
 2. Severe weather that causes physical damage to the premises;
 3. A criminal offense;
 4. Telephone line outage; or
 5. Attempted entry of an intruder or attempted robbery.
- (b) *Fees.* An alarm system user shall pay any service fees as assessed under the provisions of this section within thirty (30) calendar days of receiving the City's determination notice of the false alarm or be assessed a ten percent (10%) late fee.

- (1) *Burglar alarms.* An alarm system user will be assessed a fee for the signaling of a false alarm in excess of three (3) false alarms in the preceding twelve (12) month period. Fees assessed will be:
 - a. Fifty dollars (\$50.00), if the location has had more than three (3) but fewer than six (6) other false alarms in the preceding twelve (12) month period.
 - b. Seventy-five dollars (\$75.00), if the location has had more than five (5) but fewer than eight (8) other false alarms in the preceding twelve (12) month period.
 - c. One hundred dollars (\$100.00), if the location has had eight (8) or more other false alarms in the preceding twelve (12) month period.
- (2) *Fire alarms.* An alarm system user will be assessed a fee for the signaling of a false alarm by a fire alarm system in excess of two (2) alarms in the preceding twelve (12) months. This fee will be two hundred dollars (\$200.00) for each such false alarm.
- (3) *Robbery alarms.* An alarm system user will be assessed a fee for signaling of a false alarm by a robbery alarm system in excess of two (2) false alarms in the preceding twelve (12) month period. This fee will be two hundred dollars (\$200.00) for each such false alarm.
- (4) *Emergency medical assistance alarms.* An alarm system user will be assessed a fee for the signaling of a false alarm by an emergency medical assistance alarm system in excess of two (2) false alarms in the preceding twelve (12) months. This fee will be seventy-five dollars (\$75.00) for each such false alarm.
- (5) *Panic/distress alarms.* An alarm system user will be assessed a fee for the signaling of a false alarm by an emergency assistance/personal distress alarm system in excess of two (2) false alarms in the preceding twelve (12) month period. This fee will be seventy-five dollars (\$75.00) for each such false alarm.

(c) *Response required:*

- (1) An alarm system user shall respond to the alarm site within thirty (30) minutes after receiving a request from a member of the police department or the fire department to grant access to the site and deactivate the alarm if necessary.
 - (2) Police and fire personnel may silence or disarm an alarm system by any means necessary if a key holder fails to respond within thirty (30) minutes.
- (d) *Appeals.* Upon notice of a false alarm and the assessed fee invoice, if applicable, a responsible party may appeal the city's decision to consider the alarm notification to be false pursuant to this article, by filing a written appeal to the Alarm Administrator within five (5) business days of receipt of the city's written notification. An appeal filed pursuant to this section must specifically state the basis of the responsible party's challenge to the city's determination of the false alarm as defined in this article. The Alarm Administrator will make a determination in writing within five (5) business days of receipt of the appeal. The determination of the Alarm Administrator may be appealed to the Police Chief if an appeal is made in writing to the Police Chief within five (5) business days of receipt of the Alarm Administrator's findings. The decision of the Police Chief is final.

Secs. 11-228—11-245. Reserved.”

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

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

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

Section VI. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

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

DULY PASSED AND APPROVED this the 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		March 14, 2016		
Department:		Neighborhood Services		
Department Head		Lori Feild Schwarz		
Agenda Coordinator (include phone #): Doris Carter, ext. 5350				
CAPTION				
<p>Consideration of an Ordinance of the City of Plano, Texas, repealing in its entirety City of Plano Ordinance No. 2013-10-30, codified as Divisions 1 and 2 of Chapter 6, Buildings and Building Regulations, Article III, Property Maintenance Code, of the Code of Ordinances; and adopting the 2015 Edition of the International Property Maintenance Code, with certain additions, deletions, and amendments, as the Property Maintenance Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2015-16	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
<p>COMMENTS: This item has no immediate financial impact. STRATEGIC PLAN GOAL: Amending Plano City Codes to remain consistent with provisions of the International Property Maintenance Code relates to the City's goals of a Safe Large City and Great Neighborhoods - 1st Choice to Live.</p>				
SUMMARY OF ITEM				
<p>This amendment will ensure the Property Maintenance Code remains consistent with the other City of Plano adopted model codes and reflects current construction and legal requirements. The 2015 International Property Maintenance Code with the amendments noted in Attachment B will become effective April 1, 2016 should the ordinance be approved by City Council.</p>				
List of Supporting Documents: Memo and Attachments Ordinance			Other Departments, Boards, Commissions or Agencies	



Memorandum

Date: March 3, 2016

To: Bruce D. Glasscock, City Manager
Jack Carr, Deputy City Manager

From: Lori Schwarz, Director of Neighborhood Services

Subject: Adoption of the 2015 International Property Maintenance Code with Amendments

Item Summary

The existing City of Plano Property Maintenance Code is an amended version of the 2012 International Property Maintenance Code that regulates the maintenance of existing residential and non-residential structures and all existing premises, to include:

- Unsafe Structures
- Exterior & Interior Structure
- Exterior Property Areas
- Occupancy Limitations
- Plumbing, Mechanical & Electrical

The proposed ordinance updates the current Property Maintenance Code to the 2015 International Property Maintenance Code with amendments.

Background

The International Code Council (ICC) is a member-focused association dedicated to developing model codes and standards used in the design, build and compliance process to construct and maintain safe, sustainable, affordable and resilient structures. Most U.S. communities and many global markets utilize these model codes as the basis for their codes and ordinances. Every three (3) years the ICC revises and updates the model codes to ensure they remain up to date and relevant with current building techniques, available materials and/or legal statutes. For these reasons, the City of Plano will review, amend and adopt the most recent version of these model codes when they are published by the ICC.

Public review of the proposed ordinance was held at the Building Standards Commission meeting on September 15, 2015, and the Commission voted unanimously to forward this Code and amendments to the City Council for adoption. A memorandum from the Building Standards Commission Chairman, Art Stone, regarding the review of the proposed ordinance is included as Attachment A.

Next Steps

This amendment will ensure the Property Maintenance Code remains consistent with the other City of Plano adopted model codes and reflects current construction and legal requirements. The 2015 International Property Maintenance Code with the amendments noted in Attachment B will become effective April 1, 2016 should the ordinance be approved by City Council.

Attachment A: Memorandum from Art Stone, Building Standards Commission Chairman

Attachment B: Proposed Ordinance Changes for the Property Maintenance Code



Memorandum

Date: February 5, 2016
To: Bruce D. Glasscock, City Manager
From: Art Stone, Chairman of the Building Standards Commission
Subject: Adoption of the 2015 International Property Maintenance Code with Amendments

The Building Standards Commission, along with staff reviewed the 2015 International Property Maintenance Code with amendments on September 15, 2015. It is my pleasure to inform you that the Building Standards Commission unanimously recommends the 2015 International Property Maintenance Code with amendments to Council for approval and adoption.

Sincerely,

A handwritten signature in black ink that reads 'Art Stone'.

Art Stone
Chairman
Building Standards Commission

ARTICLE III. - PROPERTY MAINTENANCE CODE

DIVISION 1. - GENERALLY

Sec. 6-45. - Penalty.

Any violation of the provisions or terms of this article by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with subsection 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

(Ord. No. 2013-10-30, § II, 10-28-13)

Sec. 6-46. - Adopted.

The ~~2012~~2015 Edition of the International Property Maintenance Code, a publication of the International Code Council, is hereby adopted and designated as the property maintenance code of the City of Plano to the same extent as if such Code were copied verbatim in this article, subject to the deletions, additions, and amendments prescribed in this article. A copy of the ~~2012~~2015 Edition of the International Property Maintenance Code is on file in the office of the city secretary.

(Ord. No. 2013-10-30, § II, 10-28-13)

~~Secs. 6-47 – 6-49. Reserved.~~

Sec. 6-47. Affirmative Defenses.

An “Exception.” in the property maintenance code is not an exception as provided by Texas Penal Code § 2.02, as amended, but may be asserted as an affirmative defense to prosecution. In such an instance, the following shall apply:

- (1) the prosecuting attorney is not required to negate the existence of the defense in the accusation or complaint charging commission of the offense;
- (2) the prosecuting attorney is not required to prove beyond a reasonable doubt that the defendant or defendant’s conduct does not fall within the defense;
- (3) the issue of the existence of an affirmative defense is not submitted to the jury unless evidence is admitted supporting the defense; and
- (4) the burden of proof is on the defendant to prove such an affirmative defense by a preponderance of the evidence.

~~Sec. 6-48 – 6-49. Reserved.~~

DIVISION 2. - AMENDMENTS

Sec. 6-50. - Deletions, additions and amendments to Chapter 1 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 1, Administration, of the International Property Maintenance Code as follows:

Subsection 101.1, Title, is changed to read as follows:

These regulations shall be known as the Property Maintenance Code of The City of Plano, TX, hereinafter referred to as "this code."

Subsection 101.3, Intent, is changed to read as follows:

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the building codes as adopted by the City of Plano.

Subsection 102.3, Application of Other Codes, is changed to read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Building Codes as adopted by the City of Plano. Nothing in the Code shall be construed to cancel, modify or set aside any provision of the City of Plano Zoning Ordinance.

Subsection 103.4, Liability, is deleted in its entirety.

Subsection 103.5, Fees, is deleted in its entirety.

Subsection 104.1, General, is changed to read as follows:

The code official or the City Manager's designee(s) is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Subsection 106.2, Notice of violation, is deleted in its entirety.

Subsection 106.3, Prosecution of violation, is deleted in its entirety.

Subsection 106.4, Violation penalties, is deleted in its entirety.

Subsection 106.5, Abatement of violation, is deleted in its entirety.

Subsection 107.1, Notice to person responsible, is changed to read as follows:

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

Subsection 107.2, Form, is changed to read as follows:

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.

3. Include a statement of the violation(s) and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien.

Subsection 107.5, Penalties, is deleted in its entirety.

Subsection 108.1.1, Unsafe Structures, is changed to read as follows:

An unsafe structure is one that is found to be dangerous to the life, limb, health, property, safety or welfare of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Notwithstanding anything in this Section to the contrary, the City expressly retains all statutory powers and rights to address unsafe structures.

Subsection 108.7, Record, is changed to read as follows:

The code official shall cause a report to be made on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

Subsection 110.1, General, is changed to read as follows:

The code official, building official or Building Standards Commission may order the owner of any structure, which in his, her, or its judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official, building official or Building Standards Commission may order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official, code official or Building Standards Commission.

Notwithstanding anything in this Section to the contrary, the City and its Building Standards Commission expressly retain all statutory powers and rights to pursue demolition.

Subsection 111.1, Application for Appeal, is changed to read as follows:

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Building Standards Commission, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. A person's exercise of an appeal does not preclude or abate criminal enforcement for a violation of this code.

Subsections 111.2, Membership of board through 111.8, Stays of Enforcement are deleted in their entirety.

Section 112, STOP WORK ORDER, is deleted in its entirety.

(Ord. No. 2013-10-30, § II, 10-28-13)

Sec. 6-51. - Deletions, additions and amendments to Chapter 2 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 2, Definitions, of the International Property Maintenance Code as follows:

Subsection 201.3, Terms defined in other codes, is changed to read as follows:

Where terms are not defined in this code, they shall have the meanings ascribed to them as stated in the building codes as adopted by the City of Plano.

Subsection 202, General Definitions, is changed to as follows:

BEDROOM. Any room or space intended to be used for sleeping purposes in either a dwelling or sleeping unit.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The cost shall include the actual cost of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to the demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by the code official, building official or Building Standards Commission.

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GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food and all decayable waste or rubbish.

NOXIOUS WEED. Any plant designated by a Federal, State or county government as injurious to public health, agriculture, recreation, wildlife or property.

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(Ord. No. 2013-10-30, § II, 10-28-13)

Sec. 6-52. - Deletions, additions and amendments to Chapter 3 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 3, General Requirements, of the International Property Maintenance Code as follows:

Subsection 301.3, Vacant structures and land, is changed to read as follows:

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety or welfare.

Subsection 302.1, Sanitation, is changed to read as follows:

All exterior property and premises shall be maintained in a clean, safe and sanitary condition.

Subsection 302.4, Weeds, is changed to Exterior Property Maintenance and is changed to read as follows:

All premises and exterior property and all objects and structures thereon shall be maintained to prevent public hazards. The premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches (12") in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Dead trees, shrubs, or ground cover must be removed and replaced as required. Landscaping, structures, equipment or objects shall be maintained to minimize property damage and eliminate public safety hazards.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation or after causing, permitting or allowing the same or similar violation to occur within a one year anniversary of service of a notice of violation, they shall be subject to prosecution in accordance with Section 1-4 (b) of the City Code of Ordinances for each offense. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs incurred for such removal shall be paid by the owner or agent responsible for the property. The charges to be collected by the city under this section shall include, in addition to the costs and expenses of mowing or correcting a condition upon a tract of land, the sum of two hundred dollars (\$200.00) per lot or tract of land, which sum is hereby found to be the cost to the City of administering the terms of this section.

Subsection 302.8, Motor vehicles, is changed to read as follows:

Except as provided for in other regulations, no inoperable or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Subsection 304.1.1, Unsafe conditions, is changed to read as follows:

The following conditions are deemed unsafe and shall be repaired or replaced to comply with the International Building Code or the International Residential Code.

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of wall and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration,

fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

Subsection 304.3, Premises identification, is changed to read as follows:

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property and rear alleyway where such alleyway exists in accordance with City Code of Ordinances Section 8-17. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters.

Subsection 304.7, Roofs and drainage, is changed to read as follows:

The roof and flashing shall be sound, tight and not have defects. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Water runoff shall not be discharged in a manner that creates a public nuisance.

Subsection 304.14, Insect screens, is changed to read as follows:

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Subsection 305.1.1, Unsafe conditions, is changed to read as follows:

The following conditions are deemed unsafe and shall be repaired or replaced to comply with the International Building Code or the International Residential Code:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

Subsection 308.1, Accumulation of rubbish or garbage, is changed to read as follows:

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Disposal of rubbish and garbage shall be in accordance with City of Plano Code of Ordinances, Chapter 18.

Subsection 308.1.1, Refrigerators, is added to read as follows:

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first securing or removing the doors.

Subsection 308.2 Disposal of rubbish, is deleted in its entirety.

Subsection 308.2.1, Rubbish storage facilities, is deleted in its entirety.

Subsection 308.2.2, Refrigerator, is deleted in its entirety.

(Ord. No. 2013-10-30, § II, 10-28-13)

Sec. 6-53. - Deletions, additions and amendments to Chapter 5 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 5, Plumbing Facilities and Fixture Requirements, of the International Property Maintenance Code as follows:

Subsection 505.3, Supply, is changed to read as follows:

The water supply system of all occupied structures shall be installed and maintained to provide an active supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(Ord. No. 2013-10-30, § II, 10-28-13)

Sec. 6-54. - Deletions, additions and amendments to Chapter 6 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 6, Mechanical and Electrical Requirements, of the International Property Maintenance Code as follows:

Subsection 602.3, Heat supply, is changed to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

Subsection 602.4, Occupiable work spaces, is changed to insert the following dates:

Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Subsection 604.2, Service, is changed to read as follows:

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code (NEC). Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

(Ord. No. 2013-10-30, § II, 10-28-13)

Secs. 6-55—6-59. - Reserved.

An Ordinance of the City of Plano, Texas, repealing in its entirety City of Plano Ordinance No. 2013-10-30, codified as Divisions 1 and 2 of Chapter 6, Buildings and Building Regulations, Article III, Property Maintenance Code, of the Code of Ordinances; and adopting the 2015 Edition of the International Property Maintenance Code, with certain additions, deletions, and amendments, as the Property Maintenance Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.

WHEREAS, on October 28, 2013, by Ordinance No. 2013-10-30, the City Council of the City of Plano established a Property Maintenance Code and provided regulations thereunder, and such Ordinances were codified as Divisions 1 and 2 of Chapter 6, Buildings and Building Regulations, Article III, Property Maintenance Code, of the Code Ordinances of the City of Plano (“City”); and

WHEREAS, on September 15, 2015 the City of Plano Building Standards Commission held public hearings to discuss the adoption of the 2015 Edition of the International Property Maintenance Code, a publication of the International Code Council, along with certain additions, deletions, and amendments thereto, and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon recommendation of the City of Plano Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2015 Edition of the International Property Maintenance Code, and the additions, deletions, and amendments thereto, should be approved and adopted as the Property Maintenance Code of the City.

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

Section I. Ordinance No. 2013-10-30 duly passed and approved by the City Council of the City of Plano on October 28, 2013, is hereby repealed in its entirety.

Section II. A new Article III, Division 1, Generally, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

“Sec. 6-45. Penalty.

Any violation of the provisions or terms of this article by any person, firm or corporation shall be a misdemeanor offense and 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.

Sec. 6-46. Adopted.

The 2015 Edition of the International Property Maintenance Code, a publication of the International Code Council, is hereby adopted and designated as the Property Maintenance Code of the City of Plano to the same extent as if such Code were copied verbatim in this article, subject to the deletions, additions, and amendments prescribed in this article. A copy of the 2015 Edition of the International Property Maintenance Code is on file in the office of the City Secretary.

Sec. 6-47. Affirmative Defenses.

An "Exception:" in the property maintenance code is not an exception as provided by Texas Penal Code § 2.02, as amended, but may be asserted as an affirmative defense to prosecution. In such an instance, the following shall apply:

- (1) the prosecuting attorney is not required to negate the existence of the defense in the accusation or complaint charging commission of the offense;
- (2) the prosecuting attorney is not required to prove beyond a reasonable doubt that the defendant or defendant's conduct does not fall within the defense;
- (3) the issue of the existence of an affirmative defense is not submitted to the jury unless evidence is admitted supporting the defense; and
- (4) the burden of proof is on the defendant to prove such an affirmative defense by a preponderance of the evidence.

Sec. 6-48 – 6-49. Reserved.”

