

CITY COUNCIL

1520 AVENUE K



DATE: 6/10/2013
CALL TO ORDER: 7:00 p.m.
INVOCATION: Assistant Pastor Kelvin Foley
Prestonwood Baptist Church
PLEDGE OF ALLEGIANCE: Plano Chapter of The Sons of the American
Revolution

ITEM NO.	EXPLANATION	ACTION TAKEN
	<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 RECOGNITION: Chetan Reddy placed in the top ten at the National Spelling Bee</p> <p><u>OATHS OF OFFICE</u></p> <p><u>Multicultural Outreach Roundtable</u></p> <p>John H. Bock, III</p> <p><u>COMMENTS OF PUBLIC INTEREST</u></p> <p><u>This portion of the meeting is to allow up to five (5) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.</u></p> <p><u>CONSENT AGENDA</u></p> <p><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(a)	<p><u>Approval of Minutes</u> May 28, 2013</p>	
	<p><u>Approval of Expenditures</u></p>	
	<p>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</p>	
(b)	<p>Bid No. 2013-213-B for the purchase of one (1) emergency generator from Groves Electrical Service, Inc., in the amount of \$69,958 for Fleet Services and authorizing the City Manager to execute all necessary documents.</p>	
(c)	<p>Bid No. 2013-228-B for the 2012-2013 Residential Sidewalk Project Zone P7, Project No. 6301 to Jim Bowman Construction Co., LP, in the amount of \$349,640 and authorizing the City Manager to execute all necessary documents.</p>	
(d)	<p>Bid No. 2013-231-B for 14th Street – E Avenue to F Avenue to Jim Bowman Construction Co., LP in the amount of \$362,668 and authorizing the City Manager to execute all necessary documents.</p>	
(e)	<p>Bid No. 2013-238-B for the Pavement Rehab – Plano Parkway, Old Orchard Drive, Maumelle Drive and Hearst Castle Way, Project No. 6240 to Jerusalem Corporation, in the amount of \$1,552,699 and authorizing the City Manager to execute all necessary documents.</p>	
(f)	<p>Bid No. 2013-206-C for a one (1) year contract with three (3) City optional renewals to purchase ammunition for the Police Department from Bailey's House of Guns, Inc. in an estimated annual amount of \$94,226 and authorizing the City Manager to execute all necessary documents.</p>	
(g)	<p>RFP No. 2013-226-C for a one (1) year contract with four (4) City optional renewals for Technical Consultant for JD Edwards EnterpriseOne ERP System to Remote Services Inc., in the estimated annual amount of \$99,600 and authorizing the City Manager to execute all necessary documents.</p>	
(h)	<p>Purchase from an Existing Contract</p> <p>To approve the purchase of two (2) Peterbilt Chassis from Rush Truck Center, in the amount of \$197,500 and two (2) Vac-Con Jet Truck Bodies from Vac-Con Inc., in the amount of \$422,095 totaling \$619,595 for the Fleet Department, to be utilized by Utility District #3, through an existing contract/agreement with TASB/Buyboard, and authorizing the City Manager to execute all necessary documents. (TASB/Buyboard Contract #358-10 & 347-10)</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(i)	<p>Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)</p> <p>To approve a contract made and entered into by and between the City of Plano and Frank Phillips, the Elections Administrator of Denton County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City's May 11, 2013 Joint General and Special Elections in the amount of \$4,952.</p>	
(j)	<p>Reimbursement of Oversize Participation</p> <p>To approve and authorize reimbursement to TOG Development I, LLC, for oversize participation for public improvements associated with the construction of Oceanview Drive in the amount of \$58,652.</p>	
(k)	<p>Approval of Expenditure</p> <p>To approve of the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$250,000 from Baker & Taylor for purchase of various library materials including books, compact disks, books-on-CD and DVDs. These purchases will be made through the State of Texas CO-OP Purchasing Program under Texas State Contract 715-N1 Print Materials and Multimedia with Baker & Taylor; and authorizing the City Manager to execute all necessary documents.</p>	
(l)	<p><u>Adoption of Resolutions</u></p> <p>To certify that the City is eligible to receive financial assistance under the Collin County Parks and Open Space Matching Grant Program as provided by the Collin County Commissioners Court; certifying that the City's matching share is readily available; designating the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano in dealing with the Collin County Commissioners Court for the purpose of participating in the Collin County Parks and Open Space Matching Grant Program; certifying that the Rowlett Creek Greenbelt Addition will be dedicated for public park and recreational uses; and providing an effective date.</p>	
(m)	<p>To certify that the City is eligible to receive financial assistance under the Collin County Parks and Open Space Matching Grant Program as provided by the Collin County Commissioners Court; certifying that the City's matching share is readily available; designating the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano in dealing with the Collin County Commissioners Court for the purpose of participating in the Collin County Parks and Open Space Matching Grant Program; certifying that the Three Cities Trail Connection will be dedicated for public park and recreational uses; and providing an effective date.</p>	
(n)	<p>To approve the dedication of a 0.647 acre tract of land owned by the City of Plano, Texas designated as park property but not yet utilized as park for dedication as a public right-of-way adjacent to Oak Point Park and Nature Preserve, said tract being situated in the A.M. Hetfield Survey, Abstract No. 432; and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(o)	<p><u>Adoption of Ordinances</u></p> <p>To amend certain sections of Ordinance No. 2003-8-8 codified as Section 10-3 of Article I, Chapter 10, Library, of the Code of Ordinances of the City of Plano to revise the fee schedule for unreturned and overdue materials, and to establish charges for interlibrary loan materials and non-resident library cards; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</p> <p><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></p> <p><u>Public Hearing Items: Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The presiding officer may extend these times as deemed necessary.</u></p> <p><u>Non-Public Hearing Items: The Presiding Officer may permit limited public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order cards are received until the cumulative time is exhausted.</u></p>	
(1)	<p>Public Hearing and consideration of an Ordinance as requested in Zoning Case 2013-10 to amend an Ordinance of the City of Plano amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to expand Specific Use Permit No. 53 for the additional use of Private Club and Specific Use Permit No. 463 for the additional use of Arcade on 1.2± acres of land located on the north side of Parker Road, 183± feet east of Alma Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-69-Retail with Specific Use Permit No. 53 for Private Club and Specific Use Permit No. 463 for Arcade; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Bryan Capps</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:		06/10/2013		
Department:		City Manager's Office		
Department Head		Bruce Glasscock		
Agenda Coordinator (include phone #): Melinda White X7548, Cindy Pierce X5161				
CAPTION				
SPECIAL RECOGNITION: Chetan Reddy placed in the top ten at the National Spelling Bee				
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
May 28, 2013**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Patrick Gallagher
Lee Dunlap

COUNCIL MEMBERS ABSENT

Jim Duggan

STAFF PRESENT

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor LaRosiliere called the meeting to order at 5:01 p.m., Tuesday, May 28, 2013, 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; receive information regarding Economic Development, Section 551.087; and to discuss Real Estate, Section 551.072 and 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 6:43 p.m. in the Senator Florence Shapiro Council Chambers.

**Consideration and action resulting from Executive Session discussion - Personnel:
Designation of Mayor Pro Tem and Deputy Mayor Pro Tem**

Upon a motion made by Council Member Gallagher and seconded by Council Member Miner, the Council voted 7-0 to designate Lissa Smith as Mayor Pro Tem.

Upon a motion made by Council Member Davidson and seconded by Council Member Miner, the Council voted 7-0 to designate Ben Harris as Deputy Mayor Pro Tem.

Personnel: Appointment: Multicultural Outreach Roundtable (CoChair)

Mayor LaRosiliere appointed John Bock as a CoChair of the Multicultural Outreach Roundtable.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

Council Member Dunlap requested that Consent Agenda Item "B," Bid No. 2013-217-B for Brookview Drive - Trailridge to Rigsbee to Jim Bowman Construction Co., LP in the amount of \$243,837 be removed for individual consideration due to a possible conflict of interest.

Nothing further was discussed. Mayor LaRosiliere adjourned the Preliminary Meeting at 6:47 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Diane Zucco, City Secretary

PLANO CITY COUNCIL
May 28, 2013

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Patrick Gallagher
Lee Dunlap

COUNCIL MEMBERS ABSENT

Jim Duggan

STAFF PRESENT

Bruce Glasscock, City Manager
Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Tuesday, May 28, 2013, at 7:01 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Senior Pastor Paul Gould of First United Methodist Church Plano led the invocation and Representatives of the Boys and Girls Clubs of Collin County Plano led the Pledge of Allegiance.

Mayor LaRosiliere administered oaths of office to incoming board members Robert A. Miller (Board of Adjustment) and Jerry E. Yancey (North Texas Municipal Water District Board).

COMMENTS OF PUBLIC INTEREST

No one appeared to speak.

CONSENT AGENDA

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

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to approve and adopt all remaining items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")

May 13, 2013

May 20, 2013

Approval of Expenditures

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

Purchase from an Existing Contract

To approve the purchase of one (1) John Deere Excavator for Fleet Services, to be utilized by Compost Operations, from RDO Equipment Co., in the amount of \$301,375 through an existing contract/agreement with TASB/BuyBoard, and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 345-10) (Consent Agenda Item "C")

To approve a one (1) year contract for the purchase of GETAC rugged laptop computers for the Police Department in an estimated annual amount of \$374,500 from Hewlett-Packard Company through an existing contract with DIR, and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1364) (Consent Agenda Item "D")

Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)

To approve a Professional Services Agreement by and between the City of Plano and Half Associates, Inc. in the amount of \$81,940 for Arbor Hills Park & Parker Road Erosion Control Repair project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "E")

To approve a Professional Services Agreement by and between the City of Plano and HDR Engineering, Inc. in the amount of \$239,420 for Improvement to Intersections - Park Boulevard at Dallas North Tollway, Parker Road at Dallas North Tollway, Alma Drive and Spring Creek Parkway, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "F")

To approve a contract made and entered into by and between the City of Plano and Sharon Rowe, the Elections Administrator of Collin County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City's June 15, 2013 Runoff Election in the estimated amount of \$49,071. (Consent Agenda Item "G")

Approval of Expenditures

To approve an expenditure for Bulk Fertilizer for Parks and Recreation Department to Greensmiths, Inc., in the amount of \$61,000 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item "H")

To ratify prior payments for the months of December 2012 and March 2013 in the amounts of \$57,651 and \$51,533 and approve expenditures in accordance with the current contract for Credit Card Payment Processing Services in the estimated monthly amount of \$40,000 to \$60,000 on a month by month basis, to JPMorgan Chase Bank and authorizing the City Manager to execute all necessary documents. (2008-67-C) (Consent Agenda Item "I")

Adoption of Resolutions

Resolution No. 2013-5-13(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between MedSys Group, LLC, a Texas limited liability company, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "J")

Resolution No. 2013-5-14(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between Traveling Coaches, Inc., a Texas corporation, and the City of Plano, Texas; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "K")

Resolution No. 2013-5-15(R): To approve the terms and conditions of an Interlocal Agreement by and between City of Plano and the University of Texas at Dallas for improvements to Mapleshade Lane; authorizing the City Manager to take such action and execute such documents as necessary to effectuate the agreement herein; and providing an effective date. (Consent Agenda Item "L")

Resolution No. 2013-5-16(R): To nominate Raytheon Company to the Office of the Governor Economic Development and Tourism ("OOGEDT") through the Economic Development Bank ("Bank") for designation as a qualified business and an enterprise project ("Project") under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code ("Act"); and providing an effective date. (Consent Agenda Item "M")

Resolution No. 2013-5-17(R): To amend a License Agreement approved by Plano City Council on June 8, 1987, and a First Amendment to Communications Facilities License approved by Plano City Council on December 14, 1992, by and between the City of Plano, Texas, and AT&T Communications, Inc. of the Southwest, a New York corporation, to establish a precise termination date; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item "N")

Resolution No. 2013-5-18(R): To approve the hiring of Samuel D. Hawk as Assistant City Attorney by the City Attorney; and providing an effective date. (Consent Agenda Item "O")

Adoption of Ordinances

Ordinance No. 2013-5-19: To amend Section 12-73.1 of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to enact school zones for summer school sessions; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. (Consent Agenda Item “P”)

Ordinance 2013-5-20: To transfer the sum of \$49,071 from the General Fund unappropriated fund balance to the General Fund operating appropriation for fiscal year 2012-13 for the purpose of providing funds for the estimated costs associated with conducting a Runoff Election on June 15, 2013, which was ordered on May 20, 2013; amending the Budget of the City and Ordinance No. 2012-9-8, Section 1, Item "A" to reflect the action taken herein; declaring this action to be a case of public necessity; and providing an effective date. (Consent Agenda Item “Q”)

Ordinance No. 2013-5-21: To adopt and enact Supplement Number 103 to the Code of Ordinances for the City of Plano; providing for amendment to certain sections of the Code; and providing an effective date. (Consent Agenda Item “R”)

ITEMS FOR INDIVIDUAL CONSIDERATION:

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

Bid No. 2013-217-B for Brookview Drive -Trailridge to Rigsbee to Jim Bowman Construction Co., LP in the amount of \$243,837 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Mayor Pro Tem Smith, the Council voted 6-0 to approve Bid No. 2013-217-B for Brookview Drive - Trailridge to Rigsbee to Jim Bowman Construction Co., LP in the amount of \$243,837.

Council Member Dunlap resumed his seat at the bench.

Public Hearing and adoption of Ordinance No. 2013-5-22 to designate a certain area within the City of Plano, Texas as Reinvestment Zone No. 134 for tax abatement, consisting of a 5.435 acre tract of land located in the Maria C. Vela Survey, Abstract No. 935, Collin County and described in Exhibit "A" attached hereto in the City of Plano, Texas, establishing the boundaries of such zone; ordaining other matters related thereto; and providing an effective date. (Regular Agenda Item “1”)

Director of Plano Economic Development Bane spoke to statutes requiring the establishment of reinvestment zones which include a Public Hearing and to this agreement based on a ten-year abatement of 50% for an estimated \$16 million in business personal property commencing on January 1, 2014.

Ordinance No. 2013-5-22 (cont'd)

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

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to designate a certain area within the City of Plano, Texas, as Reinvestment Zone No. 134 for tax abatement and further to adopt Ordinance No. 2013-5-22.

Resolution No. 2013-5-23(R): To approve the terms and conditions of an Agreement by and between the City of Plano, Texas and Thomson Reuters Application, Inc., a Delaware corporation, providing for a business personal property tax abatement; and authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item "2")

Director of Plano Economic Development Bane advised that the agreement would be between the City of Plano and Thomson Reuters Application, Inc. for a term of ten years at 50% for business personal property.

Upon a motion made by Council Member Davidson and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-0 to approve the terms and conditions of an Agreement by and between the City of Plano, Texas and Thomson Reuters Application, Inc.; and further to adopt Resolution No. 2013-5-23(R).

Approval of an Appeal of the Heritage Commission's Denial of a Certificate of Appropriateness to replace existing 6 1/2" exposure, drop style, 3/4" thick wood siding with 6 3/4" exposure, 5/16" thick, "Custom Colonial", smooth-finish HardiePlank lap siding at front (north) and both side (east and west) elevations of the structure located at 808 E. 18th Street. Zoned Retail (R), Heritage Resource #20 Designation (H-20). Applicant: Frank Pollacia (Regular Agenda Item "3")

Heritage Preservation Officer Mittal advised the Council that at their April 23rd meeting the Heritage Commission denied the request after review of its conformance with Haggard Park Heritage Resource District Preservation Guidelines which state that reconstruction of protected facades must be appropriate and employ materials similar to the original structure in texture, color, pattern, grain and module size; wood siding, trim and detail must be restored wherever practical; historic materials should be repaired if possible and replaced only when necessary; and exposure and restoration of historic materials is recommended. He advised that during discussion, the Commission raised the following points: construction work proceeded without a Certificate of Appropriateness; removal/disposal of siding was done without confirmation of the Commission that it was unsalvageable; and the replacement does not meet district guidelines. He stated that following consideration, the Commission approved the replacement material for the rear of the structure only. Mr. Mittal advised exceptions may be made for portions of a structure not visible from the public right-of-way. He stated that the applicant removed siding based on its deteriorating condition and Staff felt at least one-half of the materials could have been salvaged and reinstalled.

Approval of an Appeal of the Heritage Commission's Denial of a Certificate of Appropriateness (cont'd)

In response to Mayor LaRosiliere, Mr. Mittal advised that Staff met with the applicant in 2012 regarding improvements to a rear deck and replacement of some exterior doors which were approved by the Commission. He stated that in 2013, following the removal of siding, Staff contacted the applicant and recommended application for a Certificate of Appropriateness. He stated that by the time a hearing was scheduled, most of the siding was already gone making it impossible for the Commission to determine its condition. Mr. Mittal spoke regarding regular contacts made with designated property owners, reminding them of the process for approval.

Applicant Frank Pollacia spoke regarding the prior condition of the property, categories of heritage designation, and guidelines indicating that restoration is recommended wherever practical. He spoke to the various types of siding and their cost and the expenses associated with salvaging and installing original materials. Director of Planning Jarrell clarified that this structure is designated as part of the district and not because of its association with Mr. Schell and advised Mayor LaRosiliere that the guidelines recommend the use of original materials, if available. Mr. Pollacia responded to Council Member Davidson, advising that during discussions with Staff in October 2012, all restoration projects were described and only those requiring a vote of the Commission were submitted.

A motion was made by Mayor Pro Tem Smith and seconded by Council Member Miner to approve the appeal of the Heritage Commission's denial of a Certificate of Appropriateness to replace existing 6 1/2" exposure, drop style, 3/4" thick wood siding with 6 3/4" exposure, 5/16" thick, "Custom Colonial", smooth-finish HardiePlank lap siding at front (north) and both side (east and west) elevations of the structure located at 808 E. 18th Street. The Council voted 6-1 with Mayor LaRosiliere voting in opposition. The motion carried.

Mayor LaRosiliere spoke regarding Council's acceptance of the resignation of City Attorney Wetherbee effective January 2014. Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 7:55 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Diane Zucco, 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:		6/10/13		
Department:		Public Works		
Department Head		Gerald Cosgrove		
Agenda Coordinator (include phone #): Michael Parrish x7554				
CAPTION				
Bid No. 2013-213-B for the purchase of one (1) emergency generator from Groves Electrical Service, Inc., in the amount of \$69,958, for Fleet Services 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:	2012-13	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		0	88,000	0
Encumbered/Expended Amount		0	0	0
This Item		0	-69,958	0
BALANCE		0	18,042	0
FUND(S): EQUIPMENT REPLACEMENT FUND				
COMMENTS: Funds are included in the FY 2012-13 Adopted Budget to purchase one (1) Emergency Generator to replace unit #00714 in Fleet Services. Remaining balance will be used for other Fleet and Equipment purchases. STRATEGIC PLAN GOAL: Providing one (1) Emergency Generator for the City of Plano's Fleet Services Department relates to the City's Goal of a Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
Staff recommends the bid of Groves Electrical Service, Inc., in the amount of \$69,958, be accepted as the lowest responsive, responsible bid, and conditioned upon timely execution of any necessary contract documents. This purchase is for the Fleet Services facility (2013-213-B).				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Award Memo, Bid Recap			N/A	

TO: Michael Parrish, Sr. Buyer

FROM: Richard Medlen,
Facilities Maintenance Superintendent

DATE: May 22, 2013

SUBJECT: **Fleet Services Emergency Generator Replacement**

I have reviewed the bids received for the Fleet Services emergency generator replacement. I recommend award to the lowest responsible responsive bid submitted by Groves Electrical Service, Inc. for \$69,958. An additional bid was received from Dal-Ec Corporation for \$103,900.

There are several components of the existing generator system that are 20 years old and it has deteriorated such that its failure is expected and replacement parts are no longer available. Therefore, replacement is required.

The funding for this project is in the Equipment Replacement Fund.

Please contact me if you have any questions.

