

CITY COUNCIL

1520 AVENUE K



DATE: 8/9/2010
CALL TO ORDER: 7:00 p.m.
INVOCATION: Deacon Louis Munoz
Prince of Peace Catholic Community
PLEDGE OF ALLEGIANCE: Brownies
Hughston Elementary

ITEM NO.	EXPLANATION	ACTION TAKEN
(a)	<p>THE MISSION OF THE CITY OF PLANO IS TO PROVIDE OUTSTANDING SERVICES AND FACILITIES, THROUGH COOPERATIVE EFFORTS WITH OUR CITIZENS THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p><u>PROCLAMATIONS & SPECIAL RECOGNITION</u> Presentation: Medical Transportation Service Re-accreditation</p> <p><u>COMMENTS OF PUBLIC INTEREST</u> <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> <u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></p> <p><u>Approval of Minutes</u> July 26, 2010 July 28, 2010</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>Approval of Expenditures</u></p> <p>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</p>	
(b)	<p>Bid No. 2010-166-C for a one (1) year contract with three (3) optional one year renewals for the purchase of Outdoor Litter and Restroom Service for the Parks and Recreation Department to Northstar Facility Services in the amount of \$95,336 and authorizing the City Manager to execute all necessary documents.</p>	
	<p>Purchase from an Existing Contract</p>	
(c)	<p>To approve the purchase and installation of replacement fitness room equipment for Oak Point Center and the Tom Muehlenbeck Center in the amount of \$113,683 from Fitness Center Outfitters through an existing contract and authorizing the City Manager to execute all necessary documents (Buyboard Contract #336-10).</p>	
	<p>Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)</p>	
(d)	<p>To approve an Engineering Services Contract by and between the City of Plano and Pacheco Koch Consulting Engineers, Inc. in the amount of \$298,942 for the Park Boulevard Corridor Intersection Improvements project and authorizing the City Manager to execute all necessary documents.</p>	
	<p>Approval of Contract Modification</p>	
(e)	<p>First Modification to an Interlocal Agreement by and between the City of Plano, Texas and the Dallas County Community College for Richland College in the amount of \$25,000 through an existing agreement 2009-210-1 with Dallas County Community College District for Richland College for Business Productivity courses; authorizing the City Manager to execute all necessary documents.</p>	
	<p><u>Adoption of Resolutions</u></p>	
(f)	<p>To accept the Certified Appraisal Rolls for Fiscal Year 2010-11 for Collin County and Denton County, and providing an effective date.</p>	
(g)	<p>To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and the University of Texas at Dallas, providing terms and conditions for educational services as a part of the City's Professional Development Program, authorizing its execution by the City Manager; and providing an effective date.</p>	
(h)	<p>To approve the Investment Portfolio Summary for the Quarter Ending June 30, 2010 and providing an effective date.</p>	
(i)	<p>To review and approve the City's written Public Funds Investment Policy; and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(j)	<p>To approve the settlement of the lawsuit styled Linda Sanders-Burns, Individually and as heir of the Estate of Anthony Demille Sanders, Deceased v. City of Plano and Police Officer Joseph Cabezuela, Civil Action No. 2:06-CV-439, United States District Court, Eastern District of Texas, Marshall Division in the amount of \$150,000; authorizing the City Manager to execute any and all documents necessary to settle such lawsuit; and providing an effective date.</p>	
(k)	<p><u>Adoption of Ordinances</u></p> <p>To amend Chapter 12 (Traffic Code), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, to delete school zones on Alma Drive from north of Plano Parkway to south of Plano Parkway, and on Ventura Drive from north of Plano Parkway south to Plano Parkway; to revise the endpoints of school zones on the section of Alma Drive from north of 15th Street to south of Janwood Drive, and on Carmel Drive from Westwood Drive to Custer Road; to revise the designated times of operation for the school zone on Village Creek Drive; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.</p> <p><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></p> <p><u>Public Hearing Items: Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The presiding officer may extend these times as deemed necessary.</u></p> <p><u>Non-Public Hearing Items: The Presiding Officer may permit limited public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order cards are received until the cumulative time is exhausted.</u></p>	
(1)	<p>Bid No. 2010-169-B for Pecan Hollow Golf Course Renovation to TDI International dba TDI Golf in the amount of \$7,514,491 and authorizing the City Manager to execute all necessary documents.</p>	
(2)	<p>Discussion of the FY 2010-11 Proposed Community Investment Program</p>	
(3)	<p>Public Hearing on the FY 2010-11 Recommended Budget and the FY 2010-11 Proposed Community Investment Program (CIP).</p>	
(4)	<p>A Vote on a Proposal to Consider an Increase in the Total Tax Revenue.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(5)	Public Hearing and consideration of an Ordinance as requested in Zoning Case 2010-06, to amend Section 1.600 Definitions of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Section 3.400 (Lot Regulations), Subsection 3.801 of Section 3.800 (Height Regulations), and Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, pertaining to church and rectory uses and other religious uses and facilities; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano	
(6)	Public Hearing and consideration of an Ordinance as requested in Zoning Case 2010-08, to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 604 so as to allow the additional use of a 90-foot Commercial Antenna Support Structure located 220± feet east of Coit Road and 480± feet north of Hedgcoxe Road, in the City of Plano, Collin County, Texas, presently zoned Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Morledge Holdings, LP	
(7)	Public Hearing and consideration of an Ordinance as requested in Zoning Case 2010-11, to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended pertaining to commercial amusement (outdoor) uses and development standards within the Regional Employment zoning district; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano	
(8)	Public Hearing and consideration of a Resolution to amend the 2009-10 Action Plan to include the additional activity of land purchase in the amount of \$700,000 to support homeless transitional housing and services; and providing an effective date.	
(9)	<p>Consideration of a Resolution to authorize the Filing of an Application in an amount not to exceed \$700,000 under the U. S. Department of Housing and Urban Development Section 108 Loan Guarantee Program; approving its execution by the City Manager; and providing an effective date.</p> <p><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A/Building Inspections Training Room are located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></p>	



**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:		08/09/2010		
Department:		City Manager's Office		
Department Head		Thomas Muehlenbeck		
Agenda Coordinator (include phone #): Melinda White X7548, Cindy Pierce X5161				
CAPTION				
Presentation: Medical Transportation Service Re-accreditation				
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
July 26, 2010**

COUNCIL MEMBERS

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

STAFF

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

Mayor Dyer called the meeting to order at 5:05 p.m., Monday, July 26, 2010, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Davidson. Mayor Dyer then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice/Litigation, discuss Personnel, Section 551.074; and to receive information regarding Economic Development, Section 551.087 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Dyer reconvened the meeting back into the Preliminary Open Meeting at 6:03 p.m.

Consideration and Action Resulting From Executive Session: Personnel Reappointments

Board of Adjustment

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Deputy Mayor Pro Tem Miner, the Council voted 7-0 to reappoint Peter Krause, Henry C. Pauly, Michael Pirek and Edward J. Stankunas and to move Mr. Pauly and Mr. Stankunas to regular positions.

Building Standards Commission

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member Harris, the Council voted 7-0 to reappoint James Mack Craft, Jr., Gary Johnston, Jim C. Kesterson and Mo Khoshkar and to move Mark Greer to a regular position.

Heritage Commission

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member Smith, the Council voted 7-0 to reappoint B.C. “Bud” Hopkins and Anne Quaintance-Howard.

Planning and Zoning Commission

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Miner, the Council voted 7-0 to reappoint Michael Coleman and Tracey S. Dry.

Personnel: Reappointments

Animal Shelter Advisory Committee

The Council deferred consideration of reappointments.

Civil Service Commission

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member Callison, the Council voted 7-0 to confirm the reappointment of Patrick W. Gallagher following City Manager Muehlenbeck’s recommendation.

Community Relations Commission

The Council concurred to make no reappointments to this committee.

Cultural Affairs Commission

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Council Member Callison, the Council voted 7-0 to reappoint Marilyn Mahoney and Allen B. Safir, OD.

Library Advisory Board

Upon a motion made by Council Member Harris and seconded by Council Member LaRosiliere, the Council voted 7-0 to reappoint Debra Conway Benton, Carl Eugene Ford, Pearl Garza Fracchia and Denver Tracy.

Parks and Recreation Planning Board

The Council deferred consideration of reappointments.

Plano Housing Authority

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison, the Council voted 7-0 to reappoint Paul J. Gephart, Jr. and Jeanine Boehl.

Retirement Security Plan Committee

The Council deferred consideration of reappointments.

Self Sufficiency Committee

The Council concurred to make no reappointments to this committee.

Senior Citizens Advisory Board

The Council deferred consideration of reappointments.

Tax Increment Financing District #1 Board

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Smith, the Council voted 7-0 to reappoint Michael Booth, Howard S. Garfield and Holly Parmelee.

Live Green in Plano Public Communication

Director of Sustainability & Environmental Services Nevil advised that a newsletter is mailed three times per year; one designated for the water quality report (required by the Texas Commission on Environmental Quality to be direct mailed to every household by July 1st) and another to promote the Live Green Expo. She spoke to mailings serving as one of the main lines of communication at low cost, encouraging citizens to access services, coverage of a broad range of topics, the increase in calls for specific service requests following delivery and those attending the expo as a result of information provided.

Council Member Smith recognized the department for their recent award and spoke to implementing a more aggressive marketing approach utilizing the web site, social media, local news coverage and requesting corporations disseminate information to employees. She spoke to lobbying the legislature to allow publication of the water quality report on the City's web site and recommended cutting back the number of newsletters to two per year. Ms. Nevil spoke to those who utilize mailings to receive information and requested waiting a year to reduce their number so that alternative methods of communication can be researched and developed. Deputy Mayor Pro Tem Miner spoke to homeowners' associations that print newsletters upon request.

Ms. Nevil responded to Council Member LaRosiliere, stating that one focus of the newsletter is on diversion including recycling, disposal of appliances and electronics to reduce solid waste. Council Member Harris spoke to partnering with other entities to offset costs and utilizing new technology to distribute information and Mayor Dyer spoke to combining departmental mailings. City Manager Muehlenbeck spoke to the MP3 class looking into corporate partnerships. Council Member LaRosiliere spoke to conducting a survey to determine how citizens access information regarding services. Ms. Nevil requested sending out three newsletters for 2010-11, receiving feedback, and reviewing options. Council Member Smith spoke to more effective use of the web site and alternative means of communication.

Presentation and Discussion regarding the Cottonbelt Railroad Upchurch 10 min.

Director of Public Works and Engineering Upchurch spoke to consideration of locations for a connection between the Cottonbelt Railroad and the DART Red line and the difference in vehicles with the Cottonbelt trains operating on freight tracks rather than light rail. He spoke to the 12th Street Station which follows the existing rail alignment, includes an elevation of the red line station, access to east Plano and northern Richardson, available land for parking and train storage, easy transition from one line to the other, and possible eastern extension.

Mr. Upchurch spoke to the options favored by the City of Richardson including a Bush Station Southern Option entailing a new alignment of the Cottonbelt and right-of-way east of Alma Drive, a major crossing of US 75, issues of Oncor electric easements east of Alma Drive, potential environmental issues with the flood plain and a future extension requiring additional right-of-way at Plano Parkway. He spoke to the Bush Station Northern Option which follows the existing alignment, curves east and south within Richardson, includes an elevated crossing of F Avenue, parallels the red line on the west side south to Bush Station, requires possible right-of-way acquisition at the northwest corner of Plano Parkway and can accommodate future extension north of the SH 190. He advised that two stations would not be viable as they would serve the same ridership, include an additional stop with increased rider trip time and stated that the 12th Street Station could not be built on the curve necessary for the Bush Station.

Mayor Pro Tem Dunlap spoke regarding the need for a double track since the trains operate differently. He spoke to there not be sufficient room for the Cottonbelt to go north to the Plano Station and his opinion that it isn't feasible to extend light rail further north. Mr. Upchurch spoke to the costs of elevating the red line station and the benefits of this location. He spoke to the potential costs for either of the Bush Stations and to preliminary environmental studies by DART with more information to follow.

Comprehensive Monthly Financial Report

Finance Director Tacke advised that for the month of June 2010, General Fund revenue was down slightly as a percentage of the budget compared to last year with the Water/Sewer and Sustainability funds up slightly. She advised regarding the slight increase in expenses for the General Fund with declines in the Water/Sewer and Sustainability expenses. Ms. Tacke advised that the unemployment rate of 7.2% continues to be below the national average, provided a recap of the real estate market and spoke to hotel/motel revenue down as compared to last year.

Council items for discussion/action on future agendas

Council Member Smith requested an update on senior transportation for the August 14, 2010 Budget Session.

Consent and Regular Agendas

No items were discussed.

Nothing further was discussed. Mayor Dyer adjourned the Preliminary Meeting at 6:58 p.m.

Phil Dyer, Mayor

ATTEST:

Diane Zucco, City Secretary

PLANO CITY COUNCIL
July 26, 2010

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Diane Zucco, City Secretary

Mayor Dyer convened the Council into the Regular Session on Monday, July 26, 2010, at 7:11 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present with the exception of Council Member Davidson.

The invocation was led by Executive Pastor - Grace Outreach Center, Jessie Prince and the Pledge of Allegiance was led by Cub Scout Pack 754 of Riddle and Borchardt Elementary Schools.

Mayor Dyer presented a proclamation recognizing ADA Awareness Day and recognized Bruce Glasscock for his 20-Year anniversary. Faye Moses Wilkins was not in attendance for an oath of office.

Comments of Public Interest

No one appeared to speak.

Consent Agenda

Mayor Dyer requested that Consent Agenda Item "P," a resolution to authorize naming the program room at the W.O. Haggard, Jr. library the Richard D. Tobin, Jr. Program Room, be removed for individual consideration.

Upon a motion made by Council Member Harris and seconded by Council Member LaRosiliere, 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”)

June 28, 2010 - Firing Range Field Trip
June 28, 2010 - Council Meeting
June 29, 2010 - Joint City ACC Meeting

Approval of Expenditures

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

Bid No. 2010-157-B, for Plano Public Safety Communications Air Conditioning Improvements, to Denali Construction Services, in the amount of \$78,091 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2010-149-C for a one (1) year contract to purchase tires for Warehouse Inventory from A to Z Tire & Battery Inc., Blagg Tire & Service, GCR Tire Center, Southern Tire Mart, Tire Centers, LLC, & Wingfoot Commercial Tire Systems, LLC in an estimated amount of \$333,715 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Purchase from an Existing Contract

To approve the purchase of six (6) Heil Automated Side Loader Bodies in the amount of \$636,830 and three (3) Heil Rear Loader Bodies in the amount of \$224,172 totaling \$861,002 from Heil of Texas, through an existing contract/agreement with TASB/Buyboard, and authorizing the City Manager to execute all necessary documents. (TASB/Buyboard contract #280-07) (Consent Agenda Item “D”)

To approve the purchase of six (6) Crane Carrier Automated Side Loader Chassis in the amount of \$935,470 and three (3) Crane Carrier Rear Loader Chassis in the amount of \$486,417 totaling \$1,421,887 from Bond Equipment Co. through an existing contract/agreement with TASB/Buyboard, and authorizing the City Manager to execute all necessary documents. (TASB/Buyboard contract #281-07) (Consent Agenda Item “E”)

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

To approve an Engineering Services Contract by and between the City of Plano and Burgess & Niple, Inc. in the amount of \$162,485 for I/I Program (2010) Pittman Creek Basin and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Approval of Contract Modification

To approve a Second Modification to a professional services agreement by and between the City of Plano, Texas and RCC Consultants, Inc. in the amount of \$49,954.00 through an existing agreement 2008-157-I with RCC Consultant for Phase III Implementation Services for Mobile Data Project; authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “G”)

To approve the Third Modification of the contract by and between the City of Plano and Hay Group, Inc. (Contract No. 2006-154-C) for Employee Benefits Consulting Services to increase the contract 25% from \$110,000 to \$137,500 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “H”)

Approval of Change Order

To ARK Contracting Services, LLC, increasing the contract by \$102,693 for Erosion Control Briarwood – Eight Locations, Change Order No. 2. Original Bid No. 2010-31-B. (Consent Agenda Item “I”)

Approval of Expenditure

To approve of the purchase of library materials for Plano Public Library System (PPLS) in the amount of \$200,000 from Baker and Taylor through an existing contract/agreement with Texas State Contract 715-N1 Print Materials and Multimedia; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “J”)

Adoption of Resolutions

Resolution No. 2010-7-1(R): To approve the terms and conditions of an agreement by and between North Texas Municipal Water District and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “K”)

Resolution No. 2010-7-2(R): To nominate Denbury Onshore , LLC, to the Office of the Governor, Economic Development and Tourism through the Texas Economic Development Bank for designation as an Enterprise Project under the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Texas Government Code, Chapter 2303; and providing an effective date. (Consent Agenda Item “L”)

Resolution No. 2010-7-3(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano, Texas and Texas Department of Transportation (“TxDOT”) for participation in the Scofflaw Program in accordance with Section 702.003 of the Texas Transportation Code for the collection of outstanding warrant fees; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “M”)

Resolution No. 2010-7-4(R): To approve the terms and conditions of an Easement for Encroachments by and between Legacy North PT MFA III, L.P. and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “N”)

Resolution No. 2010-7-5(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and the North Central Texas Council of Governments for Traffic Signal Retiming; authorizing its execution by the City Manager to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “O”)

Resolution No. 2010-7-6(R): To terminate the Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Allen, Texas for library automation services; approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item “Q”)

Resolution No. 2010-7-7(R): To terminate the Interlocal Cooperation Agreement by and between the City of Plano, Texas and the City of Allen, Texas for library courier services; approving its execution by the City Manager; and providing an effective date. (Consent Agenda Item “R”)

Adoption of Ordinances

Ordinance No. 2010-7-8: To repeal Ordinance No. 2009-5-26, entitled “Health Categories and Fees”, and replacing it with this ordinance, to be entitled “Health Categories and Fees” to amend Animal Services and Health fees; providing a repealer clause, a severability clause, and an effective date. (Consent Agenda Item “S”)

Ordinance No. 2010-7-9: To amend a section of Ordinance No. 2008-9-35 codified as Section 18-25, Article I of Chapter 18, Solid Waste, of the City of Plano Code of Ordinances to revise the service fee schedule for the collection of solid waste for downtown properties; and providing a repealer clause, a savings clause, a severability clause, and an effective date. (Consent Agenda Item “T”)

Ordinance No. 2010-7-10: To repeal Ordinance No. 2009-9-26; establishing the number of certain classifications within the Police and Fire Departments for fiscal year 2009-10; establishing the authorized number and effective dates of such positions for each classification effective October 1, 2009, December 1, 2009, and August 1, 2010 respectively; establishing a salary plan for the Police and Fire Departments effective September 28, 2009; and providing a repealer clause, a severability clause and an effective date. (Consent Agenda Item “U”)

Ordinance No. 2010-7-11: To repeal Section 12-104.5 and enacting a new Section 12-104.5 to Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances regulating the parking of motor vehicles in certain designated public parking lots within the Business Government district; 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 “V”)

Ordinance No. 2010-7-12: To abandon all right, title and interest of the City, in and to the remainder of that Variable Width Drainage Easement recorded in Volume 2242, Page 945 of the Deed Records of Collin County, Texas and being situated in the Collin Country School Survey, Abstract No. 150, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, Pizza Hut of America, Inc., to the extent of its interest; authorizing the City Manager or his authorized designee, to execute any documents deemed necessary; and providing an effective date. (Consent Agenda Item “W”)

END OF CONSENT

Resolution No. 2010-7-13(R): To authorize the naming of the program room at the W. O. Haggard, Jr. Library the Richard D. Tobin, Jr. Program Room in memory of Mr. Richard D. Tobin, Jr. and to honor Mr. Tobin’s years of service and dedication to Plano Public Library System, and providing an effective date. (Consent Agenda Item “P”)

Fred Frawley, representing the Friends of the Plano Library, spoke to Mr. Tobin’s role as a mentor and member of many library organizations. Members of Mr. Tobin’s family thanked the Council for this recognition.

Upon a motion made by Mayor Pro Tem Dunlap and seconded by Deputy Mayor Pro Tem Miner, the Council voted 7-0 to authorize naming the program room at the W.O. Haggard Jr. Library in memory of Mr. Richard D. Tobin, Jr.

Resolution No. 2010-7-14(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and Advocare International, LP., a Delaware Limited Partnership; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “1”)

Director of Finance Tacke advised that Advocare International, LP would occupy no less than 97,000 square feet of existing commercial space and retain, transfer or create up to 103 full-time jobs by June 30, 2011. She advised that the terms of the agreement run from June 30, 2011 through June 29, 2021, that Advocare will add business personal property of no less than \$1 million and real property of no less than \$1.2 million and further that the agreement is in the amount of \$75,000.

Upon a motion made by Council Member Callison and seconded by Deputy Mayor Pro Tem Miner, the Council voted 7-0 to approve an Economic Development Incentive Agreement between the City and Advocare International, LP. and further to adopt Resolution No. 2010-7-14(R).

Resolution No. 2010-7-15(R): To approve the terms and conditions of an Economic Development Incentive Agreement by and between the City of Plano, Texas, and Women of Faith, Inc., a Delaware corporation; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “2”)

Resolution No. 2010-7-15(R) (cont'd)

Director of Finance Tacke advised that Women of Faith, Inc. would occupy no less than 23,000 square feet of new commercial space and retain, transfer or create 80 full-time jobs by November 1, 2010 with up to an additional 50 full-time jobs by December 31, 2012. She advised that the terms of the agreement run from November 1, 2010 through May 1, 2018 in an amount of up to \$66,500.

Upon a motion made by Council Member LaRosiliere and seconded by Deputy Mayor Pro Tem Miner, the Council voted 7-0 to approve an Economic Development Incentive Agreement between the City and Women of Faith, Inc. and further to adopt Resolution No. 2010-7-15(R).

Public Hearing and adoption of Ordinance No. 2010-7-16 as requested in Zoning Case 2010-07 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, so as to amend Planned Development-377-Retail/General Office on 22.7± acres out of the William Beverly Survey, Abstract No. 75, located at the northeast corner of Plano Parkway and Custer Road in the City of Plano, Collin County, Texas, to increase the maximum height allowed for church steeples; 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: Messiah Lutheran Church (Regular Agenda Item "3")

Director of Planning Jarrell advised that this item requests amendment only to the portion of the planned development addressing the church steeple height. She advised that the proposal meets setback requirements and that the Planning and Zoning Commission recommends approval as follows: (Additions are indicated in underlined text; deletions are indicated in strike through text.)

Amend Planned Development-377-Retail/General Office as follows:

6.d. Between 200 feet from the north property line and the south property line - church steeple maximum height ~~85~~ 140 feet.

Mayor Dyer opened the Public Hearing. James Hewlett, representing the applicant, spoke regarding plans for the sanctuary and communication with homeowners. Robert Miller representing Dallas North Estates Homeowners Association spoke in support. No one else spoke either for or against the item. The Public Hearing was closed.

Upon a motion made by Council Member Harris and seconded by Deputy Mayor Pro Tem Miner, the Council voted 7-0 to amend the Comprehensive Zoning Ordinance of the City, so as to amend Planned Development-377-Retail/General Office to increase the maximum height allowed for church steeples; as requested in Zoning Case 2010-07 and as recommended by the Planning and Zoning Commission; and further to adopt Ordinance No. 2010-7-16.

Ordinance No. 2010-7-17: To repeal Section 14-6, Drug Paraphernalia, of Article I, In General, of Chapter 14, Offenses-Miscellaneous of the Code of Ordinances of the City of Plano, Texas and adopting a new Article X, Illegal Smoking Products and Ingestion Devices to Chapter 14, Offenses-Miscellaneous to prohibit the use, purchase, possession and sale of illegal smoking products containing certain plant, plant products or derivatives, chemical compounds applied to plants, and plant products and their derivatives or other substances, and ingestion devices used in connection with the illegal smoking products; dispensing with a culpable mental state and providing a penalty; providing an affirmative defense for authorized medical use or use in landscaping; and providing a repealer clause, a severability clause, a savings clause, and an effective date. (Regular Agenda Item “4”)

Police Chief Rushin spoke to the proposed ordinance which defines illegal smoking products (plants or substances) including chemicals contained by K2 and Salvia and paraphernalia used to ingest the substances. He advised that some ingestion devices can be utilized for legal purposes and that there will be two defenses: prescriptions for either and ornamental landscaping for salvia. Chief Rushin advised that the maximum fine would be \$500 and that an out-of-state lab has been identified so that enforcement would take place following testing of confiscated products. He spoke to the proliferation of items in the City and advised that Staff will begin notifying retail locations upon passage of the ordinance. He further spoke to removal of outdated language covered by state statute.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Callison, the Council voted 7-0 to repeal Section 14-6, Drug Paraphernalia, of Article I, In General, of Chapter 14, Offenses-Miscellaneous of the Code of Ordinances and adopting a new Article X, Illegal Smoking Products and Ingestion Devices to Chapter 14, Offenses- Miscellaneous to prohibit the use, purchase, possession and sale of illegal smoking products containing certain plant, plant products or derivatives, chemical compounds applied to plants, and plant products and their derivatives or other substances, and ingestion devices used in connection with the illegal smoking products; dispensing with a culpable mental state and providing a penalty; providing an affirmative defense for authorized medical use or use in landscaping; and further to adopt Ordinance No. 2010-7-17.

Resolution No. 2010-7-18(R): to approve the terms and conditions of a Management Services Agreement by and between the City of Plano and the Boys and Girls Club of Collin County to operate and manage the Douglass Community Center; authorizing its execution by the City Manager; and providing an effective date. (Regular Agenda Item “5”)

Director of Parks and Recreation Fortenberry spoke to a cost-savings proposal to transfer operation of the Douglass Community Center to the Boys and Girls Club of Collin County resulting in a savings of \$508,000 annually to include provisions continuing the community center functions and retaining the name of the center and gymnasium. She spoke to the history of other centers previously located in high schools, the addition of the Douglass Center in 1987, and evolution of the department replacing school-based centers with fee-based facilities. Ms. Fortenberry advised that under the agreement, the Boys and Girls Club will offer after-school care, tutoring, GED and computer classes, sports programs, and more with no resident turned away for their inability to pay an annual fee.

Resolution No. 2010-7-18(R) (cont'd)

Resident Dollie Thomas thanked the Council, Mayor and City Manager for listening to concerns, spoke to the positive work of the Boys and Girls Club, and requested a task force be formed to study the impact should the center close. She spoke to those who may not wish to join the Boys and Girls Club and asked that the Douglass Community Center remain as is. Resident Reggie Push requested the vote be delayed so that data can be analyzed before a decision is made and that monies be preserved in the budget so that services outside of the Boys and Girls Club might be offered. Resident Eleanor Evans spoke to the impact on those who are not included in the target audience of the Boys and Girls Club, those that use the center but do not live in the immediate neighborhood, and requested the Council consider data provided by citizens before making a decision. Resident T.J. Johnson thanked the Council for the time spent considering the proposal, stated concern regarding how the Boys and Girls Club will operate and maintain its identity as a community center, and spoke to the Boys and Girls Club mission of dealing with youth and teens (not adults). She requested a community coordinator at the center or assigning a task force to study the impact. Citizen Terrill Brandon spoke to Staff moving toward a goal before considering the impact, the impact of closing of the Williams center, and providing options for children in the community.