Section III. A new Article III, Division 2, Amendments, of Chapter 6 of the Code of Ordinances is hereby adopted and shall read in its entirety as follows:

“Sec. 6-50. Deletions, additions and amendments to Chapter 1 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 1, *Administration*, of the International Property Maintenance Code as follows:

Subsection 101.1, Title, is changed to read as follows:

These regulations shall be known as the *Property Maintenance Code of the City of Plano, TX*, hereinafter referred to as "this code."

Subsection 101.3, Intent, is changed to read as follows:

This code shall be construed to secure its expressed intent, which is to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. *Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the building codes as adopted by the City of Plano.*

Subsection 102.3, Application of Other Codes, is changed to read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *Building Codes as adopted by the City of Plano*. Nothing in the Code shall be construed to cancel, modify or set aside any provision of the City of Plano Zoning Ordinance.

Subsection 103.4, Liability, is deleted in its entirety.

Subsection 103.5, Fees, is deleted in its entirety.

Subsection 104.1, General, is changed to read as follows:

The code official or the City Manager's designee(s) is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Subsection 106.2, Notice of violation, is deleted in its entirety.

Subsection 106.3, Prosecution of violation, is deleted in its entirety.

Subsection 106.4, Violation penalties, is deleted in its entirety.

Subsection 106.5, Abatement of violation, is deleted in its entirety.

Subsection 107.1, Notice to person responsible, is changed to read as follows:

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Subsection 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

Subsection 107.2, Form, is changed to read as follows:

Such notice prescribed in Subsection 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation(s) and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien.

Subsection 107.5, Penalties, is deleted in its entirety.

Subsection 108.1.1, Unsafe Structures, is changed to read as follows:

An unsafe structure is one that is found to be dangerous to the life, limb, health, property, safety or welfare of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Notwithstanding anything in this Section to the contrary, the City expressly retains all statutory powers and rights to address unsafe structures.

Subsection 108.7, Record, is changed to read as follows:

The code official shall cause a report to be made on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

Subsection 110.1, General, is changed to read as follows:

The code official, building official or Building Standards Commission may order the owner or owner's authorized agent of any structure, which in his, her, or its judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's or owner's authorized agent's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official, building official or Building Standards Commission may order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official, code official or Building Standards Commission.

Notwithstanding anything in this Section to the contrary, the City and its Building Standards Commission expressly retain all statutory powers and rights to pursue demolition.

Subsection 111.1, Application for Appeal, is changed to read as follows:

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the *Building Standards Commission*, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. A person's exercise of an appeal does not preclude or abate criminal enforcement for a violation of this code.

Subsections 111.2, Membership of board through 111.8, Stays of Enforcement are deleted in their entirety.

Section 112, STOP WORK ORDER, is deleted in its entirety.

Sec. 6-51. - Deletions, additions and amendments to Chapter 2 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 2, *Definitions*, of the International Property Maintenance Code as follows:

Subsection 201.3, Terms defined in other codes, is changed to read as follows:

Where terms are not defined in this code, they shall have the meanings ascribed to them as stated in the building codes as adopted by the City of Plano.

Subsection 202, General Definitions, is changed to as follows:

BEDROOM. Any room or space intended to be used for sleeping purposes in either a dwelling or sleeping unit.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The cost shall include the actual cost of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to the demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by the code official, building official or Building Standards Commission.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food and all decayable waste or rubbish.

NOXIOUS WEED. Any plant designated by a Federal, State or county government as injurious to public health, agriculture, recreation, wildlife or property.

Sec. 6-52. - Deletions, additions and amendments to Chapter 3 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 3, *General Requirements*, of the International Property Maintenance Code as follows:

Subsection 301.3, Vacant structures and land, is changed to read as follows:

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety or welfare.

Subsection 302.1, Sanitation, is changed to read as follows:

All exterior property and premises shall be maintained in a clean, safe and sanitary condition.

Subsection 302.4, Weeds, is changed to read as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches (12") in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Dead trees, shrubs, or ground cover must be removed and replaced as required. Landscaping shall be maintained to minimize property damage and eliminate public safety hazards.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation or after causing, permitting or allowing the same or similar violation to occur within a one year anniversary of service of a notice of violation, they shall be subject to prosecution in accordance with Section 1-4(b) of the City Code of Ordinances for each offense. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs incurred for such removal shall be paid by the owner or agent responsible for the property. The charges to be collected by the city under this section shall include, in addition to the costs and expenses of mowing or correcting a condition upon a tract of land, the sum of two hundred dollars (\$200.00) per lot or tract of land, which sum is hereby found to be the cost to the City of administering the terms of this section.

Subsection 302.8, Motor vehicles, is changed to read as follows:

Except as provided for in other regulations, no inoperable or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Subsection 304.1.1, Unsafe conditions, is changed to read as follows:

The following conditions are deemed unsafe and shall be repaired or replaced to comply with the International Building Code or the International Residential Code.

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of wall and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

Subsection 304.3, Premises identification, is changed to read as follows:

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property and rear alleyway where such alleyway exists in accordance with City Code of Ordinances Section 8-17. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters.

Subsection 304.7, Roofs and drainage, is changed to read as follows:

The roof and flashing shall be sound, tight and not have defects. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Water runoff shall not be discharged in a manner that creates a public nuisance.

Subsection 304.14, Insect screens, is changed to read as follows:

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Subsection 305.1.1, Unsafe conditions, is changed to read as follows:

The following conditions are deemed unsafe and shall be repaired or replaced to comply with the International Building Code or the International Residential Code:

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2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

Subsection 308.1, Accumulation of rubbish or garbage, is changed to read as follows:

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Disposal of rubbish and garbage shall be in accordance with City of Plano Code of Ordinances, Chapter 18.

Subsection 308.1.1, Refrigerators, is added to read as follows:

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first securing or removing the doors.

Subsection 308.2 Disposal of rubbish, is deleted in its entirety.

Subsection 308.2.1, Rubbish storage facilities, is deleted in its entirety.

Subsection 308.2.2, Refrigerator, is deleted in its entirety.

Sec. 6-53. - Deletions, additions and amendments to Chapter 5 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 5, *Plumbing Facilities and Fixture Requirements*, of the International Property Maintenance Code as follows:

Subsection 505.3, Supply, is changed to read as follows:

The water supply system of all occupied structures shall be installed and maintained to provide an active supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

Sec. 6-54. - Deletions, additions and amendments to Chapter 6 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 6, *Mechanical and Electrical Requirements*, of the International Property Maintenance Code as follows:

Subsection 602.3, Heat supply, is changed to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

Subsection 602.4, Occupiable work spaces, is changed to insert the following dates:

Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Subsection 604.2, Service, is changed to read as follows:

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code (NEC). Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Secs. 6-55 - 6-59. - Reserved.”

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

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

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

Section VII. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and 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 VIII. This Ordinance shall become effective April 1, 2016, and after its passage and publication as required by law.

DULY PASSED AND APPROVED THIS THE 14TH DAY OF MARCH, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

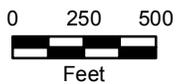
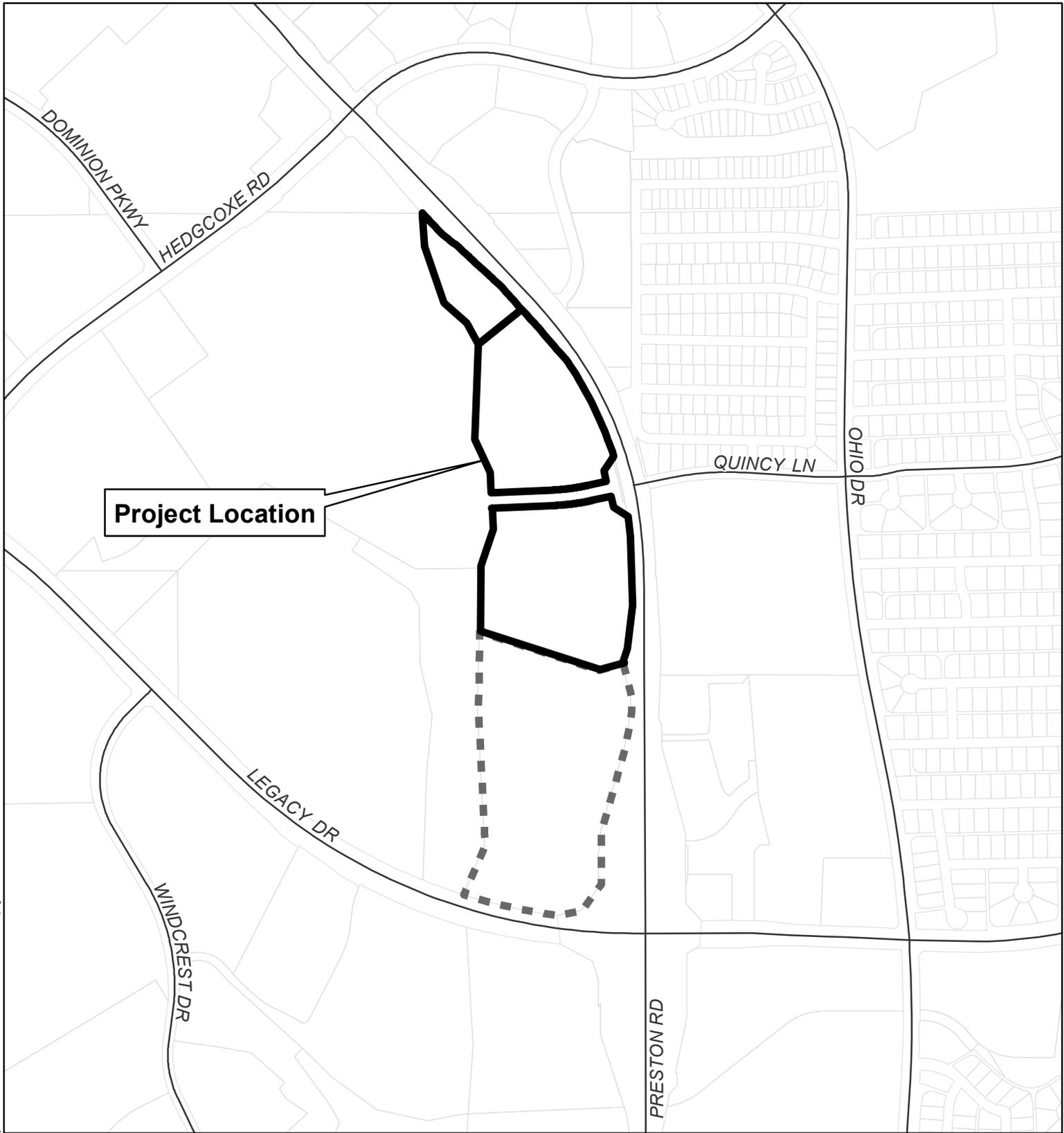
APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	3/14/16			
Department:	Engineering			
Department Head	Caleb Thornhill			
Project	EDS Lakes Addition #4988-2			
Agenda Coordinator (include phone #): Kathleen Schonne X-7198				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a tract of land situated in the Maria C. Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas and being portions of Lots 1 and 2, Block A of EDS Lakes Addition, according to the Conveyance Plat thereof recorded in Cabinet H, Page 527 of the Plat Records of Collin County, Texas, same being a portion of a 15-foot wide Sanitary Sewer Easement conveyed to the City of Plano, Texas, recorded in Volume 1053, Page 807 of the Land Records of Collin County, Texas; quitclaiming all right, title and interest of the City in such Easement to the owner of the property underlying the Easement, Children's Medical Center Texas, to the extent of its interest; authorizing the City Manager or his authorized designee to execute any documents deemed necessary; and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2015-16	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
COMMENTS: This item has no financial impact. STRATEGIC PLAN GOAL: Abandoning all right, title and interest of the City to this Easement relates to the City's Goals of Financially Strong City with Service Excellence and Strong Local Economy.				
SUMMARY OF ITEM				
The Sanitary Sewer Easement does not contain any public improvements. Abandonment of the easement will facilitate development of the property. https://www.google.com/maps/@33.0785538,-96.8011101,16.65z				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map Ordinance Petition for Abandonment			N/A	



City of Plano GIS Division
March, 2016

EDS Lakes Addition Project # 4988-2

Project Location



An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a tract of land situated in the Maria C. Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas and being portions of Lots 1 and 2, Block A of EDS Lakes Addition, according to the Conveyance Plat thereof recorded in Cabinet H, Page 527 of the Plat Records of Collin County, Texas, same being a portion of a 15-foot wide Sanitary Sewer Easement conveyed to the City of Plano, Texas, recorded in Volume 1053, Page 807 of the Land Records of Collin County, Texas; quitclaiming all right, title and interest of the City in such Easement to the owner of the property underlying the Easement, Children's Medical Center Texas, to the extent of its interest; authorizing the City Manager or his authorized designee to execute any documents deemed necessary; and providing an effective date.

WHEREAS, the City Council of the City of Plano has been requested to abandon all right, title and interest of the City in and to a portion of that certain 15-foot wide Sanitary Sewer Easement, recorded in Volume 1053, Page 807, of the Land Records of Collin County, Texas (hereinafter called "Easement") being situated in the Maria C. Vela Survey, Abstract No. 935, which is located within the city limits of Plano, Collin County, Texas, and which is more particularly described in Exhibit "A-1" attached hereto and incorporated herein by reference; and

WHEREAS, the Property Owner has filed with the City a Petition for Abandonment, a copy of which is attached hereto as Exhibit "A" and made a part hereof by reference; and

WHEREAS, the Engineering Department has determined that there will be no detrimental effect on the City if the Easement is abandoned and quitclaimed to the owner of the property underlying the Easement; and has advised that the Easement should be abandoned.

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

Section I. All the right, title and interest of the City of Plano, Texas, in and to the Easement is hereby abandoned, and all right, title and interest of the City in and to the Easement is hereby quitclaimed to the owner of the property underlying the easement, in accordance with its respective interest. A certified copy of this Ordinance may be recorded in the Collin County Land Records to reflect this abandonment and quitclaim. The City Manager or his authorized designee is hereby authorized to execute on behalf of the City of Plano, Texas, any instruments necessary to complete the abandonment and quitclaim of the Easement by the City of Plano.

Section II. The abandonment and quitclaim is without prejudice to any and all improvements, facilities, equipment or lines of any public utility, municipal or otherwise, if any, which are presently located within any portion of the Easement. Any such utility shall have the continued right to locate, maintain, repair, reconstruct, preserve or relocate improvements, facilities, equipment or lines in such portion of the Easement.

Section III. The City Council hereby finds and determines that the abandonment of the Easement is in the public interest of the City of Plano, Texas, and its citizens, and will inure to the benefit of the public generally.

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

DULY PASSED AND APPROVED this the 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

EXHIBIT "A"

PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting Sanitary Sewer Easement Vol 1053, PG 807 L.R.C.C.T. (hereinafter called "Easement"), more particularly described by metes and bounds in the field note description attached hereto and incorporated herein as **Exhibit "A-1"** do hereby request that the City of Plano, Texas (called "City") abandon the Easement.

1. The Owners are requesting the abandonment of the Easement for the following reasons:
The sanitary sewer easement does not contain any public improvements. It impedes
on the ability to develop the property.

2. The following public interest will be served as a result of the abandonment:
With the vacant sanitary sewer easement abandoned, the property will be developed as
Children's Andrews Institute.

3. Unless the City determines that this abandonment is exempt from payment of fair market value, the Owners agree to pay to the City the fair market value of the Easement as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the cost of the appraisal and other costs incident to the abandonment (called "Costs"). The Price and Costs shall be paid to the City prior to the abandonment. Should the Plano City Council decide not to abandon the Easement, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.
4. If the Owners are providing a replacement easement for the Easement requested to be abandoned herein, Owners will attach a metes and bounds description or plat identifying the replacement easement and attach same to this Petition as Exhibit "B".
5. The Owners hereby represent and affirm to the City that no other property owner, lessee, tenant or easement or license holder uses the Easement to access or to serve their property.
6. **The Owners further agree to release, defend, indemnify and hold the City, its officers, agents and employees harmless from and against any and all claims, losses, demands, suits, judgments and costs, including reasonable**

and necessary attorney's fees and expenses, arising out of, related to or resulting from the abandonment of the Easement by City.

7. The Owners understand and agree that the abandonment is in the sole discretion of the Plano City Council. The Owners also understand and agree that the Easement will be abandoned to them in proportion to their abutting ownership. The abutting ownership will be determined by the number of linear feet of frontage adjacent to the Easement owned by each property owner. Based on the foregoing, the Owners hereby represent and affirm that they have searched the public land records and determined that the abutting ownership is in the following proportions:

The subject easement is completely contained on property controlled by Children's Medical Center Dallas.

8. Owners shall also prepare a map or drawing showing the Easement to be abandoned along with a designation of all abutting property owners. This map or drawing shall be attached hereto and incorporated herein as Exhibit "C".
9. Owners shall also prepare a separate field note description for each portion of the Easement to be released to each abutting property owner. This description shall be attached hereto and incorporated herein as Exhibit "D".