Thanks

/liw

Xc: Jim Razinha
Tom Eldred
Earl Whitaker
Reid Choate
Matt Yager
Steve Healy

CITY OF PLANO

BID NO. 2013-213-B FLEET SERVICES BACKSTAND POWER UPGRADES BID RECAP

Bid opening Date/Time: May 16, 2013 @ 1:00 PM

Number of Vendors Notified: 961

Vendors Submitting "No Bids": 0

Number of Bids Submitted: 2

Total Bid:
Groves Electrical Service, Inc. \$69,958
Dal-ec Corporation \$103,900

Recommended Vendor:
Groves Electrical Service, Inc. \$69,958

Michael Parrish

May 21, 2013

Michael Parrish, Senior Buyer

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:		06/10/2013		
Department:		Public Works / David Falls		
Department Head		Gerald Cosgrove		
Agenda Coordinator (include phone #):		Kim McFarland (972.769.4109)		
CAPTION				
<i>Bid No. 2013-228-B, for the 2012-2013 Residential Sidewalk Project Zone P7, Project No. 6301 to Jim Bowman Construction Co., LP, in the amount of \$349,640 and authorizing the City Manager or his authorized designee to execute all necessary documents.</i>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2012-13	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	2,944,427	8,555,573	3,350,000	14,850,000
Encumbered/Expended Amount	-2,944,427	-3,574,128	0	-6,518,555
This Item	0	-349,640	0	-349,640
BALANCE	0	4,631,805	3,350,000	7,981,805
FUND(s): STREET IMPROVEMENT CIP & CAPITAL RESERVE				
COMMENTS: Funds are included in the FY 2012-13 Capital Reserve Fund and Street Improvement CIP. This item, in the amount of \$349,640, will leave a current year balance of \$4,631,805 for the Residential Street/Alley/Street Repair and Barrier Free Ramp projects.				
STRATEGIC PLAN GOAL: Concrete street paving, alley paving and sidewalk repairs relate to the City's Goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
Staff recommends the bid for the 2012-13 Residential Sidewalk Project Zone P7 to Jim Bowman Construction Co., LP, in the amount of \$349,639.95 for Alternate No. 1 (Cement with Nitrogen Oxides <1.7#Nitrogen Oxides/Ton of Clinker) which is within 5% of the base bid be accepted as the lowest responsible bid for the project conditioned upon timely execution of all necessary documents.				
This project involves the repair of 29,763 SF of concrete sidewalk and 2,412 SY of concrete alley paving in the area bounded by Jupiter Road, Chaparral Road, Cloverhaven Way, and Los Rios Boulevard.				
The secondary vendor being recommended is Santos Construction Inc. in the amount of \$391,205.50.				
Engineer's estimate for this project is \$383,000.00.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Bid Recap; Location Map				

CITY OF PLANO

Bid No. 2013-228-B 2012-13 Residential Sidewalk Project Zone P7 Project 6301 Bid Recap

Bid opening Date/Time: May 7, 2013 @ 3:00PM

Number of Vendors Notified: 2196

Vendors Submitting "No Bids": 0

Bids Evaluated Non-Responsive to Specification: 0

Number of Bids Submitted: 6

<u>Vendor Name</u>	<u>Total Bid</u>	<u>Alternate Bid</u>
Jim Bowman Construction Co., LP	\$349,639.95	\$349,639.95
Santos Construction Inc.	\$391,205.50	\$391,205.50
Jerusalem Corporation	\$418,049.55	\$418,049.55
Stark Built, LTD	\$454,475.00	\$454,475.00
Estrada Concrete Co. LLC	\$502,243.75	\$502,243.75
Axis Contracting, Inc	\$562,264.50	\$562,264.50

Recommended Vendor(s):

Jim Bowman Construction Co., LP \$349,639.95

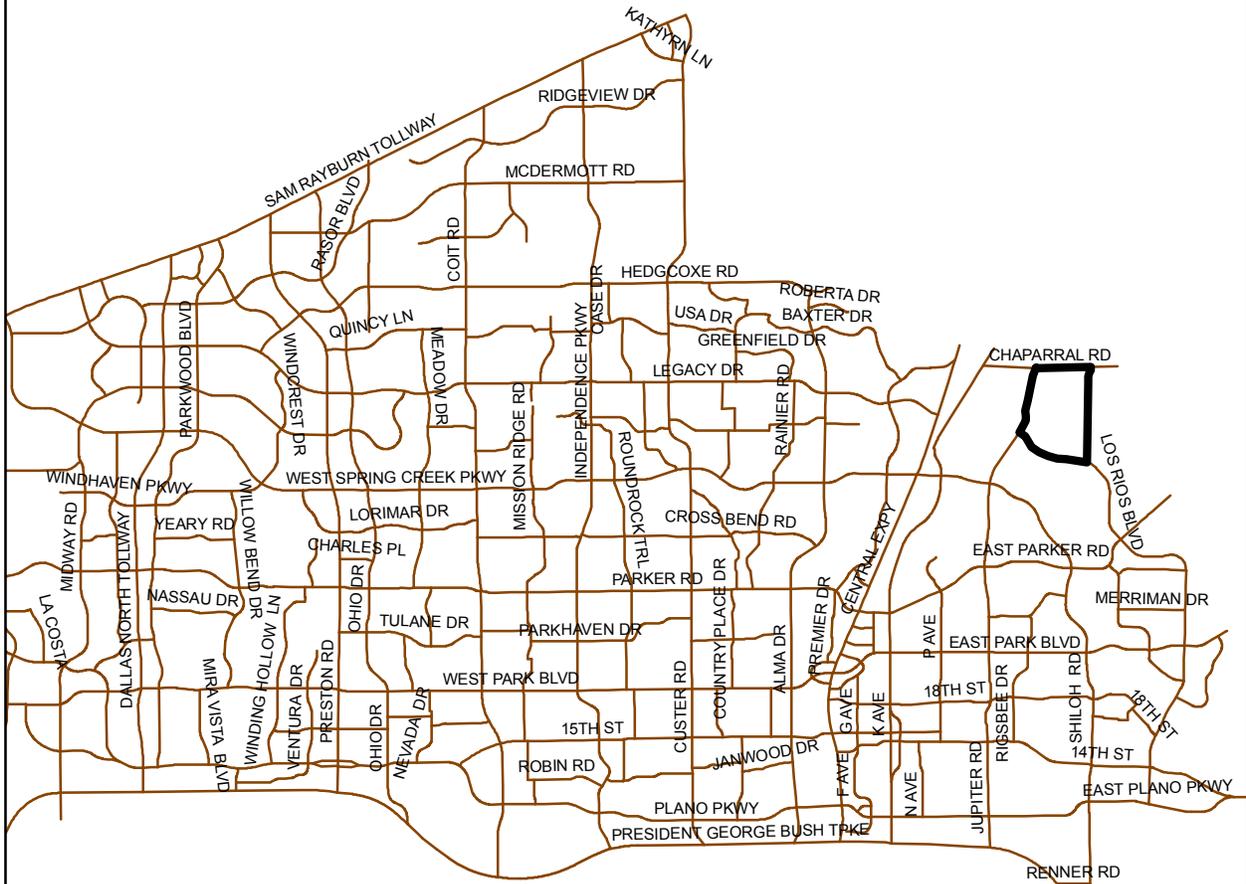
Nancy Corwin

May 7, 2013

Nancy Corwin, Buyer

Date

LOCATION MAP

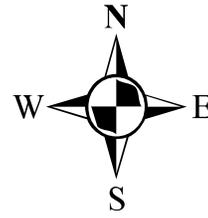




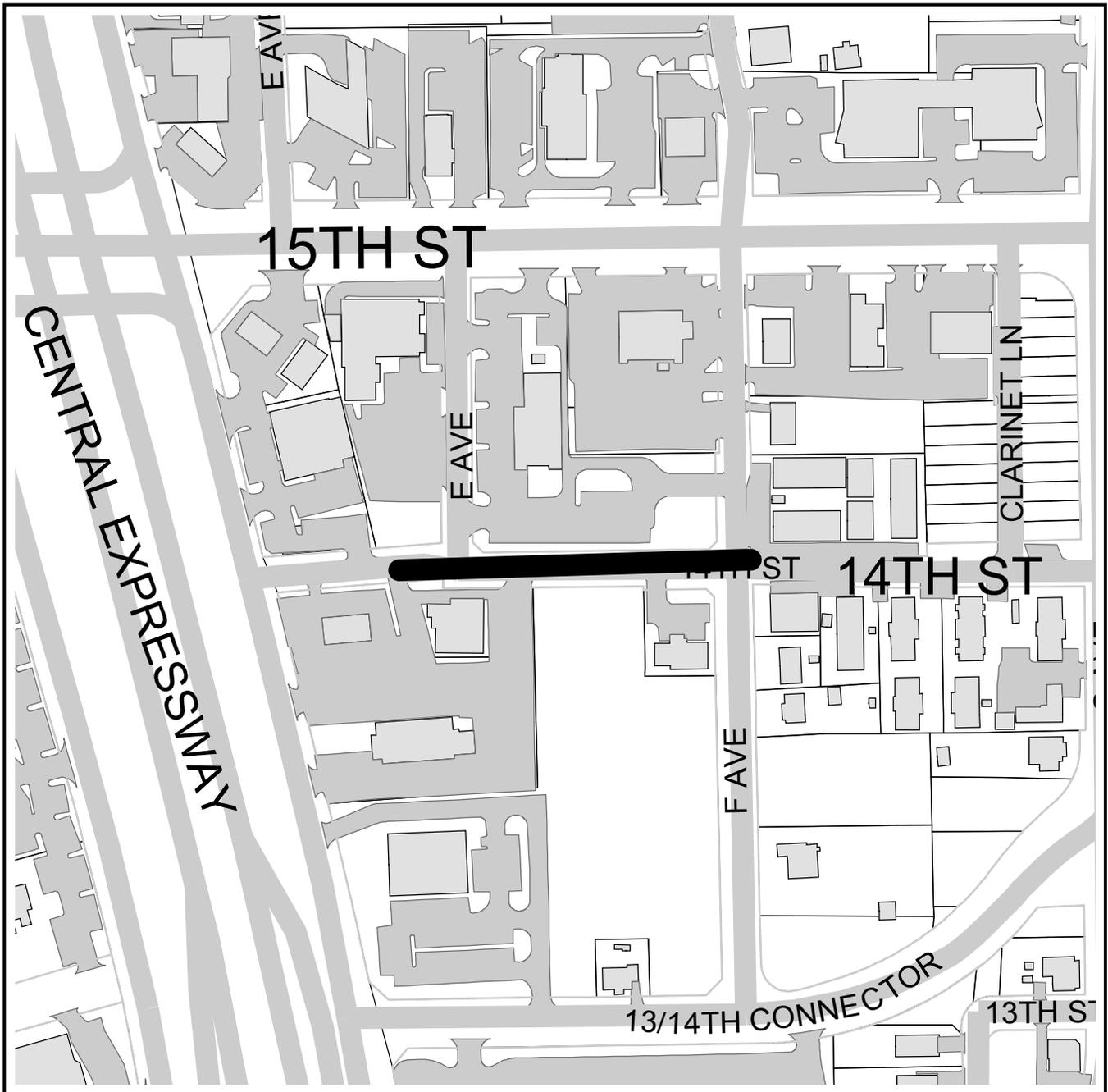
**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		06/10/13		
Department:		Engineering		
Department Head:		Gerald P. Cosgrove, P.E.		
Agenda Coordinator (include phone #):		Kathleen Schonne 7198		Project No. 5840
CAPTION				
Award of Bid No. 2013-231-B for 14 th Street – E Avenue to F Avenue to Jim Bowman Construction Co., LP in the amount of \$362,668 and authorizing the City Manager or his designee to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2012-13	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	517,000	45,000	562,000
Encumbered/Expended Amount	0	-40,294	0	-40,294
This Item	0	-362,668	0	-362,668
BALANCE	0	114,038	45,000	159,038
FUND(S): STREET IMPROVEMENT CIP AND WATER CIP				
<p>COMMENTS: Funds are included in the FY 2012-13 Street Improvement CIP and Water CIP. This item, in the amount of \$362,668, will leave a current year balance of \$114,038 for the 14th Street E Avenue to F Avenue Reconstruction project.</p> <p>STRATEGIC PLAN GOAL: Reconstruction of existing roadways and water lines relates to the City's Goal of Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
<p>Staff recommends the award of the base bid to Jim Bowman Construction Co., LP in the amount of \$362,667.50, be accepted as the lowest responsible bid conditioned upon timely execution of all necessary contract documents.</p> <p>The second vendor being recommended is CPS Civil, LLC in the amount of \$364,580.00. Engineers estimate was \$426,200.00.</p> <p>This project includes the reconstruction of 14th Street from E Avenue to F Avenue. Approximately 450 LF of uncurbed asphalt roadway will be replaced with curbed concrete roadway. The project also includes the replacement of the water line on E Avenue from 14th Street to 15th Street. Alternates A & B covered two different options for construction of retaining wall on the south side of 14th Street (on private property). These alternatives were included in bid at the request of the property owner with the understanding that the property owner would be responsible for paying for the wall. Based on the bid prices for the wall the owner has decided not to participate.</p>				
List of Supporting Documents: Location Map, Bid Recap			Other Departments, Boards, Commissions or Agencies N/A	

LOCATION MAP
14th STREET
E AVENUE TO F AVENUE
PROJECT NO. 5840



NTS



CITY OF PLANO

**BID NO. 2013-231-B
14th STREET – E AVENUE TO F AVENUE –
PROJECT NO. 5840
BID RECAP**

Bid opening Date/Time: May 14, 2013 @ 2:00 PM

Number of Vendors Notified: 8,863

Vendors Submitting “No Bids”: 0

Bids Evaluated Non-Responsive to Specifications: 0

Number of Bids Submitted: 3

	<u>Total Base Bid</u>	<u>Total Base + Alt. “A”</u>	<u>Total Base + Alt. “B”</u>
JIM BOWMAN CONSTRUCTION CO., LP	\$362,667.50	\$398,667.50	\$397,167.50
CPS CIVIL, LLC	\$364,580.00	\$381,580.00	\$384,580.00
TEXAS STANDARD CONSTRUCTION, LTD	\$473,205.00	\$497,205.00	\$505,205.00

Recommended Vendor:

JIM BOWMAN CONSTRUCTION CO., LP \$362,667.50 \$398,667.50 \$394,167.50

Perry Neeley

May 16, 2013

Perry Neeley, Buyer

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:		06/10/2013		
Department:		Public Works / David Falls		
Department Head		Gerald Cosgrove		
Agenda Coordinator (include phone #):		Kim McFarland (972-769-4109)		
CAPTION				
<i>Bid No. 2013-238-B, for the Pavement Rehab – Plano Parkway, Old Orchard Drive, Maumelle Drive and Hearst Castle Way, Project No. 6240 to Jerusalem Corporation, in the amount of \$1,552,699, and authorizing the City Manager or his authorized designee to execute all necessary documents.</i>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	2012-13	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget	4,839,718	15,126,282	5,650,000	25,616,000
Encumbered/Expended Amount	-4,839,718	-5,983,628	0	-10,823,346
This Item	0	-1,552,699	0	-1,552,699
BALANCE	0	7,589,955	5,650,000	13,239,955
FUND(S): STREET IMPROVEMENT CIP & CAPITAL RESERVE				
<p>COMMENTS: Funds are included in the FY 2012-13 Capital Reserve Fund and Street Improvement CIP. This item, in the amount of \$1,552,699, will leave a current year balance of \$7,589,955 for the Residential Street/Alley/Sidewalk/Arterial Repair and Barrier Free Ramp projects.</p> <p>STRATEGIC PLAN GOAL: Concrete street paving, alley paving and sidewalk repairs relate to the City's Goal of Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
<p>Staff recommends the bid for the Pavement Rehab – Plano Parkway, Old Orchard Drive, Maumelle Drive and Hearst Castle Way to Jerusalem Corporation, in the amount of \$1,552,698.50 for Alternate No. 1 (Cement with Nitrogen Oxides <1.7#Nitrogen Oxides/Ton of Clinker) which is within 5% of the base bid be accepted as the lowest responsible bid for the project conditioned upon timely execution of all necessary documents.</p> <p>This project involves the repair of 22,839 SY of concrete paving and 13,813 SF of concrete sidewalk along Plano Parkway between K Avenue and Los Rios Boulevard; Maumelle Drive between Independence Parkway and Old Orchard Drive; Hearst Castle Way between Coit Road and Breakers Lane; and Old Orchard Drive between Spring Creek Parkway and Legacy Drive.</p> <p>The secondary vendor being recommended is Santos Construction Inc. in the amount of \$1,578,983.70.</p> <p>Engineer's estimate for this project is \$1,653,000.00.</p>				
List of Supporting Documents: Bid Recap; Location Map			Other Departments, Boards, Commissions or Agencies	

CITY OF PLANO

BID NO. 2013-238-B

Pavement Rehab-Plano Pkwy., Old Orchard, Maumelle & Hearst Castle Way Project 6240

BID RECAP

Bid opening Date/Time: May 21, 2013 @ 2:00PM

Number of Vendors Notified: 2593

Vendors Submitting "No Bids": 0

Bids Evaluated Non-Responsive to Specifications: 0

Number of Bids Submitted Responsive to Bid: 5

	<u>Total Bid</u>
Jerusalem Corporation	\$1,552,698.50
Santos Construction Inc.	\$1,578,983.70
Jim Bowman Construction Co L.P.	\$1,737,070.25
Axis Contracting, Inc.	\$1,863,978.80
Texas Standard Construction	\$2,880,457.00

Recommended Vendor:

Jerusalem Corporation	\$1,552,698.50
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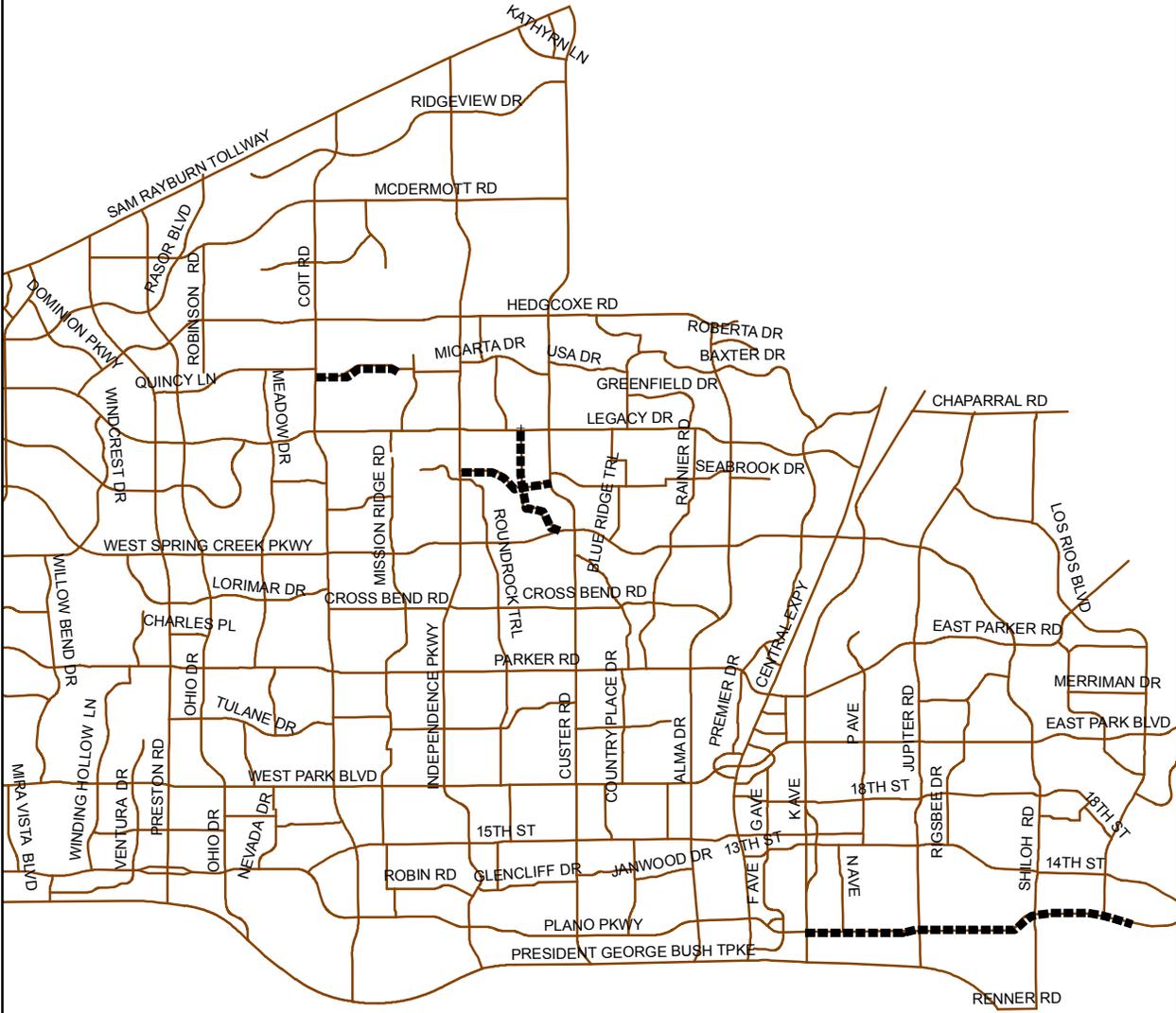
Teresa Shelstad

May 23, 2013

Teresa Shelstad
Buyer I

Date

LOCATION MAP





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:	June 10, 2013
Department:	Police Department
Department Head	Greg Rushin
Agenda Coordinator (include phone #): Teresa Shelstad ext: 7539	

CAPTION

Bid No.2013-206-C for a one (1) year contract with three (3) City optional renewals to purchase ammunition for the Police Department from Bailey's House of Guns, Inc. in an estimated annual amount of \$94,226 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:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
2012-13; 2013-14; 2014-15; 2015-16; 2016-17				
Budget	0	118,000	329,791	447,791
Encumbered/Expended Amount	0	0	0	0
This Item	0	-47,113	-329,791	-376,904
BALANCE	0	70,887	0	70,887

FUND(S): GENERAL FUND

COMMENTS: This item approves price quotes for lead free ammunition. The estimated FY 2012-13 expenditure for lead free ammunition to be purchased from this contract for the remainder of FY 2012-13 is \$47,113. Future expenditures will be made by the Police Department within the annual approved budget appropriations, at an estimated annual expenditure of \$94,226 for fiscal years 2013-14, 2014-15, and 2015-16, with an estimated \$47,113 for FY 2016-17. The remainder of FY 2012-13 funds will be used for other ammunition purchases.