Ms. Fortenberry responded to the Council, advising that children participating in programs will need to be members, but that adults or those utilizing drop-in times will not. She stated that the contract will include time for community use; advised that room rental fees would remain the same; spoke to the reduction in hours of operation; and advised that based on underutilization, schedules would be shortened should the City retain operation of the center. Tanya Greene of the Boys & Girls Club advised the Council that there will be Staff responsible for coordinating rental opportunities with the community as part of her duties. Ms. Fortenberry spoke to badminton activities moving to the Oak Point Center, retention of signage at the center, and planned improvements by a volunteer group. Ms. Greene responded to the Council, advising that board positions with the Boys and Girls Club are open and spoke to actively recruiting from communities throughout Collin County members who can build community awareness and help raise funds for the board's mission.

Council Member Smith spoke to maintaining a part-time City employee to assist in coordinating community activities and Council Member LaRosiliere spoke to retaining a sense of connection with the City and having the position serve as a bridge. Mayor Dyer spoke to the impact of the economic times, Council's support for the community and center and the reduced hours impacting as few people as possible. Council Member LaRosiliere spoke to cuts in the City's budget eventually impacting every neighborhood, the charge given by Council to find savings through the business matrix process resulting in this recommendation, and maintaining open communications.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Smith, the Council voted 7-0 to approve the terms and conditions of a Management Services Agreement by and between the City of Plano and the Boys and Girls Club of Collin County to operate and manage the Douglass Community Center as submitted; and further to adopt Resolution No. 2010-7-18(R). Council Member Smith spoke to consideration of a part-time City employee to augment some services.

Mayor Dyer adjourned the meeting at 8:25 p.m.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, City Secretary

**PLANO CITY COUNCIL
PRELIMINAR/REGULAR OPEN MEETING
July 28, 2010**

COUNCIL MEMBERS

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

STAFF

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

Mayor Dyer called the Preliminary/Regular Open Meeting to order at 5:00 p.m., Wednesday, July 28, 2010, in the Council Chambers, 1520 K Avenue. All Council Members were present with the exception of Council Member Davidson. The following matters were discussed:

Presentation of the 2010-2011 Recommended Budget and Proposed Community Investment Program (CIP) to the City Council

City Manager Muehlenbeck stated that the total recommended budget of \$399.8 million represents a decrease of \$349,604 or .09% under the FY 2009-10 re-estimated budget and a decrease of \$2.5 million or 0.61% under the FY 2009-10 original adopted budget and includes all major funds. He stated that the Community Investment Program totals \$76.7 million and includes over \$9 million in revenues from other governmental entities for joint venture street projects. Mr. Muehlenbeck spoke to the financial forecast in March 2010 projecting a \$15.4 million General Fund budget deficit for FY 2010-11 and work done to identify reductions including elimination of 31 full-time employees and 8 part-time employees. He advised that these reductions were in addition to the positions previously eliminated bringing the total amount of positions to 129 full-time employees and 17 part-time positions.

Mr. Muehlenbeck spoke to the decrease in property values with current information indicating the total assessed property value for FY 2010-11 is equal to \$24.7 billion and includes \$262.9 million of new property coming on-line. He advised that existing property values decreased by \$1.1 billion or 4.27%, representing the largest existing property value loss experienced in the City of Plano since 1993 and a loss of \$5.3 million in revenue. Mr. Muehlenbeck spoke to debt service paying its own way and not transferring funds from operations/maintenance. He stated his recommendation of a tax rate increase equivalent to the increase in the debt service rate of 1.49 cents to 50.35 cents per \$100 of assessed property value. Mr. Muehlenbeck advised that the increases debt service to 17.51 cents with .55 cents of the increase due to a reduction in property values and 0.94 cents based on increased debt costs from the issuance of tax notes for public safety, general obligation payments, and declines in interest income, delinquency revenues and fund balance. He spoke to maintaining the current rate for operation and maintenance (O&M) at 32.84 cents.

Mr. Muehlenbeck spoke to the recommendation allowing for a \$1.6 million budget reserve contingency set aside within the General Fund to offset the revised FY 2011-12 projected deficit of \$11 million. He spoke to the two-cents solely dedicated to the Economic Development Incentive Program and advised that information regarding the effective/rollback tax rates will be discussed on August 9 and 14. He advised that the FY 2010-11 budget could not be balanced without impacting service levels in several areas and that further reductions will be required in FY 2011-12 which will continue to erode services including public safety unless the City's revenue situation stabilizes. He thanked Staff who will not receive a merit increase for a second year and are dedicated to delivering a balanced budget while maintaining high quality service levels.

Director of Budget Rhodes-Whitley spoke to the three-year forecast given in March anticipating a \$15.4 million deficit for FY 2010-11 and \$30 million for 2011 and proactive measures taken to achieve a balanced budget in 2010-11 with 30 days of operations and including elimination of 31 full-time and 8 part-time positions and a tax increase of 1.49 cents. She stated that the current estimates forecast an \$11 million shortfall in FY 2011-12 and \$12 million in FY 12-13. Ms. Rhodes-Whitley spoke to balancing the \$17.2 million deficit in 2008-09 with elimination of 43 vacant full-time positions, implementation of new/increased fees, and departmental transfers. She spoke balancing a \$13 million deficit in FY 2009-10 through the core business matrix reductions, elimination of 61 full-time and 9 part-time jobs and a 1.51 cent tax rate increase.

Ms. Rhodes-Whitley advised that the proposed increase is the second since 1990 to fund operations or debt, and spoke to implementation of the 2 cent increase in 2006-07 for the Economic Development Incentive Fund. She spoke to the reduction in property tax valuation and the impact of the recommended increase being \$14 per year on an average home (\$245,802). Ms. Rhodes-Whitley spoke to pending calculation of the effective tax rate with a projected value of 50.35, advised regarding reductions including reducing post employment benefits (\$2 million), delaying the staffing of Fire Station #13 (one time charge of \$1.8 million), outsourcing the Douglass Community Center (\$500,000), changing calculation of overtime (\$500,000), delaying PC replacements (one time charge of \$401,938), increased PISD School Liaison Reimbursement from 15% to 50% (\$395,334), eliminating part-time vacation and holiday accrual (\$368,065), reducing Bob Buffington Grants (\$275,804), eliminating the HR Director position (\$171,697) and reducing publication budget (\$100,000).

Ms. Rhodes-Whitley spoke to the \$26.3 million lost by ad valorem tax exemptions, the stabilization of sales tax receipts projected at \$56.1 million, and projected decline in building and development revenues. She spoke to Public Safety costs at 61% of the budget, increases anticipated from the North Texas Municipal Water District and future discussions regarding selling debt to fund capital projects. She advised regarding capital projects budgeted at \$76.7 million with the largest portion being street, reserves and parks. She reviewed key dates on the calendar including presentation of the proposed CIP and public hearing scheduled for August 9, budget worksession on August 14 and adoption of the budget, CIP and tax rate on September 13.

City Manager Muehlenbeck responded to Council Member LaRosiliere advising that one-time cuts are not included in the recommendation and spoke to the theory of the effective tax rate representing the amount that collects the same taxes overall, but that it may impact homeowners differently depending on their appraised values. Ms. Rhodes-Whitley advised that while commercial properties saw a 10-12% decline in value, residential was approximately 2%.

Mayor Dyer reviewed the presentation dates and requested the public provide input. Ms. Rhodes-Whitley spoke to the Council's vote on a proposed tax rate to be conducted on August 9.

Nothing further was discussed. Mayor Dyer adjourned the meeting at 5:34 p.m.

Phil Dyer, 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:		08/09/2010		
Department:		Purchasing		
Department Head		Mike Ryan		
Agenda Coordinator (include phone #): Bev Rogers ext. 7376				
CAPTION				
Bid No. 2010-166-C for a one (1) year contract with three (3) optional one year renewals for the purchase of Outdoor Litter and Restroom Service for the Parks and Recreation department to Northstar Facility Services in the amount of \$95,336.00 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: 09/10	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	1,087,159	0	1,087,159
Encumbered/Expended Amount	0	-645,729	0	-645,729
This Item	0	-95,336	0	-95,336
BALANCE	0	346,094	0	346,094
FUND(S): GENERAL FUND				
COMMENTS: Funds are available in the FY 2009-10 adopted budget to provide Outdoor Litter and Restroom Services at City of Plano Parks . The remaining balance of funds will be used for other contractual expenditures. STRATEGIC PLAN GOAL: Providing litter removal and clean restrooms at Plano Parks relates to the City's Goal of "Great Neighborhoods - 1st Choice to Live"				
SUMMARY OF ITEM				
The Parks and Recreation staff recommends the purchase of Outdoor Litter and Restroom Service from Northstar Facility Services in the estimated annual amount of \$95,336.00.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Memorandum Bid Recap				

MEMO

TO: PURCHASING DEPARTMENT, BEV ROGERS
FROM: MATTHEW SIMMONS, PARKS FIELD SERVICES SUPERVISOR
DATE: 7/28/2010
RE: **AWARD RECOMMENDATION 2010-166-C Outdoor Litter and Restroom Service**

It is the recommendation of Parks and Recreation Department to award **2010-166-C for Outdoor Litter and Restroom Service** to *Northstar Facility Service*. Northstar has a good working relationship with the City of Plano based on their previous performance on other city contracts. Plano Park's believes that Northstar is capable of meeting the requirements of the aforementioned maintenance contract. As stated in the bid documentation, this contract is to be awarded to the lowest responsive, responsible bidder.

As shown in the bid re-cap, Northstar is the lowest responsive, responsible bidder. This contract includes litter and restroom service for 10 high use parks and athletic facilities.

Total annual amount awarded for this contract is \$95,336.

Please review and begin the necessary steps for award of this contract.

Attachments:
Vendor Bid Recap



CITY OF PLANO

BID NO. 2010-166-C OUTDOOR LITTER AND RESTROOM SERVICE BID RECAP

Bid opening Date/Time: July 13, 2010 @ 3:00PM

Number of Vendors Notified: 557

Vendors Submitting "No Bids": 0

Vendors Submitting "Partial Bids": 0

Number of Bids Submitted: 5

Bidder(s):

Northstar Facility Services	\$ 95,336.00
A & B Services	\$ 96,625.60
D & A Building Services	\$103,909.20
Varsity Contractors, Inc.	\$137,394.39
HWC System	\$296,511.58

Vendors Evaluated Non-Responsive to Specification: 0

Recommended Vendor(s):

Northstar Facility Services

Bev Rogers
Bev Rogers, Buyer

July 13, 2010
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:	8/9/10
Department:	Parks and Recreation
Department Head	Amy Fortenberry
Agenda Coordinator (include phone #): Susan Berger (7255)	

CAPTION

To approve the purchase and installation of replacement fitness room equipment for Oak Point Center and the Tom Muehlenbeck Center in the amount of \$113,682 from Fitness Center Outfitters through an existing contract and authorizing the City Manager to execute all necessary documents (Buyboard Contract #336-10).

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2009-10	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	250,000	0	250,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-113,682	0	-113,682
BALANCE	0	136,318	0	136,318

FUND(S): EQUIPMENT REPLACEMENT FUND (RECREATION)

COMMENTS: Funds are included in the FY 2009-10 adopted budget to provide funds for the replacement of fitness room equipment at recreation centers. Remaining funds may be used to replace other recreation equipment.

STRATEGIC PLAN GOAL: Replacement of fitness equipment at recreation centers relates to the City's Goal of "Great Neighborhoods - 1st Choice to Live".

SUMMARY OF ITEM

Staff recommends purchase of 34 replacement pieces of cardio fitness equipment from Fitness Center Outfitters in the amount of \$113,682 conditioned upon timely execution of any necessary contract documents. The equipment is a key component of the recreation centers and necessary to maintain memberships. This request includes climbers, elliptical trainers, and treadmills for use at Oak Point Center and the Tom Muehlenbeck Center. 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. (Buyboard Contract #336-10)

Recreation equipment replacement funds are generated through membership sales from the previous year. A portion of each membership is designated in the Equipment Replacement Fund for replacement of recreation equipment.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

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

FITCO

FITNESS CENTER OUTFITTERS

"Enhancing Lives ~ Providing Solutions"

2101 Midway Road S-240 Carrollton, Texas 75006
 phone: 972-503-6060 fax: 972233-0623

QUOTE

Number: TEXQ3001DN

Date: Jul 14, 2010

For questions, please call David Novit
 your Sales Rep: 972-503-6060

Sold To	
City of Plano Parks and Rec-Tom Muehlenbe Jana Glass 5801 W Parker Road Plano, TX	
Phone	972-769-4404
Fax	

Ship To	
City of Plano Parks and Rec-Tom Muehlenbec Jana Glass 5801 W Parker Road Plano, TX	
Phone	972-769-4404
Fax	

Salesperson	P.O. Number	Ship Via	Terms
David Novit		Fitco Deliver	Due Upon Receipt

Line	Qty	Manufacturer Part Number	Description	Unit Price	Ext. Price
1	9	PRECOR C956i Exper	PRECOR C956i Experience Series Treadmill	\$5,596.50	\$50,368.50
2	9	CT - PGPVT512W1DTL31	12" PVS Screen Treadmills (PEP for iPod)	\$1,395.00	\$12,555.00
3	-9	TRADE-IN	Trade In of existing treadmills w/PVS	\$500.00	-\$4,500.00
4	4	PRECOR C956i Exper	PRECOR C956i Experience Series Treadmill	\$5,596.50	\$22,386.00
5	4	CT - PGPVT512W1DTL31	12" PVS Screen Treadmills (PEP for iPod)	\$1,395.00	\$5,580.00
6	3	PRECOR C576i ES	Total Body Elliptical w/Adj Cross Ramp	\$4,796.50	\$14,389.50
7	3	CT - PGR9XTA101000EN	900 MHz ES Wireless Reciever	\$159.10	\$477.30
8	1	STAIRMASTER SM916	Stepmill (SM00140-002)	\$4,496.50	\$4,496.50
9	1	STAIRMASTER NV 915	STAIRMASTER NV 915 Mast Mount (10050)	\$1,295.00	\$1,295.00
10	-1	TRADE-IN	Trade In lot: 4 x Cybex Treadmills, 3 x Lifefitness Ellipticals, and 1 x Lifefitness StairClimber 3 ellipticals: Life Fitness serial #s beginning with XWJ 1 stairmaster: Life Fitness serial #101272	\$1,500.00	-\$1,500.00

Please allow 4 weeks for delivery. Pricing per Fitco BuyBoard contract #336-10.

Equipment Lease Option:

Lease this equipment for a low monthly rate of for 36 months through Fitco Leasing. Additional terms are available. Minimum Lease Option purchase required - \$5,000. Payments based on credit and may vary (or change) accordingly. Please contact your sales rep for more details.

I accept the terms and conditions of this order:

Signed: _____ Date: _____
 Name: _____ Title: _____

SubTotal	\$105,547.80
Delivery	\$4,375.00
Freight	\$3,760.00
Tax	\$0.00
Total	\$113,682.80

Deposit Paid \$0.00
Amount Due \$113,682.80

PRICES SUBJECT TO CHANGE. ALL ORDERS REQUIRE MINIMUM 50% DEPOSIT, BALANCE UPON DELIVERY. CANCELATIONS SHALL BE SUBJECT TO A 20% RESTOCKING FEE AND FORFEITURE OF DEPOSIT. ALL EQUIPMENT COVERED BY MANUFACTURER'S WARRANTY AND SERVICED BY FITCO AUTHORIZED SERVICE PROVIDER. PROPERTY REMAINS FITCO FITNESS CENTER OUTFITTERS UNTIL PAID IN FULL. LEAD TIMES: CARDIO 2 TO 4 WEEKS. STRENGTH: 4-6 WEEKS. CUSTOMER RESPONSIBLE FOR PROPER ELECTRICAL REQUIREMENTS.



**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:		08/09/10		
Department:		Public Works & Engineering		
Department Head:		Alan L. Upchurch		
Agenda Coordinator (include phone #): Irene Pegues (7198)				Project No. 5989.1
CAPTION				
To approve an Engineering Services contract by and between the City of Plano and Pacheco Koch Consulting Engineers, Inc. in the amount of \$298,942 for the Park Boulevard Corridor Intersection Improvements project and authorizing the City Manager to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2009-10	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	200,000	200,000	400,000
Encumbered/Expended Amount	0	-23,544	0	-23,544
This Item	0	-298,942	0	-298,942
BALANCE	0	-122,486	200,000	77,514
FUND(S): STREET IMPROVEMENT				
COMMENTS: Funds are included in the 2009-10 Street Improvement CIP for the Park Boulevard Corridor Improvements project. This item, in the amount of \$298,942, will be encumbered in the current fiscal year and carry forward into the cash allocation of 2010-11. STRATEGIC PLAN GOAL: Engineering design services for intersection improvements relate to the City's Goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
This agreement with Pacheco Koch Consulting Engineers, Inc. is for engineering design on the Park Boulevard Corridor Intersection Improvements project to include design of additional turn lanes, pavement repairs, signal improvements and associated items at the following five intersections: Park Boulevard at Coit Road, Park Boulevard at Custer Road, Park Boulevard at Alma Drive, Park Boulevard at K Avenue and Park Boulevard at Jupiter Road.				
The contract fee is for \$298,942.00 and is detailed as follows:				
Design Survey		\$	52,410.00	
ROW & Easement Survey		\$	29,735.00	
Subsurface Utility Exploration		\$	41,035.00	
Preliminary Design		\$	56,437.00	
Final Design		\$	101,779.00	
Bid Phase Services		\$	3,920.00	

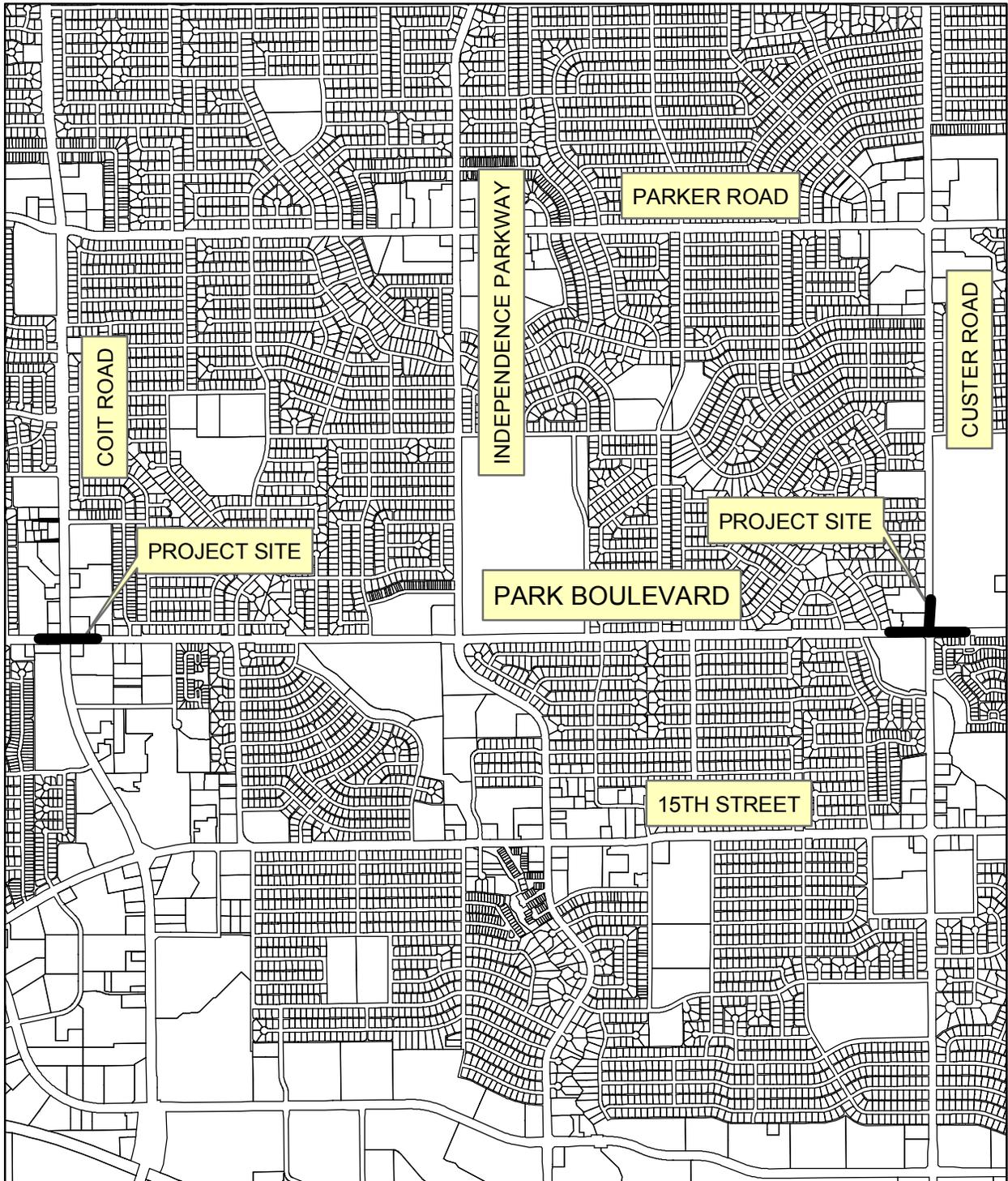


CITY OF PLANO COUNCIL AGENDA ITEM

Construction Phase Services (including control staking)	\$ 13,626.00
TOTAL	\$ 298,942.00
Funding is available from the 2009-10 Street Improvement Community Investment Program. Staff feels the fee is reasonable for this project estimated to cost \$2,208,000.	
List of Supporting Documents: Location Maps; Engineering Service Agreement	Other Departments, Boards, Commissions or Agencies N/A

PARK BOULEVARD CORRIDOR INTERSECTION IMPROVEMENTS

PROJECT No. 5989.1



CITY OF PLANO
PUBLIC WORKS & ENGINEERING DEPT.

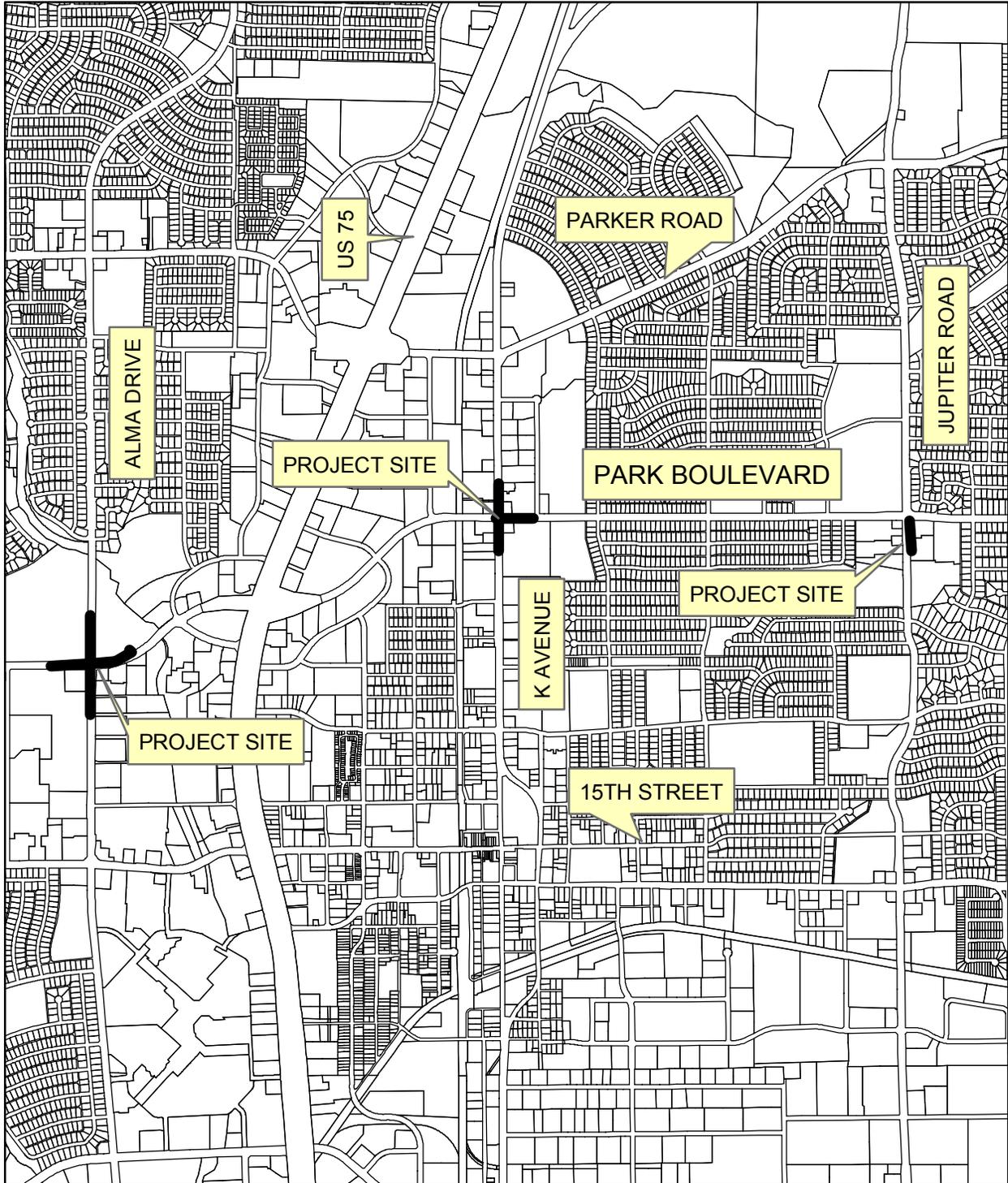
2,000 1,000 0 2,000 Feet



1 inch = 2,000 feet

PARK BOULEVARD CORRIDOR INTERSECTION IMPROVEMENTS

PROJECT No. 5989.1



CITY OF PLANO
PUBLIC WORKS & ENGINEERING DEPT.

2,000 1,000 0 2,000 Feet



1 inch = 2,000 feet

PARK BOULEVARD CORRIDOR INTERSECTION IMPROVEMENTS

PROJECT NO. 5989.1

ENGINEERING SERVICES AGREEMENT

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

WITNESSETH:

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

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

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

I. Employment of the Engineer

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

II. Scope of Services

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

III. Schedule of Work

The Engineer agrees to commence work immediately upon execution of this Agreement, and to proceed diligently with said work, except for delays beyond the reasonable control of Engineer, to completion as described in the Completion Schedule, attached hereto as Exhibit "B" and thereby made a part of this Agreement.

IV. Compensation and Method of Payment

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

V. Information to be Provided by the City

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

VI. Insurance

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

Engineer agrees to notify the City of any changes in insurance policy coverage, including but not limited to changes in limits and cancellation. The Engineer shall notify the City in writing of any changes within forty-eight (48) hours of the change. The Engineer's notice shall include a description of the changes and how those changes vary from the insurance requirements of the contract/agreement.