[Remainder of page blank]

10. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

Children's Medical Center Dallas

Typed Name of Owner

1935 Medical District Drive

Address

Dallas, Texas 75235

City, State and Zip

Dated: _____

1/29/16



Signature of Owner

Contact Person for Property Owners:

Name: Derek Watson

Phone No: 214-456-1679

EXHIBIT A-1

LEGAL DESCRIPTION

0.720 of an Acre

BEING a tract of land situated in the Maria C. Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas and being portions of Lots 1 and 2, Block A of EDS Lakes Addition, according to the Conveyance Plat thereof recorded in Cabinet H, Page 527 of the Plat Records of Collin County, Texas, same being a portion of a 15-foot wide Sanitary Sewer Easement conveyed to City of Plano, Texas, recorded in Volume 1053, Page 807 of the Land Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8 inch iron rod found on the southwesterly right-of-way line of Preston Road (S.H. 289), a variable width right-of-way, and the northeasterly line of said Lot 2, Block A, from which the most northerly corner of said Lot 2, Block A bears North 39°55'00" West, a distance of 135.47 feet;

THENCE South 51°18'36" East, along the southwesterly right-of-way line of said Preston Road and the northeasterly line of said Lot 2, Block A, a distance of 101.12 feet to a point for corner;

THENCE South 45°38'30" East, continuing along the southwesterly right-of-way line of said Preston Road and the northeasterly line of said Lot 2, Block A, a distance of 33.09 feet to a point for the corner on the westerly line of said 15-foot wide Sanitary Sewer Easement and to the **POINT OF BEGINNING** of the herein described tract;

THENCE South 45°38'30" East, departing the westerly line of said 15-foot wide Sanitary Sewer Easement, continuing along the southwesterly right-of-way line of said Preston Road and the northeasterly line of said Lot 2, Block A, and crossing said 15-foot wide Sanitary Sewer Easement, a distance of 22.60 feet to a point at the beginning of a non-tangent curve to the left on the easterly line of said 15-foot wide Sanitary Sewer Easement;

THENCE departing the southwesterly right-of-way line of said Preston Road and the northeasterly line of said Lot 2, Block A, along the easterly line of said 15-foot wide Sanitary Sewer Easement and crossing said Lot 2, Block A, and said Lot 1, Block A, the following courses and distances:

In a southeasterly direction, with said curve to the left, having a radius of 142.50 feet, a delta angle of 21°00'14", an arc distance of 52.24 feet, and a chord bearing South 17°52'04" East, a distance of 51.95 feet to a point for corner at the end of said curve;

South 28°22'11" East, a distance of 434.33 feet to a point for corner;

South 10°28'34" East, a distance of 1,132.05 feet to a point at the beginning of a non-tangent curve to the right;

In a southwesterly direction, with said curve to the right, having a radius of 507.50 feet, a delta angle of 24°11'26", an arc distance of 214.27 feet, and a chord bearing South 01°27'13" West, a distance of 212.68 feet to a point for corner at the end of said curve;

South 13°32'56" West, a distance of 252.54 feet to a point for corner on the northerly line of a called 20.119 acre tract of land described in a deed to Children's Medical Center Foundation, recorded in Volume 5880, Page 3275 of the Land Records of Collin County, Texas;

Continued on Sheet No. 2

**ABANDONMENT OF PORTION OF
15' SANITARY SEWER EASEMENT
PORTION OF LOTS 1 & 2, BLOCK A
EDS LAKES ADDITION
MARIA C. VELA SURVEY, ABSTRACT NO. 935
CITY OF PLANO, COLLIN COUNTY, TEXAS**

Kimley»Horn

5750 Genesis Court, Suite 200
Frisco, Texas 75034

FIRM # 10193822

Tel No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SG	KHA	01/19/2016	064422040	1 OF 6

Continued from Sheet No. 1

THENCE North 72°07'03" West, departing the easterly line of said 15-foot wide Sanitary Sewer Easement, along the northerly line of said 20.119 acre tract and crossing said Lot 2, Block A and said 15-foot wide Sanitary Sewer Easement, a distance of 15.04 feet to a point for corner on the westerly line of said 15-foot wide Sanitary Sewer Easement;

THENCE departing the northerly line of said 20.119 acre tract, continuing across said Lot 2, Block A, crossing said Lot 1, Block A, and along the westerly line of said 15-foot wide Sanitary Sewer Easement, the following courses and distances:

North 13°32'56" East, a distance of 251.40 feet to a point at the beginning of a tangent curve to the left;

In a northeasterly direction, with said curve to the left, having a radius of 492.50 feet, a delta angle of 24°11'30", an arc distance of 207.95 feet, and a chord bearing North 01°27'11" East, a distance of 206.40 feet to a point for corner at the end of said curve;

North 10°28'34" West, a distance of 1,129.72 feet to a point for corner;

North 28°22'11" West, a distance of 431.97 feet to a point at the beginning of a tangent curve to the right;

In a northwesterly direction, with said curve to the right, having a radius of 157.50 feet, a delta angle of 27°28'15", an arc distance of 75.51 feet, and a chord bearing North 14°38'03" West, a distance of 74.79 feet to the POINT OF BEGINNING, and containing 0.720 of an acre (31,367 square feet) of land, more or less.

NOTES

Basis of bearings is the southerly line of Lot 1, Block A, Replat of Children's Medical Center Legacy Campus, according to the plat thereof recorded in Instrument No. 20080220010000650, Official Public Records of Collin County, Texas.

Sylviana Gunawan
01/27/16
SYLVIANA GUNAWAN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6461
5750 GENESIS COURT, SUITE 200
FRISCO, TEXAS 75034
PH. 972-335-3580
sylviana.gunawan@kimley-horn.com



ABANDONMENT OF PORTION OF
15' SANITARY SEWER EASEMENT
PORTION OF LOTS 1 & 2, BLOCK A
EDS LAKES ADDITION
MARIA C. VELA SURVEY, ABSTRACT NO. 935
CITY OF PLANO, COLLIN COUNTY, TEXAS

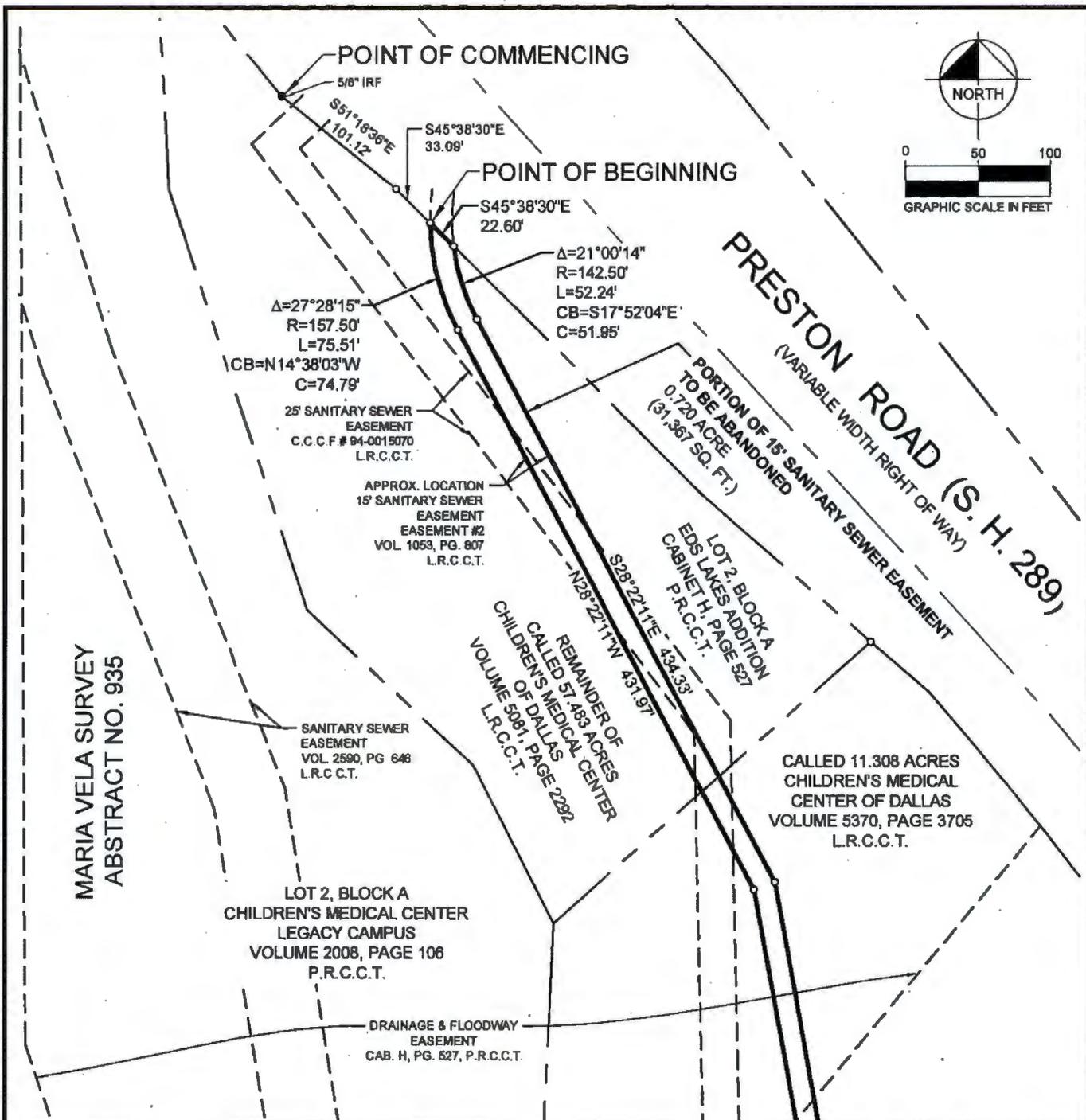
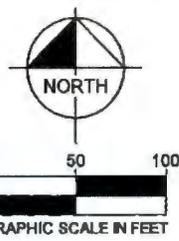
Kimley»Horn

5750 Genesis Court, Suite 200
Frisco, Texas 75034

FIRM # 10193822

Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SG	KHA	01/19/2016	064422040	2 OF 5



MATCHLINE A

LEGEND

- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- IRFC = IRON ROD W/CAP FOUND
- IPF = IRON PIPE FOUND
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS

NOTES

Basis of bearings is the southerly line of Lot 1, Block A, Replat of Children's Medical Center Legacy Campus, according to the plat thereof recorded in Instrument No. 20080220010000650, Official Public Records of Collin County, Texas.

ABANDONMENT OF PORTION OF 15' SANITARY SEWER EASEMENT
 PORTION OF LOTS 1 & 2, BLOCK A
 EDS LAKES ADDITION
 MARIA C. VELA SURVEY, ABSTRACT NO. 935
 CITY OF PLANO, COLLIN COUNTY, TEXAS

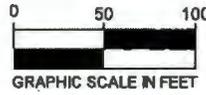
Kimley»Horn

5750 Genesis Court, Suite 200
 Frisco, Texas 75034
 FIRM # 10199822
 Tel. No. (972) 335-3580
 Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	SG	KHA	01/19/2016	064422040	3 OF 5

MATCHLINE A

MARIA VELA SURVEY
ABSTRACT NO. 935



PRESTON ROAD (S. H. 289)
(VARIABLE WIDTH RIGHT OF WAY)

S10°28'34"E 1132.05'
N10°28'34"W 1129.72'

PORTION OF 15' SANITARY SEWER EASEMENT
TO BE ABANDONED
0.720 ACRE
(31,367 SQ. FT.)

LOT 2, BLOCK A
EDS LAKES ADDITION
CABINET H, PAGE 527
P.R.C.C.T.

CALLED 11.308 ACRES
CHILDREN'S MEDICAL CENTER OF DALLAS
VOLUME 5370, PAGE 3705
L.R.C.C.T.

25' SANITARY
SEWER EASEMENT
CAB. H, PG. 527
P.R.C.C.T.

APPROX. LOCATION
15' SANITARY SEWER EASEMENT
#2
VOL. 1053, PG. 807
L.R.C.C.T.

25' SANITARY SEWER
EASEMENT
C.C.C.F.# 94-0015070
L.R.C.C.T.

12' STREET EASEMENT
VOL. 6025, PG. 187
L.R.C.C.T.

DRAINAGE &
FLOODWAY
EASEMENT
CAB. H, PG.
527, P.R.C.C.T.

NORTH LINE OF CALLED 13.259 ACRES
CHILDREN'S MEDICAL CENTER OF DALLAS
VOLUME 5880, PAGE 3435
L.R.C.C.T.

30' EASEMENT
VOL. 5880, PG. 3241
L.R.C.C.T.
(SEE NOTE 5)

82' FIRELANE, ACCESS & UTILITY
EASEMENT
VOL. 2008, PG. 108
P.R.C.C.T.

5/8" IRFC
"KHA"

5/8" IRFC
"KHA"

5/8" IRFC
"KHA"

LOT 1, BLOCK A
CHILDREN'S MEDICAL CENTER
LEGACY CAMPUS
VOLUME 2008, PAGE 106
P.R.C.C.T.

15' ONCOR DELIVERY
COMPANY EASEMENT
INST. NO.
20080609000694230
O.P.R.C.C.T.

5/8" IRFC
"KHA"

MATCHLINE B

LEGEND

- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- IRFC = IRON ROD W/CAP FOUND
- IPF = IRON PIPE FOUND
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS

NOTES

Basis of bearings is the southerly line of Lot 1, Block A, Replat of Children's Medical Center Legacy Campus, according to the plat thereof recorded in Instrument No. 20080220010000850, Official Public Records of Collin County, Texas.

ABANDONMENT OF PORTION OF
15' SANITARY SEWER EASEMENT

PORTION OF LOTS 1 & 2, BLOCK A
EDS LAKES ADDITION
MARIA C. VELA SURVEY, ABSTRACT NO. 935
CITY OF PLANO, COLLIN COUNTY, TEXAS

Kimley»Horn

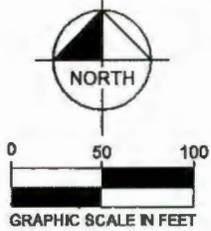
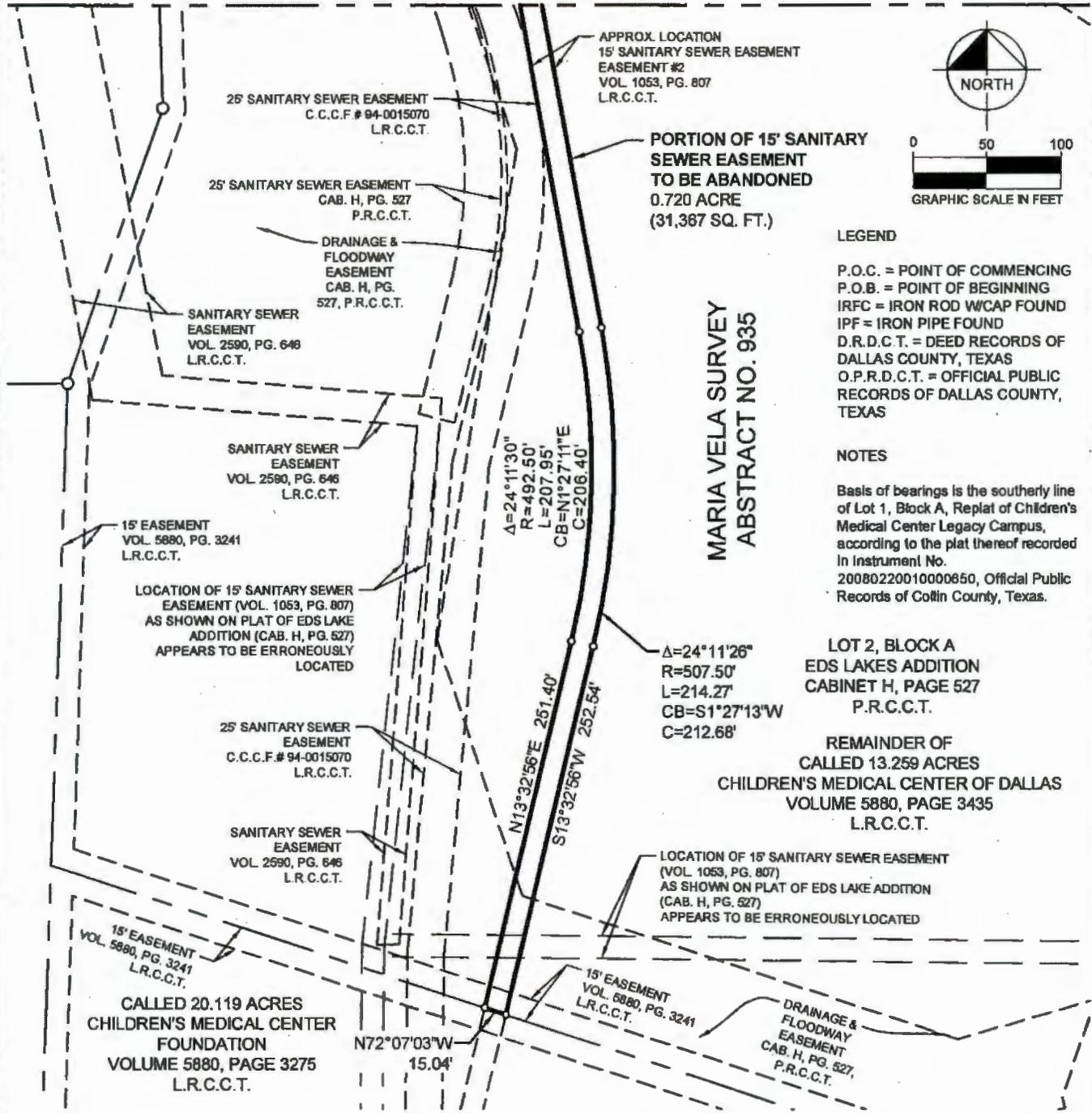
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	SG	KHA	01/19/2016	064422040	4 OF 5

MATCHLINE B



LEGEND

P.O.C. = POINT OF COMMENCING
 P.O.B. = POINT OF BEGINNING
 IRFC = IRON ROD W/CAP FOUND
 IPF = IRON PIPE FOUND
 D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS

NOTES

Basis of bearings is the southerly line of Lot 1, Block A, Replat of Children's Medical Center Legacy Campus, according to the plat thereof recorded in Instrument No. 2008022001000650, Official Public Records of Collin County, Texas.

MARIA VELA SURVEY
 ABSTRACT NO. 935

LOT 2, BLOCK A
 EDS LAKES ADDITION
 CABINET H, PAGE 527
 P.R.C.C.T.

REMAINDER OF
 CALLED 13.259 ACRES
 CHILDREN'S MEDICAL CENTER OF DALLAS
 VOLUME 5880, PAGE 3435
 L.R.C.C.T.