STRATEGIC PLAN GOAL: Ammunition purchasing contracts relate to the City's Goal of Financially Strong City with Service Excellence.

SUMMARY OF ITEM

Police Department staff recommends the purchase of ammunition for the Police Department from Bailey's House of Guns, Inc. in the estimated annual amount of \$94,226. This will establish a one (1) year contract with three (3) City optional renewals.

List of Supporting Documents: Award Memo Bid Recap	Other Departments, Boards, Commissions or Agencies
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P.O. Box 860358
Plano, Texas 75086-0358
972-941-7000
Fax. No. 972-941-0099
<http://www.ci.plano.tx.us>

MEMORANDUM

DATE: May 22, 2013
TO: LaShon Ross, Deputy City Manager
FROM: Gregory W. Rushin, Chief of Police *grushin*
SUBJECT: 2013-206-C Ammunition Annual Contract

The Police Department provides ammunition for recruit and officer firearms training throughout the year. This firearms training includes annual weapons qualifications for officers' patrol rifles, SWAT officers' firearms training and qualifications, and several training courses throughout the year. There were no bids on the .223 ammunition in the previously approved consolidated ammunition contract (2012-286-C).

The Police Department Training Unit identified the need for up to 200,000 rounds of .223 Remington 55grn Lead Free ammunition anticipated annually and submitted this list to Purchasing to begin the process to develop specifications and seek bids from qualified vendors. Per the information obtained in BidSync, 634 vendors were notified of the above mentioned bid and 19 vendors viewed the bid. The City received one bid and it was under the budgeted amount. The estimated annual project expenditure was \$118,000. This ammunition is lead free for the safety of the officers. Lead free ammunition is not carried by all vendors and that is possibly the reason that only one bid was received.

The Police Department Training Unit evaluated the bids for 2013-206-C, the .223 Remington 55grn Lead Free Ammunition contract. The bid from the vendor was evaluated for its ability to meet the specifications and low bid requirements for the item listed in our specifications.

The Police Department wishes to purchase ammunition on an as-needed basis from the vendor with the lowest, responsive and responsible bid for each individual item.

The Police Department recommends awards for .223 Remington 55grn Lead Free Ammunition contract 2013-206-C (.223 Ammunition) as follows:

- Items 1 Bailey's House of Guns, Inc.

The total potential annual award for Bailey's House of Guns, Inc. is \$94,226.00. Because the quantity of ammunition is uncertain the entire award for this vendor may not be exhausted. The estimated project expenditure will be below the budgeted amount.

Without this contract, the Plano Police Department would not be able to purchase ammunition to complete required qualifications with patrol and SWAT rifles. Further, officers would not be able to complete necessary firearms training to maintain proficiency in these perishable skills and we will not be allowed to deploy these weapons for the protection of our citizens and officers.

Maintaining an operationally sufficient inventory of ammunition is of the utmost importance in our ability to maintain a safe environment for our community.

CITY OF PLANO

BID NO. 2013-206-C
.223 Remington 55grn Lead Free Ammunition

BID RECAP

Bid opening Date/Time: April 8, 2013 @ 3pm

Number of Vendors Notified: 634

Vendors Submitting "No Bids": 0

Bids Evaluated Non-Responsive to Specifications: 0

Number of Bids Submitted Responsive to Bid: 1

Recommended Vendor:

Baileys House of Guns

Bid Total:

\$94,226.00

Teresa Shelstad

Teresa Shelstad
Buyer I

May 13, 2013

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:		6/10/2013			
Department:		Finance			
Department Head		Denise Tacke			
Agenda Coordinator (include phone #): Dianna Wike x7549					
CAPTION					
RFP No. 2013-226-C for a 1 year contract with 4 City optional renewals for Technical Consultant for JD Edwards EnterpriseOne ERP System to Remote Services Inc., in the estimated annual amount of \$99,600 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:	2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	3,186,621	473,100	3,659,721
Encumbered/Expended Amount		0	-2,691,327	0	-2,691,327
This Item		0	-24,900	-473,100	-498,000
BALANCE		0	470,394	0	470,394
FUND(S): TECHNOLOGY SERVICES FUND					
<p>COMMENTS: Funds are included in the 2012-13 Technology Services budget for maintenance to support the JD Edwards EnterpriseOne ERP System. The estimated amount to be spent in FY 2012-13 is \$24,900, and the remaining funds will be used for other maintenance agreements. This item is for a (1) year maintenance and support contract, with (4) City optional renewals, subject to funding and budget appropriations in future years. The estimated future amount is \$473,100, (\$99,600 in FY 2013-14, 2014-15, 2015-16, and 2016-17 plus \$74,700 in 2017-18).</p> <p>STRATEGIC PLAN GOAL: Maintenance and support contracts relate to the City's Goal of Financially Strong City with Service Excellence.</p>					
SUMMARY OF ITEM					
Staff recommends the proposal of Remote Services Inc., in the estimated annual amount of \$99,600 be accepted as the best value conditioned on timely execution of necessary contract documents for Technical Consultant for JD Edwards EnterpriseOne ERP System. The Technical Consultant will provide support, maintenance and upgrade strategies to the architectural design of the JD Edwards EnterpriseOne ERP System.					
List of Supporting Documents: Memorandum, RFP Recap			Other Departments, Boards, Commissions or Agencies		

Date: 5/20/2013

To: Diane Palmer-Boeck, Chief Purchasing Officer

From: Josh Littrell, Financial Systems Administration

Subject: Award to Technical Consultant for JD Edwards EnterpriseOne ERP System (2013-226-C)

It is the recommendation of the City to award 2013-226-C RFP for Technical Consultant for JD Edwards EnterpriseOne ERP System to Remote Services Inc. in the estimated annual amount of \$99,600. The contract is for 1 year with four City optional renewal years.

The Committee reviewed proposals from both of the submitting vendors. Remote Services, Inc. was selected as our top candidate based on the best value and best overall scoring matrix. Taken into consideration were each vendor's pricing, experience and depth of qualifications. Each committee member rated the firms independently without reviewing the cost of the service. The final scores were discussed amongst the evaluation committee and a final overall score was given to each proposal. Based upon the overall scores, Remote Services Inc. scored the highest and was the lowest cost.

The Technical Consultant provides support, maintenance and upgrade strategies to the architectural design of the JD Edwards EnterpriseOne ERP System. This provides the City with an upgrade resource without an additional cost as well as yearly support for updates, installations, builds, deployments and a backup staff member to support the Financial Systems Administration department. These functions are critical to ensuring the integrity and continued operations of the financial systems of the City.

The Recommendation of Award on the Overall Weighted Score is to Remote Services Inc.

CITY OF PLANO

RFP RECAP

RFP NO. 2013-226-C RFP FOR TECHNICAL CONSULTANT FOR JD EDWARDS ENTERPRISEONE ERP SYSTEM

RFP opening Date/Time: May 6, 2013 at 3:30 PM

Number of Vendors Notified: 5134

Vendors Submitting "No Bids": 0

Number of Proposals Submitted: 2

REMOTE SERVICES INC.	\$ 99,600
DENOVO VENTURES, LLC	\$168,480

Proposals Received – Not Considered: 0

Recommended Vendor(s):

REMOTE SERVICES INC.	\$ 99,600
----------------------	-----------

Dianna Wike

May 20, 2013

Dianna Wike, Contract Specialist

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:		6/10/13		
Department:		Purchasing		
Department Head		Diane Palmer-Boeck		
Agenda Coordinator (include phone #): Earl Whitaker x 7074				
CAPTION				
To approve the purchase of two (2) Peterbilt Chassis from Rush Truck Center, in the amount of \$197,500, & two (2) Vac-Con Jet Truck Bodies from Vac-Con Inc., in the amount of \$422,095, totaling \$619,595 for the Fleet Department, to be utilized by Utility District #3, through an existing contract/agreement with TASB/Buyboard, and authorizing the City Manager to execute all necessary documents. (TASB/Buyboard contract #358-10 & 347-10)				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2012-13	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	570,000	0	570,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-619,595	0	-619,595
BALANCE	0	-49,595	0	-49,595
FUND(S): EQUIPMENT REPLACEMENT FUND				
<p>COMMENTS: Funds are included in the FY 2012-13 Adopted Budget to purchase two (2) Peterbilt Chassis and two (2) Vac-Con Jet Truck Bodies for the scheduled replacement of unit #00804 and unit #01803 in Cost Center #762/Utility District #3. The additional funds of \$49,595 needed for this purchase are available from savings in other Equipment Replacement Fund purchases.</p> <p>STRATEGIC PLAN GOAL: Providing two (2) Peterbilt Chassis and two (2) Vac-Con Jet Truck Bodies for the City of Plano's Utility District #3 Department relates to the City's Goal of a Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
Staff recommends the purchase of two (2) Peterbilt Chassis from Rush Truck Center in the amount of \$197,500, & two (2) Vac-Con Jet Truck Bodies from Vac-Con Inc., in the amount of \$422,095, totaling \$619,595 for the Fleet Department, to be utilized by Utility District #3, through an existing contract/agreement with TASB/Buyboard. The City is authorized to purchase from 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 #358-10 & 347-10 / City of Plano Internal Contract No. 2013-234-O & 2013-236-O)				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Memo			N/A	

MEMORANDUM

Date: May 9, 2013
To: Bruce D. Glasscock, City Manager
From: Reid Choate, Fleet Manager
Subject: Jet Truck Body Purchase Recommendation

It is the recommendation of Fleet Services to purchase two (2) Peterbilt 348 Chassis from Rush Truck Center through the TASB/Buyboard contract # 358-10 in the amount of \$197,500.00 and two (2) Vac-Con Jet Truck Bodies from Vac-Con Inc., through the TASB/Buyboard contract # 347-10 in the amount of \$422,095.00.

In order to garner competition, Buy Board & HGAC cooperative quotes were solicited from two (2) grouping of vendors (Rush Truck Center/Vac-Con Inc. & Rush Truck Center/GapVax, Inc.) which will work in collaboration for this purchase. After evaluation, it was determined that Rush Truck Center/Vac-Con, Inc., provided the City with the most competitive pricing.

These units are for the scheduled replacements of unit 00804 and 01803 in Cost Center 762/Utility District # 3 in the FY12-13 Equipment Replacement Fund.

Equipment replacement is analyzed based of age, hours, maintenance cost and re-sale value in determining the need for replacement. Based on these criteria, Fleet Services recommends the replacement of the above equipment. If this equipment 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 in maintaining the City's Infrastructure due to additional down time of the older equipment.

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



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:		6/10/13		
Department:		City Secretary's Office		
Department Head		Diane Zucco		
Agenda Coordinator (include phone #): Alice Snyder, Ext. 7515				
CAPTION				
<p>A contract made and entered into by and between the City of Plano and Frank Phillips, the Elections Administrator of Denton County, Texas, pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, regarding the coordination, supervision, and running of the City's May 11, 2013 Joint General and Special Elections in the amount of \$4,952.</p>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2012-13	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		0	100,000	0
Encumbered/Expended Amount		0	-77,859	0
This Item		0	-4,952	0
BALANCE		0	17,189	0
FUND(S): GENERAL FUND				
<p>COMMENTS: This item, in the amount of \$4,952, is included in the approved Budget. The remaining balance of \$17,189 will be used for other election costs.</p> <p>STRATEGIC PLAN GOAL: Partnering with Denton County to provide for city elections to Plano residents of Denton County relates to the City's goals of Financially Strong City with Service Excellence and Partnering for Community Benefit.</p>				
SUMMARY OF ITEM				
<p>To approve a contract with the Denton County Election Administrator for the City of Plano Joint General and Special Elections on May 11, 2013.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Contract				

THE STATE OF TEXAS
COUNTY OF DENTON

JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES

THIS CONTRACT for election services is made by and between the Denton County Elections Administrator and the following political subdivisions located entirely or partially inside the boundaries of Denton County:

Town of Argyle	City of Plano
Town of Bartonville	Town of Prosper
City of Celina	City of Sanger
City of Corinth	Town of Shady Shores
Town of Cross Roads	Town of Trophy Club
City of Denton	Town of Westlake
Town of Flower Mound	Argyle Independent School District
City of Frisco	Denton Independent School District
Town of Hackberry	Lake Dallas Independent School District
City of Justin	Lewisville Independent School District
City of Krugerville	Little Elm Independent School District
City of Krum	Northwest Independent School District
City of Lewisville	Prosper Independent School District
Town of Little Elm	Belmont Fresh Water Supply District No. 1
Town of Northlake	Belmont Fresh Water Supply District No. 2
City of Oak Point	Collin College
City of Pilot Point	

This contract is made pursuant to Texas Election Code Sections 31.092 and 271.002 and Texas Education Code Section 11.0581 for a joint May 11, 2013 election to be administered by Frank Phillips, Denton County Elections Administrator, hereinafter referred to as "Elections Administrator."

RECITALS

Each participating authority listed above plans to hold a general and/or special election on May 11, 2013.

The County owns an electronic voting system, the Hart InterCivic eSlate/eScan Voting System (Version 6.2.1), which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122 as amended, and is compliant with the accessibility requirements for persons with disabilities set forth by Texas Election Code Section 61.012. The contracting political subdivisions desire to use the County's electronic voting system and to compensate the County for such use and to share in certain other expenses connected with joint elections in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code, as amended.

NOW THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, IT IS AGREED as follows:

I. ADMINISTRATION

The parties agree to hold a "Joint Election" with Denton County and each other in accordance with Chapter 271 of the Texas Election Code and this agreement. The Denton County Elections Administrator shall coordinate, supervise, and handle all aspects of administering the Joint Election as provided in this agreement. Each participating authority agrees to pay the Denton County Elections Administrator for equipment, supplies, services, and administrative costs as provided in this agreement. The Denton County Elections Administrator shall serve as the administrator for the Joint Election; however, each participating authority shall remain responsible for the decisions and actions of its officers necessary for the lawful conduct of its election. The Elections Administrator shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of each participating authority as necessary.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those polling places where jurisdictions overlap. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap.

II. LEGAL DOCUMENTS

Each participating authority shall be responsible for the preparation, adoption, and publication of all required election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code and/or the participating authority's governing body, charter, or ordinances, except that the Elections Administrator shall be responsible for the preparation and publication of all electronic voting equipment testing notices that are required by the Texas Election Code. Election orders should include language that would not necessitate amending the order if any of the Early Voting and/or Election Day polling places change.

Preparation of the necessary materials for notices and the official ballot shall be the responsibility of each participating authority, including translation to languages other than English. Each participating authority shall provide a copy of their respective election orders and notices to the Denton County Elections Administrator.

The Elections Administrator shall prepare a submission, on behalf of all participating authorities, to the United States Department of Justice for preclearance of the joint election procedures and polling places, pursuant to the Voting Rights Act of 1965, as amended. The Elections Administrator will provide to each participating authority a photocopy of the joint submission and any correspondence from the Department of Justice.

The joint submission prepared by the Elections Administrator will **not** include submission of information for any special elections held by the participating authorities. Participating authorities are hereby notified and encouraged to prepare their own submissions to the United States Department of Justice for special election procedures, or any changes that are specific to their own political subdivision.

By signing this agreement, each participating authority certifies that it has no unresolved preclearance or voting rights issues known to it that would preclude or delay Department of Justice preclearance of the joint election.

The Elections Administrator will file an amended submission to the United States Department of Justice in the event that any polling places are changed after the original submission is filed, including changes resulting from the withdrawal of one or more participating authorities pursuant to Section XII of this contract.

III. VOTING LOCATIONS

The Elections Administrator shall select and arrange for the use of and payment for all Election Day voting locations. Voting locations will be, whenever possible, the usual voting location for each election precinct in elections conducted by each participating city, and shall be compliant with the accessibility requirements established by Election Code Section 43.034 and the Americans with Disabilities Act (ADA). The proposed voting locations are listed in Attachment A of this agreement. In the event that a voting location is not available or appropriate, the Elections Administrator will arrange for use of an alternate location with the approval of the affected participating authorities. The Elections Administrator shall notify the participating authorities of any changes from the locations listed in Attachment A.

If polling places for the May 11, 2013 joint election are different from the polling place(s) used by a participating authority in its most recent election, the authority agrees to post a notice no later than May 11, 2013 at the entrance to any previous polling places in the jurisdiction stating that the polling location has changed and stating the political subdivision's polling place names and addresses in effect for the May 11, 2013 election. This notice shall be written in both the English and Spanish languages.

IV. ELECTION JUDGES, CLERKS, AND OTHER ELECTION PERSONNEL

Denton County shall be responsible for the appointment of the presiding judge and alternate judge for each polling location. The Elections Administrator shall make emergency appointments of election officials if necessary.

Upon request by the Elections Administrator, each participating authority agrees to assist in recruiting polling place officials who are bilingual (fluent in both English and Spanish). In compliance with the Federal Voting Rights Act of 1965, as amended, each polling place containing more than 5% Hispanic population as determined by the 2010 Census shall have one or more election official who is fluent in both the English and Spanish languages. If a presiding judge is not bilingual, and is unable to appoint a bilingual clerk, the Elections Administrator may recommend a bilingual worker for the polling place. If the Elections Administrator is unable to recommend or recruit a bilingual worker, the participating authority or authorities served by that polling place shall be responsible for recruiting a bilingual worker for translation services at that polling place.

The Elections Administrator shall notify all election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to insure that all election judges appointed for the Joint Election are eligible to serve.

The Elections Administrator shall arrange for the training and compensation of all election judges and clerks. The Elections Administrator shall arrange for the date, time, and place for presiding election judges to pick up their election supplies. Each presiding election judge will be sent a letter from the Elections Administrator notifying him of his appointment, the time and location of training and distribution of election supplies, and the number of election clerks that the presiding judge may appoint.

Each election judge and clerk will receive compensation at the hourly rate established by Denton County pursuant to Texas Election Code Section 32.091. The election judge, or his designee, will receive an additional sum of \$25.00 for picking up the election supplies prior to Election Day and for returning the supplies and equipment to the central counting station after the polls close.

Election judges and clerks who attend voting equipment training and/or procedures training shall be compensated at the rate of \$7 per hour.

The Elections Administrator may employ other personnel necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of supplies during early voting and on Election Day, and for the efficient tabulation of ballots at the central counting station. Part-time personnel working as members of the Early Voting Ballot Board and/or central counting station on election night will be compensated at the hourly rate set by Denton County in accordance with Election Code Sections 87.005, 127.004, and 127.006.

V. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The Elections Administrator shall arrange for all election supplies and voting equipment including, but not limited to, the County's electronic voting system and equipment, sample ballots, voter registration lists, and all forms, signs, maps and other materials used by the election judges at the voting locations. The Elections Administrator shall ensure availability of tables and chairs at each polling place and shall procure rented tables and chairs for those polling places that do not have tables and/or chairs. The Elections Administrator shall be responsible for conducting all required testing of the electronic equipment, as required by Chapters 127 and 129 of the Texas Election Code.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap. The Elections Administrator shall provide the necessary voter registration information, maps, instructions, and other information needed to enable the election judges in the voting locations that have more than one ballot style to conduct a proper election.