VII. INDEMNITY

THE ENGINEER AGREES TO DEFEND, INDEMNIFY AND HOLD THE CITY AND ITS RESPECTIVE OFFICERS, AGENTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, FINES, PENALTIES, COSTS AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM OR VIOLATIONS FOR WHICH RECOVERY OF DAMAGES, FINES, OR PENALTIES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY ENGINEER'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS CONTRACT, VIOLATIONS OF LAW, OR BY ANY NEGLIGENT, GROSSLY NEGLIGENT, INTENTIONAL, OR STRICTLY LIABLE ACT OR OMISSION OF THE ENGINEER, ITS OFFICERS, AGENTS, EMPLOYEES, INVITEES, SUBCONTRACTORS, OR SUB-SUBCONTRACTORS AND THEIR RESPECTIVE OFFICERS, AGENTS, OR REPRESENTATIVES, OR ANY OTHER PERSONS OR ENTITIES FOR WHICH THE ENGINEER IS LEGALLY RESPONSIBLE IN THE PERFORMANCE OF THIS CONTRACT. THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL NOT APPLY TO ANY LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OF THE CITY, AND ITS OFFICERS, AGENTS, EMPLOYEES OR SEPARATE ENGINEERS. THE CITY DOES NOT WAIVE ANY GOVERNMENTAL IMMUNITY OR OTHER DEFENSES AVAILABLE TO IT UNDER TEXAS OR FEDERAL LAW. THE PROVISIONS OF THIS PARAGRAPH ARE

SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND ARE NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.

ENGINEER AT ITS OWN EXPENSE IS EXPRESSLY REQUIRED TO DEFEND CITY AGAINST ALL SUCH CLAIMS. CITY RESERVES THE RIGHT TO PROVIDE A PORTION OR ALL OF ITS OWN DEFENSE; HOWEVER, CITY IS UNDER NO OBLIGATION TO DO SO. ANY SUCH ACTION BY CITY IS NOT TO BE CONSTRUED AS A WAIVER OF ENGINEER'S OBLIGATION TO DEFEND CITY OR AS A WAIVER OF ENGINEER'S OBLIGATION TO INDEMNIFY CITY PURSUANT TO THIS AGREEMENT. ENGINEER SHALL RETAIN DEFENSE COUNSEL WITHIN SEVEN (7) BUSINESS DAYS OF CITY'S WRITTEN NOTICE THAT CITY IS INVOKING ITS RIGHT TO INDEMNIFICATION UNDER THIS AGREEMENT. IF ENGINEER FAILS TO RETAIN COUNSEL WITHIN THE REQUIRED TIME PERIOD, CITY SHALL HAVE THE RIGHT TO RETAIN DEFENSE COUNSEL ON ITS OWN BEHALF AND ENGINEER SHALL BE LIABLE FOR ALL COSTS INCURRED BY THE CITY.

VIII. Independent Contractor

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

IX. Assignment and Subletting

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

X. Audits and Records/Prohibited Interest

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

from the date of final settlement of this Agreement or for such other or longer period, if any, as may be required by applicable statute or other lawful requirement.

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

XI. Contract Termination

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

XII. Engineer's Opinion of Probable Construction Costs

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

XIII. Ownership of Documents

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

XIV. Complete Contract

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

XV. Mailing of Notices

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

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

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

Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expressway, Suite 1000
Dallas, TX 75206
Attn: Mark A. Pacheco

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

XVI. Miscellaneous

A. Paragraph Headings:

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

B. Contract Interpretation:

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

C. Venue/Governing Law:

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

D. Successors and Assigns:

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

E. Severability:

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

F. Effective Date:

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

SIGNED on the date indicated below.

DATE: 07/02/10

**PACHECO KOCH CONSULTING
ENGINEERS, INC.**
A **TEXAS** Corporation

BY: 
Mark A. Pacheco, P.E.
PRESIDENT

CITY OF PLANO, TEXAS

DATE: _____

BY: _____
Thomas H. Muehlenbeck
CITY MANAGER

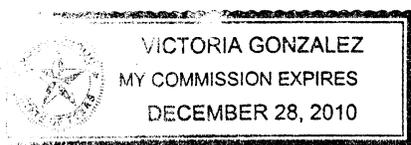
APPROVED AS TO FORM:

Diane C. Wetherbee
CITY ATTORNEY

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 2nd day of July, 2010, by **MARK A. PACHECO, P.E., PRESIDENT** of **PACHECO KOCH CONSULTING ENGINEERS, INC.**, a TEXAS corporation, on behalf of said corporation.



Victoria Gonzalez

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, 2010, by **THOMAS H. MUEHLENBECK, CITY MANAGER** of the **CITY OF PLANO, TEXAS**, a Home-Rule Municipal Corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

**EXHIBIT A
SCOPE OF SERVICES**

**PARK BOULEVARD CORRIDOR INTERSECTION IMPROVEMENTS
PROJECT NUMBER 5989.1
CIP NUMBER 33-37779**

PROJECT DESCRIPTION:

The project includes the preparation of plans and specifications for the construction of improvements and reconstruction of five (5) intersections along the Park Boulevard corridor in the City of Plano. The work at the five locations will include modifications to the pavement, drainage systems, traffic signals, pavement markings, street lighting, subsurface utility explorations, surveying services and design of temporary traffic control plans.

The proposed improvements will comply with the approved schematic plans completed and approved under a prior contract for these intersections. A summary of the proposed improvements at the five intersections are as follows:

1. Park Boulevard @ Coit Road
 - Add EB double left turn by shifting main lanes
 - Add WB double left turn by shifting main lanes
 - Pavement improvements to correct vertical alignment problem
2. Park Boulevard @ Custer Road
 - Add EB double left turn by shifting main lanes
 - Add WB double left turn by shifting main lanes
3. Park Boulevard @ Alma Drive
 - Add EB double left turn by shifting main lanes
 - Add WB double left turn by shifting main lanes
 - Add NB double left turn by shifting main lanes
 - Add SB double left turn by shifting main lanes
 - Add SB right turn
4. Park Boulevard @ K Avenue
 - Add EB double left turn by reconfiguring main lanes
 - Add WB double left turn by shifting main lanes
5. Park Boulevard @ Jupiter Road
 - Add NB right turn

BASIC SERVICES:

A. Design Standards

1. This project shall be designed in accordance with the following:

City of Plano:

- Geodetic Monumentation Manual
- Manual for Right-of-Way Management
- Storm Drainage Design Manual
- Stream Bank Stabilization Manual
- Erosion & Sediment Control Manual
- Thoroughfare Standards Rules & Regulations
- Manual for the Design of Water & Sanitary Sewer Lines
- Standard Construction Details
- Special Provisions to Standard Specifications for Public Works Construction, 1997
- Sample Plan Set
- Parks Department Standard Details for Landscaping & Irrigation

NCTCOG:

- Standard Specifications for Public Works Construction, 1998 Amendment

ASCE:

- Publication CI/ASCE 38-02 (Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data)

2. All plans submitted to the City shall be signed and sealed in accordance with state law.

B. Research and Data Collection –

1. Meet with City of Plano engineering staff for a project kickoff meeting and to obtain design criteria, pertinent utility plans, street plans, plats and right-of-way maps, existing easement information, and other information available for the project areas.

C. Design Survey –

1. Establish a horizontal and vertical control network and project control baseline for the project areas as determined by the approved schematic plans. The network and baseline are to be tied into the existing City of Plano control network.
2. Establish horizontal and vertical project control monumentation for each intersection.
3. Tie right-of-way lines and corners, property lines and corners, buildings, fence lines, trees 4-inches in diameter and larger, edges of pavements and all other visible surface features to the project control baseline. Existing utility structures shall be located and referenced by utility name (i.e. Oncor Electric, Verizon Telephone, Atmos Energy Gas, Etc.).
4. Vertical topographic information tying pavement, drives, walls, manholes (top and inverts), storm drain inlets (top and inverts), and other improvements as needed within the project areas for the design. The following areas will be surveyed:
 - Park Boulevard @ Coit Road
 - Approximately 630' along Park Boulevard, west of Coit Road (50' grid) measured from the centerline of the intersection
 - Approximately 645' along Park Boulevard, east of Coit Road (50' grid) measured from the centerline of the intersection
 - Approximately 120'x150' area at the intersection of Park Boulevard & Coit Road (10' grid)
 - Park Boulevard @ Custer Road
 - Approximately 680' along Park Boulevard, west of Custer Road (50' grid) measured from the centerline of the intersection
 - Approximately 700' along Park Boulevard, east of Custer Road (50' grid) measured from the centerline of the intersection
 - Park Boulevard @ Alma Drive
 - Approximately 650' along Park Boulevard, west of Alma Drive (50' grid) measured from the centerline of the intersection
 - Approximately 660' along Park Boulevard, east of Alma Drive (50' grid) measured from the centerline of the intersection
 - Approximately 660' along Alma Drive, south of Park Boulevard (50' grid) measured from the centerline of the intersection
 - Approximately 1,000' along Alma Drive, north of Park Boulevard (50' grid) measured from the centerline of the intersection
 - Park Boulevard @ K Avenue
 - Approximately 750' along Park Boulevard, east of K Avenue (50' grid) measured from the centerline of the intersection
 - Approximately 530' along K Avenue, south of Park Boulevard (50' grid) measured from the centerline of the intersection

- Approximately 600' along K Avenue, north of Park Boulevard (50' grid) measured from the centerline of the intersection
 - Approximately 120'x150' area at the intersection of Park & K Avenue (10' grid)
 - Park Boulevard @ Jupiter Road
 - Approximately 450' along Jupiter Road, south of Park Boulevard (50' grid) measured from the centerline of the intersection
5. Provide roadway cross sections at a fifty-foot (50') interval relative to the project baseline. Cross sections are for project design review and quantity takeoffs and may not be a part of the final construction plan set.
 6. When underground utilities are exposed, tie to project control baseline.
 7. Identify the street address of all adjacent properties to the proposed construction and show on drawings.

D. Right-of-way and Easement Requirements –

1. Meet with the City of Plano Staff as soon as field survey work has been completed and plotted to determine easement and right-of-way requirements for preparation of field notes and exhibits.
2. Submit street easement and right-of-way exhibits as soon as possible to allow the City to start negotiations with property owners.

E. Subsurface Utility Exploration –

1. The Subsurface Utility Engineering (SUE) work required for this project will be performed in general accordance with the recommended practices and procedures described in ASCE Publication CI/ASCE 38-02.
2. The Quality Level from the designated ASCE Publication to be utilized on this project are is as follows:
 - Quality Level A (QL"A") – Also known as "locating", this quality level provides precise three dimensional (x,y,z) information at critical locations by exposing specific utilities. Non-destructive vacuum excavation equipment is used to expose the utilities at specific points which are then tied down by survey.
3. The Consultant will utilize a vacuum excavation truck to excavate trenches for the purpose of exposing utilities that may be present at 29 locations at the five designated intersections. Consultant will complete approximately 490 linear feet of trenching from the existing back of curb to the existing property line at the approved locations, 1 foot wide and 4 feet deep. These trenches are assumed to be in soil, not rock. Access may be via adjacent parking lots or parking alongside the roadway with no lane closures. If lane closure is necessary, it will only be performed between the hours of 9:00 AM and 4:00 PM, Monday through Saturday. Lane closure, if necessary will require a permit with the City's Engineering Department with an approved traffic control plan.

4. Produce a field sketch depicting the existing utilities, labeled with current owner information, discovered during the trenching process. The line size and depth from existing grade will also be presented on the SUE field sketch. Base maps/topographic files prepared for this project in AutoCad format shall be used in preparing the SUE field sketch. All discovered and any unidentifiable utilities discovered during the trenching activities will be depicted on the construction plan sheets.
5. The SUE field work shall be done in coordination with the site field surveying to allow the utilities' horizontal and vertical locations to be tied to the existing back & top of curb.

F. Preliminary Design –

1. Prepare preliminary construction plans. Prepare the following sheets at the engineering scale indicated:
 - Cover sheet.
 - Quantity and General Notes sheet. Quantities shall be broken out per intersection with a project total.
 - Typical sections and detail sheets.
 - Project layout control sheets showing control for each intersection. Scale 1"= 50'.
 - Construction phasing and temporary traffic control sheets, including temporary traffic signals, if any. Scale 1"= 40'.
 - Paving plan & grading sheets for intersection improvements. Horizontal Scale 1"= 20'. Contour interval shall be adequate for showing gutter drainage.
 - Mid-intersection pavement repair paving and grading plans. Horizontal Scale 1"= 10'.
 - Storm drain improvement plan & profile sheets. Scale 1"= 20'.
 - SWPPP Narrative sheet and erosion control sheets meeting TCEQ and City of Plano requirements. Scale 1"= 40'.
 - Final buttoning and signage plan sheets. Scale 1"= 20'.
 - Parking lot re-striping plans. Scale 1"=40'.
 - Traffic signal plans. Scale 1"= 40'.
 - Cross sections

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

3. Coordinate with affected utilities such as water, gas, telephone, cable TV and electric to obtain accurate information for the location of their facilities.

4. Prepare a list of any special technical specifications needed for the project (if any).
5. Prepare an estimate of construction quantities and develop the preliminary statement of probable construction cost. Estimates shall be broken out per intersection.
6. Submit five (5) sets of preliminary plans, a list of special technical specifications and a preliminary statement of probable construction cost to the City for review.
 - Engineering
 - Public Works
 - Inspectors
 - Transportation
 - Parks
 - Other
7. Meet with City of Plano staff to discuss City comments on preliminary plans, specifications and cost estimates.
8. Provide ten half size (11" x 17") utility coordination sets of drawings to the City for distribution to the franchise utility companies affected by the construction. Utility coordination sets shall include the cover sheet, typical sections, paving sheets, cross sections and SUE field sketches.

G. Final Design –

1. Revise preliminary plans incorporating comments from the City of Plano.
2. Incorporate comments from the utility companies.
3. Show location of street light bases, pull boxes and conduit on paving plans based on City design.
4. Finalize construction plans for proposed improvements.
5. Finalize special technical specifications and special conditions (if any).
6. Incorporate standard details into the construction plans and prepare additional details as required.
7. Take off final construction quantities and prepare final construction cost estimates.
8. Submit five (5) sets of pre-final plans, special technical specifications, draft bid schedule and final statement of probable construction cost to the City for review.
9. Incorporate City final comments into the plans and bid documents.
10. Provide ten half size (11" x 17") utility coordination sets of drawings to the City for distribution to the franchise utility companies affected by the construction. Utility coordination sets shall include the cover sheet, typical sections, paving sheets, cross sections and SUE field sketches.
11. Submit three sets of final blackline prints, three bound copies of the bid documents and one unbound original bid document set to the City of Plano.

H. Bid Phase Services –

1. Assist the City staff in advertising for bids.
2. Submit a CD-ROM disk of the bid set plans in a PDF format. Furnish plans and specifications to interested contractors for bidding. Cost for these to be recouped by non-refundable deposit from contractors. Maintain a list of plan holders.
3. Furnish plans and bid documents for up to five plan review rooms if requested by plan rooms that are on the approved list provided by the City. These documents are to be furnished at no cost to the plan review rooms.
4. Prepare and distribute addenda to bid documents as necessary.
5. Assist City staff as required in bid opening. Submit list of plan holders to the City, 48-hours prior to the bid letting.
6. Provide a bid tabulation to the City of Plano within four working days of the bid letting. Include the engineer's estimated unit costs and the average unit cost for all submitted bids for comparison.
7. Evaluate the low and second low bidders. Prepare letter of recommendation to the City of Plano for awarding a contract to the lowest responsible bidder within four working days of the bid letting.
8. Assist City staff in a pre-construction conference and provide a set of typed meeting minutes summarizing issues discussed and decisions made at the meeting.
9. Furnish thirteen sets of final construction plans and three sets of the contract documents manual to the City for construction.

I. Construction Administration –

1. Provide written responses to requests for information or clarifications on plans and specifications.
2. Prepare construction "Record Drawings" based upon mark-ups and information provided by the construction contractor(s). Submit one blackline set to the City and 2 CD-ROM disks containing scanned images of the 22" x 34" final "as constructed" blackline drawings (with "record drawing stamps" bearing the signature of the Engineer and the date). The drawings shall be scanned 1 to 1 as Group 4 TIF files at a minimum resolution of 200 dots per inch and a maximum resolution of 400 dots per inch. The TIF files shall be legible and shall include any post processing that may be required to enhance image quality (e.g., de-speckling, de-shading, de-skewing, etc.). Each file shall be named in numeric order.

J. Construction Control Survey –

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

SPECIAL SERVICES:

A. Right-of-Way and Easement Surveying –

1. Prepare a metes and bounds description and an 8-1/2" x 11" exhibit for right-of-way on a per tract basis. Deliver three (3) reviewed and approved originals to the City. Fee shall be based upon two (2) tracts.
2. Prepare a metes and bounds description and an 8-1/2" x 11" exhibit for street easements on a per tract basis. Deliver three (3) reviewed and approved originals to the City. Fee shall be based upon ten (10) tracts.
3. Prepare a metes and bounds description and an 8-1/2" x 11" exhibit for temporary construction easements on a per tract basis. Deliver three (3) reviewed and approved originals to the City. Fee shall be based upon four (4) tracts.
4. Prepared exhibits with the field notes on the first page and drawings on the second.
5. Set new iron pins at all new corners, PC's and PT's of new right-of-way and street easements.

EXHIBIT B
CIVIL DESIGN SCHEDULE
PARK BOULEVARD CORRIDOR

Activity	Duration (Working Days)	Accumulated Time (Working Days)	Projected Date	Actual Date
Notice to Proceed	0	0		
Design Survey/ Subsurface Utility Exploration	45	45		
City Right-of-Way & Easement Review	5	50		
Preliminary Design	25	75		
City Preliminary Design Review	20	95		
Final Design & Prepare Bid Documents & Technical Specs.	25	120		
City Final Design Review	20	140		
Revise Final Plans & Specifications	15	155		
Receive Completed Plans & Bid Documents	0	155		
Assemble Bid Documents	5	160		
Advertise for Bids	12	172		
Receive Bids	13	185		
Recommendation	1	186		
Prepare Council Agenda	5	191		
Council Award	8	199		
Prepare/Execute Contract	25	224		
Schedule Pre-Construction	9	233		
Notice to Proceed	10	243		
Construction	200	443		

* A working day is defined as Monday through Friday excluding City holidays.

EXHIBIT C

PAYMENT SCHEDULE

(All fees T & M not to exceed without prior approval)

**PARK BOULEVARD CORRIDOR INTERSECTION IMPROVEMENTS
PROJECT NUMBER 5989.1
CIP NUMBER 33-37779**

BASIC SERVICES:

A. Research and Data Collection	= \$	3,980.00
B. Design Survey	= \$	52,410.00
C. Right-of-Way & Easement Requirements	= \$	935.00
D. Subsurface Utility Exploration (\$1,415.00 X 29 trenches)	= \$	41,035.00
E. Preliminary Design	= \$	52,457.00
F. Final Design	= \$	101,779.00
G. Bid Phase Services	= \$	3,920.00
H. Construction Administration	= \$	9,686.00
I. Construction Control Survey	= \$	3,940.00

TOTAL BASIC SERVICES FEE \$ 270,142.00

SPECIAL SERVICES:

A. Right-of-Way Surveying (\$1,935.00 x 2 tracts)	= \$	3,870.00
B. Easement Surveying (\$1,935.00 x 10 tracts)	= \$	19,350.00
C. Temporary Construction Easement Surveying (\$1,395.00 x 4 tracts)	= \$	5,580.00

TOTAL SPECIAL SERVICES FEE \$ 28,800.00

GRAND TOTAL \$ 298,942.00

EXHIBIT C (Continued)

SCHEDULE OF STANDARD HOURLY RATES

**PARK BOULEVARD CORRIDOR INTERSECTION IMPROVEMENTS
PROJECT NUMBER 55989.1
CIP NUMBER 33-37779**

Civil Principal	\$ 210.00 Per Hour
Civil Associate Principal	\$ 170.00 Per Hour
Civil Project Manager	\$ 115.00 Per Hour
Civil Engineer-in-Training	\$ 95.00 Per Hour
Civil Senior Design Technician	\$ 105.00 Per Hour
Civil Technician	\$ 80.00 Per Hour
Traffic Group Manager	\$ 225.00 Per Hour
Traffic Project Manager	\$ 172.82 Per Hour
Traffic Engineer	\$ 88.41 Per Hour
Traffic CAD Technician	\$ 85.00 Per Hour
Traffic Quality Analyst	\$ 153.00 Per Hour
Survey Senior Project Manager	\$ 140.00 Per Hour
Survey Senior Technician	\$ 90.00 Per Hour
Survey Technician	\$ 75.00 Per Hour
Survey Crew (3-Person)	\$ 185.00 Per Hour*
Survey Crew (2-Person)	\$ 135.00 Per Hour*
Research Coordinator	\$ 60.00 Per Hour
Clerical/Administrative	\$ 70.00 Per Hour
S.U.E. Project Manager	\$ 165.00 Per Hour
S.U.E. Project Engineer	\$ 125.00 Per Hour
S.U.E. Technician	\$ 95.00 Per Hour

*Includes all surveying equipment, materials and supplies.

EXHIBIT "D"
ENGINEERING

INSURANCE

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

1. General Insurance Requirements:

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

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

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

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

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

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

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

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

3.0 Engineer's Insurance – Claims Made

Professional Errors and Omissions

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

Professional Errors and Omissions, Limit \$1,000,000
per claim and aggregate of \$2,000,000

ENGINEERING

City of Plano - Insurance Checklist

("X" means the coverage is required.)

Coverages Required

Limits (Figures Denote Minimums)

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



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:		08/09/2010		
Department:		Purchasing		
Department Head		Mike Ryan		
Agenda Coordinator (include phone #): Sharron Mason - x7247				
CAPTION				
First Modification to an Interlocal Agreement By and Between the City of Plano, Texas and The Dallas County Community College for Richland College in the amount of \$25,000.00 through an existing agreement 2009-210-1 with Dallas County Community College District for Richland College for Business Productivity courses; 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: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	25,000	25,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	-25,000	-25,000
BALANCE	0	0	0	0
FUND(S): GENERAL FUND				
COMMENTS: Funding for this Modification and renewal agreement is included in the FY2010-11 proposed Budget appropriations in the Professional Development Cost Center. STRATEGIC PLAN GOAL: Providing organizational educational services relates to the City's goal of a "Financially Strong City with Service Excellence".				
SUMMARY OF ITEM				
This is the First Modification to Interlocal Agreement By and Between the City of Plano and the Dallas County Community College District for Richland College in the amount of \$25,000, providing terms and conditions for Educational Services as part of the City's Professional Development Program for a period of one (1) year with two (2) City optional one (1) year renewals. (2009-210-1).				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
First Modification of Interlocal Agreement				

THE STATE OF TEXAS § First Modification of Interlocal
 § **Agreement By and Between City of**
 § **Plano and The Dallas County**
 § **Community College for Richland**
COUNTY OF COLLIN § **College**

THIS FIRST MODIFICATION OF Interlocal Agreement (hereinafter First Modification") is made and entered into on this the _____ day of _____, 2010, by and between **THE DALLAS COUNTY COMMUNITY COLLEGE FOR RICHLAND COLLEGE** (hereinafter "College"), Plano, Texas, and the **CITY OF PLANO, TEXAS**, a home rule municipal corporation (hereinafter "CITY"), acting by and through its City Manager or his designee.

WITNESSETH:

WHEREAS, City and College entered into an Agreement on October 9, 2009 (hereinafter "Agreement") for College to provide certain business productivity and language courses (hereinafter "Services") to City employees; and

WHEREAS, City and College desire to amend such Agreement and in certain respects as set forth herein in this First Modification.

NOW THEREFORE, the Agreement is incorporated herein as if written word for word. Except as provided below, all other terms and conditions of the Agreement and First Modification shall remain unchanged and shall remain in full force and effect. In the event of any conflict or inconsistency between the provisions set forth in this First Modification and the Agreement, priority of interpretation shall be in the following order: First Modification, Agreement. In consideration of the foregoing, and for other good and valuable consideration, the parties hereto agree as follows:

I.

Beginning on the effective date of this Modification and continuing through the remaining term of the Agreement, paragraph **IV. Consideration/Fees** is hereby modified to read in its entirety as follows:

**IV.
CONSIDERATION / FEES**

A. In consideration for providing the Program as specified in **Exhibit "A"** attached hereto, Plano shall pay College **\$150.00 per instruction hour** for Business Productivity courses for up to 24 participants, excluding materials, and shall pay **\$100.00 per instruction hour** for Language courses for up to 24 participants, excluding materials, unless amended in writing by both parties. Material costs will not exceed **\$45 per student** for any course. The total compensation under this Agreement shall not exceed the sum of **TWENTY FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00)** per year. Plano will pay for the fees and/or expenses incurred pursuant to this Agreement from

the current revenues available. Any renewal will be subject to the revenues available for that contract term.

II.

Beginning on the effective date of this Modification and continuing through the remaining term of the Agreement, paragraph **VII. Notice** is hereby modified to read in its entirety as follows:

**VII.
NOTICE**

Any notice provided under this Agreement shall be delivered by mail or personal service to the parties named below:

The Richland College Representative:

Mr. Konley Kelley
Assistant Dean, Corporate Services
Richland College of the DCCCD
675 W. Walnut Street
Garland, Texas 75040
(469) 326-7401

City of Plano Representative:

Ms. LaShon Ross
Deputy City Manager
City of Plano
1520 Avenue K
Plano, Texas 75074
(972) 941-7115

III.

Beginning on the effective date of this Modification and continuing through the remaining term of the Agreement, the category entitled **Materials/Supplies Costs** listed in **Exhibit "A"** hereby modified to read in its entirety as follows:

Materials/Supplies Costs:

Material costs will not exceed \$45 per student for any course.

IN WITNESS WHEREOF, the parties enter into this First Modification on the date first written above.

**DALLAS COUNTY COMMUNITY
COLLEGE DISTRICT**

By: _____
Wright L. Lassiter, Jr.
Chancellor

CITY OF PLANO, TEXAS

By: _____
Thomas H. Muehlenbeck
CITY MANAGER

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ACKNOWLEDGMENTS

**STATE OF TEXAS §
 §
COUNTY OF DALLAS §**

This instrument was acknowledged before me on the ____ day of _____, 20__ by **WRIGHT L. LASSITER, JR.**, Chancellor, on behalf of **DALLAS COUNTY COMMUNITY COLLEGE DISTRICT**

Notary Public, State of Texas

**STATE OF TEXAS §
 §
COUNTY OF COLLIN §**

This instrument was acknowledged before me on the _____ day of _____, 20__ by **THOMAS H. MUEHLENBECK**, City Manager of the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of said corporation.

Notary Public, State of Texas



**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:		8/9/10		
Department:		Budget & Research		
Department Head		Karen Rhodes-Whitley		
Agenda Coordinator (include phone #): E. A. Dorrance x7146				
CAPTION				
A Resolution accepting the Certified Appraisal Rolls for Fiscal Year 2010-11 for Collin County and Denton County, and providing an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	121,843,659	121,843,659
BALANCE	0	0	121,843,659	121,843,659
FUND(S): GENERAL FUND, GENERAL OBLIGATION DEBT FUND, & TIF				
COMMENTS: The 2010-11 Certified Appraisal Roll will generate revenues of approximately \$121,843,659 , at the proposed rate of 50.35 cents per \$100 of assessed property value. This amount has been included within the 2010-11 Recommended Budget.				
STRATEGIC PLAN GOAL: Accepting the Certified Appraisal Roll relates to the City's Goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
2010-11 Certified Appraisal Rolls for Collin County and Denton County.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Exhibit A - Certification of the Collin County Appraisal Roll by Chief Appraiser				
Exhibit B - 2010 Collin County Certified Totals				
Exhibit C - Certification of the Denton County Appraisal Roll by Chief Appraiser				
Exhibit D - 2010 Denton County Certified Totals				

A Resolution of the City Council of the City of Plano, Texas, accepting the Certified Appraisal Rolls for Fiscal Year 2010-11 for Collin County and Denton County, and providing an effective date.