**ABANDONMENT OF PORTION OF
 15' SANITARY SEWER EASEMENT**
 PORTION OF LOTS 1 & 2, BLOCK A
 EDS LAKES ADDITION
 MARIA C. VELA SURVEY, ABSTRACT NO. 935
 CITY OF PLANO, COLLIN COUNTY, TEXAS

Sylviana Gunawan 01/27/16
 SYLVIANA GUNAWAN
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6461
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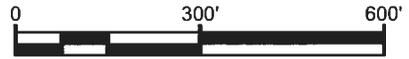
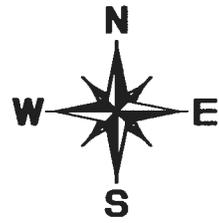
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	SG	KHA	01/19/2016	064422040	5 OF 5

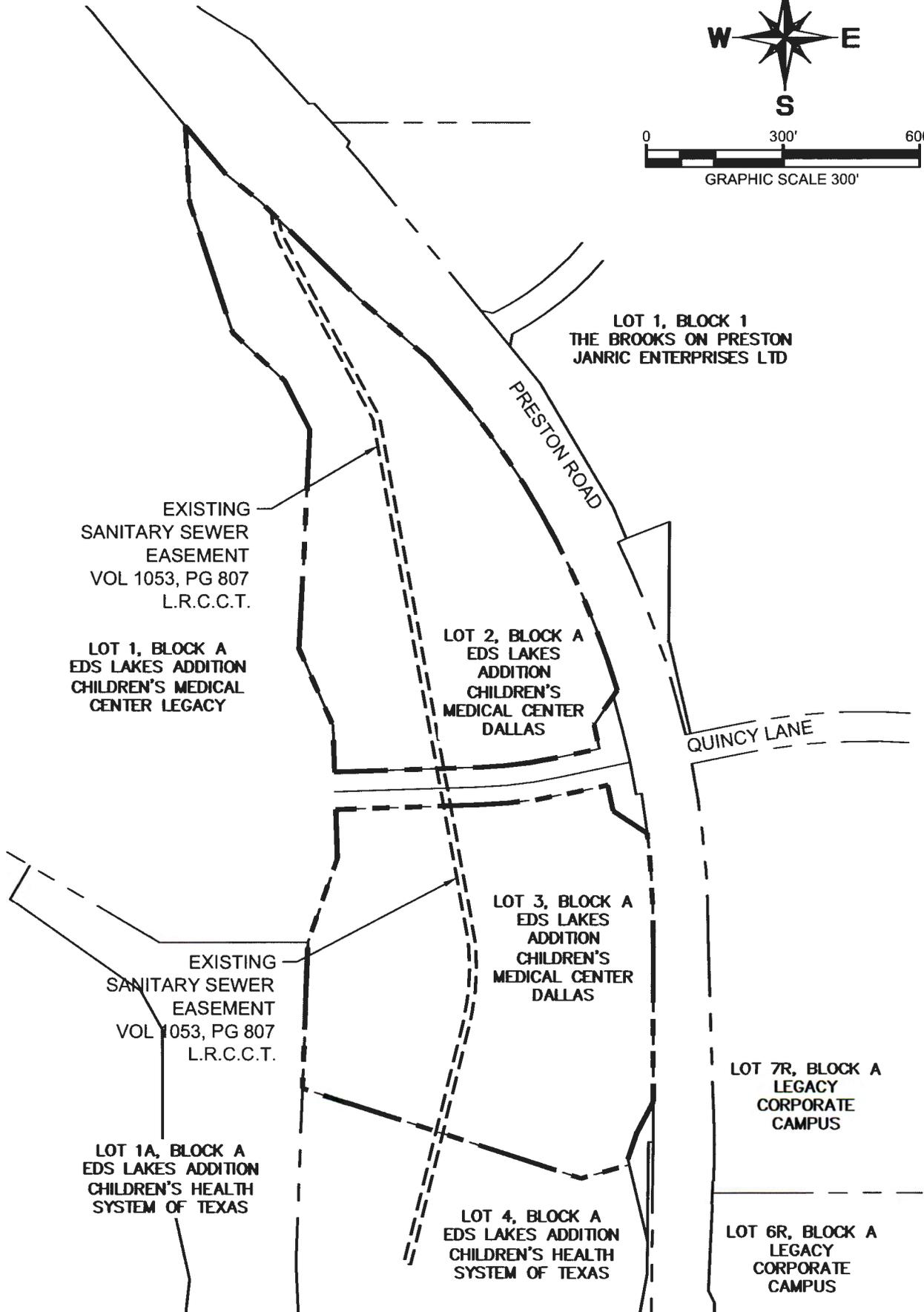
EXHIBIT "B"

**NOT APPLICABLE BECAUSE NO REPLACEMENT EASEMENT IS
BEING PROVIDED.**

EXHIBIT "C"



GRAPHIC SCALE 300'



LOT 1, BLOCK 1
THE BROOKS ON PRESTON
JANRIC ENTERPRISES LTD

PRESTON ROAD

EXISTING
SANITARY SEWER
EASEMENT
VOL 1053, PG 807
L.R.C.C.T.

LOT 1, BLOCK A
EDS LAKES ADDITION
CHILDREN'S MEDICAL
CENTER LEGACY

LOT 2, BLOCK A
EDS LAKES
ADDITION
CHILDREN'S
MEDICAL CENTER
DALLAS

QUINCY LANE

EXISTING
SANITARY SEWER
EASEMENT
VOL 1053, PG 807
L.R.C.C.T.

LOT 1A, BLOCK A
EDS LAKES ADDITION
CHILDREN'S HEALTH
SYSTEM OF TEXAS

LOT 3, BLOCK A
EDS LAKES
ADDITION
CHILDREN'S
MEDICAL CENTER
DALLAS

LOT 7R, BLOCK A
LEGACY
CORPORATE
CAMPUS

LOT 4, BLOCK A
EDS LAKES ADDITION
CHILDREN'S HEALTH
SYSTEM OF TEXAS

LOT 6R, BLOCK A
LEGACY
CORPORATE
CAMPUS

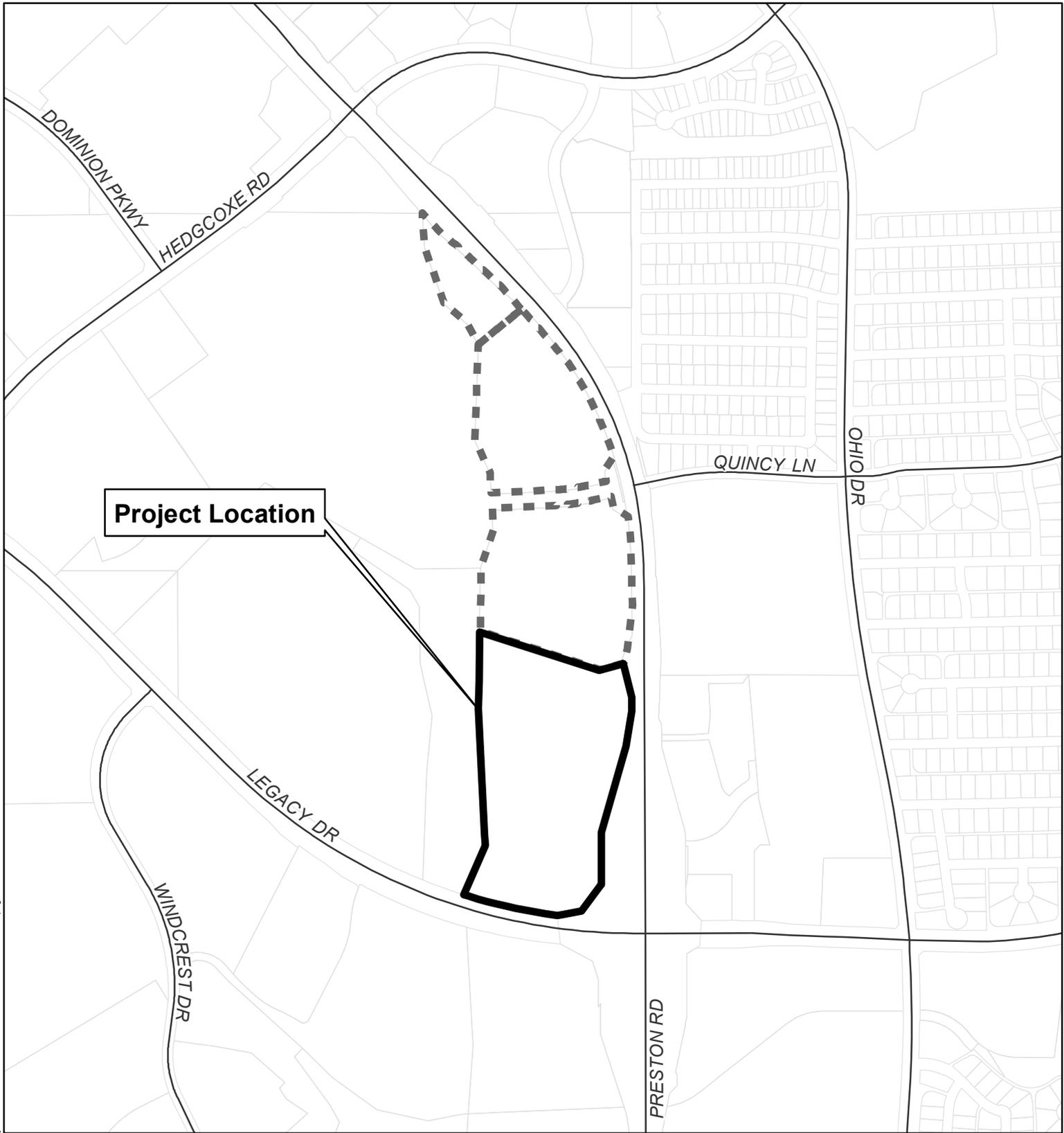
EXHIBIT "D"

NOT APPLICABLE BECAUSE BOTH SIDES OF THE EASEMENT ARE
CONTAINED WITHIN THE PROPERTY.

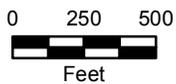


CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	3/14/16			
Department:	Engineering			
Department Head	Caleb Thornhill			
Project	EDS Lakes Addition #4988-2			
Agenda Coordinator (include phone #): Kathleen Schonne X-7198				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a tract of land situated in the Maria C. Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas and being a portion of Lot 2, Block A of EDS Lakes Addition, according to the Conveyance Plat thereof recorded in Cabinet H, Page 527 of the Plat Records of Collin County, Texas, same being a portion of a 15-foot wide Sanitary Sewer Easement conveyed to the City of Plano, Texas, recorded in Volume 1053, Page 807 of the Land Records of Collin County, Texas; quitclaiming all right, title and interest of the City in such Easement to the owner of the property underlying the Easement, Children's Health System of Texas, to the extent of its interest; authorizing the City Manager or his authorized designee to execute any documents deemed necessary; and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2015-16	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
<p>COMMENTS: This item has no financial impact. STRATEGIC PLAN GOAL: Abandoning all right, title and interest of the City to this Easement relates to the City's Goals of Financially Strong City with Service Excellence and Strong Local Economy.</p>				
SUMMARY OF ITEM				
<p>The Sanitary Sewer Easement does not contain any public improvements. Abandonment of the easement will facilitate development of the property.</p> <p>https://www.google.com/maps/@33.0785538,-96.8011101,16.65z</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map Ordinance Petition for Abandonment			N/A	



Project Location



City of Plano GIS Division
March, 2016

**EDS Lakes Addition
Project # 4988-2**

Project Location



An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a tract of land situated in the Maria C. Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas and being a portion of Lot 2, Block A of EDS Lakes Addition, according to the Conveyance Plat thereof recorded in Cabinet H, Page 527 of the Plat Records of Collin County, Texas, same being a portion of a 15-foot wide Sanitary Sewer Easement conveyed to the City of Plano, Texas, recorded in Volume 1053, Page 807 of the Land Records of Collin County, Texas; quitclaiming all right, title and interest of the City in such Easement to the owner of the property underlying the Easement, Children's Health System of Texas, to the extent of its interest; authorizing the City Manager or his authorized designee to execute any documents deemed necessary; and providing an effective date.

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WHEREAS, the Engineering Department has determined that there will be no detrimental effect on the City if the Easement is abandoned and quitclaimed to the owner of the property underlying the Easement; and has advised that the Easement should be abandoned.

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

Section I. All the right, title and interest of the City of Plano, Texas, in and to the Easement is hereby abandoned, and all right, title and interest of the City in and to the Easement is hereby quitclaimed to the owner of the property underlying the easement, in accordance with its respective interest. A certified copy of this Ordinance may be recorded in the Collin County Land Records to reflect this abandonment and quitclaim. The City Manager or his authorized designee is hereby authorized to execute on behalf of the City of Plano, Texas, any instruments necessary to complete the abandonment and quitclaim of the Easement by the City of Plano.

Section II. The abandonment and quitclaim is without prejudice to any and all improvements, facilities, equipment or lines of any public utility, municipal or otherwise, if any, which are presently located within any portion of the Easement. Any such utility shall have the continued right to locate, maintain, repair, reconstruct, preserve or relocate improvements, facilities, equipment or lines in such portion of the Easement.

Section III. The City Council hereby finds and determines that the abandonment of the Easement is in the public interest of the City of Plano, Texas, and its citizens, and will inure to the benefit of the public generally.

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

DULY PASSED AND APPROVED this the 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

EXHIBIT "A"

PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting Sanitary Sewer Easement Vol 1053, PG 807 L.R.C.C.T. (hereinafter called "Easement"), more particularly described by metes and bounds in the field note description attached hereto and incorporated herein as **Exhibit "A-1"** do hereby request that the City of Plano, Texas (called "City") abandon the Easement.

1. The Owners are requesting the abandonment of the Easement for the following reasons:
The sanitary sewer easement does not contain any public improvements. It impedes on the ability to develop the property.

2. *The following public interest will be served as a result of the abandonment:*
With the vacant sanitary sewer easement abandoned, the property will be able to be developed.

3. Unless the City determines that this abandonment is exempt from payment of fair market value, the Owners agree to pay to the City the fair market value of the Easement as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the cost of the appraisal and other costs incident to the abandonment (called "Costs"). The Price and Costs shall be paid to the City prior to the abandonment. Should the Plano City Council decide not to abandon the Easement, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.
4. If the Owners are providing a replacement easement for the Easement requested to be abandoned herein, Owners will attach a metes and bounds description or plat identifying the replacement easement and attach same to this Petition as Exhibit "B".
5. The Owners hereby represent and affirm to the City that no other property owner, lessee, tenant or easement or license holder uses the Easement to access or to serve their property.
6. **The Owners further agree to release, defend, indemnify and hold the City, its officers, agents and employees harmless from and against any and all claims, losses, demands, suits, judgments and costs, including reasonable**

and necessary attorney's fees and expenses, arising out of, related to or resulting from the abandonment of the Easement by City.

7. The Owners understand and agree that the abandonment is in the sole discretion of the Plano City Council. The Owners also understand and agree that the Easement will be abandoned to them in proportion to their abutting ownership. The abutting ownership will be determined by the number of linear feet of frontage adjacent to the Easement owned by each property owner. Based on the foregoing, the Owners hereby represent and affirm that they have searched the public land records and determined that the abutting ownership is in the following proportions:
The subject easement is completely contained on property controlled by Children's Health System of Texas.
8. Owners shall also prepare a map or drawing showing the Easement to be abandoned along with a designation of all abutting property owners. This map or drawing shall be attached hereto and incorporated herein as Exhibit "C".
9. Owners shall also prepare a separate field note description for each portion of the Easement to be released to each abutting property owner. This description shall be attached hereto and incorporated herein as Exhibit "D".

[Remainder of page blank]

10. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

Children's Health System of Texas

Typed Name of Owner

1935 Medical District Drive

Address

Dallas, Texas 75235

City, State and Zip

Dated: 1/29/2016


Signature of Owner

Contact Person for Property Owners:

Name: Derek Watson

Phone No: 214-456-1679

Exhibit "A-1"

LEGAL DESCRIPTION

0.103 of an Acre

BEING a tract of land situated in the Maria C. Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas and being a portion of Lot 2, Block A of EDS Lakes Addition, according to the Conveyance Plat thereof recorded in Cabinet H, Page 527 of the Plat Records of Collin County, Texas, same being a portion of a 15-foot wide Sanitary Sewer Easement conveyed to City of Plano, Texas, recorded in Volume 1053, Page 807 of the Land Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8 inch iron rod with plastic cap stamped "KHA" set for the northeast corner of a called 20.070 acre tract of land described in a deed to Children's Health System of Texas, recorded in Instrument No. 20150507000529020 of the Official Public Records of Collin County, Texas, common to the southeast corner of a called 13.259 acre tract of land described in a deed to Children's Medical Center of Dallas, recorded in Volume 5880, Page 3435 of the Land Records of Collin County, Texas, being on the westerly right-of-way line of Preston Road (S.H. 289), a variable width right-of-way, and on the easterly line of said Lot 2, Block A;

THENCE South 74°01'51" West, departing the westerly right-of-way line of said Preston Road and the easterly line of said Lot 2, Block A, along the northerly line of said 20.070 acre tract and the southerly line of said 13.259 acre tract, crossing said Lot 2, Block A, a distance of 109.87 feet to a point for corner;

THENCE North 72°07'03" West, continuing along the northerly line of said 20.070 acre tract and the southerly line of said 13.259 acre tract, and continuing across said Lot 2, Block A, a distance of 320.39 feet to a point for corner on the easterly line of said 15-foot wide Sanitary Sewer Easement and to the POINT OF BEGINNING of the herein described tract;

THENCE departing the northerly line of said 20.070 acre tract and the southerly line of said 13.259 acre tract, continuing across said Lot 2, Block A, along the easterly, southerly, and westerly lines of said 15-foot wide Sanitary Sewer Easement, the following courses and distances:

South 13°32'56" West, a distance of 297.46 feet to a point for the southeast corner of said 15-foot wide Sanitary Sewer Easement;

North 76°31'34" West, a distance of 15.00 feet to a point for the southwest corner of said 15-foot wide Sanitary Sewer Easement;

North 13°32'56" East, a distance of 298.61 feet to a point for corner on the northerly line of said 20.070 acre tract and the southerly line of said 13.259 acre tract;

THENCE South 72°07'03" East, departing the westerly line of said 15-foot wide Sanitary Sewer Easement, continuing across said Lot 2, Block A, along the northerly line of said 20.070 acre tract and the southerly line of said 13.259 acre tract, and crossing said 15-foot wide Sanitary Sewer Easement, a distance of 15.04 feet to the POINT OF BEGINNING, and containing 0.103 of an acre (4,471 square feet) of land, more or less.