Each participating authority shall furnish the Elections Administrator a list of candidates and/or propositions showing the order and the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot (including titles and text in each language in which the authority's ballot is to be printed). Each participating authority shall be responsible for proofreading and approving the ballot and the audio recording of the ballot, insofar as it pertains to that authority's candidates and/or propositions.

The joint election ballots that contain ballot content for more than one joint participant because of overlapping territory shall be arranged in the following order: Independent School District, City, Water District(s), and other political subdivisions.

Early Voting by Personal Appearance and voting on Election Day shall be conducted exclusively on Denton County's eSlate electronic voting system.

The Elections Administrator shall be responsible for the preparation, testing, and delivery of the voting equipment for the election as required by the Election Code.

The Elections Administrator shall conduct criminal background checks on relevant employees upon hiring as required by Election Code Section 129.051(g).

VI. EARLY VOTING

The participating authorities agree to conduct joint early voting and to appoint the Election Administrator as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code. Each participating authority agrees to appoint the Elections Administrator's permanent county employees as deputy early voting clerks. The participating authorities further agree that the Elections Administrator may appoint other deputy early voting clerks to assist in the conduct of early voting as necessary, and that these additional deputy early voting clerks shall be compensated at an hourly rate set by Denton County pursuant to Section 83.052 of the Texas Election Code. Deputy early voting clerks who are permanent employees of the Denton County Elections Administrator or any participating authority shall serve in that capacity without additional compensation.

Early Voting by personal appearance will be held at the locations, dates, and times listed in Attachment "B" of this document. Any qualified voter of the Joint Election may vote early by personal appearance at any of the joint early voting locations.

As Early Voting Clerk, the Elections Administrator shall receive applications for early voting ballots to be voted by mail in accordance with Chapters 31 and 86 of the Texas Election Code. Any requests for early voting ballots to be voted by mail received by the participating authorities shall be forwarded immediately by fax or courier to the Elections Administrator for processing. The address for the Denton County Early Voting Clerk is:

Frank Phillips, Early Voting Clerk
Denton County Elections
PO Box 1720
Denton, TX 76202

Any requests for early voting ballots to be voted by mail, and the subsequent actual voted ballots, that are sent by a contract carrier (ie. UPS, FedEx, etc.) should be delivered to the Early Voting Clerk at the Denton County Elections Department physical address as follows:

Frank Phillips, Early Voting Clerk
Denton County Elections
701 Kimberly Drive, Suite A101
Denton, TX 76208

In accordance with Section 87.121(g) of the Election Code, the daily reports showing the previous day's early voting activity will be available the following business day. The Elections Administrator shall post on the county website each participating authority's early voting report on a daily basis and a cumulative final early voting report following the close of early voting.

VII. EARLY VOTING BALLOT BOARD

Denton County shall appoint an Early Voting Ballot Board (EVBB) to process early voting results from the Joint Election. The Presiding Judge, with the assistance of the Elections Administrator, shall appoint two or more additional members to constitute the EVBB. The Elections Administrator shall determine the number of EVBB members required to efficiently process the early voting ballots.

VIII. CENTRAL COUNTING STATION AND ELECTION RETURNS

The Elections Administrator shall be responsible for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

The participating authorities hereby, in accordance with Sections 127.002, 127.003, and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Counting Station Manager:	Frank Phillips, Denton County Elections Administrator
Tabulation Supervisor:	Eric Leija, Denton County Technical Operations Manager
Presiding Judge:	Jason Barnett, Deputy Elections Administrator
Alternate Judge:	Paula Paschal, Contract Manager

The counting station manager or his representative shall deliver timely cumulative reports of the election results as precincts report to the central and remote counting stations and are tabulated. The manager shall be responsible for releasing unofficial cumulative totals and precinct returns from the election to the joint participants, candidates, press, and general public by distribution of hard copies at the central counting station and by posting to the Denton County web site. To ensure the accuracy of reported election returns, results printed on the tapes produced by Denton County's voting equipment will not be released to the participating authorities at the remote collection sites or by phone from individual polling locations.

The Elections Administrator will prepare the unofficial canvass reports after all precincts have been counted, and will deliver a copy of the unofficial canvass to each participating authority as soon as possible after all returns have been tabulated. The Elections Administrator will include the tabulation and precinct-by-precinct results that are required by Texas Election Code Section 67.004 for the participating entities to conduct their respective canvasses. Each participating authority shall be responsible for the official canvass of its respective election(s), and shall notify the Elections Administrator, or his designee, no later than three days after Election Day of the date of the canvass.

The Elections Administrator will prepare the electronic precinct-by-precinct results reports for uploading to the Secretary of State as required by Section 67.017 of the Election Code. The Elections Administrator agrees to upload these reports for each participating authority, unless requested otherwise.

The Elections Administrator shall be responsible for conducting the post-election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State. Notification and copies of the recount, if waiver is denied, will be provided to each participating authority and the Secretary of State's Office.

IX. PARTICIPATING AUTHORITIES WITH TERRITORY OUTSIDE DENTON COUNTY

Denton County Elections will consider conducting elections in territories outside of Denton County on a case-by-case basis.

X. RUNOFF ELECTIONS

Each participating authority shall have the option of extending the terms of this agreement through its runoff election, if applicable. In the event of such runoff election, the terms of this agreement shall automatically extend unless the participating authority notifies the Elections Administrator in writing within 3 business days of the original election.

Each participating authority shall reserve the right to reduce the number of early voting locations and/or Election Day voting locations in a runoff election. If necessary, any voting changes made by a participating authority between the original election and the runoff election, shall be submitted by the authority making the change to the United States Department of Justice for the preclearance required by the Federal Voting Rights Act of 1965, as amended.

Each participating authority agrees to order any runoff election(s) at its meeting for canvassing the votes from the May 11, 2013 election and to conduct its drawing for ballot positions at or immediately following such meeting in order to expedite preparations for its runoff election.

Each participating authority eligible to hold runoff elections agrees that the date of the runoff election, if necessary, shall be Saturday, June 15, 2013. This date may be negotiable based on the Secretary of State's calendar for elections in 2013.

XI. ELECTION EXPENSES AND ALLOCATION OF COSTS

The participating authorities agree to share the costs of administering the Joint Election. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared according to a formula which is based on the average cost per election day polling place (unit cost) as determined by adding together the overall expenses and dividing the expenses equally among the total number of polling places. Costs for polling places shared by more than one participating authority shall be pro-rated equally among the participants utilizing that polling place.

It is agreed that charges for Election Day judges and clerks and Election Day polling place rental fees shall be directly charged to the appropriate participating authority rather than averaging those costs among all participants.

If a participating authority's election is conducted at more than one election day polling place, there shall be no charges or fees allocated to the participating authority for the cost of election day polling places in which the authority has fewer than 50% of the total registered voters served by that polling place, except that if the number of registered voters in all of the authority's polling places is less than the 50% threshold, the participating authority shall pay a pro-rata share of the costs associated with the polling place where it has the greatest number of registered voters.

Costs for Early Voting by Personal Appearance shall be allocated based upon the actual costs associated with each early voting site. Each participating authority shall be responsible for a pro-rata portion of the actual costs associated with the early voting sites located within their jurisdiction. Participating authorities that do not have a regular (non-temporary) early voting site within their jurisdiction shall pay a pro-rata portion of the nearest regular early voting site.

Costs for Early Voting by mail shall be allocated according to the actual number of ballots mailed to each participating authority's voters.

Each participating authority agrees to pay the Denton County Elections Administrator an administrative fee equal to ten percent (10%) of its total billable costs in accordance with Section 31.100(d) of the Texas Election Code.

The Denton County Elections Administrator shall deposit all funds payable under this contract into the appropriate fund(s) within the county treasury in accordance with Election Code Section 31.100.

The Denton County Elections Administrator reserves the right to adjust the above formulas in agreement with any individual jurisdiction if the above formula results in a cost allocation that is inequitable.

XII. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

Any participating authority may withdraw from this agreement and the Joint Election should it cancel its election in accordance with Sections 2.051 - 2.053 of the Texas Election Code.

The withdrawing authority is fully liable for any expenses incurred by the Denton County Elections Administrator on behalf of the authority plus an administrative fee of ten percent (10%) of such expenses. Any monies deposited with the Elections Administrator by the withdrawing authority shall be refunded, minus the aforementioned expenses and administrative fee, if applicable.

It is agreed that any of the joint election early voting sites that are not within the boundaries of one or more of the remaining participating authorities, with the exception of the early voting site located at the Denton County Elections Building, may be dropped from the joint election unless one or more of the remaining participating authorities agreed to fully fund such site(s). In the event that any early voting site is eliminated under this section, an addendum to the contract shall be provided to the remaining participants within five days after notification of all intents to withdraw have been received by the Elections Administrator.

XIII. RECORDS OF THE ELECTION

The Elections Administrator is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.

Access to the election records shall be available to each participating authority as well as to the public in accordance with applicable provisions of the Texas Election Code and the Texas Public Information Act. The election records shall be stored at the offices of the Elections Administrator or at an alternate facility used for storage of county records. The Elections Administrator shall ensure that the records are maintained in an orderly manner so that the records are clearly identifiable and retrievable.

Records of the election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code. If records of the election are involved in any pending election contest, investigation, litigation, or open records request, the Elections Administrator shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of each participating authority to bring to the attention of the Elections Administrator any notice of pending election contest, investigation, litigation or open records request which may be filed with the participating authority.

XIV. RECOUNTS

A recount may be obtained as provided by Title 13 of the Texas Election Code. By signing this document, the presiding officer of the contracting participating authority agrees that any recount shall take place at the offices of the Elections Administrator, and that the Elections Administrator shall serve as Recount Supervisor and the participating authority's official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.

The Elections Administrator agrees to provide advisory services to each participating authority as necessary to conduct a proper recount.

XV. MISCELLANEOUS PROVISIONS

1. It is understood that to the extent space is available, other districts and political subdivisions may wish to participate in the use of the County’s election equipment and voting places, and it is agreed that the Elections Administrator may contract with such other districts or political subdivisions for such purposes and that in such event there may be an adjustment of the pro-rata share to be paid to the County by the participating authorities.
2. The Elections Administrator shall file copies of this document with the Denton County Judge and the Denton County Auditor in accordance with Section 31.099 of the Texas Election Code.
3. Nothing in this contract prevents any party from taking appropriate legal action against any other party and/or other election personnel for a breach of this contract or a violation of the Texas Election Code.
4. This agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Denton County, Texas.
5. In the event that one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
6. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.
7. The waiver by any party of a breach of any provision of this agreement shall not operate as or be construed as a waiver of any subsequent breach.
8. Any amendments of this agreement shall be of no effect unless in writing and signed by all parties hereto.

XVI. COST ESTIMATES AND DEPOSIT OF FUNDS

The total estimated obligation for each participating authority under the terms of this agreement is listed below. Each participating authority agrees to pay the Denton County Elections Administrator a deposit of approximately 90% of this estimated obligation no later than 15 days after execution of this agreement. The exact amount of each participating authority’s obligation under the terms of this agreement shall be calculated after the May 11, 2013 election (or runoff election, if applicable), and if the amount of an authority’s total obligation exceeds the amount deposited, the authority shall pay to the Elections Administrator the balance due within 30 days after the receipt of the final invoice from the Elections Administrator. However, if the amount of the authority’s total obligation is less than the amount deposited, the Elections Administrator shall refund to the authority the excess amount paid within 30 days after the final costs are calculated.

The total estimated obligation and required deposit for each participating authority under the terms of this agreement shall be as follows:

	Actual	Deposit
Political Subdivision	Cost	
Town of Argyle	\$2079.10	
Town of Bartonville	\$1752.47	
City of Celina	\$3095.74	

City of Corinth	\$2547.89	
Town of Cross Roads	\$2455.50	
City of Denton	\$6911.21	
Town of Flower Mound	\$5207.76	
City of Frisco	\$6522.11	
Town of Hackberry	\$2325.59	
City of Justin	\$1294.33	
City of Krugerville	\$2209.13	
City of Krum	\$5500.56	
City of Lewisville	\$4392.67	
Town of Little Elm	\$3174.93	
Town of Northlake	\$1731.37	
City of Oak Point	\$2002.39	
City of Pilot Point	\$4665.18	
City of Plano	\$4952.44	
Town of Prosper	\$1867.89	
City of Sanger	\$5349.38	
Town of Shady Shores	\$2422.20	
Town of Trophy Club	\$2215.40	
Town of Westlake	\$400.00	
Argyle ISD	\$2664.26	
Denton ISD	\$12445.58	
Lake Dallas ISD	\$3538.22	
Lewisville ISD	\$35148.23	
Little Elm ISD	\$3568.63	
Northwest ISD	\$5429.20	
Prosper ISD	\$2134.89	
Belmont Fresh Water SD No. 1	\$1133.92	
Belmont Fresh Water SD No. 2	\$1135.60	
Collin College	\$4716.24	

XVII. JOINT CONTRACT ACCEPTANCE AND APPROVAL

IN TESTIMONY HEREOF, this agreement has been executed on behalf of the parties hereto as follows, to-wit:

- (1) It has on the ____ day of _____, 2013 been executed by the Denton County Elections Administrator pursuant to the Texas Election Code so authorizing;

- (2) It has on the ____ day of _____, 2013 been executed on behalf of the City of Plano pursuant to an action of the City Council so authorizing;

WITNESS BY MY HAND THIS THE ____ DAY OF _____ 2013.

Frank Phillips

WITNESS BY MY HAND THIS THE ____ DAY OF _____ 2013.

By: _____
Bruce D. Glasscock, City Manager
City of Plano

Attest: _____
Diane Zucco, City Secretary
City of Plano

Approved as to form

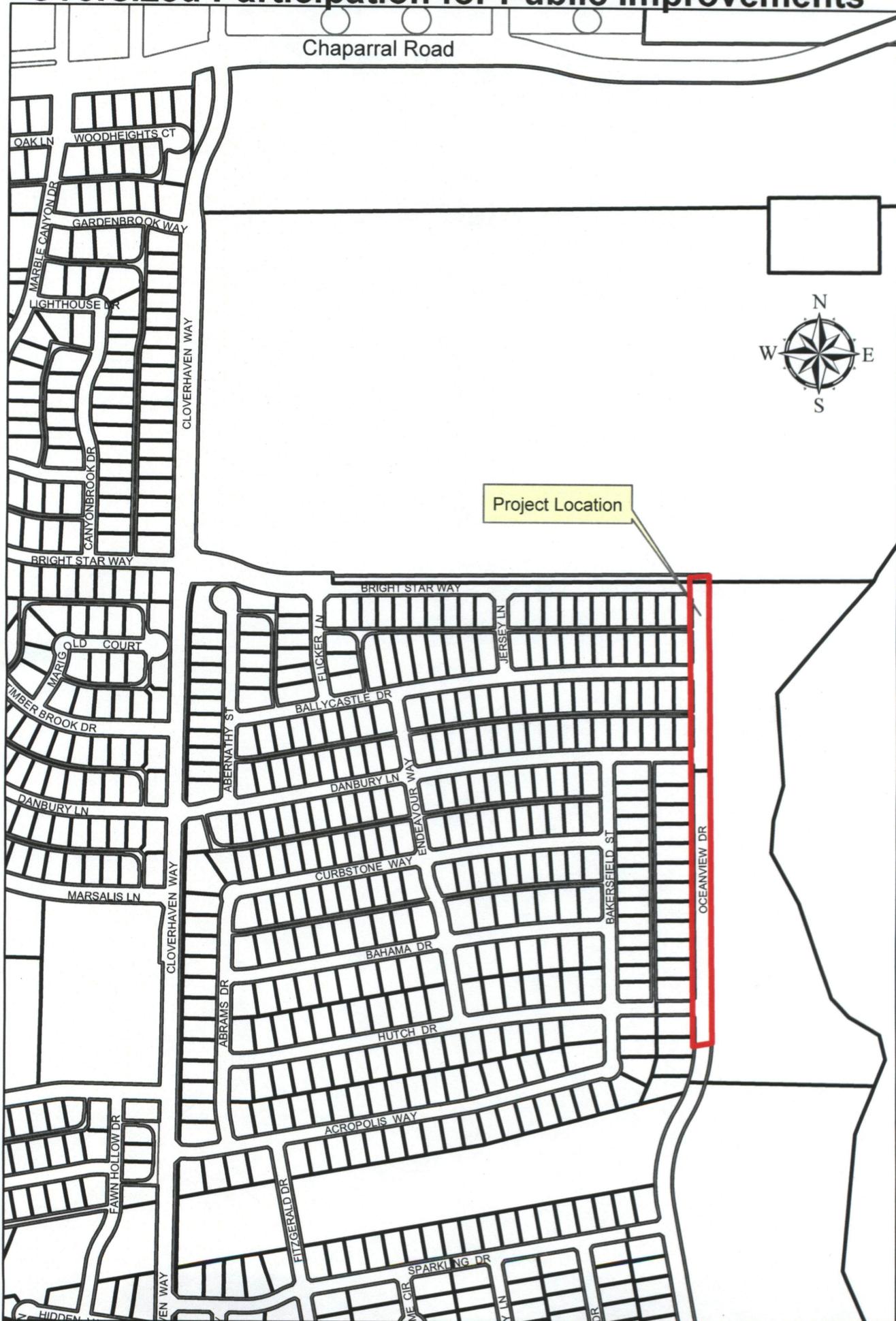
Revised 6.03.2013 (2:00 p.m.)



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:	6/10/13			
Department:	Engineering			
Department Head	Gerald Cosgrove			
Project:	Trails of Glenwood, Phase 3		Project #5602-3	
Agenda Coordinator (include phone #):	Kathleen Schonne X-7198			
CAPTION				
Approving and authorizing reimbursement to TOG Development I, LLC, for oversize participation for public improvements associated with the construction of Oceanview Drive in the amount of \$58,651.69.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2012-2013	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	136,648	174,352	100,000	411,000
Encumbered/Expended Amount	-136,648	-12,200	0	-148,848
This Item	0	-58,652	0	-58,652
BALANCE	0	103,500	100,000	203,500
FUND(S): STREET IMPROVEMENT CIP				
<p>Comments: Funds are included in the FY 2012-13 Street Improvement CIP. This item, in the amount of \$58,652, will leave a current year balance of \$103,500 for the Oversize Participation project.</p> <p>STRATEGIC PLAN GOAL: Partnering with developers to build paving and drainage improvements to an appropriate scale relates to the City's Goals of Financially Strong City with Service Excellence and Partnering for Community Benefit.</p>				
SUMMARY OF ITEM				
<p>In accordance with the Subdivision Ordinance and a Subdivision Improvement Agreement for the Trails of Glenwood, Phase 3, reimbursement of \$58,651.69 to TOG Development I, LLC, is due for oversize participation for public improvements associated with construction of Oceanview Drive. The construction was inspected and found to be in conformance with the executed Agreement.</p> <p>Staff recommends the City Council authorize payment for the oversize participation.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Letter dated 5/17/13 from Dir. of Public Works Memo dated 5/17/13 from Engineering Manager Exhibits A & C Location Map				

Oversized Participation for Public Improvements



Location Map

5/30/2013



May 17, 2013

Steve Stolte
9402 Spring Hollow Drive
Dallas, Texas 75243

**Re: The Trails of Glenwood Phase 3
Oceanview, Sparkling, Abbotsford, et al
Project No. 5602-3**

Gentlemen:

A final inspection of the water, sanitary sewer, paving and drainage improvements, as shown on plans prepared by Jacobs Engineering, has been made by the City of Plano. These improvements were found to be satisfactory and in accordance with the City of Plano specifications.

Maintenance Bonds have been received from Venus Construction Company and Glen Thurman, Inc. Therefore, the improvements noted above are accepted by the City of Plano subject to the one-year maintenance requirements.

Building Permits are released by this department subject to approval by the Building Inspection Department.

Sincerely,

Gerald P. Cosgrove, P.E.
Director of Public Works
Is

- xc: Building Inspection – Mary Stephens, Gary Miles, Charles Hart, Cliff Bormann
- Public Works – Alan Spurgin, Gentry Strickland, Homer Goode, Jerome Holland
- Planning – Salena Lewis, Krista Conn
- Engineering – Dennis Maloy
- Parks – Jim Fox
- Verizon
- Southwestern Bell
- Jacobs Engineering
- Venus Construction Company
- Glen Thurman, Inc.

MEMORANDUM

Date: May 17, 2013
To: Melody Morgan, CIP Budget Coordinator
From: Michael A. Martin, Engineering Manager *MM*
Subject: Trails of Glenwood, Phase III
Project No. 5602-3

We have now accepted the improvements in Trails of Glenwood, Phase III. In accordance with our Subdivision Improvement Agreement dated October 9, 2012, the oversize participation in the amount of \$58,651.69 is due to TOG Development I, L.L.C.