WHEREAS, under V.T.C.A. Tax Code Section 26.04(b), the Tax Assessor for the City is required to submit the Appraisal Roll for the unit showing the total appraised, assessed and taxable values of all property and the total taxable value of the new property to the City Council; and

WHEREAS, the certification of the 2010 Appraisal Roll by the Chief Appraiser, Central Appraisal District of Collin County, is attached hereto as Exhibit "A," and

WHEREAS, the calculation of the 2010 Collin County certified total value, including the value of new property is attached hereto as Exhibit "B," and

WHEREAS, the certification of the 2010 Appraisal Roll by the Chief Appraiser, Central Appraisal District of Denton County, is attached hereto as Exhibit "C," and

WHEREAS, the calculation of the 2010 Denton County certified total value, including the value of new property is attached hereto as Exhibit "D," and

WHEREAS, upon review of the Certified Appraisal Rolls of Collin County and Denton County and all matters attendant and related thereto, the City Council finds that the Certified Appraisal Rolls of Collin County and Denton County for the Fiscal Year of 2010-11, should be accepted.

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

Section I. The Certified Appraisal Rolls for the Collin County and Denton County for the Fiscal Year 2010-11, as submitted by the City Tax Assessors/Collector, is hereby accepted.

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

DULY PASSED AND APPROVED this 9th day of **August, 2010.**

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



Collin Central Appraisal District

PROPERTY TAX CODE, SECTION 26.01(a)

CERTIFICATION OF 2010 APPRAISAL ROLL

FOR: PLANO CITY

I, Bo Daffin, Chief Appraiser for the Collin Central Appraisal District, solemnly swear that the attached is that portion of the approved Appraisal Records of the Collin Central Appraisal District which lists property taxable by PLANO CITY and constitutes the appraisal roll for PLANO CITY with the amounts listed on the attached totals pages, with the heading "2010 Certified Totals".



Signature of Chief Appraiser

July 23, 2010

Date

Note: Approval of the appraisal records by the Collin Central Appraisal District Appraisal Review Board recorded on July 16, 2010.

PROPERTY TAX CODE, SECTION 26.01(c)

CERTIFICATION OF 2010 PROPERTIES UNDER PROTEST AND NOT INCLUDED IN CERTIFIED ROLL ABOVE

FOR: PLANO CITY

I, Bo Daffin, Chief Appraiser for the Collin Central Appraisal District, solemnly swear that the attached is that portion of the Appraisal Records of the Collin Central Appraisal District which lists property taxable by PLANO CITY but NOT included on the appraisal roll for PLANO CITY, since these properties are currently under Protest. The protested property values are listed on the attached totals pages, with the subheading "Under ARB Review Totals".

If there are no attached pages labeled with the subheading "Under ARB Review Totals" then all protests within the PLANO CITY were completed by July 16, 2010 and included in the Certified Roll listed above.



Signature of Chief Appraiser

July 23, 2010

Date

**NOTE: Please be advised that the property values appearing on the 'Under ARB Review Totals' page in your certified totals packet reflect the current 2010 Market and Taxable Values for the properties Under ARB Review without any Section 26.01(c) adjustments. In order to arrive at the taxable value to use for the effective tax rate calculations for your entity, you will need to use the taxable value from the 'ARB Approved Totals' page, along with the 'Total Value Used' that appears in the Lower Value Used section on the Effective Rate Assumption page. The Total Value Used on the Effective Rate Assumption page is the taxable value Under ARB Review that has been adjusted in accordance with Property Tax Code, Section 26.01(c). The 'Grand Totals' page is the combined 'ARB Approved Totals' plus the 'Under ARB Review Totals' – which have not been adjusted.*

CC: COLLIN COUNTY TAX OFFICE

2010 CERTIFIED TOTALS

Property Count: 85,963

CPL - PLANO CITY
ARB Approved Totals

07/22/2010 11:43:02AM

Land		Value		
Homesite:		3,952,008,809		
Non Homesite:		3,240,304,906		
Ag Market:		570,953,470		
Timber Market:		0	Total Land	(+) 7,763,267,185
Improvement		Value		
Homesite:		12,212,209,293		
Non Homesite:		6,731,925,836	Total Improvements	(+) 18,944,135,129
Non Real		Count	Value	
Personal Property:		10,240	2,472,745,293	
Mineral Property:		0	0	
Autos:		0	0	
			Total Non Real	(+) 2,472,745,293
			Market Value	= 29,180,147,607
Ag	Non Exempt	Exempt		
Total Productivity Market:	570,445,234	508,236		
Ag Use:	468,870	840	Productivity Loss	(-) 569,976,364
Timber Use:	0	0	Appraised Value	= 28,610,171,243
Productivity Loss:	569,976,364	507,396	Homestead Cap	(-) 3,695,773
			Assessed Value	= 28,606,475,470
Exemption	Count	Local	State	Total
AB	102	459,752,958	0	459,752,958
CH	115	295,498,341	0	295,498,341
CHODO	3	11,468,194	0	11,468,194
CHODO(Partial)	1	5,030,348	0	5,030,348
DP	794	30,024,938	0	30,024,938
DPS	7	0	0	0
DV1	335	0	2,744,500	2,744,500
DV1S	16	0	80,000	80,000
DV2	128	0	1,143,000	1,143,000
DV2S	2	0	15,000	15,000
DV3	62	0	584,000	584,000
DV3S	2	0	20,000	20,000
DV4	129	0	606,000	606,000
DV4S	58	0	696,000	696,000
DVHS	94	0	18,178,522	18,178,522
EX	1,437	0	725,660,518	725,660,518
EX(Prorated)	9	0	4,320,039	4,320,039
EX366	655	0	111,861	111,861
FR	60	248,042,570	0	248,042,570
HS	56,770	2,776,221,866	0	2,776,221,866
HT	66	6,387,269	0	6,387,269
LIH	11	0	384,580	384,580
OV65	9,403	370,535,197	0	370,535,197
OV65S	105	4,200,000	0	4,200,000
PC	14	1,169,656	0	1,169,656
SO	1	19,081	0	19,081
			Total Exemptions	(-) 4,962,894,438
			Net Taxable	= 23,643,581,032

2010 CERTIFIED TOTALS

Property Count: 85,963

CPL - PLANO CITY
ARB Approved Totals

07/22/2010 11:43:02AM

Freeze	Assessed	Taxable	Actual Tax	Ceiling	Count			
DP	148,977,227	85,051,334	377,019.34	396,425.44	777			
DPS	1,187,178	909,742	2,923.09	2,923.09	7			
OV65	1,877,064,975	1,139,155,623	5,059,982.14	5,162,623.70	8,915			
Total	2,027,229,380	1,225,116,699	5,439,924.57	5,561,972.23	9,699	Freeze Taxable	(-)	1,225,116,699
Tax Rate	0.488600							
Transfer	Assessed	Taxable	Post % Taxable	Adjustment	Count			
DP	388,856	231,085	209,609	21,476	2			
OV65	1,606,412	1,073,393	983,346	90,047	6			
Total	1,995,268	1,304,478	1,192,955	111,523	8	Transfer Adjustment	(-)	111,523
						Freeze Adjusted Taxable	=	22,418,352,810

APPROXIMATE LEVY = (FREEZE ADJUSTED TAXABLE * (TAX RATE / 100)) + ACTUAL TAX
 114,975,996.40 = 22,418,352,810 * (0.488600 / 100) + 5,439,924.57

Tax Increment Finance Value: 0
 Tax Increment Finance Levy: 0.00

2010 CERTIFIED TOTALS

Property Count: 191

CPL - PLANO CITY
Under ARB Review Totals

07/22/2010 11:43:02AM

Land		Value		
Homesite:		2,533,846		
Non Homesite:		34,135,306		
Ag Market:		18,796,297		
Timber Market:		0	Total Land	(+) 55,465,449

Improvement		Value		
Homesite:		3,612,889		
Non Homesite:		49,477,189	Total Improvements	(+) 53,090,078

Non Real		Count	Value		
Personal Property:		104	146,215,190		
Mineral Property:		0	0		
Autos:		0	0	Total Non Real	(+) 146,215,190
				Market Value	= 254,770,717

Ag		Non Exempt	Exempt		
Total Productivity Market:		18,796,297	0		
Ag Use:		18,051	0	Productivity Loss	(-) 18,778,246
Timber Use:		0	0	Appraised Value	= 235,992,471
Productivity Loss:		18,778,246	0		
				Homestead Cap	(-) 81,425
				Assessed Value	= 235,911,046

Exemption	Count	Local	State	Total		
AB	3	9,145,649	0	9,145,649		
EX(Prorated)	1	0	3,214,580	3,214,580		
EX366	1	0	0	0		
FR	2	43,262,538	0	43,262,538		
HS	12	719,813	0	719,813		
OV65	1	40,000	0	40,000		
PC	1	68,588	0	68,588	Total Exemptions	(-) 56,451,168

Net Taxable = 179,459,878

Freeze	Assessed	Taxable	Actual Tax	Ceiling	Count			
OV65	235,877	132,417	642.74	642.74	1			
Total	235,877	132,417	642.74	642.74	1	Freeze Taxable	(-) 132,417	
Tax Rate	0.488600							

Freeze Adjusted Taxable = 179,327,461

APPROXIMATE LEVY = (FREEZE ADJUSTED TAXABLE * (TAX RATE / 100)) + ACTUAL TAX
 876,836.71 = 179,327,461 * (0.488600 / 100) + 642.74

Tax Increment Finance Value: 0
 Tax Increment Finance Levy: 0.00

2010 CERTIFIED TOTALS

Property Count: 86,154

CPL - PLANO CITY
Grand Totals

07/22/2010 11:43:02AM

Land		Value		
Homesite:		3,954,542,655		
Non Homesite:		3,274,440,212		
Ag Market:		589,749,767		
Timber Market:		0	Total Land	(+) 7,818,732,634
Improvement		Value		
Homesite:		12,215,822,182		
Non Homesite:		6,781,403,025	Total Improvements	(+) 18,997,225,207
Non Real		Count	Value	
Personal Property:		10,344	2,618,960,483	
Mineral Property:		0	0	
Autos:		0	0	
			Total Non Real	(+) 2,618,960,483
			Market Value	= 29,434,918,324
Ag	Non Exempt	Exempt		
Total Productivity Market:	589,241,531	508,236		
Ag Use:	486,921	840	Productivity Loss	(-) 588,754,610
Timber Use:	0	0	Appraised Value	= 28,846,163,714
Productivity Loss:	588,754,610	507,396	Homestead Cap	(-) 3,777,198
			Assessed Value	= 28,842,386,516
Exemption	Count	Local	State	Total
AB	105	468,898,607	0	468,898,607
CH	115	295,498,341	0	295,498,341
CHODO	3	11,468,194	0	11,468,194
CHODO(Partial)	1	5,030,348	0	5,030,348
DP	794	30,024,938	0	30,024,938
DPS	7	0	0	0
DV1	335	0	2,744,500	2,744,500
DV1S	16	0	80,000	80,000
DV2	128	0	1,143,000	1,143,000
DV2S	2	0	15,000	15,000
DV3	62	0	584,000	584,000
DV3S	2	0	20,000	20,000
DV4	129	0	606,000	606,000
DV4S	58	0	696,000	696,000
DVHS	94	0	18,178,522	18,178,522
EX	1,437	0	725,660,518	725,660,518
EX(Prorated)	10	0	7,534,619	7,534,619
EX366	656	0	111,861	111,861
FR	62	291,305,108	0	291,305,108
HS	56,782	2,776,941,679	0	2,776,941,679
HT	66	6,387,269	0	6,387,269
LIH	11	0	384,580	384,580
OV65	9,404	370,575,197	0	370,575,197
OV65S	105	4,200,000	0	4,200,000
PC	15	1,238,244	0	1,238,244
SO	1	19,081	0	19,081
			Total Exemptions	(-) 5,019,345,606
			Net Taxable	= 23,823,040,910

2010 CERTIFIED TOTALS

Property Count: 86,154

CPL - PLANO CITY

Grand Totals

07/22/2010 11:43:02AM

Freeze	Assessed	Taxable	Actual Tax	Ceiling	Count			
DP	148,977,227	85,051,334	377,019.34	396,425.44	777			
DPS	1,187,178	909,742	2,923.09	2,923.09	7			
OV65	1,877,300,852	1,139,288,040	5,060,624.88	5,163,266.44	8,916			
Total	2,027,465,257	1,225,249,116	5,440,567.31	5,562,614.97	9,700	Freeze Taxable	(-)	1,225,249,116
Tax Rate	0.488600							
Transfer	Assessed	Taxable	Post % Taxable	Adjustment	Count			
DP	388,856	231,085	209,609	21,476	2			
OV65	1,606,412	1,073,393	983,346	90,047	6			
Total	1,995,268	1,304,478	1,192,955	111,523	8	Transfer Adjustment	(-)	111,523
						Freeze Adjusted Taxable	=	22,597,680,271

APPROXIMATE LEVY = (FREEZE ADJUSTED TAXABLE * (TAX RATE / 100)) + ACTUAL TAX

115,852,833.11 = 22,597,680,271 * (0.488600 / 100) + 5,440,567.31

Tax Increment Finance Value: 0

Tax Increment Finance Levy: 0.00

2010 CERTIFIED TOTALS

Property Count: 85,963

CPL - PLANO CITY
ARB Approved Totals

7/22/2010 11:43:15AM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	SINGLE FAMILY RESIDENCE	68,836		\$44,174,728	\$16,003,801,502
B	MULTIFAMILY RESIDENCE	1,070		\$20,887,669	\$1,906,731,038
C	VACANT LOT	495		\$0	\$162,853,310
D1	QUALIFIED AG LAND	227	2,958.8863	\$0	\$570,445,234
D2	NON-QUALIFIED LAND	128	1,428.9999	\$0	\$152,343,005
E	FARM OR RANCH IMPROVEMENT	46		\$0	\$9,968,111
F1	COMMERCIAL REAL PROPERTY	1,906		\$164,236,321	\$5,933,993,948
F2	INDUSTRIAL REAL PROPERTY	313		\$12,124,581	\$869,041,953
J2	GAS DISTRIBUTION SYSTEM	3		\$0	\$14,881,752
J3	ELECTRIC COMPANY (INCLUDING CO-OP)	42		\$2	\$164,068,242
J4	TELEPHONE COMPANY (INCLUDING CO-O	393		\$0	\$143,110,562
J5	RAILROAD	24		\$0	\$588,940
J6	PIPELAND COMPANY	2		\$0	\$202,758
J7	CABLE TELEVISION COMPANY	4		\$0	\$3,204,667
L1	COMMERCIAL PERSONAL PROPERTY	8,896		\$27,366,707	\$2,016,538,119
L2	INDUSTRIAL PERSONAL PROPERTY	67		\$0	\$42,122,429
M1	TANGIBLE OTHER PERSONAL, MOBILE H	350		\$157,196	\$4,196,723
O	RESIDENTIAL INVENTORY	983		\$6,227,342	\$62,684,534
S	SPECIAL INVENTORY TAX	101		\$0	\$86,399,441
X	TOTALLY EXEMPT PROPERTY	2,202		\$1,600,063	\$1,032,971,339
	Totals		4,387.8862	\$276,774,609	\$29,180,147,607

2010 CERTIFIED TOTALS

Property Count: 191

CPL - PLANO CITY
Under ARB Review Totals

7/22/2010 11:43:15AM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	SINGLE FAMILY RESIDENCE	22		\$0	\$5,829,433
C	VACANT LOT	5		\$0	\$766,668
D1	QUALIFIED AG LAND	9	124.7908	\$0	\$18,796,297
D2	NON-QUALIFIED LAND	2	12.1980	\$0	\$3,011,609
E	FARM OR RANCH IMPROVEMENT	1		\$0	\$317,302
F1	COMMERCIAL REAL PROPERTY	38		\$2,890,996	\$60,669,849
F2	INDUSTRIAL REAL PROPERTY	11		\$0	\$19,140,671
J4	TELEPHONE COMPANY (INCLUDING CO-O	50		\$0	\$2,955,657
J7	CABLE TELEVISION COMPANY	4		\$0	\$4,949,240
L1	COMMERCIAL PERSONAL PROPERTY	49		\$157,612	\$122,431,052
L2	INDUSTRIAL PERSONAL PROPERTY	1		\$0	\$15,879,241
M1	TANGIBLE OTHER PERSONAL, MOBILE H	1		\$0	\$23,698
X	TOTALLY EXEMPT PROPERTY	1		\$0	\$0
	Totals		136.9888	\$3,048,608	\$254,770,717

2010 CERTIFIED TOTALS

Property Count: 86,154

CPL - PLANO CITY
Grand Totals

7/22/2010 11:43:15AM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	SINGLE FAMILY RESIDENCE	68,858		\$44,174,728	\$16,009,630,935
B	MULTIFAMILY RESIDENCE	1,070		\$20,887,669	\$1,906,731,038
C	VACANT LOT	500		\$0	\$163,619,978
D1	QUALIFIED AG LAND	236	3,083.6771	\$0	\$589,241,531
D2	NON-QUALIFIED LAND	130	1,441.1979	\$0	\$155,354,614
E	FARM OR RANCH IMPROVEMENT	47		\$0	\$10,285,413
F1	COMMERCIAL REAL PROPERTY	1,944		\$167,127,317	\$5,994,663,797
F2	INDUSTRIAL REAL PROPERTY	324		\$12,124,581	\$888,182,624
J2	GAS DISTRIBUTION SYSTEM	3		\$0	\$14,881,752
J3	ELECTRIC COMPANY (INCLUDING CO-OP)	42		\$2	\$164,068,242
J4	TELEPHONE COMPANY (INCLUDING CO-O	443		\$0	\$146,066,219
J5	RAILROAD	24		\$0	\$588,940
J6	PIPELAND COMPANY	2		\$0	\$202,758
J7	CABLE TELEVISION COMPANY	8		\$0	\$8,153,907
L1	COMMERCIAL PERSONAL PROPERTY	8,945		\$27,524,319	\$2,138,969,171
L2	INDUSTRIAL PERSONAL PROPERTY	68		\$0	\$58,001,670
M1	TANGIBLE OTHER PERSONAL, MOBILE H	351		\$157,196	\$4,220,421
O	RESIDENTIAL INVENTORY	983		\$6,227,342	\$62,684,534
S	SPECIAL INVENTORY TAX	101		\$0	\$86,399,441
X	TOTALLY EXEMPT PROPERTY	2,203		\$1,600,063	\$1,032,971,339
	Totals		4,524.8750	\$279,823,217	\$29,434,918,324

2010 CERTIFIED TOTALS

Property Count: 86,154

CPL - PLANO CITY
Effective Rate Assumption

7/22/2010 11:43:15AM

New Value

TOTAL NEW VALUE MARKET: **\$279,823,217**
TOTAL NEW VALUE TAXABLE: **\$252,868,154**

New Exemptions

Exemption	Description	Count		
EX	TOTAL EXEMPTION	45	2009 Market Value	\$6,259,771
EX366	HOUSE BILL 366	217	2009 Market Value	\$4,753,299
ABSOLUTE EXEMPTIONS VALUE LOSS				\$11,013,070

Exemption	Description	Count	Exemption Amount
DP	DISABILITY	16	\$600,000
DPS	DISABLED Surviving Spouse	2	\$0
DV1	DISABLED VET	7	\$49,000
DV1S	DISABLED VET	6	\$30,000
DV2	DISABLED VET	9	\$85,500
DV3	DISABLED VET	2	\$20,000
DV4	DISABLED VET	6	\$36,000
DV4S	DISABLED VET	2	\$24,000
DVHS	Disabled Veteran Homestead	10	\$1,902,170
HS	HOMESTEAD	972	\$46,006,903
OV65	OVER 65	557	\$22,020,000
OV65S	OVER 65 Surviving Spouse	2	\$80,000
PARTIAL EXEMPTIONS VALUE LOSS		1,591	\$70,853,573
TOTAL EXEMPTIONS VALUE LOSS			\$81,866,643

New Ag / Timber Exemptions

2009 Market Value \$1,255,410 Count: 2
2010 Ag/Timber Use \$1,846
NEW AG / TIMBER VALUE LOSS \$1,253,564

New Annexations

New Deannexations

Average Homestead Value

Category A and E

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
56,385	\$245,802	\$49,159	\$196,643

Category A Only

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
56,366	\$245,803	\$49,157	\$196,646

2010 CERTIFIED TOTALS

CPL - PLANO CITY
Lower Value Used

Count of Protested Properties	Total Market Value	Total Value Used
191	\$254,770,717.00	\$155,764,763

2010 CERTIFIED TOTALS

Property Count: 36

CPL - PLANO CITY
ARB Approved Totals

07/22/2010

3:35:42PM

Land		Value			
Homesite:		0			
Non Homesite:		76,312,451			
Ag Market:		0			
Timber Market:		0		Total Land	(+) 76,312,451
Improvement		Value			
Homesite:		0			
Non Homesite:		150,141,631		Total Improvements	(+) 150,141,631
Non Real		Count	Value		
Personal Property:		0	0		
Mineral Property:		0	0		
Autos:		0	0	Total Non Real	(+) 0
				Market Value	= 226,454,082
Ag	Non Exempt	Exempt			
Total Productivity Market:	0	0			
Ag Use:	0	0	Productivity Loss	(-)	0
Timber Use:	0	0	Appraised Value	=	226,454,082
Productivity Loss:	0	0	Homestead Cap	(-)	0
			Assessed Value	=	226,454,082
Exemption	Count	Local	State	Total	
EX	9	0	11,046,802	11,046,802	Total Exemptions (-) 11,046,802
					Net Taxable = 215,407,280

APPROXIMATE TOTAL LEVY = NET TAXABLE * (TAX RATE / 100)
 1,052,479.97 = 215,407,280 * (0.488600 / 100)

Tax Increment Finance Value: 0
 Tax Increment Finance Levy: 0.00

2010 CERTIFIED TOTALS

Property Count: 1

CPL - PLANO CITY
Under ARB Review Totals

07/22/2010 3:35:42PM

Land		Value		
Homesite:		0		
Non Homesite:		1,581,810		
Ag Market:		0		
Timber Market:		0	Total Land	(+) 1,581,810
Improvement		Value		
Homesite:		0		
Non Homesite:		7,920,003	Total Improvements	(+) 7,920,003
Non Real		Count	Value	
Personal Property:	0	0		
Mineral Property:	0	0		
Autos:	0	0	Total Non Real	(+) 0
			Market Value	= 9,501,813
Ag		Non Exempt	Exempt	
Total Productivity Market:	0	0		
Ag Use:	0	0	Productivity Loss	(-) 0
Timber Use:	0	0	Appraised Value	= 9,501,813
Productivity Loss:	0	0	Homestead Cap	(-) 0
			Assessed Value	= 9,501,813
			Net Taxable	= 9,501,813

APPROXIMATE TOTAL LEVY = NET TAXABLE * (TAX RATE / 100)
 46,425.86 = 9,501,813 * (0.488600 / 100)

Tax Increment Finance Value: 0
 Tax Increment Finance Levy: 0.00

2010 CERTIFIED TOTALS

Property Count: 37

CPL - PLANO CITY
Grand Totals

07/22/2010

3:35:42PM

Land		Value			
Homesite:		0			
Non Homesite:		77,894,261			
Ag Market:		0			
Timber Market:		0		Total Land	(+) 77,894,261
Improvement		Value			
Homesite:		0			
Non Homesite:		158,061,634		Total Improvements	(+) 158,061,634
Non Real		Count	Value		
Personal Property:		0	0		
Mineral Property:		0	0		
Autos:		0	0	Total Non Real	(+) 0
				Market Value	= 235,955,895
Ag	Non Exempt	Exempt			
Total Productivity Market:	0	0	0		
Ag Use:	0	0	0	Productivity Loss	(-) 0
Timber Use:	0	0	0	Appraised Value	= 235,955,895
Productivity Loss:	0	0	0	Homestead Cap	(-) 0
				Assessed Value	= 235,955,895
Exemption	Count	Local	State	Total	
EX	9	0	11,046,802	11,046,802	Total Exemptions (-) 11,046,802
					Net Taxable = 224,909,093

APPROXIMATE TOTAL LEVY = NET TAXABLE * (TAX RATE / 100)
 1,098,905.83 = 224,909,093 * (0.488600 / 100)

Tax Increment Finance Value: 0
 Tax Increment Finance Levy: 0.00

2010 CERTIFIED TOTALS

Property Count: 36

CPL - PLANO CITY
ARB Approved Totals

7/22/2010

3:35:56PM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
C	VACANT LOT	2		\$0	\$3,472,167
D2	NON-QUALIFIED LAND	1	7.1600	\$0	\$4,678,344
F1	COMMERCIAL REAL PROPERTY	24		\$11,129	\$207,256,769
X	TOTALLY EXEMPT PROPERTY	9		\$0	\$11,046,802
		Totals	7.1600	\$11,129	\$226,454,082

2010 CERTIFIED TOTALS

Property Count: 1

CPL - PLANO CITY
Under ARB Review Totals

7/22/2010

3:35:56PM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
F1	COMMERCIAL REAL PROPERTY	1		\$0	\$9,501,813
		Totals	0.0000	\$0	\$9,501,813

2010 CERTIFIED TOTALS

Property Count: 37

CPL - PLANO CITY
Grand Totals

7/22/2010

3:35:56PM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
C	VACANT LOT	2		\$0	\$3,472,167
D2	NON-QUALIFIED LAND	1	7.1600	\$0	\$4,678,344
F1	COMMERCIAL REAL PROPERTY	25		\$11,129	\$216,758,582
X	TOTALLY EXEMPT PROPERTY	9		\$0	\$11,046,802
		Totals	7.1600	\$11,129	\$235,955,895

2010 CERTIFIED TOTALS

Property Count: 658

CPL - PLANO CITY
ARB Approved Totals

07/22/2010 3:37:46PM

Land		Value			
Homesite:		4,481,206			
Non Homesite:		185,290,269			
Ag Market:		3,515,849			
Timber Market:		0		Total Land	(+) 193,287,324
Improvement		Value			
Homesite:		10,228,979			
Non Homesite:		280,539,923		Total Improvements	(+) 290,768,902
Non Real		Count	Value		
Personal Property:		0	0		
Mineral Property:		0	0		
Autos:		0	0	Total Non Real	(+) 0
				Market Value	= 484,056,226
Ag	Non Exempt	Exempt			
Total Productivity Market:	3,515,849	0			
Ag Use:	2,606	0		Productivity Loss	(-) 3,513,243
Timber Use:	0	0		Appraised Value	= 480,542,983
Productivity Loss:	3,513,243	0			
				Homestead Cap	(-) 6,391
				Assessed Value	= 480,536,592
Exemption	Count	Local	State	Total	
CH	4	6,198,504	0	6,198,504	
DP	1	40,000	0	40,000	
EX	108	0	35,864,693	35,864,693	
EX(Prorated)	1	0	39,482	39,482	
HS	42	1,153,535	0	1,153,535	
HT	2	156,813	0	156,813	
OV65	12	471,399	0	471,399	
				Total Exemptions	(-) 43,924,426
				Net Taxable	= 436,612,166
Freeze	Assessed	Taxable	Actual Tax	Ceiling	Count
DP	189,924	111,939	546.93	552.37	1
OV65	1,800,591	975,354	4,346.08	5,291.70	12
Total	1,990,515	1,087,293	4,893.01	5,844.07	13
Tax Rate	0.488600				
				Freeze Taxable	(-) 1,087,293
				Freeze Adjusted Taxable	= 435,524,873