NOTES

Basis of bearings is the southerly line of Lot 1, Block A, Replat of Children's Medical Center Legacy Campus, according to the plat thereof recorded in Instrument No. 20080220010000650, Official Public Records of Collin County, Texas.

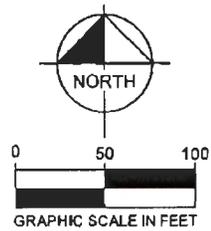
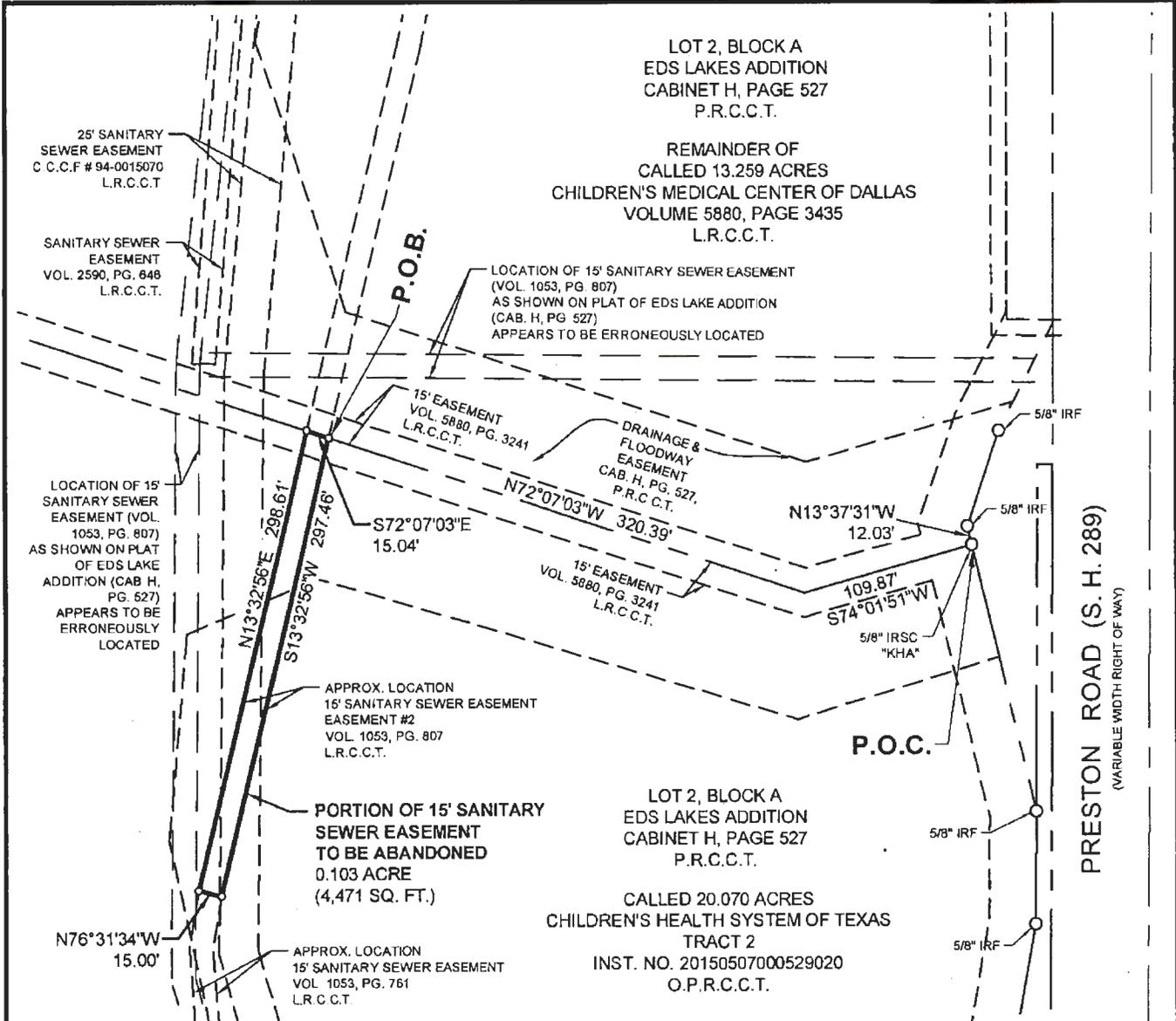
Sylviana Gunawan 02/08/16
SYLVIANA GUNAWAN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6461
5750 GENESIS COURT, SUITE 200
FRISCO, TEXAS 75034
PH. 972-335-3580
sylviana.gunawan@kimley-horn.com



ABANDONMENT OF PORTION OF
15' SANITARY SEWER EASEMENT
PORTION OF LOT 2, BLOCK A
EDS LAKES ADDITION
MARIA C. VELA SURVEY, ABSTRACT NO. 935
CITY OF PLANO, COLLIN COUNTY, TEXAS

Kimley»Horn
5750 Genesis Court, Suite 200 Frisco, Texas 75034 FIRM # 10103822 Tel. No. (972) 335-3580 Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SG	KHA	02/08/2016	064422040	1 OF 2



NOTES

Basis of bearings is the southerly line of Lot 1, Block A, Replat of Children's Medical Center Legacy Campus, according to the plat thereof recorded in Instrument No. 20080220010000650, Official Public Records of Collin County, Texas.

LEGEND

P.O.C. = POINT OF COMMENCING
 P.O.B. = POINT OF BEGINNING
 IRSC = IRON ROD W/ "KHA" PLASTIC CAP SET
 IPF = IRON PIPE FOUND
 D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS

Sylviana Gunawan
 SYLVIANA GUNAWAN
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6461
 5750 GENESIS COURT, SUITE 200
 FRISCO, TEXAS 75034
 PH. 972-335-3580
 sylviana.gunawan@kimley-horn.com



**ABANDONMENT OF PORTION OF
 15' SANITARY SEWER EASEMENT**
 PORTION OF LOT 2, BLOCK A
 EDS LAKES ADDITION
 MARIA C. VELA SURVEY, ABSTRACT NO. 935
 CITY OF PLANO, COLLIN COUNTY, TEXAS

Kimley»Horn

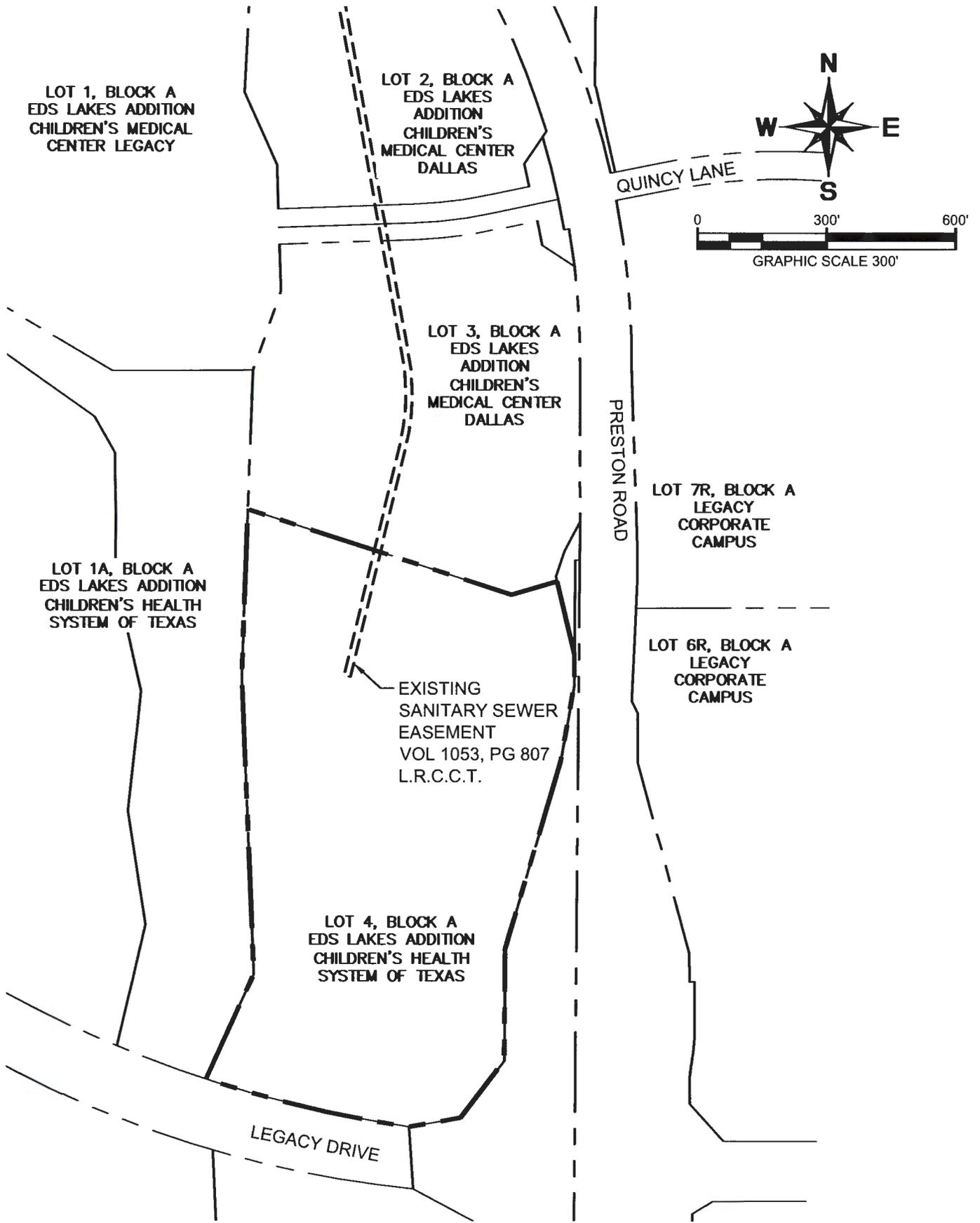
5750 Genesis Court, Suite 200 Frisco, Texas 75034 FIRM # 10193622 Tel. No. (972) 335-3580 Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	SG	KHA	02/08/2016	084422040	2 OF 2

EXHIBIT "B"

**NOT APPLICABLE BECAUSE NO REPLACEMENT EASEMENT IS
BEING PROVIDED.**

EXHIBIT "C"



LOT 1, BLOCK A
EDS LAKES ADDITION
CHILDREN'S MEDICAL
CENTER LEGACY

LOT 2, BLOCK A
EDS LAKES
ADDITION
CHILDREN'S
MEDICAL CENTER
DALLAS

LOT 3, BLOCK A
EDS LAKES
ADDITION
CHILDREN'S
MEDICAL CENTER
DALLAS

LOT 1A, BLOCK A
EDS LAKES ADDITION
CHILDREN'S HEALTH
SYSTEM OF TEXAS

EXISTING
SANITARY SEWER
EASEMENT
VOL 1053, PG 807
L.R.C.C.T.

LOT 4, BLOCK A
EDS LAKES ADDITION
CHILDREN'S HEALTH
SYSTEM OF TEXAS

LEGACY DRIVE

QUINCY LANE

PRESTON ROAD

LOT 7R, BLOCK A
LEGACY
CORPORATE
CAMPUS

LOT 6R, BLOCK A
LEGACY
CORPORATE
CAMPUS

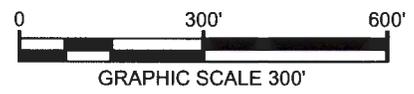


EXHIBIT "D"

NOT APPLICABLE BECAUSE BOTH SIDES OF THE EASEMENT ARE
CONTAINED WITHIN THE PROPERTY.

DATE: March 8, 2016
TO: Honorable Mayor & City Council
FROM: John Muns, Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of March 7, 2016

**AGENDA ITEM NO. 1A - PUBLIC HEARING
ZONING CASE 2015-27
APPLICANT: CARL FRANKLIN HOMES, L.C.**

Request to rezone 1.4± acres located on the west side of K Avenue, 135± feet south of 18th Street from Downtown Business/Government to Planned Development-Downtown Business/Government to modify development standards related to single-family residence attached.

APPROVED: 6-0 **DENIED:** _____ **TABLED:** _____

Letters Received Within 200 Foot Notice Area: Support: 1 **Oppose:** 0 **Neutral:** 0

Letters Received Outside 200 Foot Notice Area: Support: 0 **Oppose:** 0 **Neutral:** 0

Petition(s) Received: 0 **# Of Signatures:** 0

STIPULATIONS:

Recommended for approval as follows:

Restrictions:

The permitted uses and standards shall be in conformance with the Downtown Business/Government (BG) zoning district unless otherwise specified herein.

Single-Family Residence Attached is subject to the following additional standards:

1. All lots may abut a mews street as the only point of street frontage and access.
2. Minimum Lot Width: Maximum of 50% of the lots may have a minimum lot width of 18 feet.
3. Minimum Front Yard Setback along K Avenue: 25 feet
4. Maximum Front Yard Setback along K Avenue: 30 feet
5. A maximum of 50% of the dwelling units may have a garage with a minimum of one parking space.
6. Onsite surface parking may be placed in the required front yard along J Avenue.

FOR CITY COUNCIL MEETING OF: March 14, 2016 (To view the agenda for this meeting, see www.plano.gov)

EM/amf

xc: Steve Brown, Carl Franklin Homes, L.C.
Wayne Snell, Building Inspections

<https://goo.gl/maps/8wGBxJeu8ZF2>

CITY OF PLANO
PLANNING & ZONING COMMISSION

March 7, 2016

Agenda Item No. 1A

Public Hearing: Zoning Case 2015-27

Applicant: Carl Franklin Homes, L.C.

DESCRIPTION:

Request to rezone 1.4± acres located on the west side of K Avenue, 135± feet south of 18th Street **from** Downtown Business/Government **to** Planned Development-Downtown Business/Government to modify development standards related to single-family residence attached.

REMARKS:

The applicant is requesting to rezone the subject property in order to make several amendments to standards for single-family residence attached use. The Downtown Business/Government (BG) zoning district is intended to serve as a pedestrian-oriented center for retail, office, governmental, cultural, entertainment, and residential uses. It is designed to ensure that development, redevelopment, and renovation within the district are consistent with the historical character of Plano's original business district and the surrounding area. The standards of this district apply to specific characteristics of Plano's downtown area and are not appropriate for other locations and districts.

The requested zoning is Planned Development-Downtown Business/Government. A Planned Development (PD) district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off- and onsite conditions.

A concept plan, 17th Street Townhomes, accompanies this rezoning request as Agenda Item 1B.

Surrounding Land Use and Zoning

The area of the request is partially developed as a single-family residence which was recently used as a general office. The property to the north is zoned BG and is developed with general office and retail uses. The property to the east, across K Avenue, is zoned BG and is developed as retail, restaurant, and general office. The property to the south is zoned BG and is developed as general office and a kennel. The

property to the west is the DART rail line, beyond which the properties are zoned Urban Residential (UR) and Retail (R) with Haggard Park Heritage Resource District (H-20) and are developed as general office and single-family residences.

Proposed Planned Development Stipulations

The purpose for the request is to modify design standards related to single-family residence attached development. The applicant's proposed PD stipulations are as follows:

Restrictions:

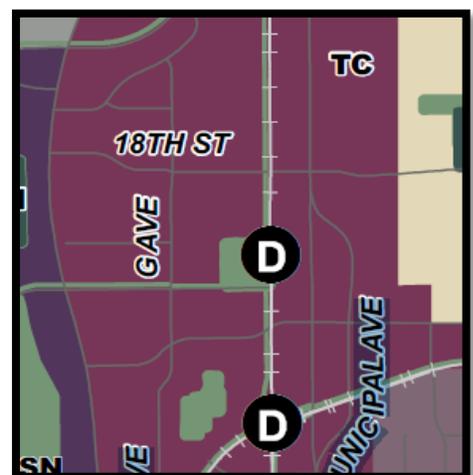
The permitted uses and standards shall be in conformance with the Downtown Business/Government (BG) zoning district unless otherwise specified herein.

Single-Family Residence Attached is subject to the following additional standards:

1. All lots may abut a mews street as the only point of street frontage and access.
2. Minimum Lot Width: Maximum of 50% of the lots may have a minimum lot width of 18 feet.
3. Minimum Front Yard Setback along K Avenue: 25 feet
4. Maximum Front Yard Setback along K Avenue: 30 feet
5. A maximum of 50% of the dwelling units may have a garage with a minimum of one parking space.
6. Onsite surface parking may be placed in the required front yard along J Avenue.

Conformance to the Plano Tomorrow Comprehensive Plan

Future Land Use Map - The Future Land Use Map designates this property as Transit Corridor (TC). The Transit Corridor category applies to the Downtown Plano core and the adjoining rail corridor linking the Dallas Area Rapid Transit (DART) red/orange line and the future Cotton Belt line. It is the intention to continue the transformation of the Downtown Plano core into a distinct and authentic urban center and expand the vision for transit-oriented development within the entire corridor. Land uses which are supported within the Transit Corridor category include housing, retail, cultural facilities, hotels, and government offices.



Single-family residence attached uses are permitted in the BG zoning district. The requested PD language would allow for an urban style of development within 550± feet of the Downtown Plano Transit Station. This zoning request is consistent with the Future Land Use Map because it would transform an infill property into an urban residential development within walking distance to public transit.