Reimbursement Due	\$58,651.69
Prior Reimbursements	0
Total City Participation	<u>\$58,651.69</u>

GPC/eh

xc: Jerry Cosgrove
Ricky Lindley

EXHIBIT "A"

PROJECT NAME:	The Trails of Glenwood, Ph 3	NET ACRES:		NO. OF LOTS:	60
CITY:	Plano, Texas	GROSS ACRES:		CREATED BY:	JMS
JOB NUMBER:	WFXK1703	CREATED:	20-Aug-12	CHECKED BY:	
FILE NAME:	TOG 3_SIA_Cost_8-20-12	PRINTED:	20-Aug-12	REVISED BY:	

Owner / Developer : TOG DEVELOPMENT I, LLC

OCEANVIEW DRIVE				
DESCRIPTION	UNIT	APPROXIMATE QUANTITY	UNIT PRICE	TOTAL AMOUNT
21" R.C.P.	LF	10	\$32.06	\$320.60
27" R.C.P.	LF	10	\$42.05	\$420.50
45" R.C.P.	LF	10	\$94.90	\$949.00
6x4' R.C.B	LF	10	\$192.59	\$1,925.90
6" DRY ROCK RIP-RAP	SY	11	\$52.27	\$574.97
5" 3,600 psi REINF. CONCRETE STREET PVMT	SY	1,925	\$21.50	\$41,387.50
6" STREET SUBGRADE PREPARATION	SY	1,925	\$1.85	\$3,561.25
HYDRATED LIME (27#/SY)	TON	26	\$155.00	\$4,030.00
PAVEMENT HEADER	LF	10	\$15.00	\$150.00
INSPECTION FEE	PERCENTAGE	4.0%	\$53,319.72	\$2,132.79
ENGINEERING AND CONSTRUCTION STAKING	PERCENTAGE	6.0%	\$53,319.72	\$3,199.18
TOTAL				\$58,651.69

SUMMARY

OCEANVIEW DRIVE	\$58,651.69
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TOTAL COSTS:

\$58,651.69

EXHIBIT "C"

PROJECT NAME:	The Trails of Glenwood, Ph 3	NET ACRES:		NO. OF LOTS:	60
CITY:	Plano, Texas	GROSS ACRES:		CREATED BY:	JMS
JOB NUMBER:	WFXK1703	CREATED:	20-Aug-12	CHECKED BY:	
FILE NAME:	TOG 3_SIA_Cost_8-20-12	PRINTED:	20-Aug-12	REVISED BY:	

Owner / Developer : TOG DEVELOPMENT I, LLC

OCEANVIEW DRIVE				
DESCRIPTION	UNIT	APPROXIMATE QUANTITY	UNIT PRICE	TOTAL AMOUNT
18" R.C.P.	LF	349	\$28.36	\$9,897.64
21" R.C.P.	LF	105	\$32.06	\$3,366.30
24" R.C.P.	LF	37	\$36.36	\$1,345.32
27" R.C.P.	LF	55	\$42.05	\$2,312.75
45" R.C.P.	LF	83	\$94.90	\$7,876.70
6'x4' R.C.B	LF	85	\$192.59	\$16,370.15
10' INLET	EA	6	\$2,483.44	\$14,900.64
27" HEADWALL	EA	1	\$1,307.07	\$1,307.07
45" HEADWALL	EA	1	\$2,405.01	\$2,405.01
6'x4' FLARED WING WALL	EA	1	\$3,346.10	\$3,346.10
6" ROCK RIP-RAP	SY	43	\$52.27	\$2,247.61
24" ROCK RIP-RAP	SY	166	\$68.06	\$11,297.96
5" REINF. CONCRETE STREET PVM (3600 psi)	SY	7,120	\$21.50	\$153,080.00
6" SUBGRADE PREPARATION	SY	7,505	\$1.85	\$13,884.25
HYDRATED LIME (27#/SY)	TON	102	\$155.00	\$15,810.00
BARRIER FREE RAMPS	EA	4	\$900.00	\$3,600.00
PAVEMENT HEADER	LF	37	\$15.00	\$555.00
RELOCATE STREET BARRICADE	EA	1	\$560.00	\$560.00
INSPECTION FEE	PERCENTAGE	4.0%	\$264,162.50	\$10,566.50
TOTAL				\$274,729.00

SUMMARY

OCEANVIEW DRIVE	\$274,729.00
TOTAL COSTS:	\$274,729.00



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:		June 10, 2013			
Department:		Library Administration			
Department Head		Cathy Ziegler			
Agenda Coordinator (include phone #): Jeanne Argomaniz x4327					
CAPTION					
Approval of the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$250,000 from Baker & Taylor for purchase of various library materials including books, compact disks, books-on-CD and DVDs. These purchases will be made through the State of Texas CO-OP Purchasing Program under Texas State Contract 715-N1 Print Materials and Multimedia with Baker & Taylor; and authorizing the City Manager or his authorized designee to execute all necessary documents.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2012-2013	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	1,301,121	0	1,301,121
Encumbered/Expended Amount		0	-588,245	0	-588,245
This Item		0	-250,000	0	-250,000
BALANCE		0	462,876	0	462,876
FUND(S): GENERAL FUND					
COMMENTS: Funds are included in the FY 2012-13 adopted budget to purchase Books, Multimedia, and Library materials. Approval of this item authorizes the City to purchase \$250,000 in Books, Multimedia, and Library materials. The remaining balance of funds will be used for other multimedia and library materials. STRATEGIC PLAN GOAL: Providing multimedia and library materials purchases relates to the City's Goal of a Financially Strong City with Service Excellence.					
SUMMARY OF ITEM					
The State of Texas CO-OP Purchasing Program, of which the City of Plano is a member, secures competitive bids for books and multimedia among many other things. Because of the City of Plano's participation, the purchase from Baker & Taylor in the amount of \$250,000 satisfies the law relating to this bid. Therefore, PPLS staff recommends purchase of these various library materials from Baker & Taylor through the Texas State Contract 715-N1 Print Materials and Multimedia. The City is authorized to purchase from the State Contract list pursuant to Section 271 Subchapter D of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Memo from Julie Torstad 5.10.13					



Plano Public Library System
2501 Coit Road
Plano, TX 75075
972.769.4208
www.planolibrary.org

City of Plano
P.O. Box 860358
Plano, TX 75086-0358
Tel: 972.941.7000
plano.gov

Memorandum

Date: May 10, 2013
To: Cathy Ziegler
From: Julie Torstad, Library Technical Services Manager
Subject: City Council Approval for Baker & Taylor

Please request City Council approval to spend an additional \$250,000 with Baker & Taylor for the purchase of various library materials including books, compact disks, books-on-CD, and DVDs. The funds should be taken from 01-682-8441. Some of the funds will be transferred into 01-682-8442.

These purchases will be made through the State of Texas CO-OP Purchasing Program under Texas State Contract 715-N1 Print Materials and Multimedia with Baker & Taylor. The City is authorized to purchase from the State Contract list pursuant to Section 271 Subchapter D of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items.

This is a second request to approve funds for the 2012-2013 fiscal year to cover the increase in materials being purchased from Baker & Taylor.



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:		6/10/13		
Department:		Parks and Recreation		
Department Head		Amy Fortenberry		
Agenda Coordinator (include phone #): Susan Berger (7255)				
CAPTION				
<p>A Resolution of the City Council of the City of Plano, Texas, certifying that the City is eligible to receive financial assistance under the Collin County Parks and Open Space Matching Grant Program as provided by the Collin County Commissioners Court; certifying that the City's matching share is readily available; designating the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano in dealing with the Collin County Commissioners Court for the purpose of participating in the Collin County Parks and Open Space Matching Grant Program; certifying that the Rowlett Creek Greenbelt Addition will be dedicated for public park and recreational uses; 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: 2012-13	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): GENERAL FUND, PARK IMPROVEMENT FUND				
<p>COMMENTS: This item confirms the City of Plano is eligible to participate in the Collin County Parks and Open Space Matching Grant Program and grants permission to Plano Parks & Recreation to apply for those funds.</p> <p>STRATEGIC PLAN GOAL: Working with other Collin County area cities to provide park and recreation infrastructure for Plano residents relates to the City's goal of Partnering For Community Benefit and Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
<p>This grant request is for land acquisition for parks and open space. The parcel is a 193 acre parcel of land on Rowlett Creek south of Bob Woodruff Park.</p> <p>The City of Plano is eligible to apply for matching grant funds for park land acquisition of parks and open space. Bond funds for this land acquisition are available through the Community Investment Program. The grant application request is for \$1,300,000 to be matched by City funds in an amount sufficient to complete the acquisition.</p>				

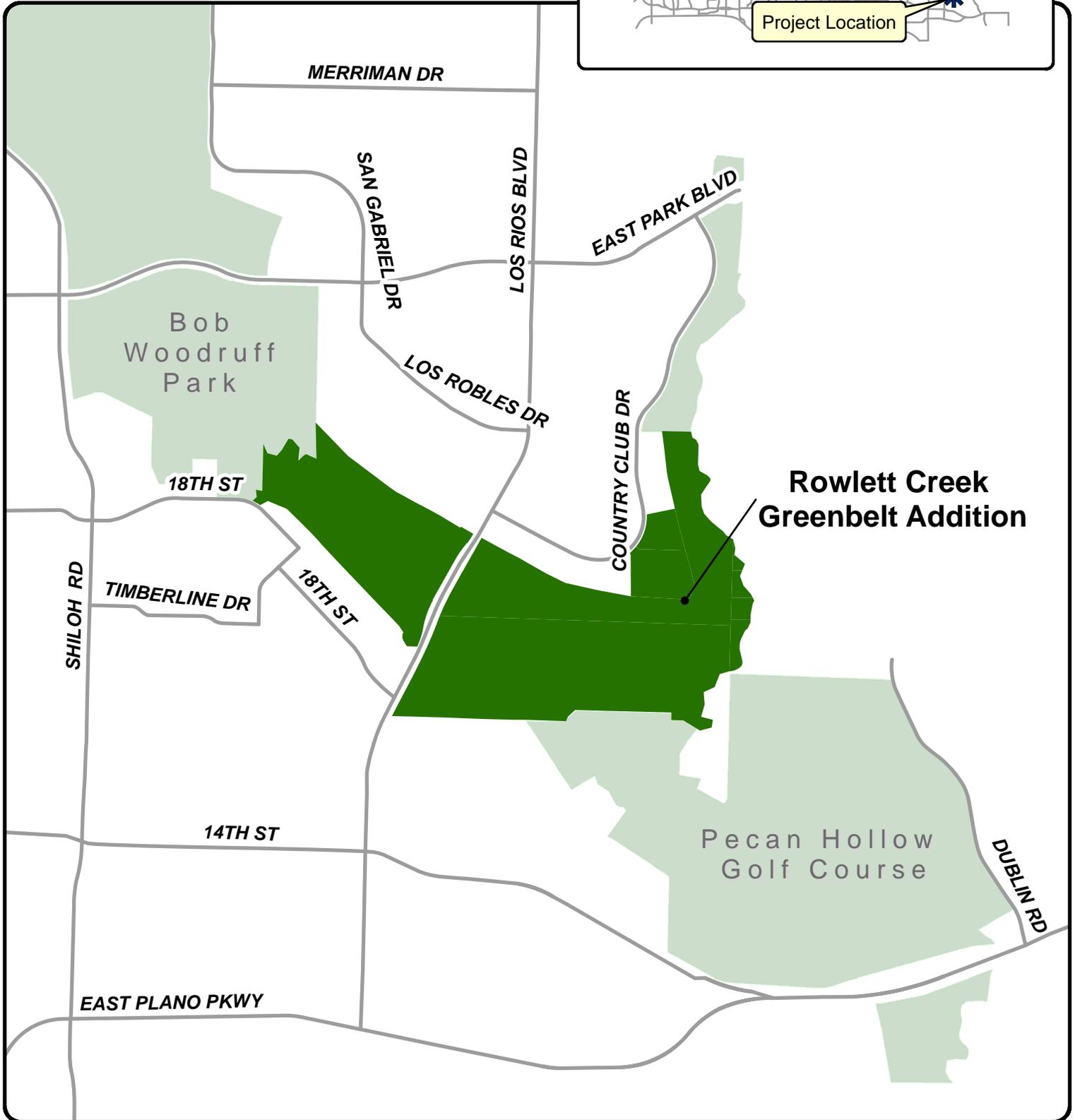
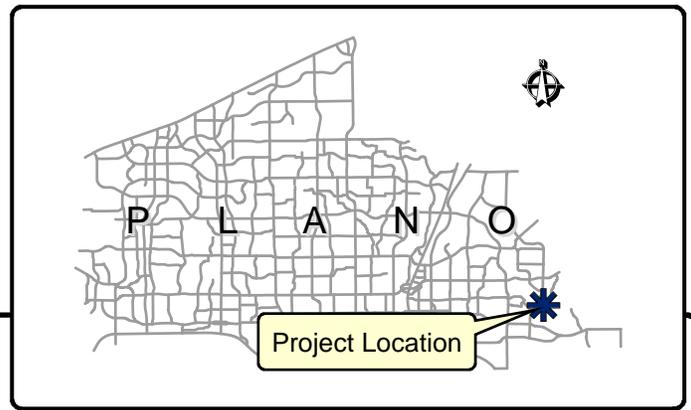


CITY OF PLANO COUNCIL AGENDA ITEM

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

Location Map

Rowlett Creek Greenbelt Addition

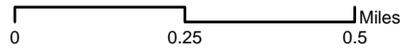


**Rowlett Creek
Greenbelt Addition**

Bob
Woodruff
Park

Pecan Hollow
Golf Course

Project Location



A Resolution of the City Council of the City of Plano, Texas, certifying that the City is eligible to receive financial assistance under the Collin County Parks and Open Space Matching Grant Program as provided by the Collin County Commissioners Court; certifying that the City's matching share is readily available; designating the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano in dealing with the Collin County Commissioners Court for the purpose of participating in the Collin County Parks and Open Space Matching Grant Program; certifying that the Rowlett Creek Greenbelt Addition will be dedicated for public park and recreational uses; and providing an effective date.

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

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

WHEREAS, the City of Plano desires to authorize an official to represent and act for the City of Plano in dealing with the Collin County Commissioners Court concerning the program;

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

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

Section II. The City of Plano hereby certifies that the matching share for this application is readily available at this time.

Section III. The City Council of the City of Plano hereby authorizes and directs its Director of Parks and Recreation to act for the City of Plano in dealing with the Collin County Commissioners Court for the purpose of participating in the Program, and the Director of Parks and Recreation is hereby officially designated as the representative in this regard.

Section IV. The City of Plano hereby specifically authorizes the Director of Parks and Recreation to make application for financial assistance from the Collin County Commissioners Court concerning proposed park land acquisitions in the City of Plano for recreational use and certifying that the Rowlett Creek Greenbelt Addition will be dedicated for public park and recreational purposes in perpetuity.

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

DULY PASSED AND APPROVED this the 10th day of June, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		6/10/13		
Department:		Parks and Recreation		
Department Head		Amy Fortenberry		
Agenda Coordinator (include phone #): Susan Berger (7255)				
CAPTION				
<p>A Resolution of the City Council of the City of Plano, Texas, certifying that the City is eligible to receive financial assistance under the Collin County Parks and Open Space Matching Grant Program as provided by the Collin County Commissioners Court; certifying that the City's matching share is readily available; designating the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano in dealing with the Collin County Commissioners Court for the purpose of participating in the Collin County Parks and Open Space Matching Grant Program; certifying that the Three Cities Trail Connection will be dedicated for public park and recreational uses; 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: 2012-13	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): GENERAL FUND, PARK IMPROVEMENT FUND				
<p>COMMENTS: This item confirms the City of Plano is eligible to participate in the Collin County Parks and Open Space Matching Grant Program and grants permission to Plano Parks & Recreation to apply for those funds.</p> <p>STRATEGIC PLAN GOAL: Working with other Collin County area cities to provide transportation and recreation infrastructure to Plano residents relates to the City's goal of Partnering For Community Benefit and Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
<p>This grant request is for trail improvements along the Three Cities Trail Connection. The project includes new 12' recreational trail connecting from the Sam Rayburn Tollway at Frisco through Plano to the City of Allen at Custer Road along the Rowlett Creek corridor.</p> <p>The City of Plano is eligible to apply for matching grant funds for park improvements. Bond funds for this connection are available through the Community Investment Program. The grant application request is for \$225,000 to be matched equally by City funds for a project total of \$550,000.</p>				

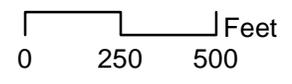
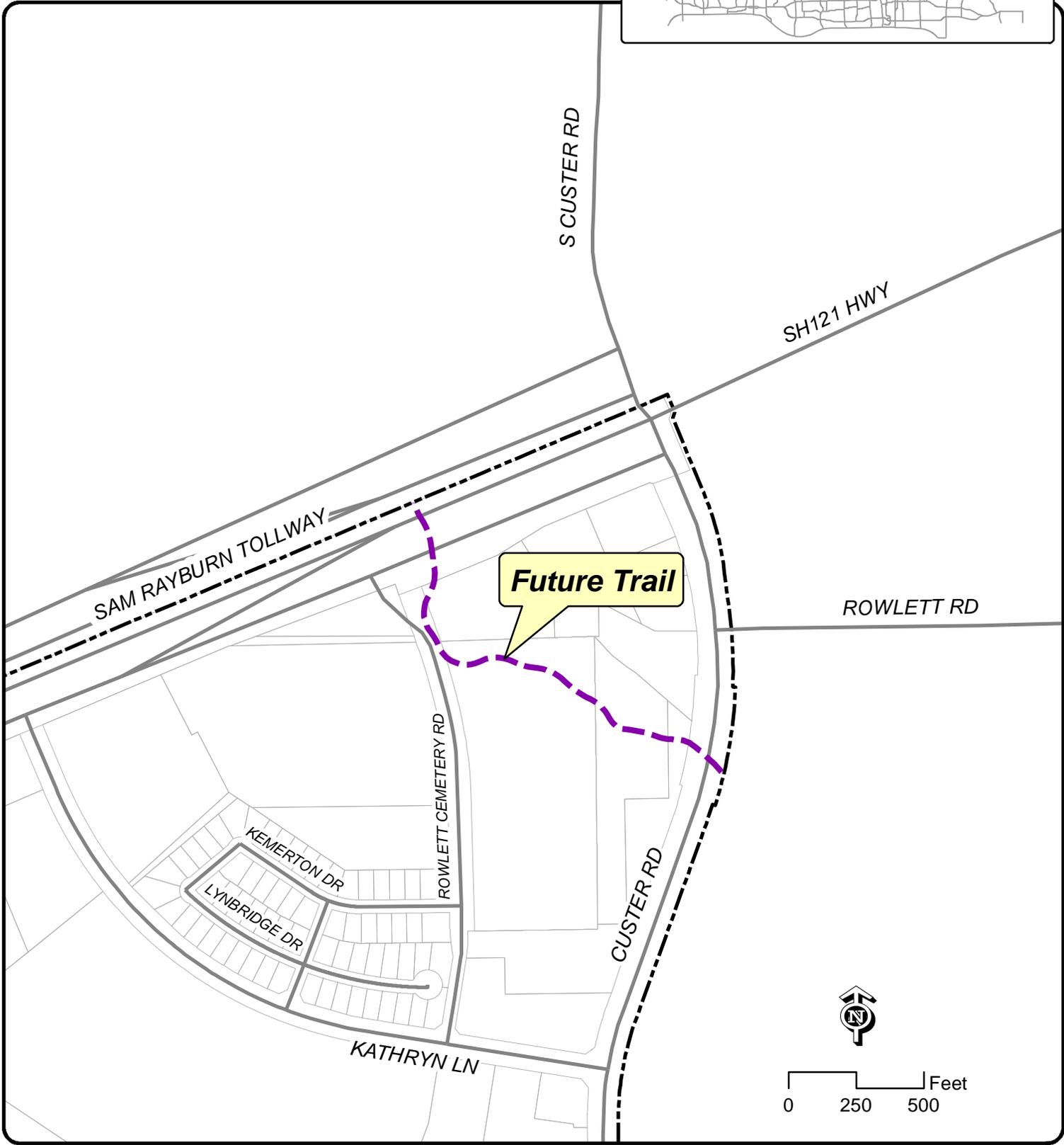
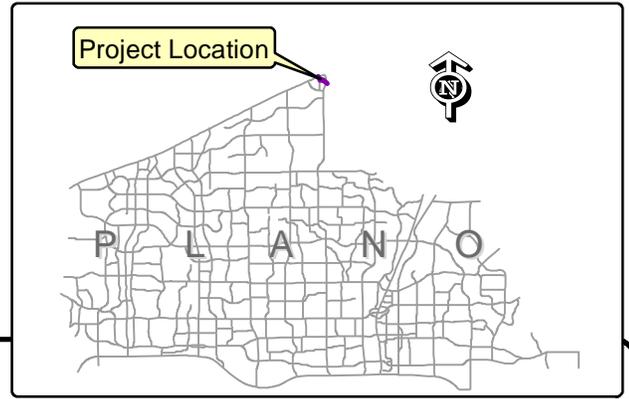


CITY OF PLANO COUNCIL AGENDA ITEM

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

Location Map

Three Cities Trail-
(Frisco) Sam Rayburn Tollway
to (Allen) Custer Road



A Resolution of the City Council of the City of Plano, Texas, certifying that the City is eligible to receive financial assistance under the Collin County Parks and Open Space Matching Grant Program as provided by the Collin County Commissioners Court; certifying that the City's matching share is readily available; designating the Director of Parks and Recreation as being responsible for acting for and on behalf of the City of Plano in dealing with the Collin County Commissioners Court for the purpose of participating in the Collin County Parks and Open Space Matching Grant Program; certifying that the Three Cities Trail Connection will be dedicated for public park and recreational uses; and providing an effective date.