APPROXIMATE LEVY = (FREEZE ADJUSTED TAXABLE * (TAX RATE / 100)) + ACTUAL TAX
 2,132,867.54 = 435,524,873 * (0.488600 / 100) + 4,893.01

Tax Increment Finance Value: 0
 Tax Increment Finance Levy: 0.00

2010 CERTIFIED TOTALS

Property Count: 13

CPL - PLANO CITY
Under ARB Review Totals

07/22/2010

3:37:46PM

Land		Value		
Homesite:		0		
Non Homesite:		9,041,785		
Ag Market:		0		
Timber Market:		0	Total Land	(+) 9,041,785
Improvement		Value		
Homesite:		0		
Non Homesite:		12,706,577	Total Improvements	(+) 12,706,577
Non Real		Count	Value	
Personal Property:	0	0		
Mineral Property:	0	0		
Autos:	0	0	Total Non Real	(+) 0
			Market Value	= 21,748,362
Ag		Non Exempt	Exempt	
Total Productivity Market:	0	0		
Ag Use:	0	0	Productivity Loss	(-) 0
Timber Use:	0	0	Appraised Value	= 21,748,362
Productivity Loss:	0	0	Homestead Cap	(-) 0
			Assessed Value	= 21,748,362
			Net Taxable	= 21,748,362

APPROXIMATE TOTAL LEVY = NET TAXABLE * (TAX RATE / 100)
 106,262.50 = 21,748,362 * (0.488600 / 100)

Tax Increment Finance Value: 0
 Tax Increment Finance Levy: 0.00

2010 CERTIFIED TOTALS

Property Count: 671

CPL - PLANO CITY
Grand Totals

07/22/2010 3:37:46PM

Land	Value			
Homesite:	4,481,206			
Non Homesite:	194,332,054			
Ag Market:	3,515,849			
Timber Market:	0	Total Land	(+)	202,329,109

Improvement	Value			
Homesite:	10,228,979			
Non Homesite:	293,246,500	Total Improvements	(+)	303,475,479

Non Real	Count	Value		
Personal Property:	0	0		
Mineral Property:	0	0		
Autos:	0	0	Total Non Real	(+) 0
			Market Value	= 505,804,588

Ag	Non Exempt	Exempt		
Total Productivity Market:	3,515,849	0		
Ag Use:	2,606	0	Productivity Loss	(-) 3,513,243
Timber Use:	0	0	Appraised Value	= 502,291,345
Productivity Loss:	3,513,243	0	Homestead Cap	(-) 6,391
			Assessed Value	= 502,284,954

Exemption	Count	Local	State	Total		
CH	4	6,198,504	0	6,198,504		
DP	1	40,000	0	40,000		
EX	108	0	35,864,693	35,864,693		
EX(Prorated)	1	0	39,482	39,482		
HS	42	1,153,535	0	1,153,535		
HT	2	156,813	0	156,813		
OV65	12	471,399	0	471,399	Total Exemptions	(-) 43,924,426

Net Taxable = 458,360,528

Freeze	Assessed	Taxable	Actual Tax	Ceiling	Count			
DP	189,924	111,939	546.93	552.37	1			
OV65	1,800,591	975,354	4,346.08	5,291.70	12			
Total	1,990,515	1,087,293	4,893.01	5,844.07	13	Freeze Taxable	(-) 1,087,293	
Tax Rate	0.488600							

Freeze Adjusted Taxable = 457,273,235

APPROXIMATE LEVY = (FREEZE ADJUSTED TAXABLE * (TAX RATE / 100)) + ACTUAL TAX
 2,239,130.04 = 457,273,235 * (0.488600 / 100) + 4,893.01

Tax Increment Finance Value: 0
 Tax Increment Finance Levy: 0.00

2010 CERTIFIED TOTALS

Property Count: 658

CPL - PLANO CITY
ARB Approved Totals

7/22/2010

3:38:01PM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	SINGLE FAMILY RESIDENCE	99		\$0	\$13,615,875
B	MULTIFAMILY RESIDENCE	14		\$0	\$43,540,498
C	VACANT LOT	88		\$0	\$8,090,758
D1	QUALIFIED AG LAND	5	14.4807	\$0	\$3,515,849
D2	NON-QUALIFIED LAND	2	13.4960	\$0	\$4,125,199
F1	COMMERCIAL REAL PROPERTY	251		\$314,392	\$292,484,544
F2	INDUSTRIAL REAL PROPERTY	73		\$0	\$75,250,740
J2	GAS DISTRIBUTION SYSTEM	1		\$0	\$34,031
J3	ELECTRIC COMPANY (INCLUDING CO-OP)	2		\$0	\$58,163
J4	TELEPHONE COMPANY (INCLUDING CO-O	2		\$0	\$872,503
J5	RAILROAD	6		\$0	\$0
L1	COMMERCIAL PERSONAL PROPERTY	1		\$0	\$0
O	RESIDENTIAL INVENTORY	8		\$0	\$404,869
X	TOTALLY EXEMPT PROPERTY	112		\$21,780	\$42,063,197
		Totals	27.9767	\$336,172	\$484,056,226

2010 CERTIFIED TOTALS

Property Count: 13

CPL - PLANO CITY
Under ARB Review Totals

7/22/2010

3:38:01PM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
F1	COMMERCIAL REAL PROPERTY	10		\$0	\$13,776,181
F2	INDUSTRIAL REAL PROPERTY	3		\$0	\$7,972,181
	Totals		0.0000	\$0	\$21,748,362

2010 CERTIFIED TOTALS

Property Count: 671

CPL - PLANO CITY
Grand Totals

7/22/2010

3:38:01PM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	SINGLE FAMILY RESIDENCE	99		\$0	\$13,615,875
B	MULTIFAMILY RESIDENCE	14		\$0	\$43,540,498
C	VACANT LOT	88		\$0	\$8,090,758
D1	QUALIFIED AG LAND	5	14.4807	\$0	\$3,515,849
D2	NON-QUALIFIED LAND	2	13.4960	\$0	\$4,125,199
F1	COMMERCIAL REAL PROPERTY	261		\$314,392	\$306,260,725
F2	INDUSTRIAL REAL PROPERTY	76		\$0	\$83,222,921
J2	GAS DISTRIBUTION SYSTEM	1		\$0	\$34,031
J3	ELECTRIC COMPANY (INCLUDING CO-OP)	2		\$0	\$58,163
J4	TELEPHONE COMPANY (INCLUDING CO-O	2		\$0	\$872,503
J5	RAILROAD	6		\$0	\$0
L1	COMMERCIAL PERSONAL PROPERTY	1		\$0	\$0
O	RESIDENTIAL INVENTORY	8		\$0	\$404,869
X	TOTALLY EXEMPT PROPERTY	112		\$21,780	\$42,063,197
		Totals	27.9767	\$336,172	\$505,804,588

2010 CERTIFIED TOTALS

Property Count: 671

CPL - PLANO CITY
Effective Rate Assumption

7/22/2010

3:38:01PM

New Value

TOTAL NEW VALUE MARKET:	\$336,172
TOTAL NEW VALUE TAXABLE:	\$314,392

New Exemptions

Exemption	Description	Count		
EX	TOTAL EXEMPTION	1	2009 Market Value	\$590,906
ABSOLUTE EXEMPTIONS VALUE LOSS				\$590,906

Exemption	Description	Count	Exemption Amount
HS	HOMESTEAD	3	\$101,525
PARTIAL EXEMPTIONS VALUE LOSS			3
TOTAL EXEMPTIONS VALUE LOSS			\$692,431

New Ag / Timber Exemptions**New Annexations****New Deannexations****Average Homestead Value**

Category A and E

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
42	\$138,073	\$27,617	\$110,456
Category A Only			

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
42	\$138,073	\$27,617	\$110,456

Lower Value Used

Count of Protested Properties	Total Market Value	Total Value Used
13	\$21,748,362.00	\$20,888,277

2010 CERTIFIED TOTALS

Property Count: 37

CPL - PLANO CITY
Effective Rate Assumption

7/22/2010

3:35:56PM

New Value

TOTAL NEW VALUE MARKET: \$11,129
TOTAL NEW VALUE TAXABLE: \$11,129

New Exemptions

Exemption	Description	Count
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ABSOLUTE EXEMPTIONS VALUE LOSS

Exemption	Description	Count	Exemption Amount
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PARTIAL EXEMPTIONS VALUE LOSS

TOTAL EXEMPTIONS VALUE LOSS \$0

New Ag / Timber Exemptions

New Annexations

New Deannexations

Average Homestead Value

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
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Lower Value Used

Count of Protested Properties	Total Market Value	Total Value Used
1	\$9,501,813.00	\$9,501,813

CERTIFICATION OF 2010 APPRAISAL RECORDS

July 16, 2010

“I, Joe Rogers, Chief Appraiser for the Denton Central Appraisal District,
Solemnly swear that I have made, or caused to be made, a diligent inquiry to
ascertain all property in the district subject to appraisal by me, and that I have
included in the records all property that I am aware of at an appraised value
determined as required by law.”



JOE ROGERS, CHIEF APPRAISER
DENTON CENTRAL APPRAISAL DISTRICT



BEATRICE CHAMBERS
NOTARY PUBLIC
EXPIRES: 02-08-2011



APPRAISAL REVIEW BOARD

DENTON COUNTY, TEXAS

ORDER APPROVING APPRAISAL RECORDS
FOR 2010

On July 16, the Appraisal Review Board of Denton County, Texas, met to approve the appraisal records for tax year 2010.

The Board finds that the appraisal records, as corrected by the Chief Appraiser according to the orders of the Board, should be approved.

The Board finds that the sum of the appraised values, as determined by the Chief Appraiser, on all properties on which protests have been filed but not determined by this Board is five percent or less of the total appraised value of all other taxable properties.

The Board therefore APPROVES the appraisal records as corrected.

Signed on July 16, 2010

A handwritten signature in black ink, appearing to read "Wayne Gillum", is written over a horizontal line. The signature is stylized and cursive.

Wayne Gillum

VICE-CHAIRPERSON APPRAISAL REVIEW BOARD

2010 CERTIFIED TOTALS

Property Count: 2,310

C29 - CITY OF PLANO
ARB Approved Totals

7/17/2010

1:04:24PM

Land	Value			
Homesite:	224,145,686			
Non Homesite:	97,632,801			
Ag Market:	34,530,206			
Timber Market:	0	Total Land	(+)	356,308,693

Improvement	Value			
Homesite:	596,743,580			
Non Homesite:	108,193,555	Total Improvements	(+)	704,937,135

Non Real	Count	Value		
Personal Property:	66	30,138,142		
Mineral Property:	0	0		
Autos:	0	0	Total Non Real	(+)
			Market Value	=
				30,138,142
				1,091,383,970

Ag	Non Exempt	Exempt		
Total Productivity Market:	34,530,206	0		
Ag Use:	392,800	0	Productivity Loss	(-)
Timber Use:	0	0	Appraised Value	=
Productivity Loss:	34,137,406	0		34,137,406
			Homestead Cap	(-)
			Assessed Value	=
				3,086,916
				1,054,159,648

Exemption	Count	Local	State	Total		
DP	8	320,000	0	320,000		
DV1	7	0	42,000	42,000		
DV2	2	0	15,000	15,000		
DV3	3	0	30,000	30,000		
DV4	7	0	48,000	48,000		
DV4S	1	0	12,000	12,000		
DVHS	4	0	1,107,505	1,107,505		
EX	21	0	43,475,652	43,475,652		
EX366	5	0	986	986		
HS	1,597	139,254,338	0	139,254,338		
OV65	348	13,681,338	0	13,681,338		
OV65S	5	200,000	0	200,000	Total Exemptions	(-)
						198,186,819

Net Taxable = 855,972,829

Freeze	Assessed	Taxable	Actual Tax	Ceiling	Count		
DP	2,655,697	1,804,558	8,476.24	8,937.06	8		
OV65	113,301,514	77,234,170	338,695.28	350,522.17	325		
Total	115,957,211	79,038,728	347,171.52	359,459.23	333	Freeze Taxable	(-)
Tax Rate	0.488600						

Freeze Adjusted Taxable = 776,934,101

APPROXIMATE LEVY = (FREEZE ADJUSTED TAXABLE * (TAX RATE / 100)) + ACTUAL TAX
 4,143,271.54 = 776,934,101 * (0.488600 / 100) + 347,171.52

Tax Increment Finance Value: 0
 Tax Increment Finance Levy: 0.00

2010 CERTIFIED TOTALS

Property Count: 13

C29 - CITY OF PLANO
Under ARB Review Totals

7/17/2010

1:04:24PM

Land		Value			
Homesite:		610,267			
Non Homesite:		0			
Ag Market:		0			
Timber Market:		0			
			Total Land	(+)	610,267
Improvement		Value			
Homesite:		1,946,119			
Non Homesite:		0			
			Total Improvements	(+)	1,946,119
Non Real		Count	Value		
Personal Property:		3	74,875		
Mineral Property:		0	0		
Autos:		0	0		
			Total Non Real	(+)	74,875
			Market Value	=	2,631,261
Ag		Non Exempt	Exempt		
Total Productivity Market:		0	0		
Ag Use:		0	0		
Timber Use:		0	0		
Productivity Loss:		0	0		
			Productivity Loss	(-)	0
			Appraised Value	=	2,631,261
			Homestead Cap	(-)	0
			Assessed Value	=	2,631,261
Exemption	Count	Local	State	Total	
DV3	1	0	12,000	12,000	
HS	9	454,295	0	454,295	
OV65	7	280,000	0	280,000	
			Total Exemptions	(-)	746,295
			Net Taxable	=	1,884,966

APPROXIMATE TOTAL LEVY = NET TAXABLE * (TAX RATE / 100)
 9,209.94 = 1,884,966 * (0.488600 / 100)

Tax Increment Finance Value: 0
 Tax Increment Finance Levy: 0.00

2010 CERTIFIED TOTALS

Property Count: 2,323

C29 - CITY OF PLANO
Grand Totals

7/17/2010

1:04:24PM

Land	Value			
Homesite:	224,755,953			
Non Homesite:	97,632,801			
Ag Market:	34,530,206			
Timber Market:	0	Total Land	(+)	356,918,960

Improvement	Value			
Homesite:	598,689,699			
Non Homesite:	108,193,555	Total Improvements	(+)	706,883,254

Non Real	Count	Value		
Personal Property:	69	30,213,017		
Mineral Property:	0	0		
Autos:	0	0	Total Non Real	(+)
			Market Value	=
				30,213,017
				1,094,015,231

Ag	Non Exempt	Exempt		
Total Productivity Market:	34,530,206	0		
Ag Use:	392,800	0	Productivity Loss	(-)
Timber Use:	0	0	Appraised Value	=
Productivity Loss:	34,137,406	0		34,137,406
			Homestead Cap	(-)
			Assessed Value	=
				3,086,916
				1,056,790,909

Exemption	Count	Local	State	Total		
DP	8	320,000	0	320,000		
DV1	7	0	42,000	42,000		
DV2	2	0	15,000	15,000		
DV3	4	0	42,000	42,000		
DV4	7	0	48,000	48,000		
DV4S	1	0	12,000	12,000		
DVHS	4	0	1,107,505	1,107,505		
EX	21	0	43,475,652	43,475,652		
EX366	5	0	986	986		
HS	1,606	139,708,633	0	139,708,633		
OV65	355	13,961,338	0	13,961,338		
OV65S	5	200,000	0	200,000	Total Exemptions	(-)
						198,933,114

Net Taxable = 857,857,795

Freeze	Assessed	Taxable	Actual Tax	Ceiling	Count		
DP	2,655,697	1,804,558	8,476.24	8,937.06	8		
OV65	113,301,514	77,234,170	338,695.28	350,522.17	325		
Total	115,957,211	79,038,728	347,171.52	359,459.23	333	Freeze Taxable	(-)
Tax Rate	0.488600						

Freeze Adjusted Taxable = 778,819,067

APPROXIMATE LEVY = (FREEZE ADJUSTED TAXABLE * (TAX RATE / 100)) + ACTUAL TAX
 4,152,481.48 = 778,819,067 * (0.488600 / 100) + 347,171.52

Tax Increment Finance Value: 0
 Tax Increment Finance Levy: 0.00

2010 CERTIFIED TOTALS

Property Count: 2,310

C29 - CITY OF PLANO
ARB Approved Totals

7/17/2010

1:05:41PM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	SINGLE FAMILY RESIDENCE	1,914		\$9,398,851	\$813,816,030
B	MULTIFAMILY RESIDENCE	2		\$0	\$20,769,181
C	VACANT LOT	118		\$0	\$11,142,209
D1	QUALIFIED AG LAND	13	185.6847	\$0	\$34,530,206
D2	NON-QUALIFIED LAND	2	59.5702	\$0	\$9,453,922
E	FARM OR RANCH IMPROVEMENT	3		\$6,430	\$6,165,171
F1	COMMERCIAL REAL PROPERTY	13		\$138,056	\$111,075,787
J1	WATER SYSTEMS	1		\$0	\$10,000
J4	TELEPHONE COMPANY (INCLUDING CO-O	4		\$0	\$1,403,860
J7	CABLE TELEVISION COMPANY	1		\$0	\$109,200
L1	COMMERCIAL PERSONAL PROPERTY	53		\$0	\$25,449,181
L2	INDUSTRIAL PERSONAL PROPERTY	1		\$0	\$880
O	RESIDENTIAL INVENTORY	174		\$1,239,637	\$13,981,705
X	TOTALLY EXEMPT PROPERTY	26		\$0	\$43,476,638
	Totals		245.2549	\$10,782,974	\$1,091,383,970

2010 CERTIFIED TOTALS

Property Count: 13

C29 - CITY OF PLANO
Under ARB Review Totals

7/17/2010

1:05:41PM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	SINGLE FAMILY RESIDENCE	10		\$0	\$2,556,386
L1	COMMERCIAL PERSONAL PROPERTY	3		\$0	\$74,875
	Totals		0.0000	\$0	\$2,631,261

2010 CERTIFIED TOTALS

Property Count: 2,323

C29 - CITY OF PLANO
Grand Totals

7/17/2010

1:05:41PM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	SINGLE FAMILY RESIDENCE	1,924		\$9,398,851	\$816,372,416
B	MULTIFAMILY RESIDENCE	2		\$0	\$20,769,181
C	VACANT LOT	118		\$0	\$11,142,209
D1	QUALIFIED AG LAND	13	185.6847	\$0	\$34,530,206
D2	NON-QUALIFIED LAND	2	59.5702	\$0	\$9,453,922
E	FARM OR RANCH IMPROVEMENT	3		\$6,430	\$6,165,171
F1	COMMERCIAL REAL PROPERTY	13		\$138,056	\$111,075,787
J1	WATER SYSTEMS	1		\$0	\$10,000
J4	TELEPHONE COMPANY (INCLUDING CO-O	4		\$0	\$1,403,860
J7	CABLE TELEVISION COMPANY	1		\$0	\$109,200
L1	COMMERCIAL PERSONAL PROPERTY	56		\$0	\$25,524,056
L2	INDUSTRIAL PERSONAL PROPERTY	1		\$0	\$880
O	RESIDENTIAL INVENTORY	174		\$1,239,637	\$13,981,705
X	TOTALLY EXEMPT PROPERTY	26		\$0	\$43,476,638
	Totals		245.2549	\$10,782,974	\$1,094,015,231

Property Count: 2,310

C29 - CITY OF PLANO
ARB Approved Totals

7/17/2010

1:05:41PM

CAD State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A011	BUILDER HOME PLANS - REFERENCE ONL	12		\$0	\$0
A1	REAL, RESIDENTIAL, SINGLE-FAMILY	1,369		\$9,398,851	\$719,976,037
A4	CONDOS	120		\$0	\$26,188,714
A5	TOWNHOMES	414		\$0	\$67,651,279
B1	REAL, RESIDENTIAL, APARTMENTS	2		\$0	\$20,769,181
C1	REAL, VACANT PLATTED RESIDENTIAL L	114		\$0	\$6,611,569
C2	COMMERCIAL VACANT LOT	3		\$0	\$4,471,400
C3	REAL VACANT OUTSIDE CITY	1		\$0	\$59,240
D1	REAL, ACREAGE, RANGELAND	13	185.6847	\$0	\$34,530,206
D2	NON AG USE ACREAGE	2	59.5702	\$0	\$9,453,922
E1	REAL, FARM/RANCH, HOUSE	3		\$6,430	\$6,165,171
F1	REAL COMMERCIAL	13		\$138,056	\$111,075,787
J1	REAL & TANGIBLE PERSONAL, UTILITIES, I	1		\$0	\$10,000
J4	REAL & TANGIBLE PERSONAL, UTILITIES, I	4		\$0	\$1,403,860
J7	REAL & TANGIBLE PERSONAL, UTILITIES, I	1		\$0	\$109,200
L1	TANGIBLE, PERSONAL PROPERTY, COMM	25		\$0	\$20,323,737
L2	TANGIBLE, PERSONAL PROPERTY, INDUS	1		\$0	\$880
L3	Bpp Tangible Commercial Leasing	28		\$0	\$5,125,444
OA1	Residential Single Family (under 5 Acres)	1		\$459,710	\$646,785
OA4	CONDO INVENTORY	5		\$0	\$889,226
OA5	INVENTORY TOWNHOMES	3		\$779,927	\$997,364
OC1	Vacant Platted Lots/tracts Inventory	165		\$0	\$11,448,330
X		26		\$0	\$43,476,638
	Totals		245.2549	\$10,782,974	\$1,091,383,970

2010 CERTIFIED TOTALS

Property Count: 13

C29 - CITY OF PLANO
Under ARB Review Totals

7/17/2010

1:05:41PM

CAD State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A1	REAL, RESIDENTIAL, SINGLE-FAMILY	4		\$0	\$1,392,145
A4	CONDOS	3		\$0	\$666,852
A5	TOWNHOMES	3		\$0	\$497,389
L1	TANGIBLE, PERSONAL PROPERTY, COMM	1		\$0	\$1,523
L3	Bpp Tangible Commercial Leasing	2		\$0	\$73,352
	Totals		0.0000	\$0	\$2,631,261

Property Count: 2,323

C29 - CITY OF PLANO
Grand Totals

7/17/2010

1:05:41PM

CAD State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A011	BUILDER HOME PLANS - REFERENCE ONL	12		\$0	\$0
A1	REAL, RESIDENTIAL, SINGLE-FAMILY	1,373		\$9,398,851	\$721,368,182
A4	CONDOS	123		\$0	\$26,855,566
A5	TOWNHOMES	417		\$0	\$68,148,668
B1	REAL, RESIDENTIAL, APARTMENTS	2		\$0	\$20,769,181
C1	REAL, VACANT PLATTED RESIDENTIAL L	114		\$0	\$6,611,569
C2	COMMERCIAL VACANT LOT	3		\$0	\$4,471,400
C3	REAL VACANT OUTSIDE CITY	1		\$0	\$59,240
D1	REAL, ACREAGE, RANGELAND	13	185.6847	\$0	\$34,530,206
D2	NON AG USE ACREAGE	2	59.5702	\$0	\$9,453,922
E1	REAL, FARM/RANCH, HOUSE	3		\$6,430	\$6,165,171
F1	REAL COMMERCIAL	13		\$138,056	\$111,075,787
J1	REAL & TANGIBLE PERSONAL, UTILITIES, I	1		\$0	\$10,000
J4	REAL & TANGIBLE PERSONAL, UTILITIES, I	4		\$0	\$1,403,860
J7	REAL & TANGIBLE PERSONAL, UTILITIES, I	1		\$0	\$109,200
L1	TANGIBLE, PERSONAL PROPERTY, COMM	26		\$0	\$20,325,260
L2	TANGIBLE, PERSONAL PROPERTY, INDUS	1		\$0	\$880
L3	Bpp Tangible Commercial Leasing	30		\$0	\$5,198,796
OA1	Residential Single Family (under 5 Acres)	1		\$459,710	\$646,785
OA4	CONDO INVENTORY	5		\$0	\$889,226
OA5	INVENTORY TOWNHOMES	3		\$779,927	\$997,364
OC1	Vacant Platted Lots/tracts Inventory	165		\$0	\$11,448,330
X		26		\$0	\$43,476,638
	Totals		245.2549	\$10,782,974	\$1,094,015,231

2010 CERTIFIED TOTALS

Property Count: 2,323

C29 - CITY OF PLANO
Effective Rate Assumption

7/17/2010

1:05:41PM

New Value

TOTAL NEW VALUE MARKET: **\$10,782,974**
TOTAL NEW VALUE TAXABLE: **\$10,008,219**

New Exemptions

Exemption	Description	Count	2009 Market Value	Exemption Amount
EX366	HB366 Exempt	4		\$4,546
ABSOLUTE EXEMPTIONS VALUE LOSS				\$4,546

Exemption	Description	Count	Exemption Amount	
DV1	Disabled Veteran	1	\$5,000	
DV3	Disabled Veteran	1	\$12,000	
DVHS	Disabled Veteran Homestead	1	\$218,145	
HS	Homestead	51	\$3,710,608	
OV65	Over 65	33	\$1,280,000	
PARTIAL EXEMPTIONS VALUE LOSS				\$5,225,753
TOTAL EXEMPTIONS VALUE LOSS				\$5,230,299

New Ag / Timber Exemptions

New Annexations

New Deannexations

Average Homestead Value

Category A and E

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
1,606	\$435,651	\$88,914	\$346,737
Category A Only			

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
1,603	\$432,620	\$88,311	\$344,309

Lower Value Used

Count of Protested Properties	Total Market Value	Total Value Used
13	\$2,631,261.00	\$1,884,966



**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:		08/09/2010			
Department:		Purchasing			
Department Head		Mike Ryan			
Agenda Coordinator (include phone #): Sharron Mason - X7247					
CAPTION					
A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an Interlocal Agreement by and between the City of Plano and the University of Texas at Dallas, providing terms and conditions for educational services as a part of the City's Professional Development Program, authorizing its execution by the City Manager or his authorized designee; and providing an effective date.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2009/10, 2010-11 and 2011-12	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	146,935	24,000	170,935
Encumbered/Expended Amount		0	-128,405	0	-128,405
This Item		0	-6,000	-24,000	-30,000
BALANCE		0	12,530	0	12,530
FUND(S): GENERAL FUND					
<p>COMMENTS: Funding for this agreement is included in the FY2009-10 budget. Expenditures will be made in the Professional Development department based on need within the approved budget appropriations for each year of the contract. The estimated annual amount to be spent in FY2009-10 is \$6,000. The estimated future annual amount is \$18,000 in 2010-11 and \$6,000 in 2011-12.</p> <p>STRATEGIC PLAN GOAL: Providing organizational educational services relates to the City's goal of a "Financially Strong City with Service Excellence".</p>					
SUMMARY OF ITEM					
Interlocal Cooperation Agreement by and between the City of Plano and the University of Texas at Dallas, providing terms and conditions for educational services as part of the City's Professional Development Program for a period of August 2010 through June 2012.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Resolution and Interlocal Agreement					

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an Interlocal Agreement by and between the City of Plano and the University of Texas at Dallas, providing terms and conditions for educational services as a part of the City's Professional Development Program, authorizing its execution by the City Manager or his authorized designee; and providing an effective date.