Growth and Change Map - The purpose of the Growth and Change Map is to describe the level of change that is expected to occur on sites around the city and provide general direction for new development and redevelopment projects. The subject property is designated as Evolve Urban (EU). These areas are expected to experience extensive large-scale change through major redevelopment projects that evolve into distinct walkable districts. Although the subject property is small, this zoning request will allow for redevelopment of an older single-family residence which was recently utilized as a general office and new development of a vacant infill property. Rezoning the subject property will also encourage future development opportunities for reinvestment and enhancement of the general area. For these reasons, this request is consistent with the Growth and Change Map.



Transit Oriented Development Policy - The Transit Oriented Development Policy states: “Plano will proactively encourage and incentivize development within walking distance of existing and future rail stations or bus transit centers to create an integrated mix of uses including residential, employment, retail, and civic spaces.” The requested PD is within a tenth of a mile of the Downtown Plano Transit Station. This zoning request is consistent with the Transit Oriented Development Policy.

Downtown Plano Vision and Strategy Update - This request is within the study area of the Downtown Plano Vision and Strategy Update, which contains downtown’s historic commercial core and locations with the greatest potential for redevelopment along the two and a half mile DART corridor. The subject property is located within an area identified for redevelopment at the southwest corner of K Avenue and 18th Street. The Update recommends that this area be assembled and redeveloped as a master planned mixed-use development with a possible parking garage and municipal use. This request is in conformance with the redevelopment efforts recommended within the Update.

Adequacy of Public Facilities - Water and sanitary sewer services are currently in place to serve residential uses on the subject property.

School Capacity - Plano Independent School District has provided a letter regarding school capacity which staff has included as an attachment.

Public Safety Response Time - Based upon existing personnel, equipment, and facilities, fire emergency response times will be sufficient to serve the site.

Access to and Availability of Amenities and Services - Future residents would be served by Harrington Library, which has sufficient capacity to serve the development. The nearest park facility is Haggard Park which is at capacity with the existing residential developments downtown. No additional parks are planned to serve this area.

ISSUES:

Rezoning Smaller Parcels for Individual Uses

Section 12.400 (Minimum District Size) of Article 12 (Planned Development District) of the Zoning Ordinance states, “no PD can be established smaller than 5 acres unless a specific finding is made by the City Council that the establishment of the district is required to implement the Comprehensive Plan or related study.” The subject property is approximately 1.4 acres in size. Although this is significantly smaller than the five acre limit, the requested PD is necessary to accommodate the applicant’s proposed urban townhome development on the small lots existing in this area.

Additionally, as stated previously, the request implements the goals of the Comprehensive Plan through providing new housing in walking distance to the Downtown Plano Transit Station and Downtown Plano Vision and Strategy Update. For these reasons, staff believes the subject property is appropriate for PD zoning. Furthermore, as this area continues to redevelop, there may be future opportunities to expand the proposed residential subdivision to adjacent properties.

PD Stipulations

The applicant is requesting PD stipulations to accommodate their proposed development. Within BG, up to 50% of single-family residence attached lots are permitted to abut a mews street as the only point of street frontage or access. The purpose for this standard is to encourage homes to be oriented towards public streets, consistent with urban development. The subject property is not wide enough to accommodate a typical public street layout, and the proposed mews street will allow for all of the lots to gain their required access and frontage while still providing sufficient area to develop residential lots. Staff believes this request is appropriate due to the property’s unique geography.

The PD request also includes language to allow for reduced lot width, an increased front yard setback on K Avenue, and changes to parking standards. Staff believes the lot modifications are necessary to allow for the requested development on the subject property. The purpose for the increased setback on K Avenue is intended to continue the building line which is currently in place for adjacent developed properties. The proposed parking standards will allow for the lots to have a single car garage and provide for public parking along J Avenue fronting on the DART rail line. Staff believes the requested PD standards will allow for this infill property to develop with an urban single-family residence attached product.

SUMMARY:

This is a request to rezone 1.4± acres located on the west side of K Avenue, 135± feet south of 18th Street from Downtown Business/Government to Planned Development-Downtown Business/Government to modify development standards related to single-family residence attached development. The proposed zoning request is in conformance with the city’s Comprehensive Plan policies. The requested PD stipulations will allow for a unique single-family residence attached development to be

constructed on an infill and redevelopment property within walking distance of the Downtown Plano Transit Center. Furthermore, rezoning the property would contribute to future redevelopment opportunities for the adjacent properties. For these reasons, staff supports the zoning request.

RECOMMENDATION:

Recommended for approval as noted below:

Restrictions:

The permitted uses and standards shall be in conformance with the Downtown Business/Government (BG) zoning district unless otherwise specified herein.

Single-Family Residence Attached is subject to the following additional standards:

1. All lots may abut a mews street as the only point of street frontage and access.
2. Minimum Lot Width: Maximum of 50% of the lots may have a minimum lot width of 18 feet.
3. Minimum Front Yard Setback along K Avenue: 25 feet
4. Maximum Front Yard Setback along K Avenue: 30 feet
5. A maximum of 50% of the dwelling units may have a garage with a minimum of one parking space.
6. Onsite surface parking may be placed in the required front yard along J Avenue.



Area of Request

19TH STREET

18TH PLACE

18TH STREET

17TH STREET

16TH STREET

I AVENUE

J AVENUE

K AVENUE

L AVENUE

MUNICIPAL AVENUE

MUNICIPAL AND L AVENUE

J PLACE

15TH PLACE



Source: City of Plano, Planning Dept.
Date: 2/24/2016

Zoning Case 2015-27

Zoning Case 2015-27

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 1.4± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the west side of K Avenue, 135± feet south of 18th Street in the City of Plano, Collin County, Texas, from Downtown Business/Government to Planned Development-7-Downtown Business/Government to modify development standards related to single-family residence attached; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 14th day of March, 2016, for the purpose of considering rezoning 1.4± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the west side of K Avenue, 135± feet south of 18th Street in the City of Plano, Collin County, Texas, from Downtown Business/Government to Planned Development-7-Downtown Business/Government to modify development standards related to single-family residence attached; 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 14th day of March, 2016; and

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

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

Section I. The Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to rezone 1.4± acres of land out of the Joseph Klepper Survey, Abstract No. 213, located on the west side of

K Avenue, 135± feet south of 18th Street in the City of Plano, Collin County, Texas, from Downtown Business/Government to Planned Development-7-Downtown Business/Government to modify development standards related to single-family residence attached, said property being described in the legal description on Exhibit "A" attached hereto.

Section II. The change granted in Section I is granted subject to the following:

Restrictions:

The permitted uses and standards shall be in conformance with the Downtown Business/Government (BG) zoning district unless otherwise specified herein.

Single-Family Residence Attached is subject to the following additional standards:

1. All lots may abut a news street as the only point of street frontage and access.
2. Minimum Lot Width: Maximum of 50% of the lots may have a minimum lot width of 18 feet.
3. Minimum Front Yard Setback along K Avenue: 25 feet
4. Maximum Front Yard Setback along K Avenue: 30 feet
5. A maximum of 50% of the dwelling units may have a garage with a minimum of one parking space.
6. Onsite surface parking may be placed in the required front yard along J Avenue.

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

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

Section V. The repeal of any ordinance or part of ordinances 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 VI. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

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

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

PASSED AND APPROVED THIS THE 14TH DAY OF MARCH, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2015-27

SITUATED in the City of Plano, in the Joseph Klepper Survey, Abstract No. 213, of Collin County, Texas, and being all of Lots 4 and 6A, Block 2 of the Original Donation to the City of Plano and also being that same tract of land described as "Tract 2 and Tract 3" in a Warranty Deed to First CMC Properties, L.L.C., dated December 9, 2005 and recorded in Volume 6062, Page 2141 of the Deed Records of Collin County, Texas (DRCCT) and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod, topped with a red plastic cap, stamped "RPLS 4701" found on the west right-of-way line of Avenue 'K' (100 feet wide right-of-way) for the northeast corner of said Lot 4 and the same being the southeast corner of Lot 3, Block 2, as described in a deed to Cecil M. Parsons, recorded in Volume 1170, Page 592, DTCCT;

THENCE, South 87°01'32" East a distance of 50.00 feet to a point on the centerline of Avenue K;

THENCE, South 02°58'28" West along the said centerline of said Avenue K, a distance of 102.92 feet to a point;

THENCE, North 88°04'55" West, (reference bearing) departing from said Avenue K, a distance of 50.01 feet passing an "X" in concrete found for the southeast corner of Lot 4, and THENCE along the south line of said Lot 4 and the north line of Lot 5R, Block 2, according to the Plat thereof recorded in Cabinet 2010, Page 20 of the Plat Records of Collin County, Texas, a distance of 188.27 feet passing a 1/2-inch iron rod topped with a red plastic cap stamped "RPLS 4701" found for the southwest corner of said Lot 4 and being on the east line of Lot 6, Block 2, described as "Tract 3" in a warranty deed to First CMC Properties, L.L.C., recorded in Volume 6062, Page 2,141, DRCCT, continuing along the common line of Lot 6A and 5R for a total distance of 243.81 feet to a 1/2-inch rod found for the northwest corner of said Lot 5R, Block 2;

THENCE, South 01°54'25" West, (reference bearing) along the occupied west line of said Lot 5R, a distance of 104.03 feet to a 1/2-inch rod found for the southeast corner of said Lot 6A and the northeast corner of Lot 6E, Block 2 as described in a deed to Second Chance SPCA, recorded in Document No. 20130411000491500, DRCCT;

THENCE, North 86°35'50" West, along the common line of said Lot 6A and Lot 6E, a distance of 211.78 feet passing a 5/8-inch iron rod topped with a yellow plastic cap stamped "RPLS 3949" found on the east right-of-way line of Avenue J and D.A.R.T. Railway for the southwest corner of said Lot 6A and the same being the northwest corner of the above described Lot 6E, Block 2 to the centerline of said Avenue J for a total distance of 227.78 feet;

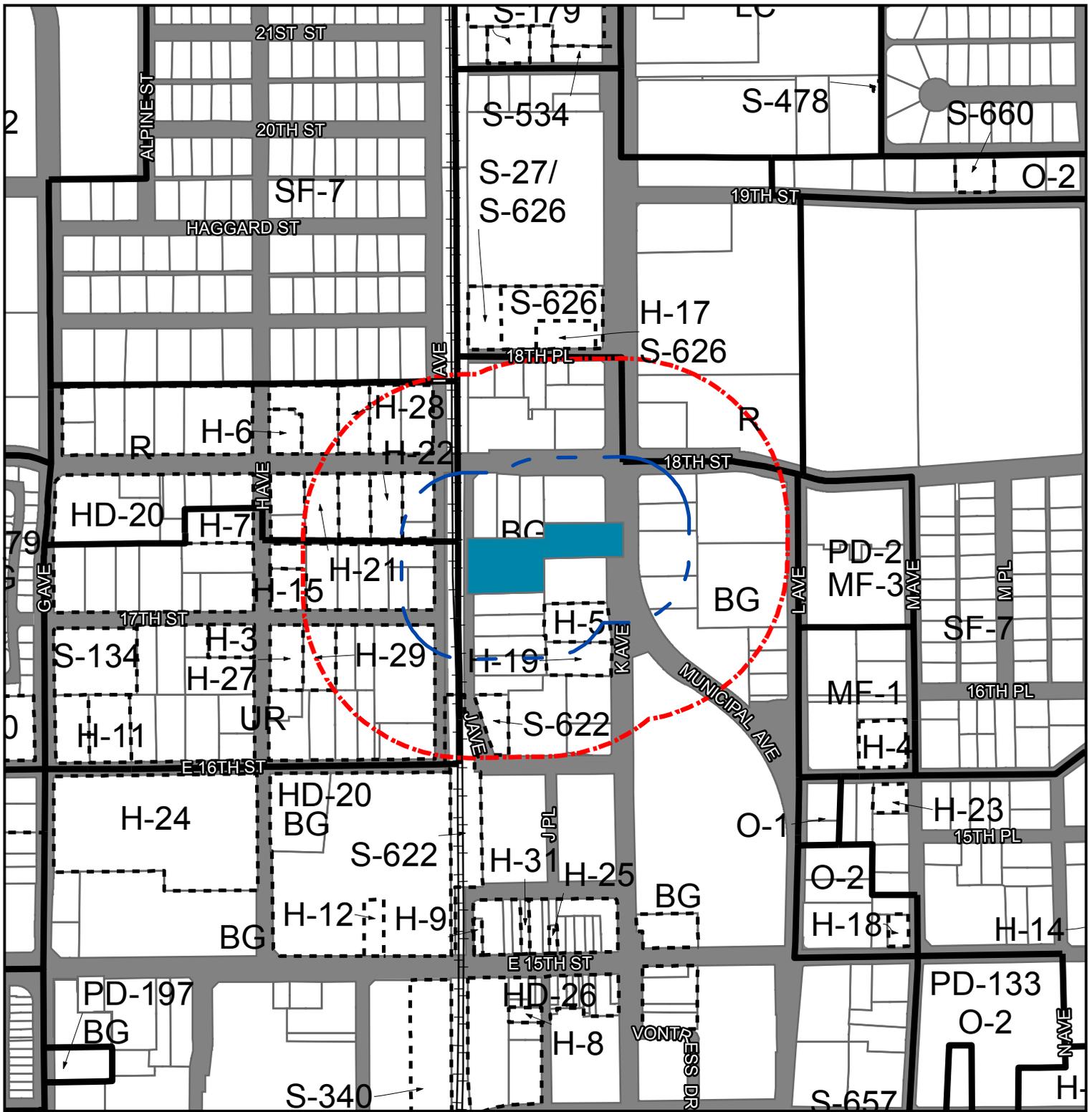
THENCE, North 03°14'19" East, along the centerline of Avenue J, a distance of 168.85 feet to a point;

THENCE, departing said centerline South 86°39'08" East, along the common line of said Lot 6A and Lot 1, at a distance of 72.00 feet passing a 1/2-inch rod found for the southeast corner of said Lot 1 and the southwest corner of Lot 17, Block 2, as described in a deed to Tenth Street Investments, L.P., recorded in Document No. 20070831001217040, DRCCT, continuing along

the common line of said Lot 6A and Lot 17, at 142.00 feet passing a tree found for the southeast corner of said Lot 17 and the southwest corner of Lot 2, Block 2, as described in a deed to Cecil M. Parsons, recorded in Volume 1025, Page 107, DRCCT, continuing along the common line of said Lot 6A and Lot 2, for a total distance of 232.83 feet to a 1/2-inch iron rod found for the northeast corner of Lot 6A and the southeast corner of said Lot 2, on the west line of Lot 4, Block 2, described as "Tract 2" in the above mentioned warranty deed to First CMC Properties, L.L.C., recorded in Volume 6,062, Page 2,141, DRCCT and said point being North 83°32'22" East a distance of 1.84 feet from a 5/8-inch iron rod found topped with a yellow plastic cap stamped "RPLS 3949";

THENCE, North 02°16'40" East, along the common line of said Lot 4 and Lot 2, a distance of 42.39 feet to a chain link fence corner post found for the northwest corner of said Lot 4 and the southwest corner of said Lot 3;

THENCE, South 87°01'32" East, along the common line of said Lot 4 and Lot 3, a distance of 186.51 feet to the POINT OF BEGINNING and CONTAINING 63,510 square feet or 1.458 acres of land.

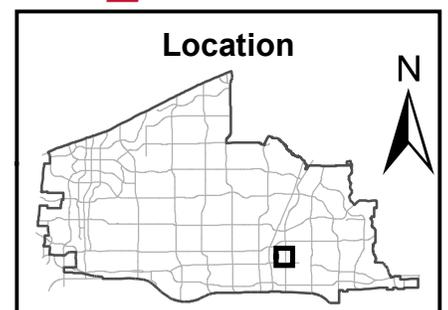


Zoning Case #: 2015-27

Existing Zoning: Downtown Business/Government (BG)

Proposed Zoning: Planned Development-Downtown Business/Government (PD-BG)

- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Subject Property
- Zoning Boundary
- City Limits
- Specific Use Permit
- Right-of-Way



Source: City of Plano Planning Department

DATE: March 8, 2016
TO: Honorable Mayor & City Council
FROM: John Muns, Chair, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of March 7, 2016

**AGENDA ITEM NO. 2A - PUBLIC HEARING
ZONING CASE 2015-31
APPLICANT: SWC TOLLWAY & 121, LLC**

Request to amend Planned Development-64-Central Business-1 on 137.3± acres located at the southwest corner of State Highway 121 and the Dallas North Tollway in order to modify development standards related to mid-rise residential.

APPROVED: 5-1 **DENIED:** _____ **TABLED:** _____

Letters Received Within 200 Foot Notice Area: Support: 3 **Oppose:** 0 **Neutral:** 0

Letters Received Outside 200 Foot Notice Area: Support 0 **Oppose:** 0 **Neutral:** 0

Petition(s) Received: 0 **# Of Signatures:** 0

The commissioner voting in opposition to the motion did not state a reason for his opposition.

STIPULATIONS:

Recommended for approval as follows:

(Proposed additions are indicated by underlined text; deletions are indicated by strikethrough text.)

Restrictions:

The permitted uses and standards shall be in accordance with the Central Business-1 (CB-1) zoning district unless otherwise specified herein.

Mid-rise residential is an additional permitted use subject to the following standards:

1. A maximum of ~~40~~ 13 acres may be developed as mid-rise residential.
2. Mid-rise residential is prohibited within ~~450~~ 400 feet of the right-of-way line of State Highway 121 and the Dallas North Tollway.
3. Maximum Density: None
4. ~~Minimum~~ Building Height: A maximum of 400 units may be constructed at a minimum height of 5 stories. The remaining units must be constructed at a minimum height of 7 story stories.
5. Maximum Number of Dwelling Units: 1,000

Refer to Design Guidelines after PD-65-CB-1 for additional stipulations.