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

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

WHEREAS, the City of Plano desires to authorize an official to represent and act for the City of Plano in dealing with the Collin County Commissioners Court concerning the program;

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

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

Section II. The City of Plano hereby certifies that the matching share for this application is readily available at this time.

Section III. The City Council of the City of Plano hereby authorizes and directs its Director of Parks and Recreation to act for the City of Plano in dealing with the Collin County Commissioners Court for the purpose of participating in the Program, and the Director of Parks and Recreation is hereby officially designated as the representative in this regard.

Section IV. The City of Plano hereby specifically authorizes the Director of Parks and Recreation to make application for financial assistance from the Collin County Commissioners Court concerning proposed park improvements in the City of Plano for recreational use and certifying that the Three Cities Trail Connection has been dedicated for public park and recreational purposes in perpetuity.

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

DULY PASSED AND APPROVED this the 10th day of June, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

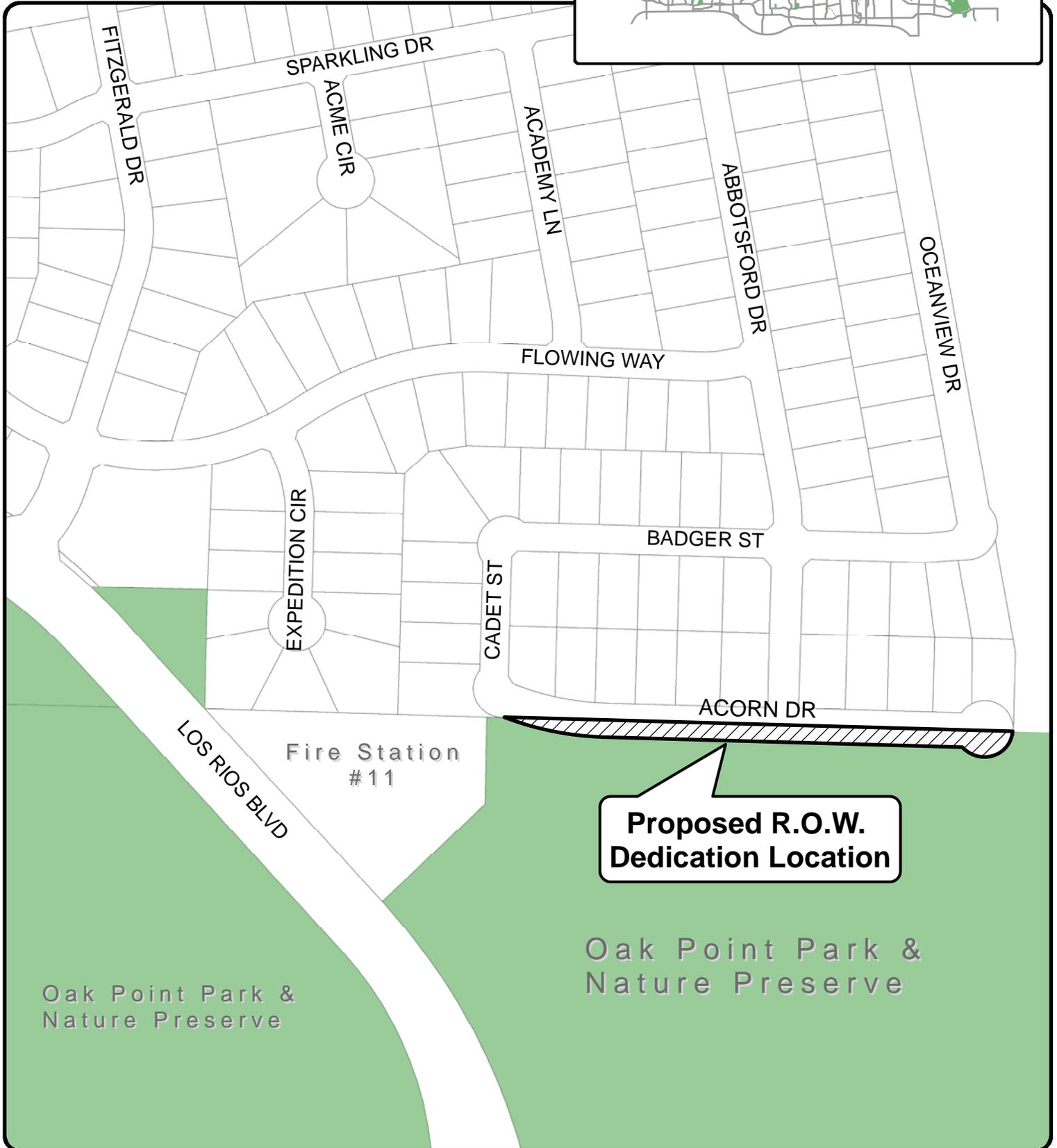
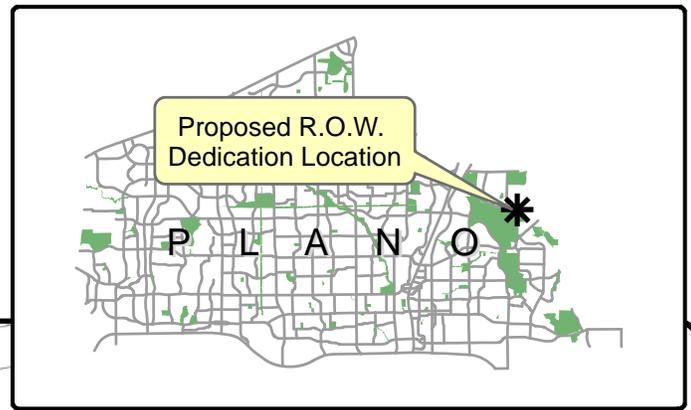
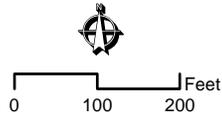
Diane C. Wetherbee, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		6/10/13		
Department:		Parks and Recreation		
Department Head		Amy Fortenberry		
Agenda Coordinator (include phone #): Susan Berger (7255)				
CAPTION				
<p>A Resolution of the City Council of the City of Plano, Texas, approving the dedication of a 0.647 acre tract of land owned by the City of Plano, Texas designated as park property but not yet utilized as park for dedication as a public right-of-way adjacent to Oak Point Park and Nature Preserve, said tract being situated in the A.M. Hetfield Survey, Abstract No. 432; 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: 2012-13	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): GENERAL FUND				
<p>COMMENTS: This item has no fiscal impact.</p> <p>STRATEGIC PLAN GOAL: Dedication of designated park land, but not yet utilized as park for public right-of-way relates to the City's Goal of Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
<p>Staff has requested that a public street be constructed along the border between the Trails of Glenwood subdivision and an undeveloped and unused portion of Oak Point Park and Nature Preserve. The street will provide a buffer between the park and the future homes across the street. This arrangement is preferable to having homes back directly to the park. The right-of way dedication is the City's one half share of the right-of-way needed to accommodate the street.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map				
Resolution				

Location Map



Proposed R.O.W. Dedication Location

Oak Point Park & Nature Preserve

Oak Point Park & Nature Preserve

Fire Station #11

A Resolution of the City Council of the City of Plano, Texas, approving the dedication of a 0.647 acre tract of land owned by the City of Plano, Texas designated as park property but not yet utilized as park for dedication as a public right-of-way adjacent to Oak Point Park and Nature Preserve, said tract being situated in the A.M. Hetfield Survey, Abstract No. 432; and providing an effective date.

WHEREAS, additional right-of-way is needed for construction of a public street, sidewalk and utilities adjacent to Oak Point Park and Nature Preserve; and

WHEREAS, said additional right-of-way is described in the field notes and shown on the drawing attached and incorporated herein as Exhibit "A"; and

WHEREAS, City Council is aware that the property is designated as park property but has not yet been utilized as a park; and

WHEREAS, upon full review and consideration of this Resolution, and all matters attendant and related thereto, the City Council is of the opinion that the tract of land totaling 0.647 acres should be dedicated as public right-of-way use adjacent to Oak Point Park and Nature Preserve, and the City Manager or his authorized designee, is hereby authorized to record this Resolution in the Land Records of Collin County, Texas to evidence this dedication.

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

Section I. The City Council hereby authorizes the dedication of the underdeveloped park property shown on Exhibit "A" for public right-of-way use and determines that the dedication is acceptable and is hereby in all things approved.

Section II. The City Manager or his authorized designee is hereby authorized to record this Resolution in the Land Records of Collin County, Texas to evidence this dedication.

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

DULY PASSED AND APPROVED this 10th day of June, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT A
RIGHT-OF-WAY DEDICATION
0.647 ACRE

BEING A 0.647 ACRE TRACT OF LAND SITUATED IN THE A.M. HETFIELD SURVEY, ABSTRACT NO. 432, CITY OF PLANO, COLLIN COUNTY, TEXAS, AND BEING PART OF A CALLED 51.9830 ACRE TRACT OF LAND, CONVEYED TO THE CITY OF PLANO, AS RECORDED IN VOLUME 1769, PAGE 769, DEED RECORDS, COLLIN COUNTY, TEXAS. SAID 0.647 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, TEXAS NORTH CENTRAL ZONE 4202, NAD83, DETERMINED BY GPS OBSERVATIONS OF THE CITY OF PLANO GPS MONUMENTS N6B, N7, AND 08, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT 1/2" IRON ROD WITH A RED PLASTIC CAP STAMPED "GRAHAM" FOUND FOR THE NORTHWEST CORNER OF SAID 51.9830 ACRE TRACT, AND THE COMMON NORTHEAST CORNER OF A CALLED 2.138 ACRE TRACT OF LAND, CONVEYED TO THE CITY OF PLANO, AS RECORDED IN VOLUME 5832, PAGE 3579, DEED RECORDS, COLLIN COUNTY, TEXAS, SAID POINT BEING ON THE SOUTH LINE OF A CALLED 93.863 ACRE TRACT OF LAND CONVEYED TO TOG LAND HOLDINGS, INC., AS RECORDED IN COUNTY CLERK'S FILE NO. 20100928001036700, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS;

THENCE, SOUTH 88 DEGREES 22 MINUTES 07 SECONDS EAST, ALONG THE NORTH LINE OF SAID 51.9830 ACRE TRACT AND THE COMMON SOUTH LINE OF SAID 93.863 ACRE TRACT, A DISTANCE OF 908.27 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 155 DEGREES 15 MINUTES 50 SECONDS, A RADIUS OF 50.00 FEET, A LONG CHORD WHICH BEARS, SOUTH 73 DEGREES 44 MINUTES 43 SECONDS WEST, A DISTANCE OF 97.68 FEET;

THENCE, OVER AND ACROSS SAID 51.9830 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 135.49 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 88 DEGREES 22 MINUTES 07 SECONDS WEST, A DISTANCE OF 756.00 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 53 DEGREES 39 MINUTES 38 SECONDS, A RADIUS OF 73.63 FEET, A LONG CHORD WHICH BEARS, NORTH 61 DEGREES 32 MINUTES 17 SECONDS WEST, A DISTANCE OF 66.47 FEET;

ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 68.96 FEET TO THE **POINT OF BEGINNING**, AND CONTAINING 0.647 ACRES OF LAND, MORE OR LESS.

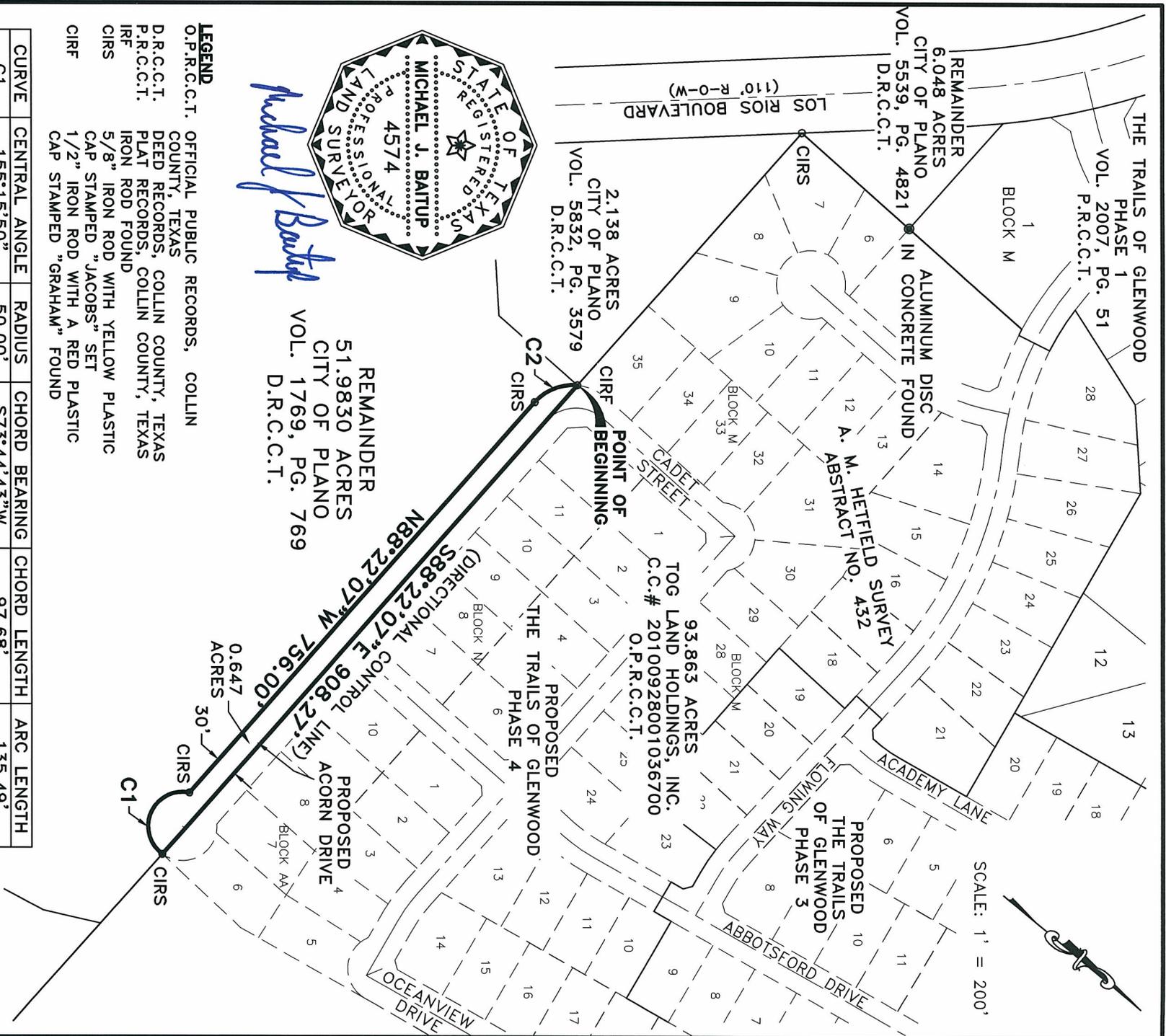
A PARCEL PLAT OF EQUAL DATE HERewith ACCOMPANIES THIS PROPERTY DESCRIPTION.

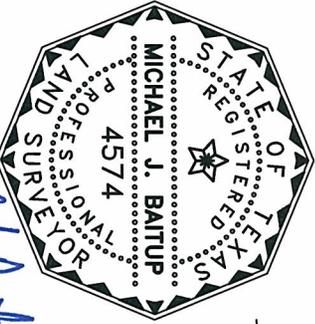
Michael J. Baitup

Date: 05/22/13

Michael J. Baitup, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 4574
Jacobs Engineering Group, Inc.
7950 Elmbrook Dr
Dallas, Texas 75429
214-638-0145






MICHAEL J. BAITUP
 4574
Michael J. Baitup

REMAINDER
 51.9830 ACRES
 CITY OF PLANO
 VOL. 1769, PG. 769
 D.R.C.C.T.

LEGEND

O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS

D.R.C.C.T. DEED RECORDS, COLLIN COUNTY, TEXAS

P.R.C.C.T. PLAT RECORDS, COLLIN COUNTY, TEXAS

IRF IRON ROD FOUND

CIRS 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET

CIRF 1/2" IRON ROD WITH A RED PLASTIC CAP STAMPED "GRAHAM" FOUND

CURVE	CENTRAL ANGLE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	155°15'50"	50.00'	S73°44'43"W	97.68'	135.49'
C2	53°39'38"	73.63'	N61°32'17"W	66.47'	68.96'

BEARING BASIS IS GRID NORTH, TEXAS STATE PLANE COORDINATES, TEXAS NORTH CENTRAL ZONE 4202, NAD83, DETERMINED BY GPS OBSERVATIONS OF THE CITY OF PLANO GPS MONUMENTS N68, N7, AND 08.

DATE: 05/22/13

SCALE: 1" = 200'

DRAWN BY: B.M.X.

CHECKED BY: M.J.B.

SHEET 3 OF 3

EXHIBIT A

RIGHT-OF-WAY DEDICATION

0.647 ACRES

OUT OF THE
A.M. HATFIELD SURVEY ABSTRACT NO. 432 IN THE
CITY OF PLANO, COLLIN COUNTY, TEXAS

JACOBS™

7950 ELMBROOK DRIVE DALLAS, TX 75247-4961
 PHONE 214-638-0145 FAX 214-638-0447



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:		6/10/13		
Department:		Libraries		
Department Head		Cathy Ziegler		
Agenda Coordinator (include phone #): Jeanne Argomaniz x4327				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, amending certain sections of Ordinance No. 2003-8-8 codified as Section 10-3 of Article I, Chapter 10, Library, of the Code of Ordinances of the City of Plano to revise the fee schedule for unreturned and overdue materials, and to establish charges for interlibrary loan materials and non-resident library cards; 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 type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2012-13	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): GENERAL FUND				
<p>COMMENTS: Any additional revenues received as a result of this fee schedule revision are undeterminable at this time.</p> <p>STRATEGIC PLAN GOAL: Amending certain sections of Ordinance No. 2003-8-8 codified as Section 10-3 of Article I, Chapter 10, Library, of the Code of Ordinances of the City of Plano relate to the City's Goal of a Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
<p>Amending certain sections of Ordinance No. 2003-8-8 and the standards to borrow and return library materials, adopting a more simplified fee schedule for unreturned and overdue library materials and include additional provisions to allow charges for interlibrary loan materials and non-resident library card fees.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Cathy Ziegler- Memo 5/30/13 Ordinance 2003-8-8				

Memorandum

Date: May 30, 2013

To: Lashon Ross, Deputy City Manager

From: Cathy Ziegler, Director of Libraries

Subject: City Council Approval to amend City Ordinance No. 2003-8-8

The purpose of the ordinance amendment is to codify the current practice of library fine and fee collection. There is no change in overdue fines, as the current fine amounts are adequate to induce prompt return of library materials by the end of the loan period. The list of materials that are subject to fines is simplified. Some of the itemized materials in the 2003-8-8 ordinance are no longer offered through the Plano Public Library System.

The amendment includes the \$50 annual non-resident card fee and the ability to collect postage fees for materials borrowed from other library systems.