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

WHEREAS, the City Council has been presented a proposed Interlocal Cooperation Agreement by and between City of Plano and University of Texas at Dallas for educational services, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and,

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

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

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

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

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

DULY PASSED AND APPROVED this the 9th day of August, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

**INTERLOCAL NO. 2010-133-I
INTERLOCAL AGREEMENT BY AND BETWEEN
THE CITY OF PLANO, TEXAS AND UNIVERSITY OF TEXAS AT DALLAS FOR GRADUATE
PROGRAM IN LOCAL GOVERNMENT MANAGEMENT**

THIS AGREEMENT is made and entered by and between the **CITY OF PLANO, TEXAS**, a Home-Rule Municipal Corporation, hereinafter referred to as "Plano", and **UNIVERSITY OF TEXAS AT DALLAS**, hereinafter referred to as "University", as follows:

W I T N E S S E T H:

WHEREAS, Plano is a political subdivision and University a "special district" within the meaning of Interlocal Cooperation Act, Texas Government Code, Chapter 791, as amended (the "Act"); and

WHEREAS, the Act provides authority for entities such as Plano and University to enter into interlocal agreements with each other to perform governmental functions and services as set forth in the Act; and

WHEREAS, Plano wishes to offer its employees a Graduate Certificate in Local Government Management (the "Program"); and

WHEREAS, University is an institution of higher education that offers graduate level education courses and desires to offer the Program to Plano employees; and

WHEREAS, Plano has current revenues available to satisfy the fees and/or expenses incurred pursuant to this Agreement; and

WHEREAS, the Program will provide Plano employees with additional knowledge and skills to more effectively serve the citizens.

NOW, THEREFORE, Plano and University, for and in consideration of the recitals set forth above and terms and conditions below, agree as follows:

**I.
TERM**

This Agreement shall be for a period of one (1) year commencing on August 16, 2010; provided however, that the City shall have the right and option to extend the term hereof by one (1) additional year by giving written notice to University of City's election to extend the term hereof, such notice to be given not more than ninety (90) days prior to the expiration of the initial term. However, this Agreement may be terminated by the City without cause, upon ten (10) days written notice to University.

**II.
THE PROGRAM**

The parties agree that University shall offer graduate level education courses as identified in **Exhibit "A"** attached hereto and incorporated herein by reference. The parties

understand and agree that any deviations or modifications in the terms of the Agreement may be authorized from time to time, but said authorization must be made in writing.

III. ROLES AND GENERAL RESPONSIBILITIES OF THE PARTIES

1. City shall designate a program liaison who will manage program details and work with the University's program manager in content and logistics planning. The City shall provide University with required student-employee information for the purpose of registration and documentation. City shall also provide appropriate training facilities and all reasonably necessary equipment, including AV equipment.
2. University shall provide curriculum design, program delivery, assembly of program materials, development of materials for participants, administration and tabulation of course evaluations, and a program manager to work with City.

IV. CONSIDERATION / FEES

A. Plano shall pay University in accordance with the terms set out in **Exhibit "A"** attached hereto and incorporated herein by reference. Total compensation for the initial term of this agreement shall not exceed the sum of **TWENTY THOUSAND AND NO/100 DOLLARS (\$20,000.00)** unless amended in writing by both parties. Plano will pay for the fees and/or expenses incurred pursuant to this Agreement from the current revenues available. Any renewal will be subject to the revenues available for that contract term.

B. By the first day of class, University must receive a purchase order from Plano referencing the particular program. The purchase order must list the names of the students enrolled in the program for the semester, the number of classes and the number of credit hours for each student and the agreed upon tuition amounts. In addition, the purchase order must list City's contact person's name, phone number, fax number and the billing address. A copy of the purchase order must be forwarded to the University's Bursar's Office.

After the receipt of the purchase order, the University Bursar's Office will transfer the tuition obligation from the individual students' records to Plano. Upon the completion of the semester, University will send an invoice to Plano for the total costs as reflected on the purchase order. Payments hereunder shall be made to University within thirty (30) days of receiving University's invoice. Payments due to the University will not be contingent upon grades or attendance. In the event that the student is terminated from Plano's employment after the purchase order has been honored, Plano is still obligated to the University.

C. University recognizes that this Agreement shall commence upon the effective date herein and continue in full force and effect until termination in accordance with its provisions. University and Plano herein recognize that the continuation of any contract after the close of any given fiscal year of the City of Plano, which fiscal year ends on September 30th of each year, shall be subject to Plano City Council approval. In the event that the Plano City Council does not approve the appropriation of funds for this agreement, the Agreement shall terminate at the end of the fiscal year for which funds were appropriated and the parties shall have no further obligations hereunder.

**V.
TERMINATION**

Either party may terminate this Agreement at any time without cause or penalty by giving thirty (30) days advance written notice. Plano shall pay all fees and costs, if any, incurred by University pursuant to this Agreement through the effective date of termination.

**VI.
RELEASE AND HOLD HARMLESS**

University agrees to be responsible for its own acts of negligence and Plano, to the extent allowed by law and without waiving any rights or protections provided therein, agrees to be responsible for its own acts of negligence which may arise in connection with any and all claims for damages, cost, and expenses to person or persons and property that may arise out of or be occasioned by this agreement for any of its activities or from any act or omission of any employee or invitee of University or Plano.

In the event of joint and concurrent negligence, University and Plano agree that responsibility shall be apportioned comparatively. This obligation shall be construed for the benefit of the parties hereto, and not for the benefit of any third parties, nor to create liability for the benefit of any third parties, nor to deprive the parties hereto of any defenses each may have as against third parties under the laws and court decisions of the State of Texas.

**VII.
NOTICE**

Any notice provided under this Agreement shall be delivered by mail or personal service to the parties named below:

**University of Texas at Dallas City of Plano Representative:
Representative:**

James W. Marquart
Professor of Criminology and Dean
School of Economic, Political and Policy
Sciences
800 West Campbell Rd., GR 31
Richardson, Texas 75080
(972) 883-4948

LaShon D. Ross
Deputy City Manager
City of Plano
1520 Avenue K
Plano, Texas 75074
(972) 971-7422

VIII.
AUTHORITY TO SIGN/CITY COUNCIL AUTHORIZATION

The undersigned officer and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto. Plano has executed this Agreement pursuant to duly authorized action of the Plano City Council on August 9, 2010. University has executed this Agreement pursuant to the authority granted by its governing body. Each of the parties shall provide written documentation evidencing the grant of approval by its respective governing body.

IX.
SEVERABILITY

The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held to be contrary to the law or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of the Agreement. However, upon the occurrence of such event, either party may terminate this Agreement by giving the other party thirty (30) days written notice.

X.
VENUE

This Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas. The parties agree that this Agreement shall be enforceable in Collin County, Texas, and, if legal action is necessary, exclusive venue shall lie in Collin County, Texas.

XI.
INTERPRETATION OF AGREEMENT

Although this Agreement is drafted by Plano, this is a negotiated document. Should any part of this Agreement be in dispute, the parties agree that the Agreement shall not be construed more favorably for either party.

XII.
REMEDIES

No right or remedy granted herein or reserved to the parties is exclusive of any right or remedy granted by law or equity; but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Agreement may be waived without the express written consent of the parties. It is further agreed that one (1) or more instances of forbearance by either party in the exercise of its respective rights under this Agreement shall in no way constitute a waiver thereof.

XIII.
SUCCESSORS AND ASSIGNS

The parties each bind themselves, their respective successors, executors, administrators and assigns to the other party to this contract. Neither party will assign, sublet, subcontract or transfer any interest in this Agreement without the prior written consent of the

other party. No assignment, delegation of duties or subcontract under this Agreement will be effective without the written consent of both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement by signing below.

UNIVERSITY OF TEXAS AT DALLAS

Date: _____

By: _____
B. Hobson Wildenthal,
Provost

CITY OF PLANO, TEXAS

Date: _____

By: _____
Thomas H. Muehlenbeck
CITY MANAGER

APPROVED AS TO FORM

Diane C. Wetherbee, CITY ATTORNEY

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF _____ §

 This instrument was acknowledged before me on the _____ day of _____,
20____, by **B. Hobson Wildenthal**, Provost of **UNIVERSITY OF TEXAS AT DALLAS**.

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

 This instrument was acknowledged before me on the _____ day of _____,
20____, by **THOMAS H. MUEHLENBECK**, City Manager, of the **CITY OF PLANO, TEXAS**, a
Home-Rule Municipal Corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

EXHIBIT "A"

Program: **Graduate Certificate in Local Government Management.**

Courses offered under this Program will include, but are not limited to, the following:

- Local Government Management
- Human Resources Management
- Financial Management and Budgeting
- Navigating the Political Environment
- Quality and Productivity Improvement
- Community Development
- Economic Development
- Media Relations

Credit Hours: 3 credit hours per course

Participants: Maximum of 7 students

Tuition: The University of Texas at Dallas will grant scholarships to the students that the City of Plano selects for the MPA in City Hall program. This scholarship allows the University to provide the City of Plano with a rate of \$1,500 per student per each 3 hour semester class. This rate will remain throughout the duration of the contract.

Students who intend to pursue the MPA beyond the 15 hour (five course) Certificate in Local Government will receive additional scholarship benefits. The \$1,500 cost per 3 hour class will remain until the student completes the entire 42 hour Master's degree.

Students who take 6 graduate hours (two courses) per semester will be charged a total of \$2,400. If a student wishes to take 6 hours while enrolled in the 15 hour MPA in City hall program they will be responsible for the difference between the \$2,400 and the \$1,500.

Materials/Supplies Costs: All required materials will be paid for by the individual participant.

Scheduled Course Dates: To be determined by **Plano** and **University**.

Instructor: To be determined by **Plano** and **University**.



**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:		8/9/10		
Department:		Finance		
Department Head		Denise Tacke		
Agenda Coordinator (include phone #): Katherine Crumbley - x-7479				
CAPTION				
A resolution of the City Council of the City of Plano, Texas, approving the Investment Portfolio Summary for the quarter ending June 30, 2010; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS: This item has no fiscal impact				
SUMMARY OF ITEM				
Quarterly Investment report ending June 30, 2010.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Investment Portfolio Summary				

A Resolution of the City Council of the City of Plano, Texas, approving the Investment Portfolio Summary for the quarter ending June 30, 2010 and providing an effective date.

WHEREAS, the City Council has been presented the City of Plano’s Investment Portfolio Summary for the Quarter Ending June 30, 2010, a substantial copy of which is attached hereto as Exhibit “A” and incorporated herein by reference (hereinafter called “Investment Portfolio Summary”); and

WHEREAS, the Public Funds Investment Act at Texas Government Code, Section 2256.005, requires the governing body of an investing entity to review its investment policy and investment strategies not less than annually; and

WHEREAS, upon full review and consideration of the Investment Portfolio Summary, and all matters attendant and related thereto, the City Council is of the opinion that the same should be approved.

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

Section I. The City of Plano’s Investment Portfolio Summary for the Quarter Ending June 30, 2010, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, is hereby in all things approved.

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

DULY PASSED AND APPROVED this the 9th day of August, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

City of Plano
City of Plano

INVESTMENT PORTFOLIO SUMMARY

For the Quarter Ended

June 30, 2010

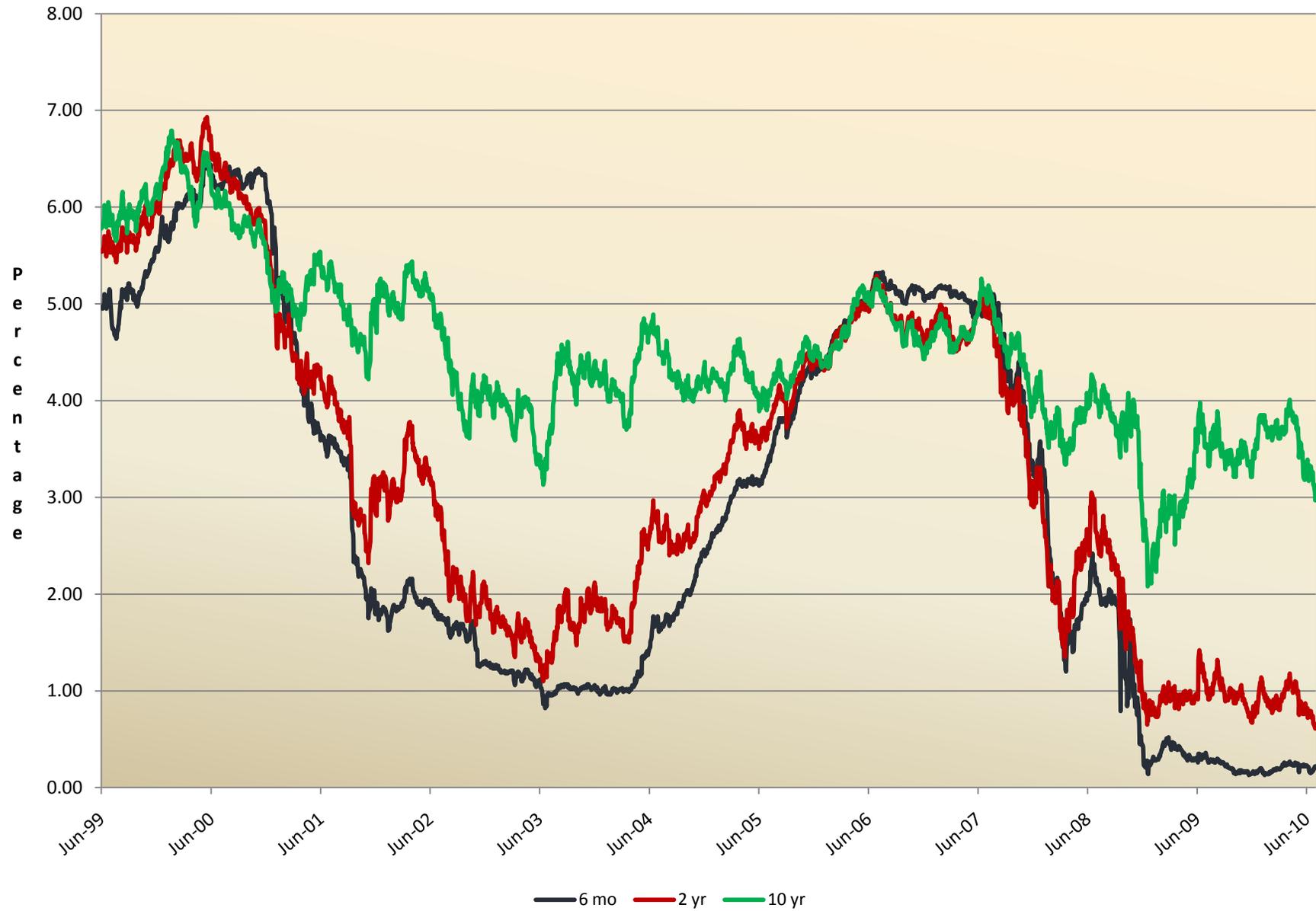
The investment portfolio of the City of Plano is in compliance with the Public Funds Investment Act and the City's Investment Policy and strategies.


City Manager

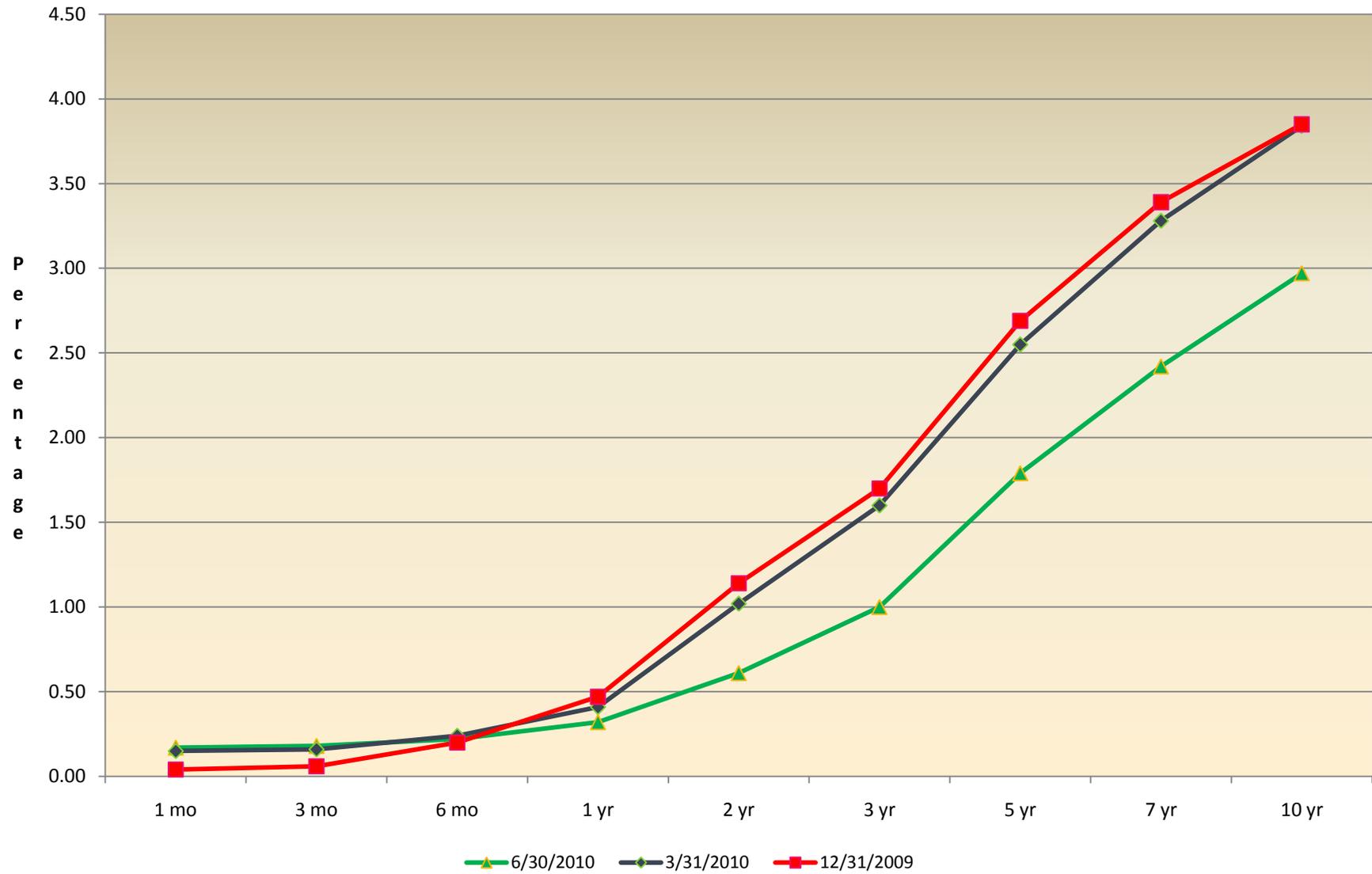

Director of Finance


Treasurer

US Treasury Historical Yields



Treasury Yield Curves



S & P 500



Detail of Security Holdings
June 30, 2010

By Sector

Security Description	Coupon/ Ratings	Maturity YTM	Maturity Date	Settlement Date	Call Date	Par Value	Purchased Value	Adjusted Book Value	Market Price	Market Value	Life (mo)	Yield	Accrued Interest
Legacy NOW Account		0.32%	07/01/10	06/30/10		28,009,538.00	28,009,538.00	28,009,538.00	1.000	28,009,538.00	0.03	0.32%	-
TexPool	AAAm	0.21%	07/01/10	06/30/10		17,150,112.07	17,150,112.07	17,150,112.07	1.000	17,150,112.07	0.03	0.21%	-
Texas Daily	AAAm	0.21%	07/01/10	06/30/10		12,369,032.97	12,369,032.97	12,369,032.97	1.000	12,369,032.97	0.03	0.21%	-
Certificate of Deposit		2.20%	07/03/10	06/03/09		244,000.00	244,000.00	244,000.00	1.000	244,000.00	0.10	2.20%	5,765.08
Certificate of Deposit		1.60%	07/10/10	07/10/09		7,000,000.00	7,000,000.00	7,000,000.00	1.000	7,000,000.00	0.33	1.60%	108,931.51
Certificate of Deposit		0.65%	07/29/10	07/30/09		4,000,000.00	4,000,000.00	4,000,000.00	1.000	4,000,000.00	0.95	0.65%	23,863.01
Certificate of Deposit		1.16%	08/26/10	08/27/09		18,000,000.00	18,000,000.00	18,000,000.00	1.000	18,000,000.00	1.87	1.16%	175,620.82
Certificate of Deposit		1.50%	12/01/10	06/01/09		245,000.00	245,000.00	245,000.00	1.000	245,000.00	5.05	1.50%	3,966.99
Certificate of Deposit		1.25%	10/16/10	10/16/09		245,000.00	245,000.00	245,000.00	1.000	245,000.00	3.54	1.25%	1,183.05
Certificate of Deposit		0.81%	05/12/11	11/13/09		150,000.00	150,000.00	150,000.00	1.000	150,000.00	10.36	0.81%	762.29
Certificate of Deposit		0.95%	01/13/11	01/14/10		5,000,000.00	5,000,000.00	5,000,000.00	1.000	5,000,000.00	6.46	0.95%	21,732.88
Certificate of Deposit		0.55%	07/29/10	01/28/10		2,000,000.00	2,000,000.00	2,000,000.00	1.000	2,000,000.00	0.95	0.55%	4,610.96
Certificate of Deposit		1.00%	02/09/11	02/09/10		246,000.00	246,000.00	246,000.00	1.000	246,000.00	7.34	1.00%	950.30
Certificate of Deposit		1.00%	05/05/11	05/06/10		2,000,000.00	2,000,000.00	2,000,000.00	1.000	2,000,000.00	10.13	1.00%	3,013.70
Certificate of Deposit		1.10%	05/27/11	05/27/10		244,090.37	244,090.37	244,090.37	1.000	244,090.37	10.85	1.10%	250.11
Certificate of Deposit		1.25%	08/09/11	02/09/10		245,000.00	245,000.00	245,000.00	1.000	245,000.00	13.28	1.25%	2,156.34
Certificate of Deposit		0.56%	03/07/11	02/10/10		97,000.00	97,000.00	97,000.00	1.000	97,000.00	8.20	0.56%	208.35
Certificate of Deposit		1.00%	03/17/11	03/18/10		5,000,000.00	5,000,000.00	5,000,000.00	1.000	5,000,000.00	8.52	1.00%	14,246.58
Certificate of Deposit		1.40%	06/02/11	06/02/10		240,000.00	240,000.00	240,000.00	1.000	240,000.00	11.05	1.40%	257.75
Certificate of Deposit		1.17%	11/28/11	05/27/10		244,000.00	244,000.00	244,000.00	1.000	244,000.00	16.92	1.17%	265.93
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35	

Detail of Security Holdings
June 30, 2010

By Sector

Security Description	Ratings	Coupon/ YTM	Maturity Date	Settlement Date	Call Date	Par Value	Purchased Value	Adjusted Book Value	Market Price	Market Value	Life (mo)	Yield	Accrued Interest
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		55,000.00	55,000.00	55,000.00	1.000	55,000.00	20.26	1.35%	229.87
FFCB Bonds	AAA	1.73%	06/03/13	06/03/10	09/03/10	12,000,000.00	11,985,000.00	11,985,369.53	1.002	12,018,750.00	35.05	1.77%	15,570.00
FFCB Bonds	AAA	2.24%	06/16/14	06/16/10	09/16/10	6,000,000.00	6,000,000.00	6,000,000.00	1.003	6,016,875.00	47.44	2.24%	5,226.67
FFCB Bonds	AAA	2.75%	09/30/14	06/15/10	03/30/11	14,305,000.00	14,448,379.02	14,447,007.41	1.018	14,555,337.50	50.92	2.50%	98,346.88
FHLB Bonds	AAA	1.30%	07/30/10	02/25/09		21,000,000.00	21,015,778.77	21,000,910.31	1.001	21,013,125.00	0.98	1.25%	113,750.00
FHLB Bonds	AAA	1.25%	10/08/10	04/08/09		20,000,000.00	20,000,000.00	20,000,000.00	1.003	20,056,250.00	3.28	1.25%	56,944.44
FHLB Bonds	AAA	1.05%	11/15/10	06/25/09		6,000,000.00	6,010,560.00	6,002,868.66	1.003	6,016,875.00	4.52	0.92%	7,875.00
FHLB Bonds	AAA	6.50%	05/13/11	07/30/09		1,000,000.00	1,083,680.00	1,040,684.91	1.048	1,047,500.00	10.39	1.25%	7,500.00
FHLB Bonds	AAA	3.13%	06/10/11	07/31/09		12,000,000.00	12,388,355.47	12,197,323.47	1.023	12,270,000.00	11.31	1.36%	20,833.33
FHLB Bonds	AAA	1.13%	07/18/11	08/05/09		5,630,000.00	5,605,228.00	5,616,674.61	1.006	5,663,428.12	12.56	1.35%	28,501.88
FHLB Bonds	AAA	1.38%	08/11/11	09/21/09		5,500,000.00	5,523,038.71	5,513,609.22	1.010	5,553,281.25	13.34	1.15%	29,199.65
FHLB Bonds	AAA	0.85%	09/16/11	03/16/10	09/16/10	33,000,000.00	33,000,000.00	33,000,000.00	1.001	33,030,937.50	14.52	0.85%	81,033.33
FHLB Bonds	AAA	1.00%	02/27/12	03/09/10		8,000,000.00	8,004,824.00	8,004,066.90	1.006	8,045,000.00	19.90	0.97%	25,555.56
FHLB Bonds	AAA	1.25%	06/25/12	03/25/10	06/25/10	13,000,000.00	12,981,150.00	12,983,371.69	1.000	13,000,000.00	23.80	1.32%	42,881.94
FHLB Bonds	AAA	1.30%	07/26/12	03/12/10		8,725,000.00	8,734,565.45	8,733,351.84	1.010	8,814,976.56	24.82	1.25%	39,383.68
FHLB Bonds	AAA	1.42%	09/30/10	03/02/09		36,000,000.00	36,000,000.00	36,000,000.00	1.003	36,101,250.00	3.02	1.42%	167,560.00
FHLB Bonds	AAA	2.00%	09/14/12	03/11/10		17,000,000.00	17,256,428.00	17,225,422.00	1.025	17,425,000.00	26.46	1.39%	100,111.11
FHLMC Bonds	AAA	3.50%	05/05/11	07/30/09		3,000,000.00	3,121,266.90	3,058,185.52	1.026	3,077,499.00	10.13	1.18%	16,041.67
FHLMC Bonds	AAA	0.75%	09/15/11	03/15/10	09/15/10	17,000,000.00	16,998,300.00	16,998,631.33	1.001	17,009,350.00	14.49	0.76%	37,187.50
FNMA Bonds	AAA	3.25%	08/12/10	06/15/09		3,000,000.00	3,086,145.00	3,008,757.06	1.003	3,010,312.50	1.41	0.75%	37,375.00
FNMA Bonds	AAA	5.05%	02/07/11	02/07/06	08/07/06	1,000,000.00	994,375.00	999,316.13	1.028	1,027,812.50	7.28	5.18%	20,059.72
FNMA Bonds	AAA	1.00%	04/04/12	03/08/10		6,000,000.00	5,986,158.00	5,988,239.78	1.005	6,031,875.00	21.11	1.11%	14,333.33
FNMA Bonds	AAA	1.13%	04/23/12	03/23/10	12/23/10	2,050,000.00	2,047,117.19	2,047,491.73	1.003	2,055,765.62	21.74	1.19%	6,214.06
FNMA Bonds	AAA	1.75%	07/26/12	03/12/10	07/26/10	11,000,000.00	11,031,900.00	11,027,852.71	1.001	11,006,875.00	24.82	1.62%	82,347.22
FNMA Bonds	AAA	2.10%	06/30/14	06/30/10	12/30/10	6,000,000.00	5,986,000.00	5,986,000.00	1.004	6,024,375.00	47.90	2.16%	-
TOTAL						\$ 373,938,773.41	\$ 375,017,022.92	\$ 374,593,908.22		\$ 375,601,223.96	12.82	1.15%	\$ 1,434,156.04

(1) (2)

(1) **Weighted average life** - For purposes of calculating weighted average life bank, pool, and money market investments are assumed to mature the next business day.