FOR CITY COUNCIL MEETING OF: March 14, 2016 (To view the agenda for this meeting, see www.plano.gov)

EM/amf

xc: Fehmi Karahan, SWC Tollway & 121, LLC
Trey Braswell, Kimley-Horn
Robert Elliot, Mapping & Info. Tech
Wayne Snell, Building Inspections
<https://goo.gl/maps/qb3YRBwYv8P2>

CITY OF PLANO
PLANNING & ZONING COMMISSION

March 7, 2016

Agenda Item No. 2A

Public Hearing: Zoning Case 2015-31

Applicant: SWC Tollway & 121, LLC

DESCRIPTION:

Request to amend Planned Development-64-Central Business-1 on 137.3± acres located at the southwest corner of State Highway 121 and the Dallas North Tollway in order to modify development standards related to mid-rise residential.

REMARKS:

On December 22, 2015, the City Council called a public hearing to amend Planned Development-64-Central Business-1 (PD-64-CB-1) in order to consider modifying development standards related to mid-rise residential. Currently, 57.9 acres of the subject property are currently under construction or have preliminary approvals as general office developments, and there are additional office and residential developments proposed for future construction. With this zoning request, the applicant is proposing several modifications related to mid-rise residential uses including increasing the available area for development, reducing the required setback from adjacent expressways, and modifying the height requirements.

PD-64-CB-1 was initially created in 2014 and amended in July 2015. The Zoning Ordinance defines mid-rise residential as buildings containing not less than five floors designed for residential occupancy and including accessory uses including but not limited to parking garages, recreational amenities, meeting space, storage, and personal services. A mid-rise residential development may include a mix of residential and nonresidential uses in the same structure. A PD district provides the ability to amend use, height, setback, and other development standards at the time of zoning to promote innovative design and better development controls appropriate to both off- and onsite conditions.

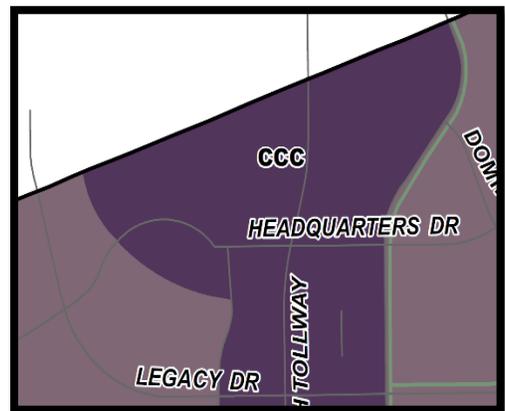
A revised concept plan, Legacy West Addition, Block B, Lots 1 and 2, and Block C, Lots 1R, 4, 5, 6, and 7 accompanies this request as Agenda Item 2B.

Surrounding Land Use and Zoning

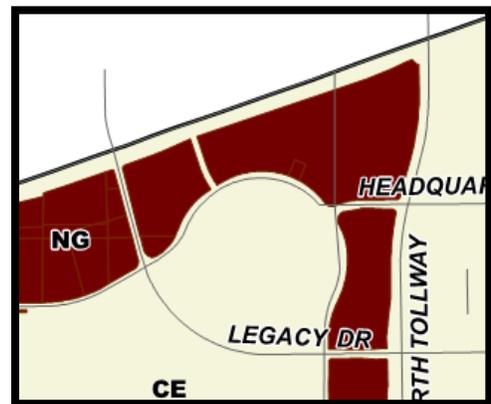
The property to the north, across State Highway 121, is within the city of Frisco and is developed as new car dealers. To the east, across the Dallas North Tollway, are general office, restaurant, and retail uses zoned Central Business-1 (CB-1) and Planned Development-65-Central Business-1 (PD-65-CB-1). To the southeast is a mixed-use development currently under construction zoned PD-65-CB-1. To the south and southwest is a general office development zoned Commercial Employment with Specific Use Permit #265 for Day Care Center (CE w/SUP#265) and a proposed single-family residence detached development zoned PD-65-CB-1. To the west, across Leadership Drive, is a general office development and undeveloped property zoned CB-1.

Conformance to the Plano Tomorrow Comprehensive Plan

Future Land Use Map - The Future Land Use Map designates this property as Compact Complete Center (CCC). The CCC future land use category applies to areas that may see new growth or experience significant redevelopment. Land uses supported within the CCC include mid-rise buildings with office, retail, service, entertainment, and residential uses, which are based on the concepts of mixed-use, community design, and where possible, transit-oriented design. Uses in a CCC should be integrated within the development and create self-contained neighborhoods that are navigable by walking or using bicycles. Parking should be in structures to reduce surface parking and encourage efficient use of land. Useable open space will be included within the centers to create active and interesting public spaces. The requested amendments will allow for urban residential buildings to be developed in a walkable, mixed-use environment. The setback and height amendments will contribute to the intended character and urban design standards as proposed within the adjacent Legacy West mixed-use development. Staff believes this request is in conformance with the CCC designation.



Growth and Change Map - The purpose of the Growth and Change Map is to describe the level of change that is expected to occur on sites around the city and provide general direction for new development and redevelopment projects. The Growth and Change Map designates the subject property as New Growth (NG). NG areas are existing undeveloped areas more than 50 acres that are expected to experience new development through master-planned projects. The applicant's requested PD amendments will allow for a significant amount of change to occur on the property through the development of mid-rise residential uses. For this reason, staff believes the zoning request is consistent with the NG designation.



Transportation Demand Management Policy - This policy states that “Plano will utilize Transportation Demand Management to improve air quality, reduce journey to work trips, and mitigate traffic congestion.” The immediate area is experiencing growth which will result in increased traffic volume. Developments within the area will need to consider transportation demand concerns as development along the Dallas North Tollway and State Highway 121 continues. The requested amendments will allow for a greater variety of mid-rise residential products to be located in proximity to employment uses. Staff believes this request is in conformance with the Transportation Demand Management Policy.

ISSUES:

Distance to the Dallas North Tollway and State Highway 121

The applicant is proposing to reduce the setback for mid-rise residential uses from 450 feet to 400 feet from State Highway 121 and the Dallas North Tollway. The purpose for this reduction is to be consistent with the most recent proposed development plans for PD-64-CB-1. The requested 400 foot distance provides enough developable area along State Highway 121 and the Dallas North Tollway to allow for significant commercial development to occur as a buffer for the residences. The residences are proposed for the west side of Windrose Avenue. In comparison, the multifamily units under construction to the south, across Headquarters Drive, are approximately 375 feet from the Dallas North Tollway, also located on the west side of Windrose Avenue. For these reasons, staff is in support of this amendment.

Height

When the PD was initially created, the applicant included a seven-story minimum height restriction for the proposed 1,000 mid-rise residential units. Currently, there are two mid-rise projects planned for PD-64-CB-1 with heights of 25 stories and 30 stories which have received preliminary site plan approvals. In order to provide flexibility through a variety of building types, the applicant is proposing to remove the minimum height requirement for 400 of the units. The remaining 600 units will be required to be constructed at a minimum height of seven-stories. This amendment will still allow for dense, urban multifamily development to occur at the five-story minimum height which is required for mid-rise uses. Therefore, staff is in support of this amendment

Mid-Rise Residential Acreage

The applicant is also proposing to increase the developable acreage for mid-rise uses from 10 to 13 acres which is less than 10% percent of the overall PD area of 137.3 acres. The purpose for this is to accommodate streets and infrastructure within the overall PD, while allowing for flexibility in the layout of future five-story mid-rise developments. Since the number of units permitted is not being modified, staff believes increasing the residential acreage will have minimal impact on the overall development and is therefore in support of this amendment. Additionally, due to the major office developments proposed for the general area, it may be appropriate to allow for a wider variety of housing options to support the anticipated residential demand from

employees. For these reasons, staff is in support of the increased mid-rise residential acreage.

SUMMARY:

The applicant is requesting to amend PD-64-CB-1 in order to modify several standards related to mid-rise residential uses. The proposed rezoning request is in conformance with the recommendations of the Comprehensive Plan. The requested amendments will allow for dense, urban residential development to occur, while leaving sufficient property for significant nonresidential development adjacent to State Highway 121 and the Dallas North Tollway. The proposed amendments will also allow flexibility for the placement of streets and infrastructure within future mid-rise residential sites, as well as provide the applicant the opportunity to develop a variety of mid-rise residential products. For these reasons, staff is in support of the requested PD amendments.

RECOMMENDATION:

Recommended for approval as noted below:

(Proposed additions are indicated by underlined text; deletions are indicated by strikethrough text.)

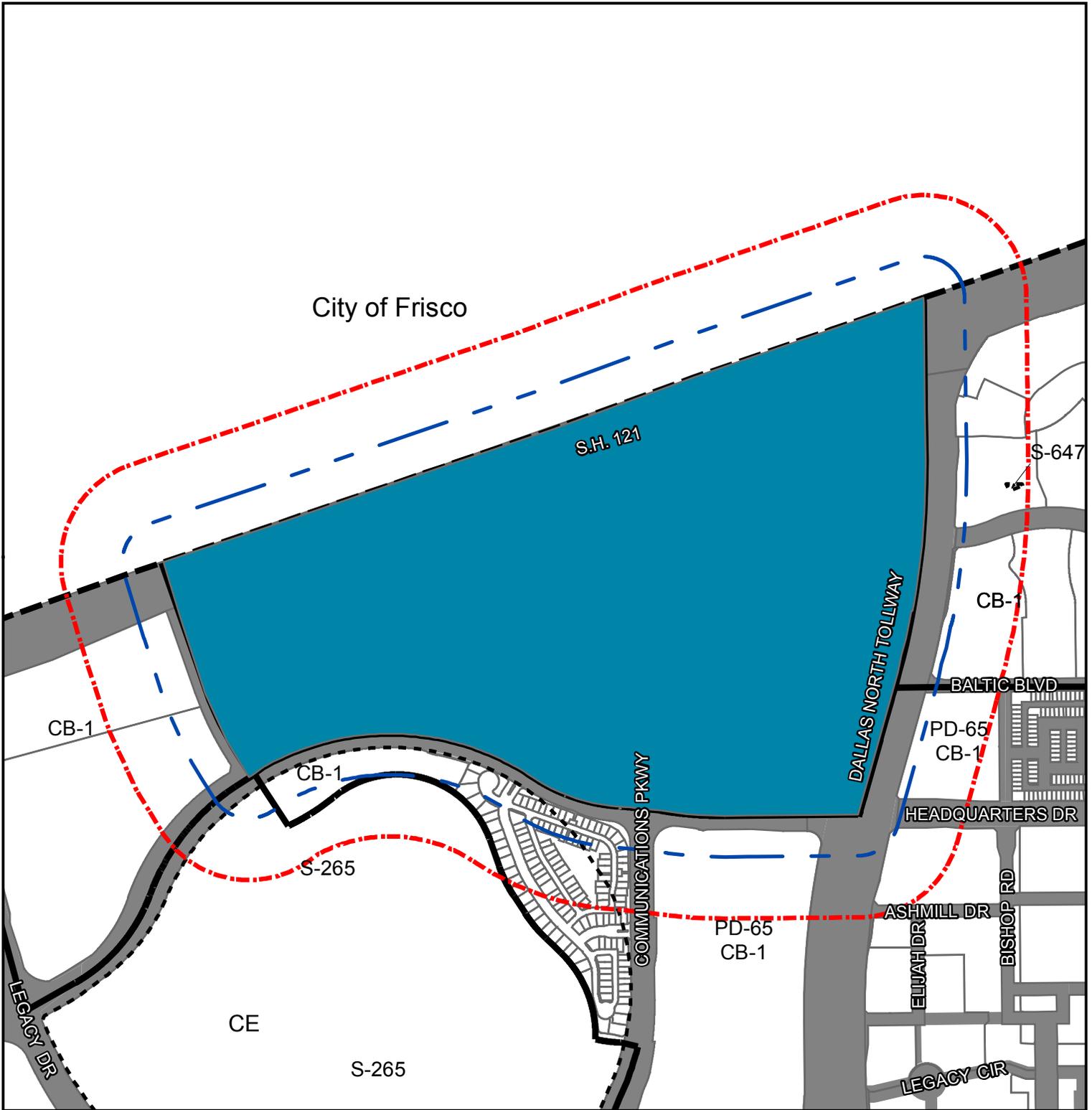
Restrictions:

The permitted uses and standards shall be in accordance with the Central Business-1 (CB-1) zoning district unless otherwise specified herein.

Mid-rise residential is an additional permitted use subject to the following standards:

1. A maximum of ~~40~~ 13 acres may be developed as mid-rise residential.
2. Mid-rise residential is prohibited within ~~450~~ 400 feet of the right-of-way line of State Highway 121 and the Dallas North Tollway.
3. Maximum Density: None
4. ~~Minimum~~ Building Height: A maximum of 400 units may be constructed at a minimum height of 5 stories. The remaining units must be constructed at a minimum height of 7 story-stories.
5. Maximum Number of Dwelling Units: 1,000

Refer to Design Guidelines after PD-65-CB-1 for additional stipulations.

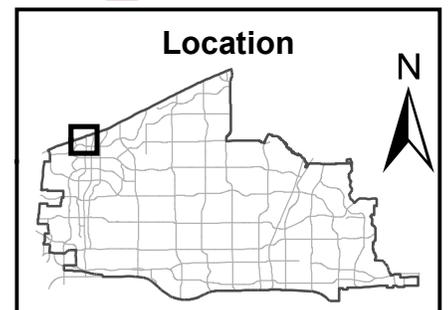


Zoning Case #: 2015-31

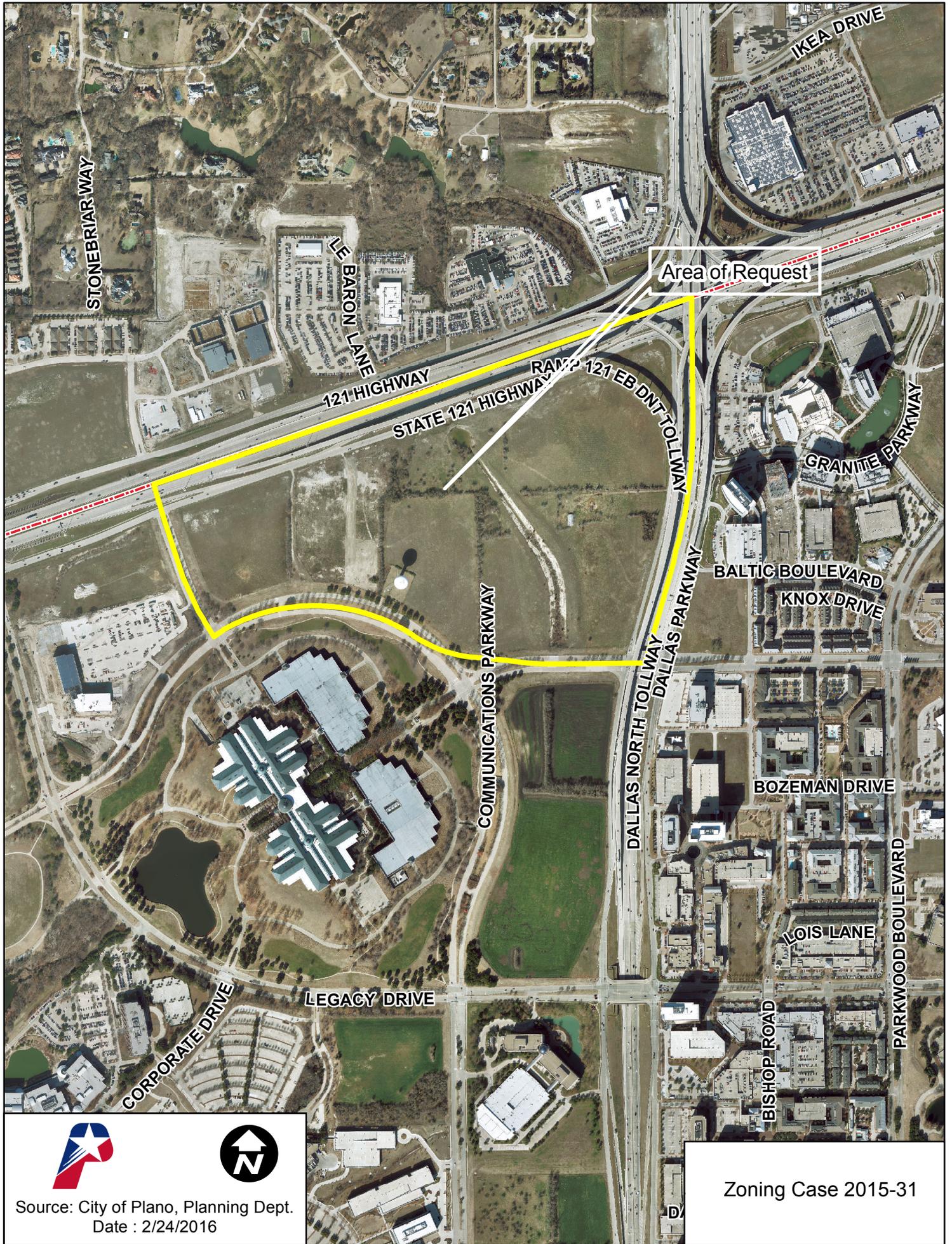
Existing Zoning: Planned Development-64-Central Business-1 (PD-64-CB-1)/Dallas North Tollway Overlay District

Proposed Zoning: Amend Planned Development-64-Central Business-1 (PD-64-CB-1) to modify development standards related to mid-rise

- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Subject Property
- Zoning Boundary
- City Limits
- Right-of-Way
- Specific Use Permit



Source: City of Plano Planning Department



Area of Request



Source: City of Plano, Planning Dept.
Date : 2/24/2016

Zoning Case 2015-31

NO.	REVISIONS	DATE	BY

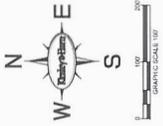
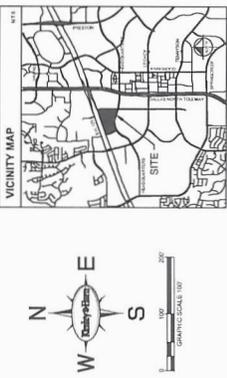
TKMS REGISTERED ARCHITECTS FIRM # 828
 WWW.KIMLEY-HORN.COM
 3795 GUNDS COUNTRY CENTER DR., FORT WORTH, TX 76104
 PHONE: 817-335-3200 FAX: 817-335-3719
Kimley-Horn