ORDINANCE NO. 2003-8-8

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING SECTIONS OF ORDINANCE NO. 89-6-18 CODIFIED AS SECTION 10-3 (B), (C), (D) AND (E) AND ORDINANCE NO. 92-6-20 CODIFIED AS SECTION 10-21 OF CHAPTER 10 (LIBRARY) OF THE CITY OF PLANO CODE OF ORDINANCES; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PUBLICATION CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, on June 26, 1989 by Ordinance No. 89-6-18 and June 22, 1992, by Ordinance No. 92-6-20 codified as Chapter 10 (Library) of the City of Plano Code of Ordinances, the City Council of the City of Plano adopted regulations for the Library; and

WHEREAS, it is necessary and in the best interest of the public to update the existing ordinance by removing and adding certain library materials to the late fees' schedule to reflect the Libraries' current practices; by adopting the collection process for recovery of late fees and costs for lost materials; by amending the penalty provision to be in conformance with state law; and by removing the specified month for expiration of terms for board members; and

WHEREAS, the City Council hereby finds that it is necessary and in the best interest of the City and its citizens to amend certain sections of Ordinances 89-6-18 and 92-6-20, codified as Section 10-3 (b), (c), (d) and (e) and Section 10-21 respectively of Chapter 10 of the City of Plano Code of Ordinances.

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

Section I. Specific provisions of Ordinance No. 89-6-18 and Ordinance 92-6-20 duly passed and approved by the City Council of the City of Plano, Texas, on June 22, 1989 and June 22, 1992 respectively, and codified as Chapter 10 (Library) of the Code of Ordinances of the City of Plano have been heretofore amended.

Section II. Section 10-3 of Article I (General), Chapter 10 of the Code of Ordinances of the City of Plano, Texas, is hereby amended to read as follows:

"Sec. 10-3. Identification of borrowers; overdue materials.

(a) Any person making application to borrow materials from the library will be required to present whatever documents are deemed necessary by the librarian for adequate identification of the applicant.

(b) Any person who has outstanding fees for overdue materials may be disallowed from further borrowing until the fees have been paid.

(c) The fees for failure to return library materials, which have been borrowed from the Plano Public Library System, within the time allowed, shall be as follows:

(1) Book, per day	\$0.25
(2) Magazine, per day	0.25
(3) Interlibrary loan/resource sharing, per day	0.25
(4) CD and audio cassette, per day	0.25
(5) DVD and video cassette, per day	1.00
(6) Puppet, per day	0.25
(7) Theme box, per day	1.00
(8) CPR kit, per day	1.00

(d) It shall be unlawful for any person who has borrowed library materials to fail or refuse to return the same to the public library system within thirty (30) days after written notice has been mailed. Any person violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in section 1-4(b) of the City of Plano Code of Ordinances for each offense. Each overdue library material shall constitute a separate offense for each day it is not returned to the library.

The City shall be entitled to pursue collection of fees and/or costs for overdue or lost materials through its employees and agents."

Section III. Section 10-21 of Chapter 10 (Library) of the Code of Ordinances of the City of Plano, Texas, is hereby amended to read as follows:

"Section 10-21. Term of office of members.

The term of office for the members of the library advisory board shall be two (2) years and shall expire on a staggered basis each year. Members currently serving on the board shall continue serving until their present terms expire. The city council will fill any and all vacancies on the board; and the city council, will appoint the chairperson for a one-year period."

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

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

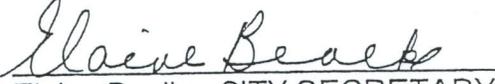
Section VI. The correction of any ordinance or part of any ordinance effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, 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 VII. This Ordinance shall become effective from and after its passage and publication as required by law.

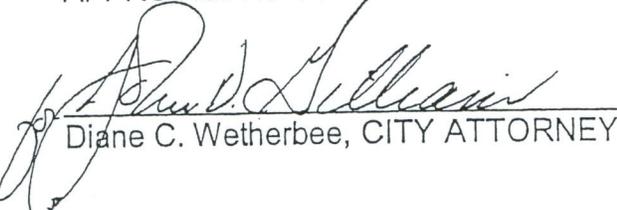
DULY PASSED AND APPROVED this the 11th day of August, 2003.


for Pat Evans, MAYOR

ATTEST:


Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:


Diane C. Wetherbee, CITY ATTORNEY

An Ordinance of the City of Plano, Texas, amending certain sections of Ordinance No. 2003-8-8 codified as Section 10-3 of Article I, Chapter 10, Library, of the Code of Ordinances of the City of Plano to revise the fee schedule for unreturned and overdue materials, and to establish charges for interlibrary loan materials and non-resident library cards; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on August 11, 2003, the City Council of the City of Plano enacted Ordinance No. 2003-8-8 establishing the standards for borrowing and returning library materials and amending the fee schedule for unreturned and overdue library materials; and

WHEREAS, staff recommends adopting a more simplified fee schedule and adding provisions to allow charges for interlibrary loan materials and non-resident library cards; and

WHEREAS, the City Council, after all things considered, deems it is in the best interest of the citizens of the City of Plano that the fee schedule be amended and charges for interlibrary loan materials and non-resident library cards be assessed.

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

Section I. Section 10-3, Identification of borrowers; overdue materials, of Article I, Chapter 10, of the Code of Ordinances of the City of Plano, is hereby amended to read in its entirety as follows:

“Sec. 10-3. Identification of borrowers; overdue materials.

- (a) Any person making application to borrow materials from the library will be required to present whatever documents are deemed necessary by the librarian for adequate identification of the applicant.
- (b) Any person who has outstanding fees for overdue materials may be disallowed from further borrowing until the fees have been paid.
- (c) The fees for failing to return library materials to the Plano Public Library System by the due date shall be as follows:

(1) DVDs and kits, per day	\$1.00
(2) Items for in-house check-out, per hour	\$1.00
(3) All other materials, per day	\$0.25
- (d) Fines will be assessed daily against the patron who returns incomplete set materials until the complete set is returned. If the complete set is not returned within thirty (30) days, the patron will be charged the cost of the entire replacement set.
- (e) Materials may be available by interlibrary loan from libraries outside the Plano Public Library System. The patron requesting the materials shall be responsible for applicable postage/courier charges.
- (f) An annual fee of \$50.00 shall be assessed for each non-resident library card.

- (g) It shall be unlawful for any person who has borrowed library materials to fail or refuse to return the same to the public library system within thirty (30) days after written notice has been mailed. Any person violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in section 1-4(b) of the City of Plano Code of Ordinances for each offense. Each overdue library materials shall constitute a separate offense for each day it is not returned to the library.

The City shall be entitled to pursue collection of fees and/or costs for overdue or lost materials through its employees and agents.”

Section II. 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 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. 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 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(b) 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 immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this the 10th day of June, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

DATE: May 21, 2013
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of May 20, 2013

**AGENDA ITEM NO. 6A - PUBLIC HEARING
ZONING CASE 2013-10
APPLICANT: BRYAN CAPPS**

Request to expand Specific Use Permit #53 for Private Club and Specific Use Permit #463 for Arcade on 1.2± acres located on the north side of Parker Road, 183± feet east of Alma Drive. Zoned Planned Development-69-Retail with Specific Use Permit #53 for Private Club and Specific Use Permit #463 for Arcade.

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 1

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

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

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: June 10, 2013 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

RA/dc

xc: Bryan Capps, 501 Elm Place Partners, Ltd.
John Spiars, Spiars Engineering, Inc.
Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 20, 2013

Agenda Item No. 6A

Public Hearing: Zoning Case 2013-10

Applicant: Bryan Capps

DESCRIPTION:

Request to expand Specific Use Permit #53 for Private Club and Specific Use Permit #463 for Arcade on 1.2± acres located on the north side of Parker Road, 183± feet east of Alma Drive. Zoned Planned Development-69-Retail with Specific Use Permit #53 for Private Club and Specific Use Permit #463 for Arcade.

REMARKS:

The subject property is 1.2± acres located on the north side of Parker Road, 183± feet east of Alma Drive. The property was formerly developed as a restaurant that has since been demolished; all that remains on the site is the building pad and parking areas. The property is zoned Planned Development-69-Retail (PD-69-R) with Specific Use Permit #53 for Private Club and Specific Use Permit #463 for Arcade. The existing specific use permits apply to a portion of the subject property, specifically the former building footprint.

The purpose and intent of a specific use permit (SUP) is to authorize and regulate a use not normally permitted in a district, which could benefit in a particular case the general welfare, provided that adequate development standards and safeguards are established. The Zoning Ordinance defines a Private Club as an establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of the Texas Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs. An Arcade is defined as an establishment with six or more player-operated skill or amusement machines, or a combination of six or more such machines and/or connected control panels that provide access to the machines. Subsections 3.101 (Arcades) and 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) of the Zoning Ordinance regulate arcade and private club establishments.

The owner is requesting to expand the existing SUP #53 for Private Club and SUP #463 for Arcade that exists today to match the property's existing boundaries. The applicant intends to build a new restaurant building that has a larger and different building footprint than the former building, hence why he is requesting to expand the specific use permits to apply to the entire property. Since the future restaurant will be located on its own lot, it is appropriate to extend the SUP boundaries to match the property's boundaries.

A revised site plan and preliminary replat of Village Square Addition No. 2, Block 1, Lot 5R, accompanies this request.

North of the subject property is multi-tenant building that includes retail uses, a health/fitness center, and religious facility that are all zoned PD-69-R with SUP #241 for Day Care Center. To the east is a restaurant zoned PD-69-R with SUP #91 for Drive-in Restaurant, and to the west is a bank zoned PD-69-R. Across Parker Road to the south are retail uses zoned PD-69-R.

Subsection 3.101 (Arcades) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) of the Zoning Ordinance has specific criteria regarding minimum separation distances from certain uses (i.e. religious facilities, residential-zoned properties, and public and parochial schools) that must be met for an SUP for arcade. To the northeast of this property is an existing religious facility. The distance as measured in a straight line from the front door of the restaurant to the nearest property line of the religious facility, is 400± feet thus satisfying the minimum separation distance requirement (300 feet).

Subsection 3.105 (Private Clubs) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) of the Zoning Ordinance also has specific criteria regarding minimum separation distances from certain land uses (i.e. religious facilities, public or private schools, and public hospitals). Additionally, private club operators shall submit annual audits to the city. The distance from the restaurant to the religious facility as measured along property lines of the street fronts and from front door to front door is 990± feet, thus satisfying the minimum separation distance requirement (300 feet).

The subject property is in compliance with all of the arcade and private club regulations and staff supports the applicant's request for expansion of the existing SUP's.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan of the Comprehensive Plan designates this area as Neighborhood Commercial, which encourages development that is intended to serve adjacent residential neighborhoods, and include grocery stores, drug stores, and small retail and service uses. This zoning request is consistent with the existing area's land use designation.

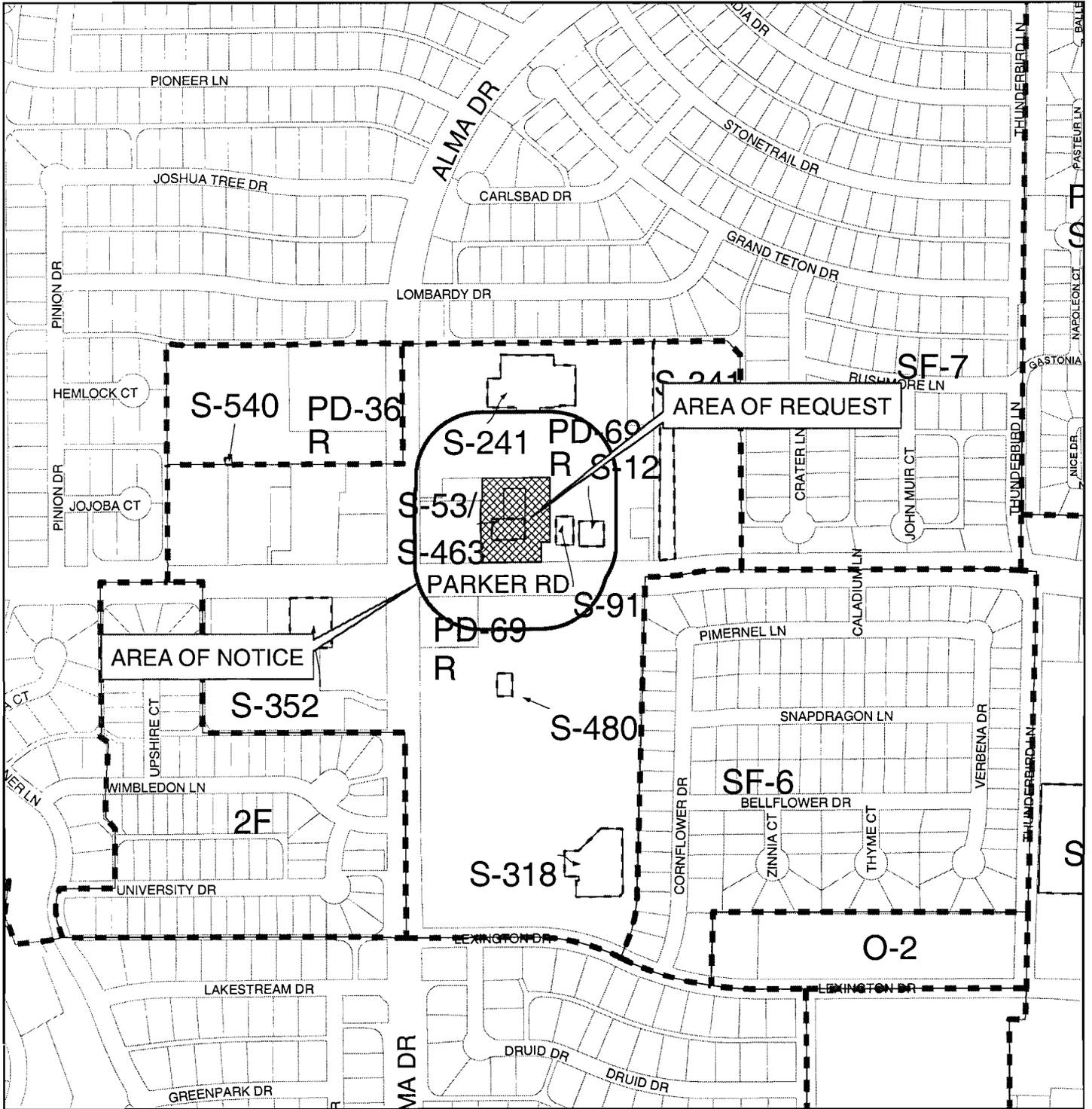
Economic Development Element - The Economic Development Element of the Comprehensive Plan encourages retaining and supporting Plano's existing businesses. The proposed request allows for the applicant to redevelop the property as a new restaurant in order to re-establish his former business, thus furthering this long range planning policy objective.

Adequacy of Public Facilities - Water and sanitary sewer services are available to serve the subject property.

Traffic Impact Analysis - A TIA is not required for this request.

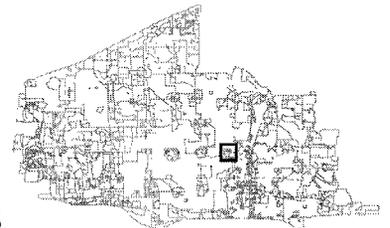
RECOMMENDATION:

Recommended for approval as submitted.



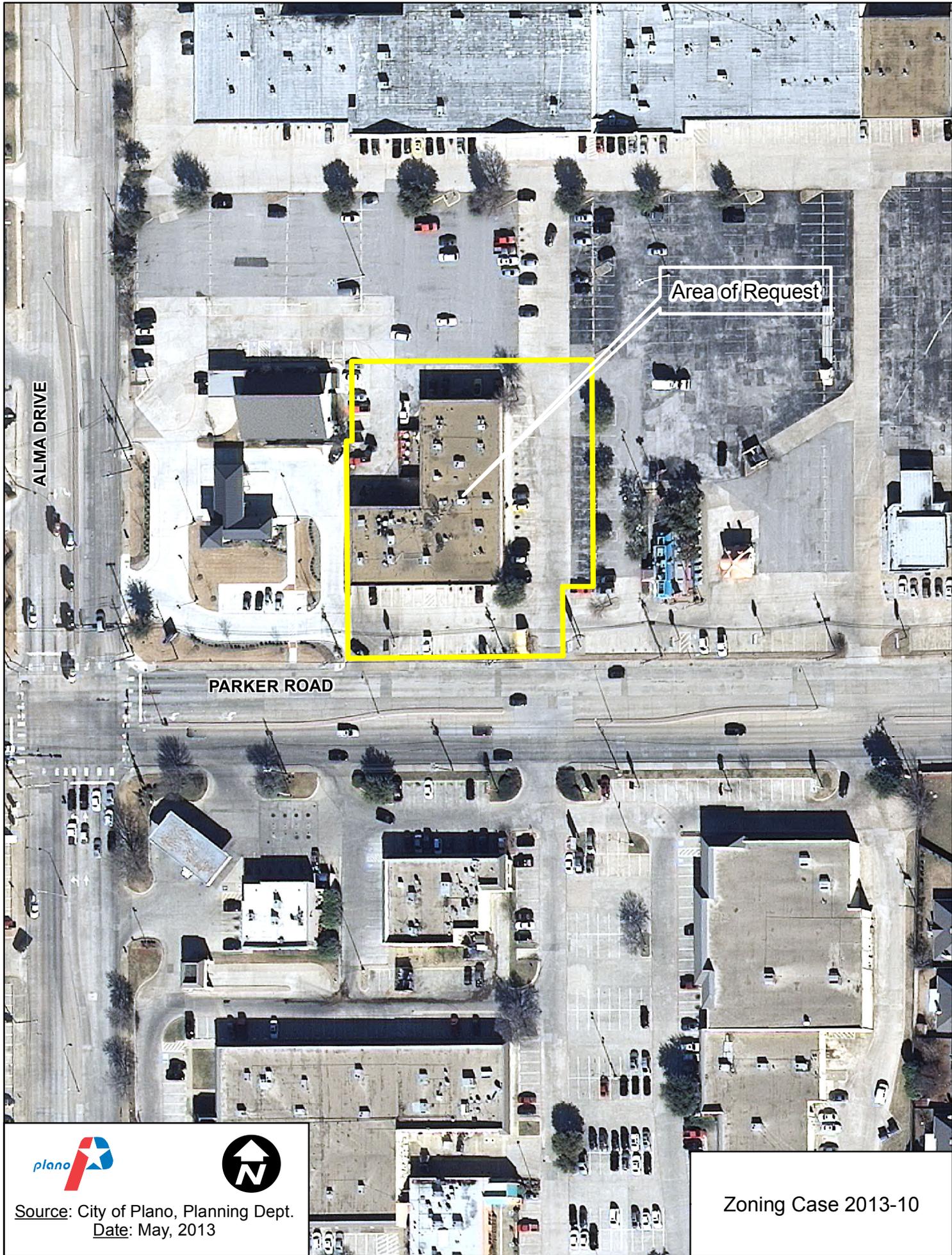
Zoning Case #: 2013-10

Existing Zoning: PLANNED DEVELOPMENT-69-RETAIL
w/SPECIFIC USE PERMITS #53 & #463



○ 200' Notification Buffer





Area of Request

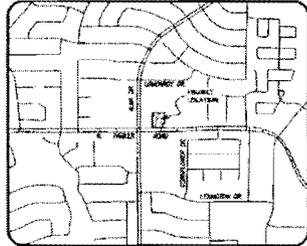
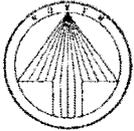
ALMA DRIVE