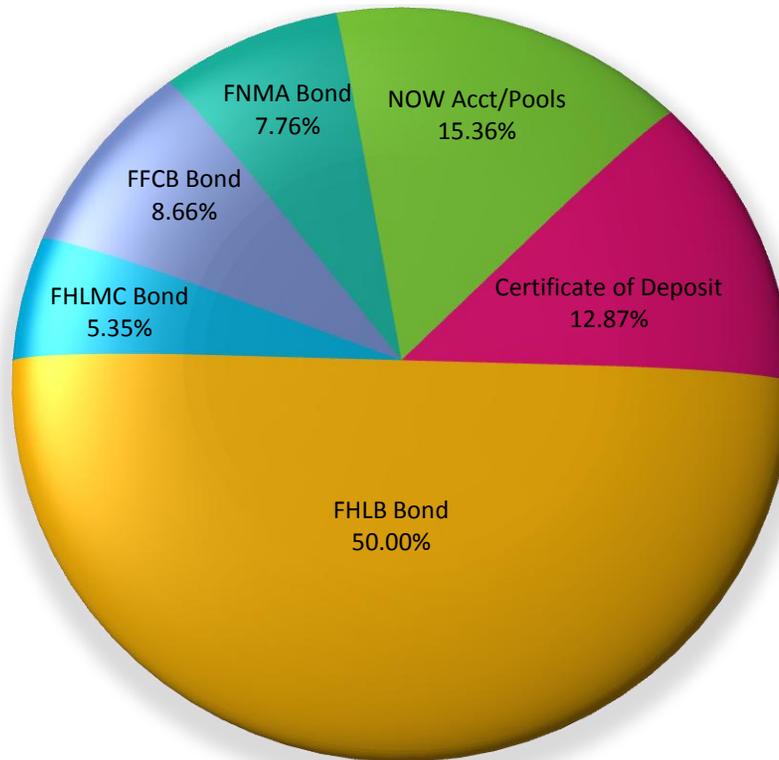
(2) **Weighted average yield to maturity** - The weighted average yield to maturity is based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield is for this month only.

Detail of Security Holdings
June 30, 2010

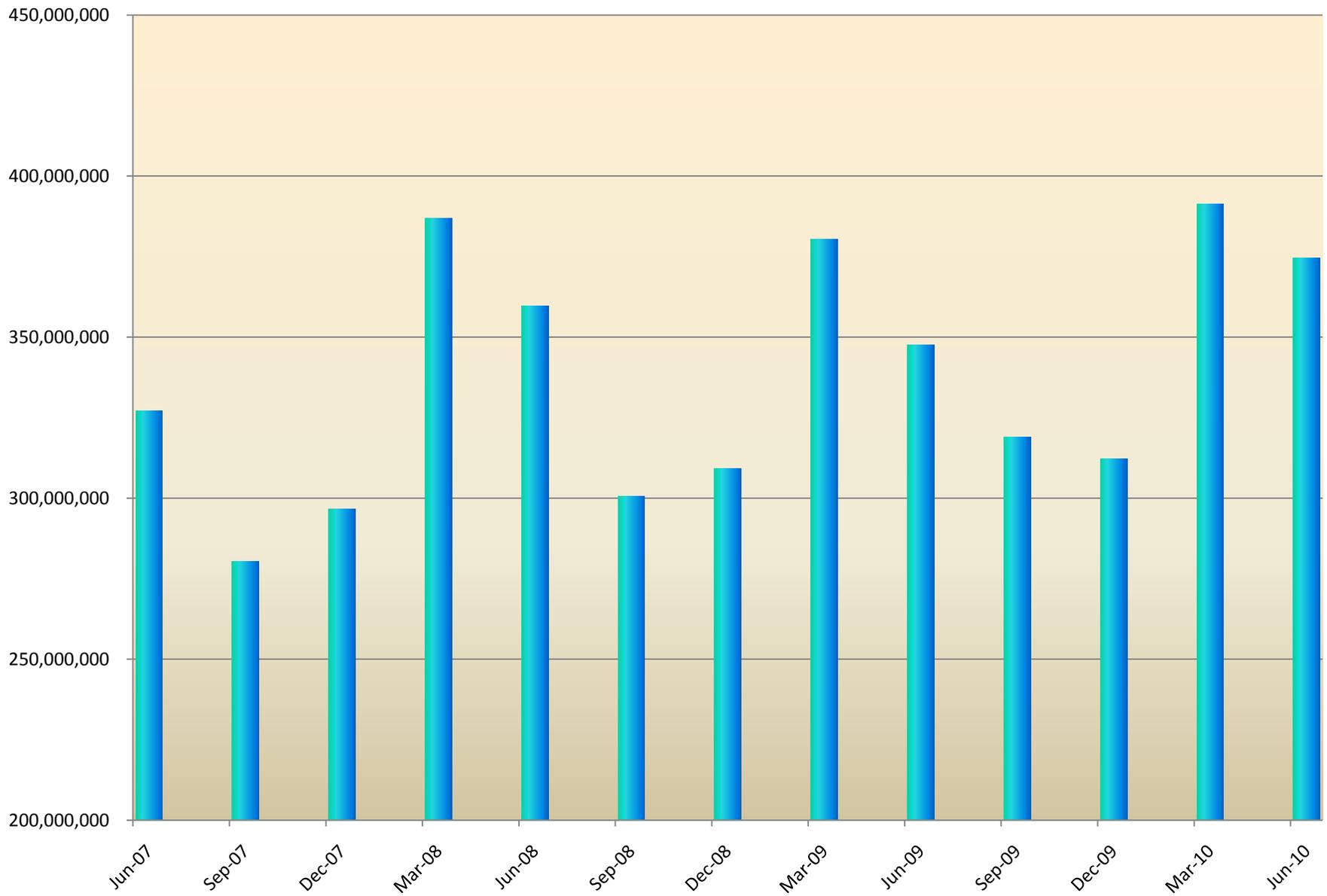
By Maturity

Security Description	Ratings	Coupon/ YTM	Maturity Date	Settlement Date	Call Date	Par Value	Purchased Value	Adjusted	Market Price	Market Value	Life (mo)	Yield	Accrued Interest
								Book Value					
Legacy NOW Account		0.32%	07/01/10	06/30/10		28,009,538.00	28,009,538.00	28,009,538.00	1.000	28,009,538.00	0.03	0.32%	-
TexPool	AAAm	0.21%	07/01/10	06/30/10		17,150,112.07	17,150,112.07	17,150,112.07	1.000	17,150,112.07	0.03	0.21%	-
Texas Daily	AAAm	0.21%	07/01/10	06/30/10		12,369,032.97	12,369,032.97	12,369,032.97	1.000	12,369,032.97	0.03	0.21%	-
Certificate of Deposit		2.20%	07/03/10	06/03/09		244,000.00	244,000.00	244,000.00	1.000	244,000.00	0.10	2.20%	5,765.08
Certificate of Deposit		1.60%	07/10/10	07/10/09		7,000,000.00	7,000,000.00	7,000,000.00	1.000	7,000,000.00	0.33	1.60%	108,931.51
Certificate of Deposit		0.65%	07/29/10	07/30/09		4,000,000.00	4,000,000.00	4,000,000.00	1.000	4,000,000.00	0.95	0.65%	23,863.01
Certificate of Deposit		0.55%	07/29/10	01/28/10		2,000,000.00	2,000,000.00	2,000,000.00	1.000	2,000,000.00	0.95	0.55%	4,610.96
FHLB Bonds	AAA	1.30%	07/30/10	02/25/09		21,000,000.00	21,015,778.77	21,000,910.31	1.001	21,013,125.00	0.98	1.25%	113,750.00
FNMA Bonds	AAA	3.25%	08/12/10	06/15/09		3,000,000.00	3,086,145.00	3,008,757.06	1.003	3,010,312.50	1.41	0.75%	37,375.00
Certificate of Deposit		1.16%	08/26/10	08/27/09		18,000,000.00	18,000,000.00	18,000,000.00	1.000	18,000,000.00	1.87	1.16%	175,620.82
FHLB Bonds	AAA	1.42%	09/30/10	03/02/09		36,000,000.00	36,000,000.00	36,000,000.00	1.003	36,101,250.00	3.02	1.42%	167,560.00
FHLB Bonds	AAA	1.25%	10/08/10	04/08/09		20,000,000.00	20,000,000.00	20,000,000.00	1.003	20,056,250.00	3.28	1.25%	56,944.44
Certificate of Deposit		1.25%	10/16/10	10/16/09		245,000.00	245,000.00	245,000.00	1.000	245,000.00	3.54	1.25%	1,183.05
FHLB Bonds	AAA	1.05%	11/15/10	06/25/09		6,000,000.00	6,010,560.00	6,002,868.66	1.003	6,016,875.00	4.52	0.92%	7,875.00
Certificate of Deposit		1.50%	12/01/10	06/01/09		245,000.00	245,000.00	245,000.00	1.000	245,000.00	5.05	1.50%	3,966.99
Certificate of Deposit		0.95%	01/13/11	01/14/10		5,000,000.00	5,000,000.00	5,000,000.00	1.000	5,000,000.00	6.46	0.95%	21,732.88
FNMA Bonds	AAA	5.05%	02/07/11	02/07/06	08/07/06	1,000,000.00	994,375.00	999,316.13	1.028	1,027,812.50	7.28	5.18%	20,059.72
Certificate of Deposit		1.00%	02/09/11	02/09/10		246,000.00	246,000.00	246,000.00	1.000	246,000.00	7.34	1.00%	950.30
Certificate of Deposit		0.56%	03/07/11	02/10/10		97,000.00	97,000.00	97,000.00	1.000	97,000.00	8.20	0.56%	208.35
Certificate of Deposit		1.00%	03/17/11	03/18/10		5,000,000.00	5,000,000.00	5,000,000.00	1.000	5,000,000.00	8.52	1.00%	14,246.58
Certificate of Deposit		1.00%	05/05/11	05/06/10		2,000,000.00	2,000,000.00	2,000,000.00	1.000	2,000,000.00	10.13	1.00%	3,013.70
FHLMC Bonds	AAA	3.50%	05/05/11	07/30/09		3,000,000.00	3,121,266.90	3,058,185.52	1.026	3,077,499.00	10.13	1.18%	16,041.67
Certificate of Deposit		0.81%	05/12/11	11/13/09		150,000.00	150,000.00	150,000.00	1.000	150,000.00	10.36	0.81%	762.29
FHLB Bonds	AAA	6.50%	05/13/11	07/30/09		1,000,000.00	1,083,680.00	1,040,684.91	1.048	1,047,500.00	10.39	1.25%	7,500.00
Certificate of Deposit		1.10%	05/27/11	05/27/10		244,090.37	244,090.37	244,090.37	1.000	244,090.37	10.85	1.10%	250.11
Certificate of Deposit		1.40%	06/02/11	06/02/10		240,000.00	240,000.00	240,000.00	1.000	240,000.00	11.05	1.40%	257.75
FHLB Bonds	AAA	3.13%	06/10/11	07/31/09		12,000,000.00	12,388,355.47	12,197,323.47	1.023	12,270,000.00	11.31	1.36%	20,833.33
FHLB Bonds	AAA	1.13%	07/18/11	08/05/09		5,630,000.00	5,605,228.00	5,616,674.61	1.006	5,663,428.12	12.56	1.35%	28,501.88
Certificate of Deposit		1.25%	08/09/11	02/09/10		245,000.00	245,000.00	245,000.00	1.000	245,000.00	13.28	1.25%	2,156.34
FHLB Bonds	AAA	1.38%	08/11/11	09/21/09		5,500,000.00	5,523,038.71	5,513,609.22	1.010	5,553,281.25	13.34	1.15%	29,199.65
FHLMC Bonds	AAA	0.75%	09/15/11	03/15/10	09/15/10	17,000,000.00	16,998,300.00	16,998,631.33	1.001	17,009,350.00	14.49	0.76%	37,187.50
FHLB Bonds	AAA	0.85%	09/16/11	03/16/10	09/16/10	33,000,000.00	33,000,000.00	33,000,000.00	1.001	33,030,937.50	14.52	0.85%	81,033.33
Certificate of Deposit		1.17%	11/28/11	05/27/10		244,000.00	244,000.00	244,000.00	1.000	244,000.00	16.92	1.17%	265.93
FHLB Bonds	AAA	1.00%	02/27/12	03/09/10		8,000,000.00	8,004,824.00	8,004,066.90	1.006	8,045,000.00	19.90	0.97%	25,555.56
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05
Certificate of Deposit		1.35%	03/09/12	03/09/10		95,000.00	95,000.00	95,000.00	1.000	95,000.00	20.26	1.35%	397.05

Portfolio Composition 6/30/10



Quarter End Book Value



Adjusted Book Value Comparison

Security Description	Coupon/ Yield	Maturity Date	March 31, 2010				June 30, 2010	
			Par Value	Adjusted Book Value	Purchase/ Adjustment	Maturity/Call/ Adjustment	Par Value	Adjusted Book Value
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	55,000.00	55,000.00	-	-	55,000.00	55,000.00
FFCB Bond	1.73%	06/03/13	-	-	11,985,000.00	-	12,000,000.00	11,985,369.53
FFCB Bond	2.24%	06/16/14	-	-	6,000,000.00	-	6,000,000.00	6,000,000.00
FFCB Bond	2.75%	09/30/14	-	-	14,448,379.02	-	14,305,000.00	14,447,007.41
FHLB Bond	4.88%	05/14/10	2,000,000.00	2,010,121.18	-	(2,010,121.18)	-	-
FHLB Bond	1.30%	07/30/10	21,000,000.00	21,003,671.60	-	(2,761.29)	21,000,000.00	21,000,910.31
FHLB Bond	1.42%	09/30/10	36,000,000.00	36,000,000.00	-	-	36,000,000.00	36,000,000.00
FHLB Bond	1.25%	10/08/10	20,000,000.00	20,000,000.00	-	-	20,000,000.00	20,000,000.00
FHLB Bond	1.05%	11/15/10	6,000,000.00	6,004,760.31	-	(1,891.65)	6,000,000.00	6,002,868.66
FHLB Bond	6.50%	05/13/11	1,000,000.00	1,052,364.17	-	(11,679.26)	1,000,000.00	1,040,684.91
FHLB Bond	3.13%	06/10/11	12,000,000.00	12,249,371.11	-	(52,047.64)	12,000,000.00	12,197,323.47
FHLB Bond	1.13%	07/18/11	5,630,000.00	5,613,508.53	3,166.08	-	5,630,000.00	5,616,674.61
FHLB Bond	1.38%	08/11/11	5,500,000.00	5,516,652.07	-	(3,042.85)	5,500,000.00	5,513,609.22
FHLB Bond	0.85%	09/16/11	33,000,000.00	33,000,000.00	-	-	33,000,000.00	33,000,000.00
FHLB Bond	1.00%	02/27/12	8,000,000.00	8,004,676.60	-	(609.70)	8,000,000.00	8,004,066.90
FHLB Bond	1.25%	06/25/12	13,000,000.00	12,981,287.42	2,084.27	-	13,000,000.00	12,983,371.69
FHLB Bond	1.30%	07/26/12	8,725,000.00	8,734,355.83	-	(1,003.99)	8,725,000.00	8,733,351.84
FHLB Bond	2.00%	09/14/12	17,000,000.00	17,250,841.33	-	(25,419.33)	17,000,000.00	17,225,422.00
FHLB Bond	1.50%	09/24/12	17,000,000.00	16,983,973.55	-	(16,983,973.55)	-	-
FHLMC Bond	1.75%	04/20/11	5,700,000.00	5,716,549.77	-	(5,716,549.77)	-	-
FHLMC Bond	3.50%	05/05/11	3,000,000.00	3,075,321.06	-	(17,135.54)	3,000,000.00	3,058,185.52
FHLMC Bond	0.75%	09/15/11	17,000,000.00	16,998,349.54	281.79	-	17,000,000.00	16,998,631.33
FHLMC Bond	1.25%	02/17/12	8,000,000.00	8,002,713.24	-	(8,002,713.24)	-	-
FNMA Bond	3.25%	08/12/10	3,000,000.00	3,027,289.43	-	(18,532.37)	3,000,000.00	3,008,757.06
FNMA Bond	5.05%	02/07/11	1,000,000.00	999,035.80	280.33	-	1,000,000.00	999,316.13
FNMA Bond	2.05%	04/01/11	3,810,000.00	3,829,878.24	-	(3,829,878.24)	-	-
FNMA Bond	1.88%	04/08/11	5,500,000.00	5,521,801.59	-	(5,521,801.59)	-	-
FNMA Bond	1.00%	04/04/12	6,000,000.00	5,986,578.01	-	(578.01)	6,000,000.00	5,986,000.00
FNMA Bond	1.13%	04/23/12	2,050,000.00	2,047,147.46	344.27	-	2,050,000.00	2,047,491.73
FNMA Bond	1.75%	07/26/12	11,000,000.00	11,031,200.92	-	(3,348.21)	11,000,000.00	11,027,852.71
FNMA Bond	2.10%	06/30/14	-	-	5,986,158.00	-	6,000,000.00	5,988,239.78
TOTAL			\$ 390,502,309.90	\$ 391,228,758.66	\$ 49,785,157.27	\$ (69,802,530.98)	\$ 373,938,773.41	\$ 374,593,908.22

Market Value Comparison

Security Description	Coupon/ Yield	Maturity Date	March 31, 2010		Qtr to Qtr Change (1)	June 30, 2010	
			Par Value	Market Value		Par Value	Market Value
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	95,000.00	95,000.00	-	95,000.00	95,000.00
Certificate of Deposit	1.35%	03/09/12	55,000.00	55,000.00	-	55,000.00	55,000.00
FFCB Bond	1.73%	06/03/13	-	-	12,018,750.00	12,000,000.00	12,018,750.00
FFCB Bond	2.24%	06/16/14	-	-	6,016,875.00	6,000,000.00	6,016,875.00
FFCB Bond	2.75%	09/30/14	-	-	14,555,337.50	14,305,000.00	14,555,337.50
FHLB Note	4.88%	05/14/10	2,000,000.00	2,011,250.00	(2,011,250.00)	-	-
FHLB Note	1.30%	07/30/10	21,000,000.00	21,065,625.00	(52,500.00)	21,000,000.00	21,013,125.00
FHLB Note	1.42%	09/30/10	36,000,000.00	36,191,250.00	(90,000.00)	36,000,000.00	36,101,250.00
FHLB Note	1.25%	10/08/10	20,000,000.00	20,087,500.00	(31,250.00)	20,000,000.00	20,056,250.00
FHLB Note	1.05%	11/15/10	6,000,000.00	6,007,500.00	9,375.00	6,000,000.00	6,016,875.00
FHLB Note	6.50%	05/13/11	1,000,000.00	1,058,750.00	(11,250.00)	1,000,000.00	1,047,500.00
FHLB Note	3.13%	06/10/11	12,000,000.00	12,307,500.00	(37,500.00)	12,000,000.00	12,270,000.00
FHLB Note	1.13%	07/18/11	5,630,000.00	5,651,112.50	12,315.62	5,630,000.00	5,663,428.12
FHLB Note	1.38%	08/11/11	5,500,000.00	5,544,687.50	8,593.75	5,500,000.00	5,553,281.25
FHLB Note	0.85%	09/16/11	33,000,000.00	33,000,000.00	30,937.50	33,000,000.00	33,030,937.50
FHLB Note	1.00%	02/27/12	8,000,000.00	7,982,500.00	62,500.00	8,000,000.00	8,045,000.00
FHLB Note	1.25%	06/25/12	13,000,000.00	12,963,437.50	36,562.50	13,000,000.00	13,000,000.00
FHLB Note	1.30%	07/26/12	8,725,000.00	8,708,640.62	106,335.94	8,725,000.00	8,814,976.56
FHLB Note	2.00%	09/14/12	17,000,000.00	17,382,500.00	42,500.00	17,000,000.00	17,425,000.00
FHLB Note	1.50%	09/24/12	17,000,000.00	16,936,250.00	(16,936,250.00)	-	-
FHLMC Note	1.75%	04/20/11	5,700,000.00	5,703,180.60	(5,703,180.60)	-	-
FHLMC Note	3.50%	05/05/11	3,000,000.00	3,086,295.00	(8,796.00)	3,000,000.00	3,077,499.00
FHLMC Note	0.75%	09/15/11	17,000,000.00	16,942,421.00	-	17,000,000.00	17,009,350.00
FHLMC Note	1.25%	02/17/12	8,000,000.00	7,980,608.00	(7,980,608.00)	-	-
FNMA Note	3.25%	08/12/10	3,000,000.00	3,032,812.50	(22,500.00)	3,000,000.00	3,010,312.50
FNMA Note	5.05%	02/07/11	1,000,000.00	1,037,812.50	(10,000.00)	1,000,000.00	1,027,812.50
FNMA Note	2.05%	04/01/11	3,810,000.00	3,810,000.00	(3,810,000.00)	-	-
FNMA Note	1.88%	04/08/11	5,500,000.00	5,501,718.75	(5,501,718.75)	-	-
FNMA Note	1.00%	04/04/12	6,000,000.00	5,975,625.00	56,250.00	6,000,000.00	6,031,875.00
FNMA Note	1.13%	04/23/12	2,050,000.00	2,037,828.12	17,937.50	2,050,000.00	2,055,765.62
FNMA Note	1.75%	07/26/12	11,000,000.00	10,993,125.00	13,750.00	11,000,000.00	11,006,875.00
FNMA Note	2.10%	06/30/14	-	-	6,024,375.00	6,000,000.00	6,024,375.00
TOTAL			\$ 390,502,309.90	\$ 391,587,239.49	\$ (16,052,944.53)	\$ 373,938,773.41	\$ 375,601,223.96

(1) Does not include interest.

Allocation**June 30, 2010**

Book Value	% Equity in Treasury Pool	Book Value Fund Allocation
General Fund	16.74%	62,702,614.82
Debt Service Funds	8.63%	32,331,075.85
Capital Projects Funds	37.57%	140,738,467.23
Enterprise Funds	9.48%	35,512,148.37
Special Revenue Funds	7.74%	28,990,171.09
Internal Service Funds	14.27%	53,450,286.96
Fiduciary Funds	5.57%	20,869,142.67
Totals	100.00%	374,593,907.00

Market Value	% Equity in Treasury Pool	Market Value Fund Allocation
General Fund	16.74%	62,871,227.84
Debt Service Funds	8.63%	32,418,017.05
Capital Projects Funds	37.57%	141,116,925.74
Enterprise Funds	9.48%	35,607,643.76
Special Revenue Funds	7.74%	29,068,128.29
Internal Service Funds	14.27%	53,594,019.63
Fiduciary Funds	5.57%	20,925,261.69
Totals	100.00%	375,601,224.00

Allocations are based upon fund equity in the Treasury Pool at the end of the period.



**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:		8/9/10		
Department:		Finance		
Department Head		Denise Tacke		
Agenda Coordinator (include phone #): Katherine Crumbley - x-7479				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, reviewing and approving the City's written public funds investment policy; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: This item has no fiscal impact				
SUMMARY OF ITEM				
Annual approval of public funds investment policy in accordance with Section 5, Chapter 2256 of the Texas Government Code.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Memo				
Resolution				
Public Funds Investment Policy				

INTEROFFICE MEMORANDUM

TO: CITY COUNCIL OF THE CITY OF PLANO, TEXAS
FROM: MYRA CONKLIN, TREASURER
SUBJECT: REVISED INVESTMENT POLICY
DATE: 7/29/2010
CC: MR. TOM MUEHLENBECK, CITY MANAGER

The Public Funds Investment Act of the State of Texas requires the City Council of municipalities to review and adopt a written investment policy on an annual basis. The City Council last approved the written investment policy of the City of Plano on October 9, 2009. The Treasury Department would like to make two changes to the written investment policy at this time.

The first change is on page 2, under "Delegation of Authority":

Previous investment policy:

City employees authorized to engage in investment transactions and authorized as Investment Officers are the City Manager, the Director of Finance, and the Treasurer.

Proposed investment policy:

City employees authorized to engage in investment transactions and authorized as Investment Officers are the City Manager, the Director of Finance, the Treasurer and the Treasury Analyst.

Thus, the only change would be adding the Treasury Analyst as an Investment Officer.

The second change is on page 9, under "Maximum Maturities":

Previous investment policy:

The portfolio's maximum average dollar-weighted maturity will be one year based on the stated maturity date of the investment.

Proposed investment policy:

The portfolio's maximum average dollar-weighted maturity will be two and a half years based on the stated maturity date of the investment.

Thus, the change would be extending the maximum average dollar-weighted maturity from one year to two and a half years. This will enable the City to realize higher investment interest earnings as longer term securities may be purchased.

Thank you for your consideration.

A Resolution of the City Council of the City of Plano, Texas, reviewing and approving the City's written public funds investment policy; and providing an effective date.

WHEREAS, Section 2256.005(e) of the Texas Government Code requires the governing body of an investing entity to adopt a written investment policy regarding the investment of its funds and funds under its control and to review said written investment policy on an annual basis; and,

WHEREAS, on October 9, 2009, by Resolution No. 2009-10-9(R), the City Council approved and adopted a written Investment Policy for the City of Plano regarding investment of public funds; and,

WHEREAS, the City Council has been presented the existing and duly approved Public Funds Investment Policy which contains investment strategies, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and,

WHEREAS, the City Council has reviewed the Public Funds Investment Policy attached hereto as Exhibit "A" and the investment strategies contained therein and finds that it is consistent with prudent fiscal policy.

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

Section I. The City Council of the City of Plano, Texas has reviewed the Public Funds Investment Policy attached hereto as Exhibit "A" and the investment strategies contained therein.

Section II. The Public Funds Investment Policy as contained in Exhibit "A" attached hereto shall remain the official policy of the City of Plano regarding investment of public funds.

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

DULY PASSED AND APPROVED this the 9th day of August, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Exhibit “A”

City of Plano Investment Policy

The City of Plano (the “City”) is required under the Public Funds Investment Act (the “PFIA”) Chapter 2256, Texas Government Code, to adopt a written investment policy. The City is required to comply with the Investment Policy as approved by the City Council.

Statement of Intent

It is the Policy of the City to invest funds in a manner, which will insure maximum security and provide for the daily cash flow demands of the City, and conform to all State and local statutes governing the investment of public funds.