PROJECT: KHA PROJECT
 DATE: 02/20/18
 SCALE: AS SHOWN
 DESIGNED BY: SWH
 DRAWN BY: MCD
 CHECKED BY: TRB
 PLANO, TEXAS

LEGACY WEST

REVISED CONCEPT PLAN

SHEET NUMBER
2 OF 2



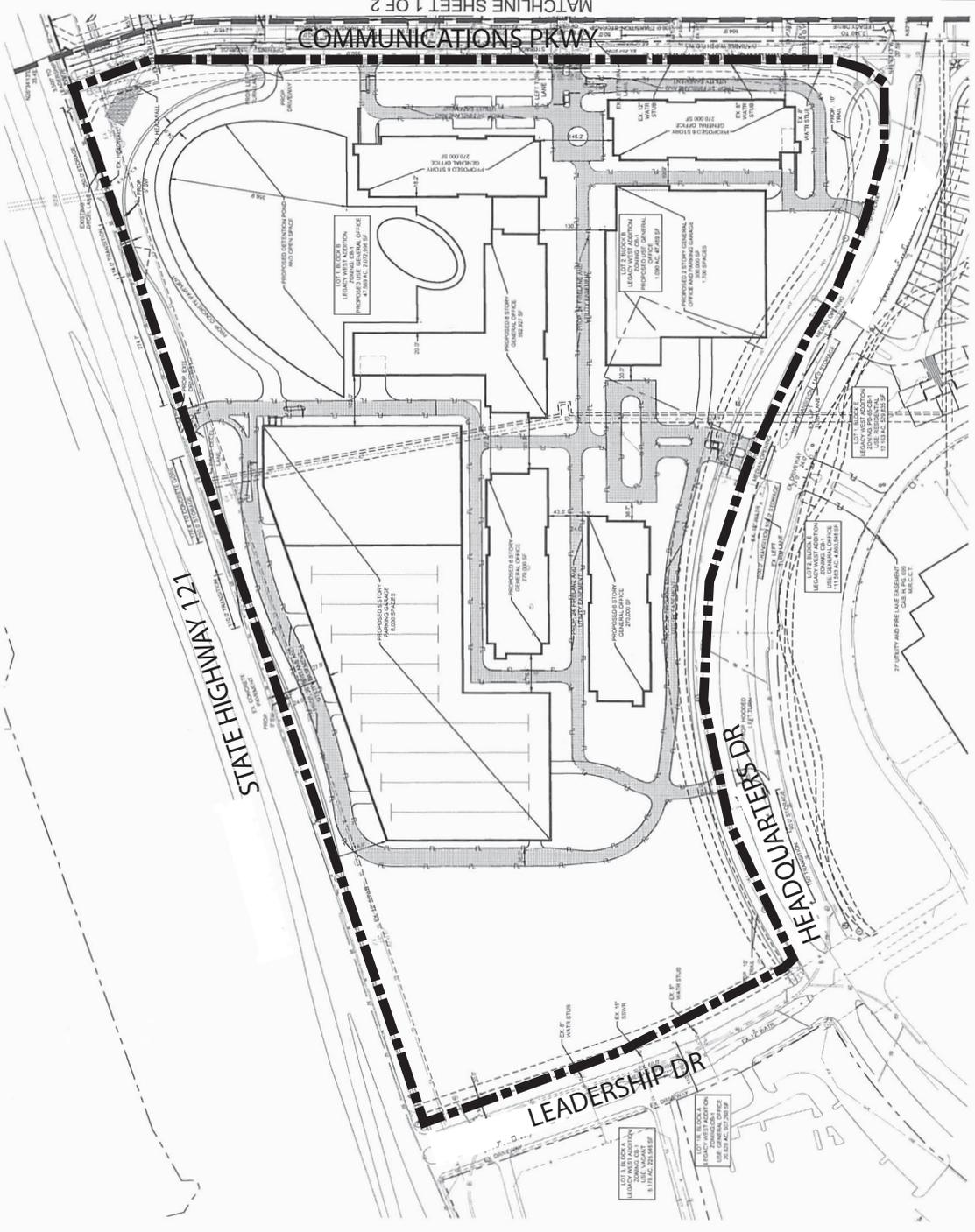
PURPOSE STATEMENT
 THE PURPOSE OF THIS REVISED CONCEPT PLANS IS TO PROVIDE THE CLIENT WITH A VISUAL REPRESENTATION OF THE PROPOSED DEVELOPMENT AND OPEN SPACE.

OPEN SPACE TABLE

SECTION	AREA (SQ. FT.)	PERCENTAGE
A	10,120	0.17
B	10,120	0.17
C	10,120	0.17
D	10,120	0.17
E	10,120	0.17
F	10,120	0.17
G	10,120	0.17
H	10,120	0.17
I	10,120	0.17
J	10,120	0.17
K	10,120	0.17
L	10,120	0.17
M	10,120	0.17
N	10,120	0.17
O	10,120	0.17
P	10,120	0.17
Q	10,120	0.17
R	10,120	0.17
S	10,120	0.17
T	10,120	0.17
U	10,120	0.17
V	10,120	0.17
W	10,120	0.17
X	10,120	0.17
Y	10,120	0.17
Z	10,120	0.17
TOTAL AVAILABLE	10,120	0.17
TOTAL REQUIRED	10,120	0.17
TOTAL EXCESS	10,120	0.17

**REVISED CONCEPT PLAN
 LEGACY WEST ADDITION**
 LOT 1R, 4, 5, 6, AND 7, BLOCK C
 &
 LOTS 1 AND 2, BLOCK B
 SITUATED IN THE
 N.W. QUARTERS OF SECTION 10, T.10N, R.10E, S.10E
 COLLIN COUNTY SCHOOL LAND SURVEY NO. 6, ABSTRACT NO. 149
 CITY OF PLANO, COLLIN COUNTY, TEXAS

Kimley-Horn
 3795 GUNDS COUNTRY CENTER DR., FORT WORTH, TX 76104
 PHONE: 817-335-3200 FAX: 817-335-3719



MATCHLINE SHEET 1 OF 2

SITE DATA SUMMARY TABLE

GENERAL CATEGORY	BLOCK C		BLOCK B	
	AREA (SQ. FT.)	%	AREA (SQ. FT.)	%
TOTAL AREA	472,842	11.5%	1,171,141	29.2%
TOTAL IMPERVIOUS AREA	170,000	36.0%	300,000	25.6%
TOTAL PAVED AREA	170,000	36.0%	300,000	25.6%
TOTAL OPEN SPACE	302,842	64.0%	871,141	74.4%
TOTAL GREEN SPACE	10,000	2.1%	20,000	1.7%
TOTAL WATER	10,000	2.1%	20,000	1.7%
TOTAL OPEN SPACE (EXCLUDING WATER)	292,842	61.9%	851,141	72.7%

* IF FACILITY LOT 1R, 4, 5, AND 7 WILL BE REPAIRED RESIDENTIAL USE
 ** IF LOTS 1 AND 2 WILL BE REPAIRED RESIDENTIAL USE

This document, together with the contracts and design presented herein, is intended only for the specific project and site for which it was prepared. It is not to be used for any other project or site without the written consent of Kimley-Horn and Associates, Inc. and its liability to Kimley-Horn and Associates, Inc. shall be limited to the design and construction of the project.

Zoning Case 2015-31

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to amend Planned Development-64-Central Business-1 on 137.3± acres of land out of the J.C. Barrow Survey, Abstract No. 91, the G.R. Martin Survey, Abstract No. 622, the Collin County School Land Survey No. 6, Abstract No. 149, the J. Digman Survey, Abstract No. 279, and the H.N. Thompson Survey, Abstract No. 896, located at the southwest corner of State Highway 121 and the Dallas North Tollway, in the City of Plano, Collin County, Texas, to modify development standards related to mid-rise residential; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 14th day of March, 2016 for the purpose of considering amending Planned Development-64-Central Business-1 on 137.3± acres of land out of the J.C. Barrow Survey, Abstract No. 91, the G.R. Martin Survey, Abstract No. 622, the Collin County School Land Survey No. 6, Abstract No. 149, the J. Digman Survey, Abstract No. 279, and the H.N. Thompson Survey, Abstract No. 896, located at the southwest corner of State Highway 121 and the Dallas North Tollway, in the City of Plano, Collin County, Texas, to modify development standards related to mid-rise residential; 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 14th day of March, 2016; and

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

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

Section I. The Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to amend Planned Development-64-Central Business-1 on 137.3± acres of land out of the J.C. Barrow Survey, Abstract No. 91, the G.R. Martin Survey, Abstract No. 622, the Collin County School Land Survey No. 6, Abstract No. 149, the J. Digman Survey, Abstract No. 279, and the H.N. Thompson Survey, Abstract No. 896, located at the southwest corner of State Highway 121 and the Dallas North Tollway in the City of Plano, Collin County, Texas, to modify development standards related to mid-rise residential, said property being described in the legal description on Exhibit "A" attached hereto.

Section II. The change granted in Section I is granted subject to the following:

Restrictions:

The permitted uses and standards shall be in accordance with the Central Business-1 (CB-1) zoning district unless otherwise specified herein.

Mid-rise residential is an additional permitted use subject to the following standards:

1. A maximum of 13 acres may be developed as mid-rise residential.
2. Mid-rise residential is prohibited within 400 feet of the right-of-way line of State Highway 121 and the Dallas North Tollway.
3. Maximum Density: None
4. Building Height: A maximum of 400 units may be constructed at a minimum height of 5 stories. The remaining units must be constructed at a minimum height of 7 stories.
5. Maximum Number of Dwelling Units: 1,000

Refer to Design Guidelines after PD-65-CB-1 for additional stipulations.

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

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

Section V. The repeal of any ordinance or part of ordinances 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 VI. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

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

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

PASSED AND APPROVED THIS THE 14TH DAY OF MARCH, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2015-31

BEING a tract of land situated in the J.C. Barrow Survey, Abstract No. 91, the G.R. Martin Survey, Abstract No. 622, the Collin County School Land Survey No. 6, Abstract No. 149, the J. Digman Survey, Abstract No. 279, and the H.N. Thompson Survey, Abstract No. 896, Collin County, Texas and being part of Lot 1 and all of Lot 2, Block B, J.C. Penney Headquarters, an addition to the City of Plano, Texas according to the plat recorded in Cabinet G, Page 783, Map Records of Collin County, Texas,

BEGINNING at the intersection of the centerline of Headquarters Drive (a variable width right-of-way) and the centerline of Leadership Drive (a 110-foot wide right-of-way);

THENCE with said centerline of Leadership Drive, the following courses and distances to wit:

North $32^{\circ}57'07''$ West, a distance of 119.35 feet to a point at the beginning of a tangent curve to the right having a central angle of $13^{\circ}44'23''$ a radius of 1500.00 feet, a chord bearing and distance of North $26^{\circ}04'56''$ West, 358.84 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 359.71 feet to a point for corner; North $19^{\circ}12'44''$ West, a distance of 651.35 feet to the intersection of said centerline of Leadership Drive and the centerline of State Highway No. 121 (a variable width right-of-way);

THENCE with said centerline of State Highway No. 121, North $70^{\circ}54'39''$ East, a distance of 3,922.34 feet to the intersection of said centerline and the centerline of The Dallas North Tollway (a variable width right-of-way);

THENCE departing said centerline of State Highway No. 121 and with said centerline of the Dallas North Tollway, the following courses and distances to wit:

South $0^{\circ}39'09''$ East, a distance of 791.53 feet to a point at the beginning of a tangent curve to the right having a central angle of $16^{\circ}16'33''$, a radius of 3,819.72 feet, a chord bearing and distance of South $7^{\circ}29'07''$ West, 1,081.41 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 1,085.06 feet to a point for corner; South $15^{\circ}30'18''$ West, a distance of 604.28 feet to a point at the beginning of a tangent curve to the left having a central angle of $1^{\circ}02'17''$, a radius of 3,819.72 feet, a chord bearing and distance of South $14^{\circ}59'09''$ West, 69.20 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 69.20 feet to the intersection of said centerline and the centerline of said Headquarters Drive;

THENCE departing said centerline of the Dallas North Tollway, the following courses and distance to wit:

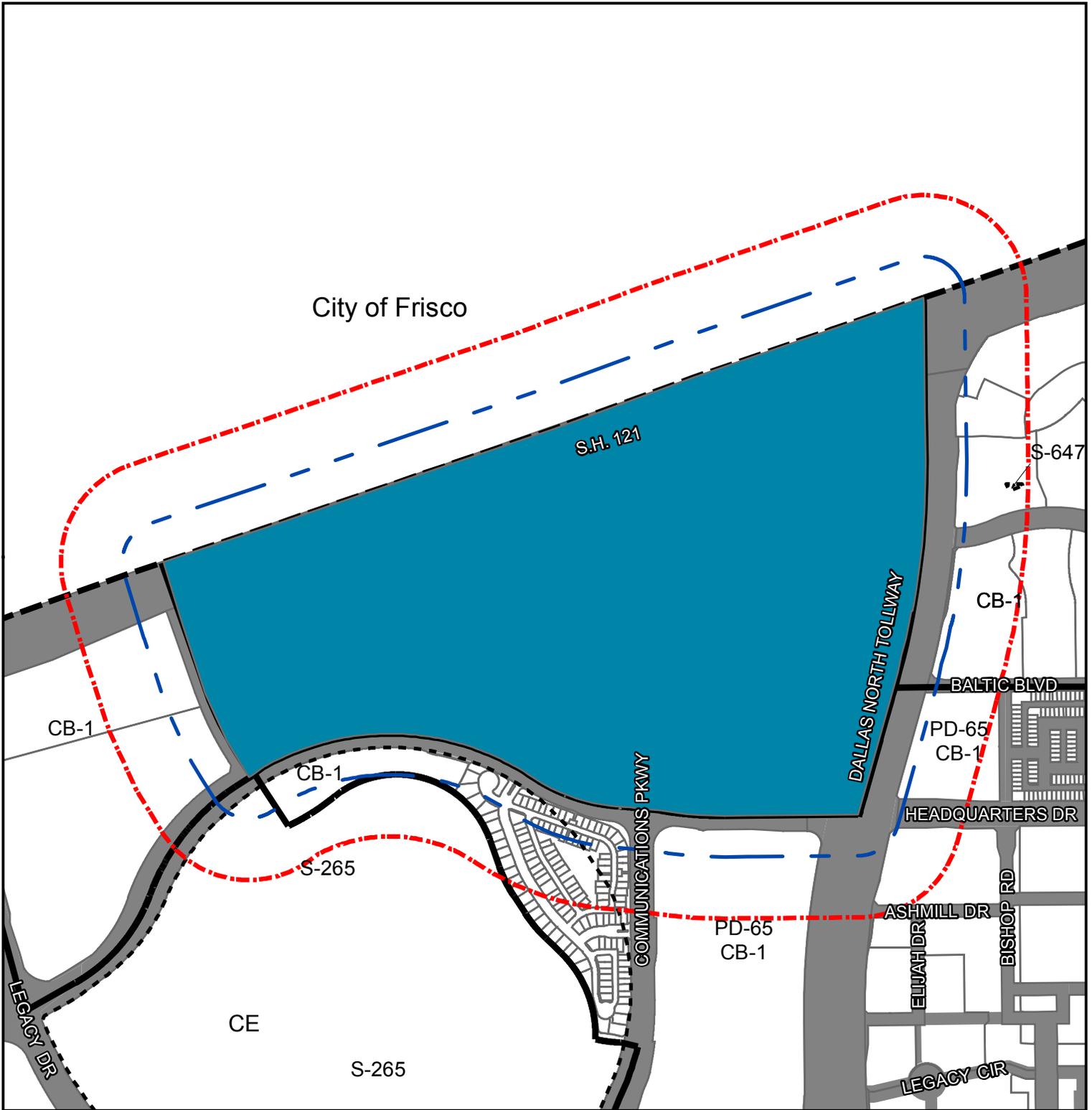
South $89^{\circ}31'17''$ West, a distance of 1,124.49 feet to a point at the beginning of a tangent curve to the right having a central angle of $41^{\circ}06'45''$, a radius of 561.00 feet, a chord bearing and distance of North $69^{\circ}55'20''$ West, 393.96 feet;

In a northwesterly direction with said curve to the right, an arch distance of 402.55 feet to a point in said centerline of Headquarters Drive at the beginning of a reverse curve to the left having a central angle of $72^{\circ}26'21''$, a radius of 1,191.79 feet, a chord bearing and distance of North $85^{\circ}35'08''$ West, 1,408.41 feet;

THENCE with said centerline of Headquarters Drive, the following courses and distances to wit:

In a northwesterly direction, with said curve to the left, an arc distance of 1,506.78 feet to a point for corner;

South $55^{\circ}00'46''$ West, a distance of 72.77 feet to the POINT OF BEGINNING and CONTAINING 137.34 acres of land.

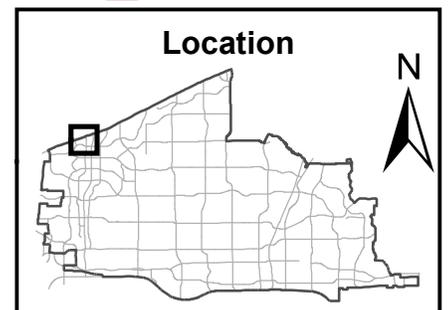


Zoning Case #: 2015-31

Existing Zoning: Planned Development-64-Central Business-1 (PD-64-CB-1)/Dallas North Tollway Overlay District

Proposed Zoning: Amend Planned Development-64-Central Business-1 (PD-64-CB-1) to modify development standards related to mid-rise

- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Subject Property
- Zoning Boundary
- City Limits
- Right-of-Way
- Specific Use Permit



Source: City of Plano Planning Department