PARKER ROAD

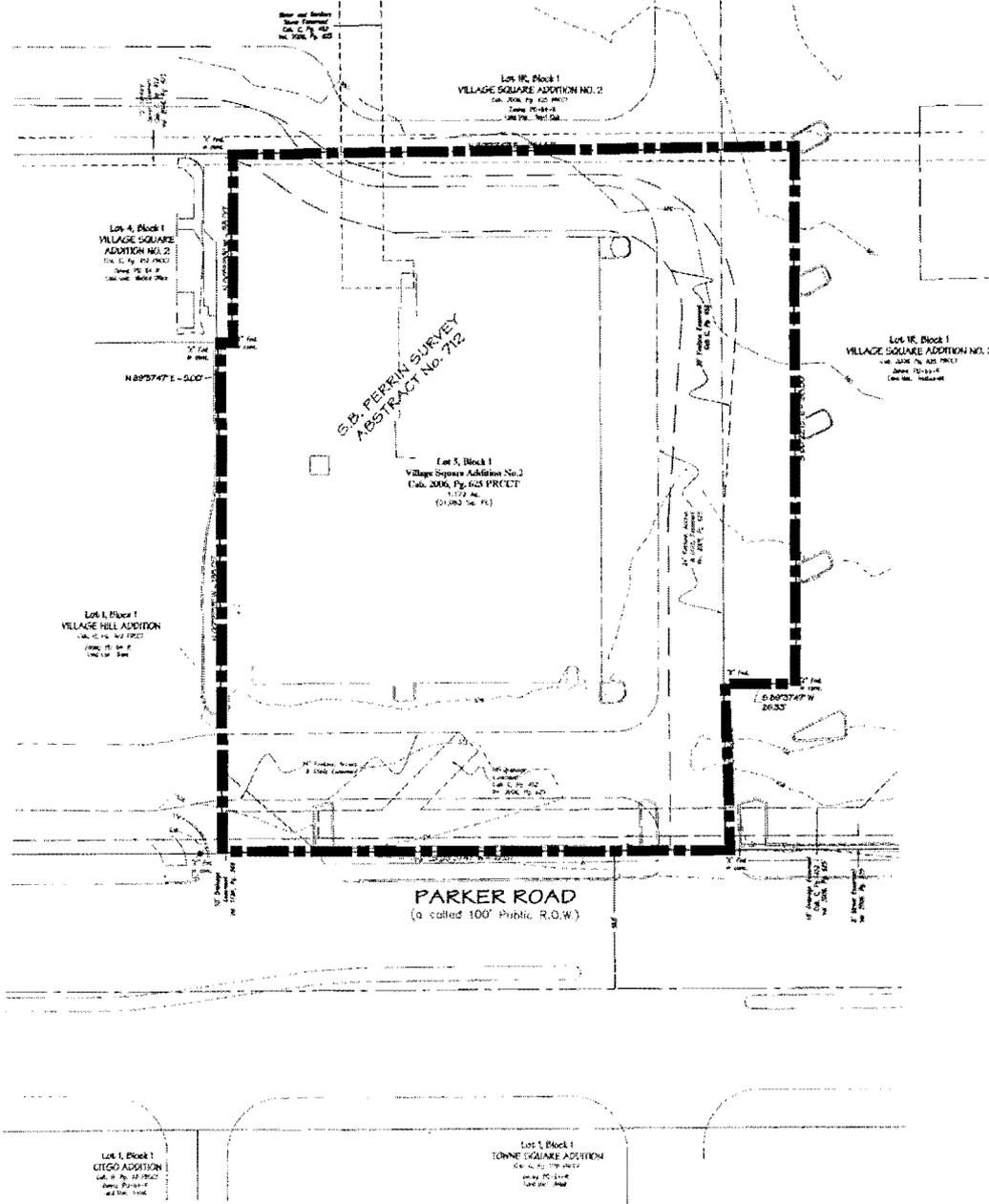


Source: City of Plano, Planning Dept.
Date: May, 2013

Zoning Case 2013-10



LOCATION MAP



METES AND BOUNDS

BEING a tract of land situated in the S.B. Perrin Survey, Abstract No. 712, City of Plano, Collin County, Texas, the subject tract being all of Lot 5, Block 1 of the original of Lot 1, Block 1, Village Square Addition No. 2, according to the plat thereof recorded in Cabinet 2005, Page 625 of the Plat Records, Collin County, Texas (PRCCT), the subject tract being more particularly described as follows:

BEGINNING of "X" found in concrete on the north line of Parker Road (a 100 foot right-of-way) for the southwest corner of Lot 5, and being the southeast corner of Lot 1, Block 1, Village Square Addition, recorded in Cabinet H, Page 103 PRCCT;

THENCE N 00°22'13" W, 180.00 feet along the common line thereof to an "X" found in concrete on the south line of Lot 4, Block 1, Village Square Addition No. 2, according to the plat thereof recorded in Cabinet C, Page 452 PRCCT;

THENCE N 89°37'47" E, 5.00 feet along the common line thereof to an "X" found in concrete;

THENCE N 00°22'13" E, 88.00 feet continuing along the common line thereof to an "X" found in concrete on the south line of Lot 1R, Block 1;

THENCE N 89°37'47" E, 204.50 feet along the common line thereof to an "X" found in concrete;

THENCE S 00°22'13" E, 193.00 feet continuing along the common line thereof to an "X" found in concrete;

THENCE S 89°37'47" W, 28.33 feet continuing along the common line thereof to an "X" found in concrete;

THENCE S 00°22'13" E, 80.00 feet continuing along the common line thereof to an "X" found in concrete on the north line of Marker Hood;

THENCE S 89°37'47" W, 183.17 feet along the north line of Parker Road, to the PLACE OF BEGINNING with the subject tract containing 31,083 square feet or 1.173 acres of land.

Approval of the zoning cases associated with this exhibit shall not imply approval of any associated study, plan, or plat, approval of development, placement across terrain, or the initiation of the development process. Planning and Zoning Commission and/or City Council action on studies, plats or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.

Request to expand SUP-53 (Private Club) & SUP-463 (Arcade) to Lot 5 property line.

PARKER ROAD
(a called 100' Public R.O.W.)

ZONING EXHIBIT
OF
VILLAGE SQUARE ADDITION NO.2
LGT 5, BLOCK 1 - 1.173 Acres
Cabinet 2005, Page 625, P.R.C.C.T.
situated in the
S.B. PERRIN SURVEY - ABSTRACT 712
CITY OF PLANO, COLLIN COUNTY, TEXAS

DRAWN
305 Elm Street, Richardson, Tex. 75081
13 Eastfield Lane
Allen, Texas 75002
Telephone (972) 977-9175
FAX (972) 977-9175

ENGINEER/SURVEYOR
Spilach Engineering, Inc.
7400 Sunset Beach, Suite 100
Dallas, TX 75249
Telephone: (972) 422-0877
FAX: (972) 422-0877
Contact: J. Mark Spilach

Zoning Case 2013-10

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to expand Specific Use Permit No. 53 for the additional use of Private Club and Specific Use Permit No. 463 for the additional use of Arcade on 1.2± acres of land out of the S.B. Perrin Survey, Abstract No. 712, located on the north side of Parker Road, 183± feet east of Alma Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-69-Retail with Specific Use Permit No. 53 for Private Club and Specific Use Permit No. 463 for Arcade; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, 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 10th day of June, 2013, for the purpose of considering the expansion of Specific Use Permit No. 53 for the additional use of Private Club and Specific Use Permit No. 463 for the additional use of Arcade on 1.2± acres of land out of the S.B. Perrin Survey, Abstract No. 712, located on the north side of Parker Road, 183± feet east of Alma Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-69-Retail with Specific Use Permit No. 53 for Private Club and Specific Use Permit No. 463 for Arcade; 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 10th day of June, 2013; and

WHEREAS, the City Council is of the opinion and finds that expanding Specific Use Permit No. 53 for the additional use of Private Club and Specific Use Permit No. 463 for the additional use of Arcade on 1.2± acres of land out of the S.B. Perrin Survey, Abstract No. 712, located on the north side of Parker Road, 183± feet east of Alma Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-69-Retail with Specific Use Permit No. 53 for Private Club and Specific Use Permit No. 463 for Arcade, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

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

Section I. The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to expand Specific Use Permit No. 53 allowing for the additional use of Private Club and Specific Use Permit No. 463 allowing for the additional use of Arcade on 1.2± acres of land out of the S.B. Perrin Survey, Abstract No. 712, located on the north side of Parker Road, 183± feet east of Alma Drive, in the City of Plano, Collin County, Texas, presently zoned Planned Development-69-Retail with Specific Use Permit No. 53 for Private Club and Specific Use Permit No. 463 for Arcade, said property being more fully described on the legal description in Exhibit "A" attached hereto.

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

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

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

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

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

PASSED AND APPROVED THIS THE 10TH DAY OF JUNE, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2013-10

BEING a tract of land situated in the S.B. Perrin Survey, Abstract No. 712, City of Plano, Collin County, Texas, the subject tract being all of Lot 5, Block 1 of the Replat of Lot 1, Block 1, Village Square Addition No. 2, according to the plat thereof recorded in Cabinet 2006, Page 625 of the Plat Records, Collin County, Texas (PRCCT), the subject tract being more particularly described as follows:

BEGINNING at "X" found in concrete on the north line of Parker Road (a 100 foot right-of-way) for the southwest corner of Lot 5, and being the southeast corner of Lot 1, Block 1, Village Hill Addition, recorded in Cabinet G, Page 103 PRCCT;

THENCE North, $00^{\circ} 22' 13''$ West, 185.00 feet along the common line thereof to an "X" found in concrete on the south line of Lot 4, Block 1, Village Square Addition No. 2, according to the plat thereof recorded in Cabinet C, Page 452 PRCCT;

THENCE North, $89^{\circ} 37' 47''$ East, 5.00 feet along the common line thereof to an "X" found in concrete;

THENCE North, $00^{\circ} 22' 13''$ West, 68.00 feet continuing along the common line thereof to an "X" found in concrete on the south line of Lot 1R, Block 1;

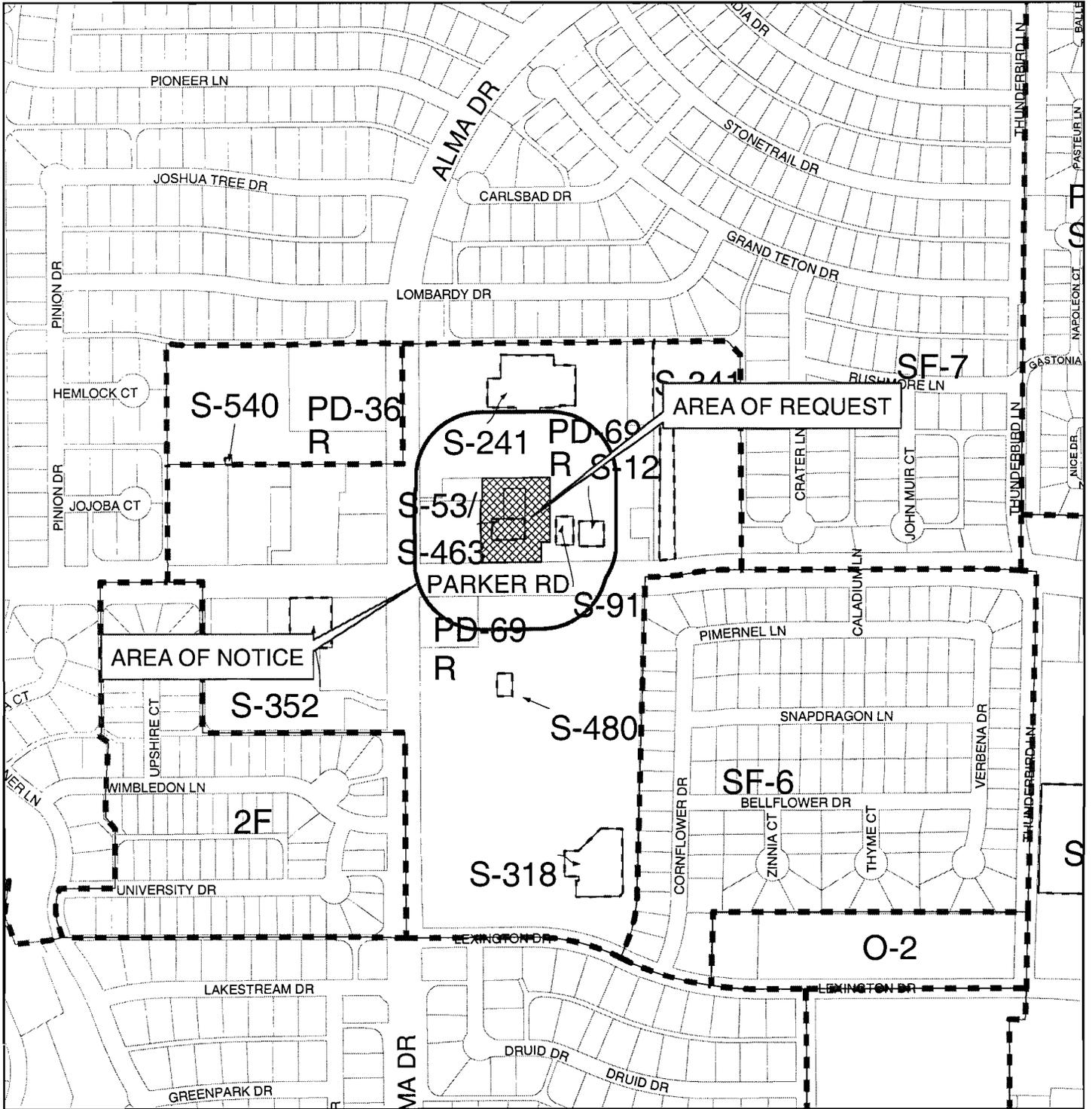
THENCE North, $89^{\circ} 37' 47''$ East, 204.50 feet along the common line thereof to an "X" found in concrete;

THENCE South, $00^{\circ} 22' 13''$ East, 193.00 feet continuing along the common line thereof to an "X" found in concrete;

THENCE South, $89^{\circ} 37' 47''$ West, 26.33 feet continuing along the common line thereof to an "X" found in concrete;

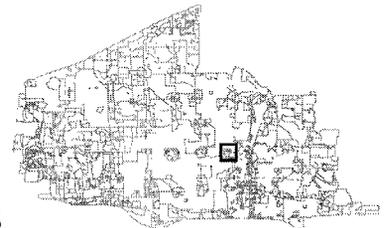
THENCE South, $00^{\circ} 22' 13''$ East, 60.00 feet continuing along the common line thereof to an "X" found in concrete on the north line of Parker Road;

THENCE South, $89^{\circ} 37' 47''$ West, 183.17 feet along the north line of Parker Road, to the PLACE OF BEGINNING with the subject tract CONTAINING 51,083 square feet or 1.173 acres of land.



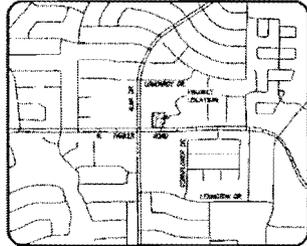
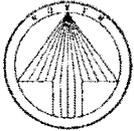
Zoning Case #: 2013-10

Existing Zoning: PLANNED DEVELOPMENT-69-RETAIL
w/SPECIFIC USE PERMITS #53 & #463

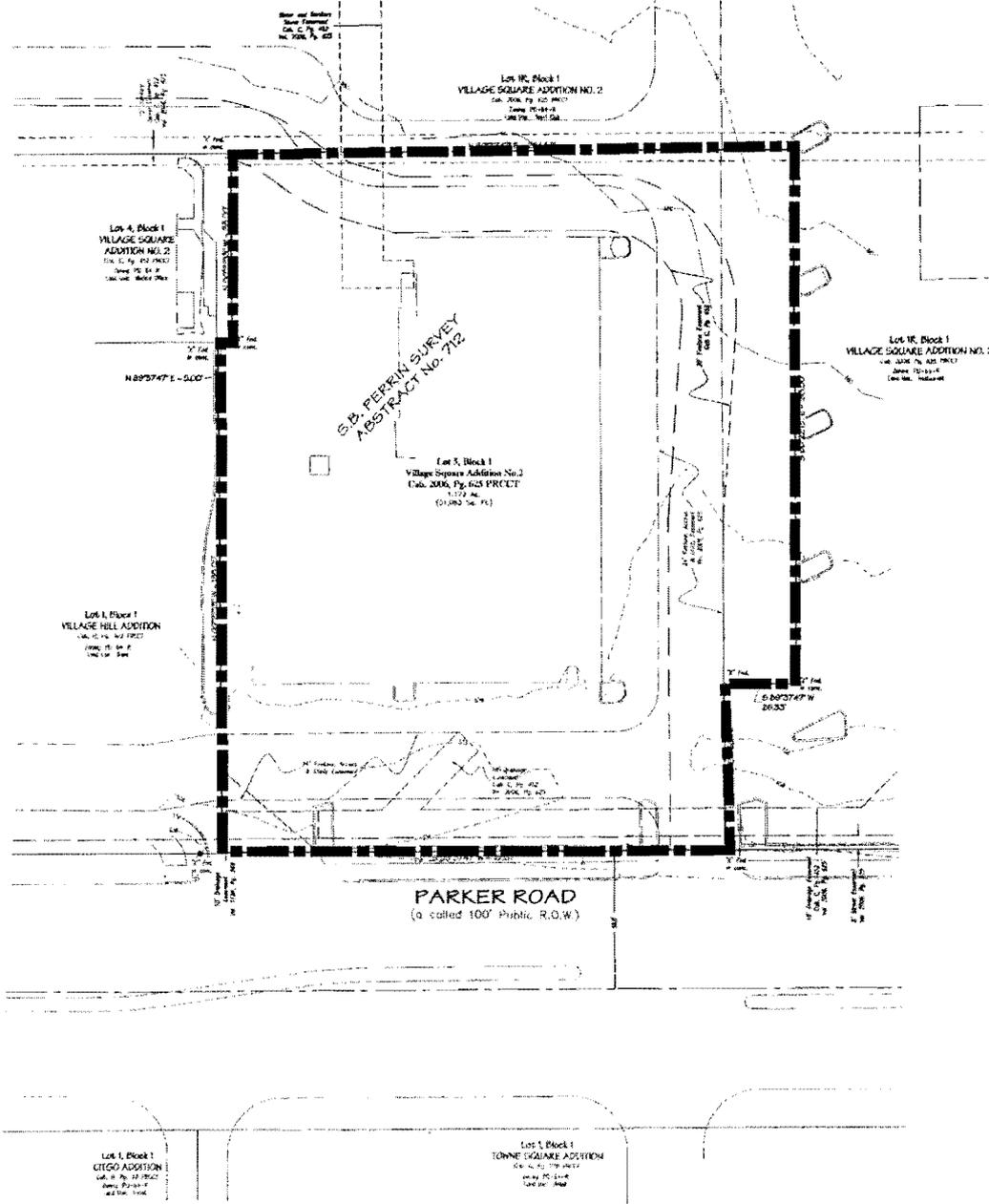


○ 200' Notification Buffer





LOCATION MAP



METES AND BOUNDS

BEING a tract of land situated in the S.B. Perrin Survey, Abstract No. 712, City of Plano, Collin County, Texas, the subject tract being all of Lot 5, Block 1 of the original of Lot 1, Block 1, Village Square Addition No. 2, according to the plat thereof recorded in Cabinet 2006, Page 625 of the Plat Records, Collin County, Texas (PRCCT), the subject tract being more particularly described as follows:

BEGINNING of "X" found in concrete on the north line of Parker Road (a 100 foot right-of-way) for the southwest corner of Lot 5, and being the southeast corner of Lot 1, Block 1, Village Square Addition, recorded in Cabinet H, Page 103 PRCCT;

THENCE N 00°22'13" W, 180.00 feet along the common line thereof to an "X" found in concrete on the south line of Lot 4, Block 1, Village Square Addition No. 2, according to the plat thereof recorded in Cabinet C, Page 452 PRCCT;

THENCE N 89°37'47" E, 5.00 feet along the common line thereof to an "X" found in concrete;

THENCE N 00°22'13" E, 88.00 feet continuing along the common line thereof to an "X" found in concrete on the south line of Lot 1R, Block 1;

THENCE N 89°37'47" E, 204.50 feet along the common line thereof to an "X" found in concrete;

THENCE S 00°22'13" E, 193.00 feet continuing along the common line thereof to an "X" found in concrete;

THENCE S 89°37'47" W, 28.33 feet continuing along the common line thereof to an "X" found in concrete;

THENCE S 00°22'13" E, 80.00 feet continuing along the common line thereof to an "X" found in concrete on the north line of Marker Hood;

THENCE S 89°37'47" W, 183.17 feet along the north line of Parker Road, to the PLACE OF BEGINNING with the subject tract containing 31,083 square feet or 1.173 acres of land.

Approval of the zoning cases associated with this exhibit shall not imply approval of any associated study, plan, or plat, approval of development, placement across terrain, or the initiation of the development process. Planning and Zoning Commission and/or City Council action on studies, plats or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.

Request to expand SUP-53 (Private Club) & SUP-463 (Arcade) to Lot 5 property line.

PARKER ROAD
(a called 100' Public R.O.W.)

ZONING EXHIBIT
OF
VILLAGE SQUARE ADDITION NO.2
LGT 5, BLOCK 1 - 1.173 Acres
Cabinet 2006, Page 625, P.R.C.C.T.
situated in the
S.B. PERRIN SURVEY - ABSTRACT 712
CITY OF PLANO, COLLIN COUNTY, TEXAS

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