Scope

This Investment Policy applies to all financial assets of the City, except certain trust and pension funds contractually invested by outside managers, e.g. Retirement/Pension, and Employee Deferred Compensation.

All funds are accounted for in the City's Comprehensive Annual Financial Report.

Prudence

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by Investment Officers shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. The Investment Officers, acting in accordance with written procedures and the Investment Policy, and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported immediately upon knowledge of the deviation and appropriate action is taken to control adverse developments.

Investment Officers shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction that might impair public confidence in the City's ability to govern effectively.

Objectives

The primary objectives of the City's investment activities shall be as follows:

1. Safety of principal is the foremost objective of the City's investment program. Investment transactions of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that actual losses on individual securities do not exceed the income generated from the remainder of the portfolio.
2. The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that can be reasonably anticipated.
3. The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio.

Delegation Of Authority

City employees authorized to engage in investment transactions and authorized as Investment Officers are the City Manager, the Director of Finance, the Treasurer and the Treasury Analyst. Management responsibility for the investment program is delegated from the City Manager to the Director of Finance who shall establish written procedures for the operation of the investment program consistent with this Investment Policy. Investment procedures should include reference to the following: safekeeping agreements, repurchase agreements, wire transfer agreements, collateral agreements, depository service contracts and agreements, broker/dealer selection criteria, and security bidding and purchase processes. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Policy and the procedures established by the Director of Finance. The Director of Finance shall be responsible for routine authorization of investments and the Controller shall be responsible for proper accounting of investments in order to maintain appropriate internal controls. The Director of Finance shall establish a system of controls to regulate the activities of subordinates.

Ethics And Conflict Of Interest

Investment Officers involved in the investment process who have a personal business relationship with a business organization offering to engage in an investment transaction with the City shall submit a statement disclosing that personal business interest to the City Council and the Texas Ethics Commission. An Investment Officer who is related within the second degree of affinity or consanguinity to an individual seeking to sell an investment to the City shall submit a statement disclosing that relationship to the City Council and the Texas Ethics Commission. A personal business relationship with a business organization is defined as 1) owning 10 percent or more of the voting stock or shares of the business organization or owning \$5,000 or more of the fair market value of the business organization; 2) receiving funds from the business organization exceeding 10 percent of gross income for the previous year; or

3) acquiring from the business organization during the previous year investments with a book value of \$2,500 or more for a personal account.

Compliance Audit

As part of the annual audit, the independent auditor must formally review internal controls, compliance with the Policy, and the quarterly investment reports prepared to comply with the PFIA, and report the results of that review to the City Council as part of its regular audit report.

Depository Selection

A qualified depository shall be selected through the City's professional services contract process in compliance with state bidding requirements, and shall include a formal Request For Proposal. The centralization of depository services is designed to maximize investment capabilities while minimizing service costs as well as staff time spent on activities such as reconciliation.

The selection of a depository shall be based on the financial institution offering the most favorable terms and conditions at the best value, while adhering to the guidelines and provisions within the request for proposal. In selecting a depository, the City shall give consideration to the financial institution's credit characteristics, financial history, service capabilities, and costs for required services.

The City's depository contract shall be in compliance with State law. Specialized services may be contracted for by the City with another financial institution or company if the depository cannot provide such service or charges more for the same service with little or no appreciable benefit.

Authorized Securities Dealers

The Investment Committee will review and adopt annually a list of qualified securities dealers authorized to engage in investment transactions with the City. The City will provide any person offering to engage in an investment transaction with the City, including investment pools, with a copy of the City's Investment Policy.

A qualified representative of the business organization offering to engage in an investment transaction must execute a written statement acknowledging receipt and review of the Policy and a statement acknowledging that reasonable procedures and controls have been implemented to preclude investment transactions that are unauthorized by this Investment Policy except, to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards. All approved broker/dealer firms must submit a completed City Broker/Dealer Questionnaire, a written acknowledgment per above guidelines, an executed master repurchase agreement, if applicable, and a copy of current audited financial statements.

Investment Advisers

Investment Advisers shall adhere to the spirit, philosophy and specific term of the Investment Policy and shall invest within the same objectives. The Investment Officer shall establish criteria to evaluate Investment Advisers, including:

1. Adherence to the City's policies and strategies;
2. Investment strategy recommendations within accepted risk constraints;
3. Responsiveness to the City's request for services and information;
4. Understanding of the inherent fiduciary responsibility of investing public funds; and
5. Similarity in philosophy and strategy with the City's objectives.

Selected Investment Advisors must be registered under the Investment Advisers Act of 1940 or with the State Securities Board. A contract with an Investment Adviser may not be for a term longer than two years and any contract, renewal or extension must be approved by the City Council.

Authorized Investments

The City is authorized to invest in the following types of securities, as specified in the PFIA Eligible investments include the following:

1. obligations, including letters of credit, of the United States or its agencies and instrumentalities;
2. direct obligations of the State of Texas or its agencies and instrumentalities;
3. other obligations, the principal of and interest on which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities;
4. obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than A or its equivalent;
5. certificates of deposit, issued by a depository institution that has its main office or a branch office in this state, that are:
 - a) guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor; or the National Credit Union Share Insurance Fund, or its successor;
 - b) secured by obligations that are described by the PFIA, which are intended to include all direct federal agency or instrumentality

issued mortgage backed securities that have a market value of not less than 102% of the principal amount of the certificates or in any other manner and amount provided by law for deposits of the investing entities;

- c) issued by a depository institution that arranges for the deposit of funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the City, with the full amount of principal and accrued interest of each of the certificates of deposit insured by the Federal Deposit Insurance Corporation, or its successor; the depository institution selected by the City for the purchase of the certificates of deposit acts as custodian for the City with respect to the certificates of deposit issued for the City; and, at the same time that the funds are deposited and the certificates of deposit are issued for the account of the City, the issuing depository institution receives, from other federally insured depository institutions, wherever located, an amount equal to or greater than the amount of funds invested by the City through the depository institution issuing the certificates of deposit to the City;
6. fully collateralized repurchase agreements having a defined termination date, secured by obligations described by the PFIA, pledged to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the City, and is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state;
7. mutual funds
- a) a no-load money market mutual fund that is registered with and regulated by the Securities and Exchange Commission; has a dollar-weighted average stated maturity of 90 days or fewer; provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 or the Investment Company Act of 1940; and states in its investment objectives the maintenance of a stable net asset value of \$1.00 for each share; and the City owns 10% or less of the fund's total assets; or
 - b) a no-load mutual fund that it is registered with the Securities and Exchange Commission; has an average weighted maturity of less than two years; is invested exclusively in obligations approved by Chapter 2256, sections 9 through 16; is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and conforms to the requirements set forth in Sections 2256.016 (b) and (c) relating to the eligibility of mutual funds to receive and invest

funds of investing entities; with the following restrictions:

- i) amount is limited to 15% of the City's monthly average fund balance, excluding bond proceeds, reserves, and debt service funds;
 - ii) is ineligible for investment of bond proceeds, reserves, and debt service funds; and
 - iii) the City may not own more than 10% of the fund's total assets.
8. eligible investment pools that invest in instruments and follow practices allowed by current law as defined in the PFIA provided that:
- a) investment in the particular pool has been authorized by the City Council;
 - b) the pool shall have furnished the Investment Officer an offering circular containing the information required by the PFIA;
 - c) the pool shall furnish to the Investment Officer investment transaction confirmations with respect to all investments made with it;
 - d) The pool shall furnish to the Investment Officer monthly reports that contain the information required by the PFIA;
 - e) the pool's investment objectives shall be to maintain a stable net asset value of one dollar (\$1) and may have a weighted average maturity no greater than 90 days;
 - f) whose investment philosophy and strategy are consistent with this Policy and the City's ongoing strategy; and
 - g) the pool provides evidence of credit rating no lower than "AAA" or "AAA-m" by at least one nationally recognized credit rating service.

Unauthorized Investments

The City's authorized investment alternatives are more restrictive than those allowed by State law. Not all investments authorized by State Law are authorized by this Policy. The City prohibits investments in all collateralized mortgage obligations. State law specifically prohibits investment in the following investment securities:

1. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pay no principal;
2. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
3. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.

The City is not required to liquidate investments that were authorized investments at the time of purchase. The City will take prudent measures to liquidate any investment that loses its required minimum rating.

Investment Strategy

The City intends to maintain a consolidated portfolio in which all funds under the City's control, as specified in this Policy, are pooled for investment purposes. One of the fund's primary objectives is to insure that anticipated cash flows are matched with investment maturities. Both short and longer-term maturities are laddered to meet general operating, capital project and debt service expenditures, based on known and projected cash flows.

Another primary objective of the fund is the preservation and safety of principal by insuring that all securities are of a sufficiently high quality and duration so as to limit exposure to credit and market risks. The portfolio should therefore experience minimal volatility during varying economic cycles. Securities of all types are purchased with the intention of holding until maturity.

Other objectives include maintaining liquidity, including the ability to reasonably meet unanticipated needs by purchasing securities with an active secondary/resale market. Diversification is maintained in order to minimize possible credit risk in a specific security type.

The final objective of obtaining a market rate of return while considering risk constraints and cash flow needs, is much less important than safety of principal and liquidity. The majority of investments are limited to low risk securities earning an equitable rate of return relative to the amount of risk.

Competitive Selection of Investment Instruments

Before an Investment Officer invests any surplus funds, a competitive “quote” process shall be conducted. If a specific maturity date is required either for cash flow purposes or for conformance to maturity guidelines, offerings will be requested for instruments that meet the maturity requirement. If no specific maturity is required, the best value available within the time constraints of the Investment Policy will be selected. Offers will be requested from financial institutions and Authorized Securities Dealers for various investment alternatives with regard to term and instrument. The current interest rates of other approved investment alternatives will be considered. Documentation of the competitive process will be retained in the investment file.

Collateralization

In order to anticipate market changes and provide a level of security for all funds, collateralization is required for all City funds held in the depository as available funds, in certificates of deposit, and for repurchase agreements. With the exception of deposits secured with irrevocable letters of credit at 100% of amount, the collateralization level will be 102% of market value of principal and accrued interest. Evidence of the pledged collateral shall be maintained by the Director of Finance, or a third party financial institution. Collateral shall be reviewed at least monthly to assure that the market value of the pledged securities is adequate. If upon review, the collateral is found to be of inadequate value, the City will notify the pledging financial institution to immediately provide additional collateral.

The City shall accept only the following as collateral:

1. FDIC insurance coverage;
2. A Bond, Bill, Certificate of Indebtedness, or Treasury Note of the United States, or other evidence of indebtedness of the United States that is guaranteed as to principal and interest by the United States;
3. Obligations, the principal and interest on which, are unconditionally guaranteed or insured by the State of Texas;
4. A Bond of the State of Texas or a county, city or other political subdivision of the State of Texas having been rated at no less than "A" or its equivalent by a nationally recognized rating agency with a remaining maturity of ten years or less;
5. Obligations of the United States' agencies and instrumentalities, limited to the FHLB, FNMA, FFCEB and FHLMC; or
6. A letter of credit issued to the City by the Federal Home Loan Bank.

Collateral will be held by an independent third party with whom the entity will sign a custodial agreement. Safekeeping receipts must be supplied to the City and must be retained. All collateral shall be subject to inspection and audit by the Director of Finance or the City's independent auditors.

Additional collateral may be pledged as required, released when it is not needed, and substituted, if necessary, with the written consent of the Director of Finance, or an authorized Investment Officer. Any financial institution requesting substitution must contact the Director of Finance for approval and settlement. The substituted security's value will be calculated and substitution approved if its value is equal to or greater than the required security level. The Director of Finance or designated Investment Officer must provide a written notification of the decision to the bank or the safekeeping agent holding the security prior to any security release. Substitution is allowable for all transactions, but should be limited, if possible, to minimize potential administrative problems and transfer expense.

Safekeeping And Custody

All security transactions entered into by the City, with the exception of certificates of deposit, investment pools, and mutual funds, shall be conducted on a delivery-versus-

payment (DVP) basis. Securities will be held by a third party safekeeping agent designated by the Investment Officer and Director of Finance. Safekeeping receipts and clearance documents will be required for all securities purchased by the City and held in safekeeping by an authorized third party.

Diversification

The City will diversify the portfolio at all times to ensure the reduction of risk while still maintaining reasonable rates of return, and to ensure a certain degree of liquidity. The City will diversify its investments by security type in the following manner:

With the exception of United States Treasury securities and authorized pools, no more than 50% of the total investment portfolio will be invested in a single security type. (Such as FNMA, FHLB, FHLMC, CD's at one institution, etc.)

Risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, limitation of average and final maturity, and avoidance of over-concentration of specific instruments.

Risk to liquidity due to cash flow complications shall be controlled by maintaining minimum bank, investment pool, and money market mutual fund balances.

Maximum Maturities

To the extent possible, the City will attempt to match its anticipated cash flow requirements with maturing investments. The City will not directly invest in securities maturing more than five years from the date of purchase. The portfolio's maximum average dollar-weighted maturity will be two and a half years based on the stated maturity date of the investment.

Performance Standards

The investment portfolio will be designed to obtain a market average rate of return during unpredictable budgetary and economic cycles at the local and federal levels, taking into account the City's investment risk constraints and cash flow needs.

The City's investment strategy is primarily passive. Given this strategy, the basis, or benchmark, used by the Investment Officer to determine whether market yields are being achieved shall be the 3 month or 6 month Treasury Bill or 1 or 2 year Treasury Note, whichever is closest to the weighted average maturity of the portfolio.

Reporting

Monthly Reporting. The Director of Finance is responsible for providing monthly information on investment activity in the Comprehensive Monthly Finance Report, to include the size of the portfolio, the distribution by maturity, the distribution by market

sector, interest income earned during the current month and fiscal year to date, and the current portfolio yield.

Quarterly Reporting. The Director of Finance shall submit a signed quarterly investment report, jointly prepared and signed by all Investment Officers, that summarizes current market conditions, economic developments and anticipated investment conditions. The report shall summarize investment strategies employed in the most recent quarter, and describe the portfolio in terms of investment securities, maturities, risk characteristics, and shall explain the total investment return for the quarter.

The quarterly investment report shall provide a status of the current investment portfolio and transactions made over the last quarter. The report will be provided to the City Manager and City Council and include the following:

1. A listing of individual securities held at the end of the reporting period;
2. Unrealized gains or losses resulting from appreciation or depreciation by listing the beginning and ending book and market value of securities for the period. Market price is the net selling price of securities as quoted by a recognized market pricing source quoted on the valuation date;
3. Additions and changes to the market value during the period and fully accrued interest for the reporting period;
4. Average weighted yield to maturity of the portfolio of City investments as compared to applicable benchmark;
5. Listing of investments by maturity date and by type of asset;
6. The percentage of the total portfolio that each type of investment represents;
7. A statement of compliance of the City's investment portfolio with State law and the investment strategy and Policy approved by the City Council.

Market Pricing

Market Value of the investment portfolio will be calculated monthly. Pricing information will come from Bloomberg, IDC, or any other source deemed reliable by the Director of Finance. If the price of a particular security is not available from any of these sources, the price may be estimated by analyzing similar securities' market values.

Training

The Director of Finance, the Treasurer and any other authorized Investment Officer must attend at least one training session relative to their responsibilities under the PFIA within twelve months after taking office or assuming duties from an independent source approved by the Investment Committee. In addition, each must receive not less than 10 hours of instruction every two years relating to investment responsibilities from an independent source approved by the Investment Committee

Internal Controls

The Director of Finance is responsible for establishing appropriate internal controls. The Investment Officers are responsible for executing investment transactions and the Accounting division is responsible for preparation of general ledger journal entries based on documentation prepared by the Investment Officers.

Investment Policy Review And Adoption

The City's Investment Policy shall be reviewed periodically by the Investment Committee and revised and recommended for Council approval, when necessary. In addition, the Policy must be reviewed not less than annually by the City Council. This review will include adoption of a written resolution stating that the Council has reviewed the Investment Policy and investment strategies and include any changes made to the Policy or strategies.

Investment Committee

An Investment Committee comprised of the City Manager, Director of Finance, and the Investment Officer(s) will meet on a quarterly basis. In addition to monthly and quarterly reporting to City Council, the Director of Finance will present a brief report of pertinent investment activities to the Investment Committee.

The primary objective of the Committee will be to review general strategies and policies, monitor investment program results, select independent training sources, and authorize securities dealers.



**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:		8/9/10		
Department:		Legal		
Department Head		Diane Wetherbee		
Agenda Coordinator (include phone #): Lynne Jones - 7109				
CAPTION				
<p>A Resolution of the City Council of the City of Plano, Texas approving the settlement of the lawsuit styled Linda Sanders-Burns, Individually and as heir of the Estate of Anthony Demille Sanders, Deceased v. City of Plano and Police Officer Joseph Cabezuella, Civil Action No. 2:06-CV-439, United States District Court, Eastern District of Texas, Marshall Division in the amount of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00); authorizing the City Manager or his authorized designee to execute any and all documents necessary to settle such lawsuit; and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2009-10	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	500,000	0	500,000
Encumbered/Expended Amount	0	-429,538	0	-429,538
This Item	0	-150,000	0	-150,000
BALANCE	0	-79,538	0	-79,538
FUND(S): PROPERTY & LIABILITY LOSS				
<p>COMMENTS: Lawsuit settlements are covered by the City's Property & Liability Loss Fund. Funding to cover the overage needed for this settlement, in the amount of (\$79,538), will be made available within the Property & Liability Loss Fund.</p> <p>STRATEGIC PLAN GOAL: Providing Property & Liability Loss Funds for this settlement relates to the City's goal of a "Financially Strong City with Service Excellence."</p>				
SUMMARY OF ITEM				
<p>This Resolution authorizes the settlement of the lawsuit entitled Linda Sanders-Burns, Individually and as heir of the Estate of Anthony Demille Sanders, Deceased v. City of Plano and Police Officer Joseph Cabezuella.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
n/a		n/a		

A Resolution of the City Council of the City of Plano, Texas approving the settlement of the lawsuit styled Linda Sanders-Burns, Individually and as heir of the Estate of Anthony Demille Sanders, Deceased v. City of Plano and Police Officer Joseph Cabezuela, Civil Action No. 2:06-CV-439, United States District Court, Eastern District of Texas, Marshall Division in the amount of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00); authorizing the City Manager or his authorized designee to execute any and all documents necessary to settle such lawsuit; and providing an effective date.

WHEREAS, there is pending in the United States District Court for the Eastern District of Texas, Marshall Division, a lawsuit styled Linda Sanders-Burns, Individually and as heir of the Estate of Anthony Demille Sanders, Deceased v. City of Plano and Police Officer Joseph Cabezuela, Civil Action No. 2:06-CV-439 (“Lawsuit”); and

WHEREAS, the parties agreed to settle this Lawsuit for the amount of **ONE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$150,000.00)** and other good and valuable consideration subject to approval of the City Council; and

WHEREAS, a settlement of this Lawsuit is not an admission of fault or liability, but a decision to avoid future expenses and litigation; and

WHEREAS, the City Council of the City of Plano hereby finds that it is in the public interest to accept this settlement offer and that the City Manager or his authorized designee shall be authorized to execute any and all documents necessary to consummate the settlement.

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

Section I. City Council approves the settlement of this Lawsuit in the amount of **ONE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$150,000.00)** pursuant to the terms and conditions of the Settlement Agreement.

Section II. The City Manager or his authorized designee is hereby authorized to execute any and all documents necessary to consummate the settlement.

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

DULY PASSED AND APPROVED this the 9th day of August, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		8/09/10		
Department:		Public Works & Engineering		
Department Head		Alan L. Upchurch		
Agenda Coordinator (include phone #): Irene Pegues (7198)				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, amending Chapter 12 (Traffic Code), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, to delete school zones on Alma Drive from north of Plano Parkway to south of Plano Parkway, and on Ventura Drive from north of Plano Parkway south to Plano Parkway; to revise the endpoints of school zones on the section of Alma Drive from north of 15th Street to south of Janwood Drive, and on Carmel Drive from Westwood Drive to Custer Road; to revise the designated times of operation for the school zone on Village Creek Drive; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: This item has no fiscal impact.				
SUMMARY OF ITEM				
<p>During the 2009-10 school year, the Transportation Engineering Division (TED) continued reviewing the effectiveness of school zones in the City. The movements of students going to and from school may change over time with the construction of new schools, the balancing of attendance zones and the construction of new roads, trails, and other City infrastructure. Seven school zones were studied during the 2009-10 school year. Four were presented to PISD officials for revision or removal. From these discussions, PISD staff agreed to the removal of the zones on Alma Drive from north of Plano Parkway to south of Plano Parkway and on Ventura Drive from north of Plano Parkway south to Plano Parkway; and the revision of the limits of the school zones on Alma Drive from north of 15th Street to south of Janwood Drive and on Carmel Drive from Westwood Drive to Custer Road. In addition, Prince of Peace Catholic School officials requested a revision of the effective times for the school zone on Village Creek Drive that serves their campus. The proposed ordinance reflects the result of discussions between the TED and the PISD and Prince of Peace school officials. The TED supports approval of this ordinance.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Location Maps		N/A		

An Ordinance of the City of Plano, Texas, amending Chapter 12 (Traffic Code), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, to delete school zones on Alma Drive from north of Plano Parkway to south of Plano Parkway, and on Ventura Drive from north of Plano Parkway south to Plano Parkway; to revise the endpoints of school zones on the section of Alma Drive from north of 15th Street to south of Janwood Drive, and on Carmel Drive from Westwood Drive to Custer Road; to revise the designated times of operation for the school zone on Village Creek Drive; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.

WHEREAS, the primary purpose of school zone speed limits is to reduce the speed of travel on roadways at school crosswalks in order to reduce the potential for catastrophic pedestrian – vehicle collisions; and

WHEREAS, the school zone on Alma Drive from north of 15th Street to south of Janwood Drive was implemented for the benefit of middle and elementary age school children crossing Alma Drive; and

WHEREAS, a study conducted by the City of Plano Transportation Engineering Division (TED) found that the school crosswalk on Alma Drive at 15th Street is no longer used by middle and elementary age school children; and

WHEREAS, the study conducted by the TED found that a shortened school zone on Alma Drive may be of benefit to the motoring public by mitigating the effects of congestion at the entrance to St. Mark Catholic School; and

WHEREAS, the school zone on Alma Drive from north of Plano Parkway to south of Plano Parkway was implemented for the benefit of elementary age school children crossing Alma Drive; and

WHEREAS, a study conducted by the TED found that the school crosswalk on Alma Drive at Plano Parkway is no longer used by elementary age school children; and

WHEREAS, the study conducted by the TED found no benefit in the continued operation of the school zone on Alma Drive at Plano Parkway; and

WHEREAS, the school zone on Carmel Drive from Westwood Drive west to Custer Road was implemented for the benefit of middle and elementary age school children crossing Carmel Drive; and

WHEREAS, the school zone on Carmel Drive from Westwood Drive west to Custer Road does not protect school crosswalks except at its endpoints of Westwood Drive and Custer Road; and

WHEREAS, school zones can be implemented that protect the school crosswalks across Carmel Drive at Westwood Drive and Custer Road without burdening the motoring public with a lengthy school zone between the two roads; and

WHEREAS, the school zone on Ventura Drive from Plano Parkway to north of Plano Parkway was implemented for the benefit of middle and elementary age school children crossing Ventura Drive; and

WHEREAS, a study conducted by the TED found that the school crosswalk on Ventura Drive at Plano Parkway is no longer used by middle and elementary age school children; and

WHEREAS, the study conducted by the TED found no benefit in the continued operation of the school zone on Ventura Drive at Plano Parkway; and

WHEREAS, TED staff consulted with and obtained concurrence from Plano Independent School District staff in responsible charge for oversight of school crossings; and

WHEREAS, the administrators of Prince of Peace Catholic School requested a change in the effective time of the school zone on Village Creek Drive that serves their school; and

WHEREAS, the TED found the request of Prince of Peace Catholic School to be reasonable and not a burden on the motoring public; and

WHEREAS, the City Council of the City of Plano finds it is necessary and is in the best interest of the City and its citizens to eliminate one school zone on Alma Drive and one school zone on Ventura Drive, to revise the limits of one school zone on Alma Drive and one school zone on Carmel Drive, and to revise the effective times for the school zone on Village Creek Drive.

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

Section I. Chapter 12 (Traffic Code), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances is hereby amended to delete the following school zones:

“Alma Drive:

(2) For southbound traffic, between fifty (50) feet south of Potomac Drive and a point two hundred (200) feet south of Plano Parkway and for northbound traffic, between a point two hundred (200) feet south of Plano Parkway and a point two hundred fifty (250) feet north of Plano Parkway on school days between 7:15 a.m. and 8:15 a.m. and between 2:30 p.m. and 3:15 p.m. (P)”

“Carmel Drive:

(1) Between Custer Road and Westwood Drive on school days between 7:15 a.m. and 8:45 a.m. and between 2:30 p.m. and 4:00 p.m. (P)”

“Ventura Drive:

(2) Between Plano Parkway and a point four hundred (400) feet north of Plano Parkway on school days between 7:15 a.m. and 8:15 a.m. and between 2:45 p.m. and 3:30 p.m. (F) (See Village Creek Drive)”

Section II. Chapter 12 (Motor Vehicles and Traffic), Article IV (Speed), Section 12-73(d) of the City of Plano Code of Ordinances, and Ordinance Number 2006-6-29, are hereby amended to read as follow:

“Alma Drive:

(1) Between Stonetrail Drive and Pioneer Lane on school days between 7:15 a.m. and 8:15 a.m. and between 2:30 p.m. and 3:15 p.m. (P)

(2) Between a point three hundred fifty (350) feet south of Baxter Drive and a point three hundred (300) feet north of Baxter Drive on school days between 7:15 a.m. and 8:45 a.m. and between 2:30 p.m. and 4:00 p.m. (P)

(3) Between a point one hundred fifty (150) feet south of Whitehall Drive and a point two hundred (200) feet north of Whitehall Drive on school days between 7:15 a.m. and 8:45 a.m. and between 2:30 p.m. and 4:00 p.m. (P)

(4) Between a point fifty (50) feet south of 15th Street and a point one hundred fifty (150) feet north of Janwood Drive on school days between 7:15 a.m. and 8:15 a.m. and between 2:30 p.m. and 4:00 p.m. (Private)”

“Carmel Drive:

(1) Between Custer Road and a point three hundred twenty-five (325) feet west of Custer Road on school days between 7:15 a.m. and 8:45 a.m. and between 2:30 p.m. and 4:00 p.m. (P)

(2) Between Westwood Drive and a point two hundred fifty (250) feet east of Westwood Drive on school days between 7:15 a.m. and 8:45 a.m. and between 2:30 p.m. and 4:00 p.m. (P)”

“Village Creek Drive:

(1) Between Plano Parkway and a point one thousand four hundred twenty-five (1,425) feet southwest of Plano Parkway on school days between 7:15 a.m. and 8:15 a.m. and between 3:00 p.m. and 3:45 p.m. (Private)”

Section III. All other portions of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances shall remain in full force and effect.

Section IV. All provisions of the Ordinances of the City of Plano, codified or uncoded, 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 uncoded, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

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

Section VI. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed TWO HUNDRED AND NO/100 DOLLARS (\$200.00) for each offense. Each and every violation shall be deemed to constitute a separate offense.

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

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

DULY PASSED AND APPROVED this 9th day of August, 2010.

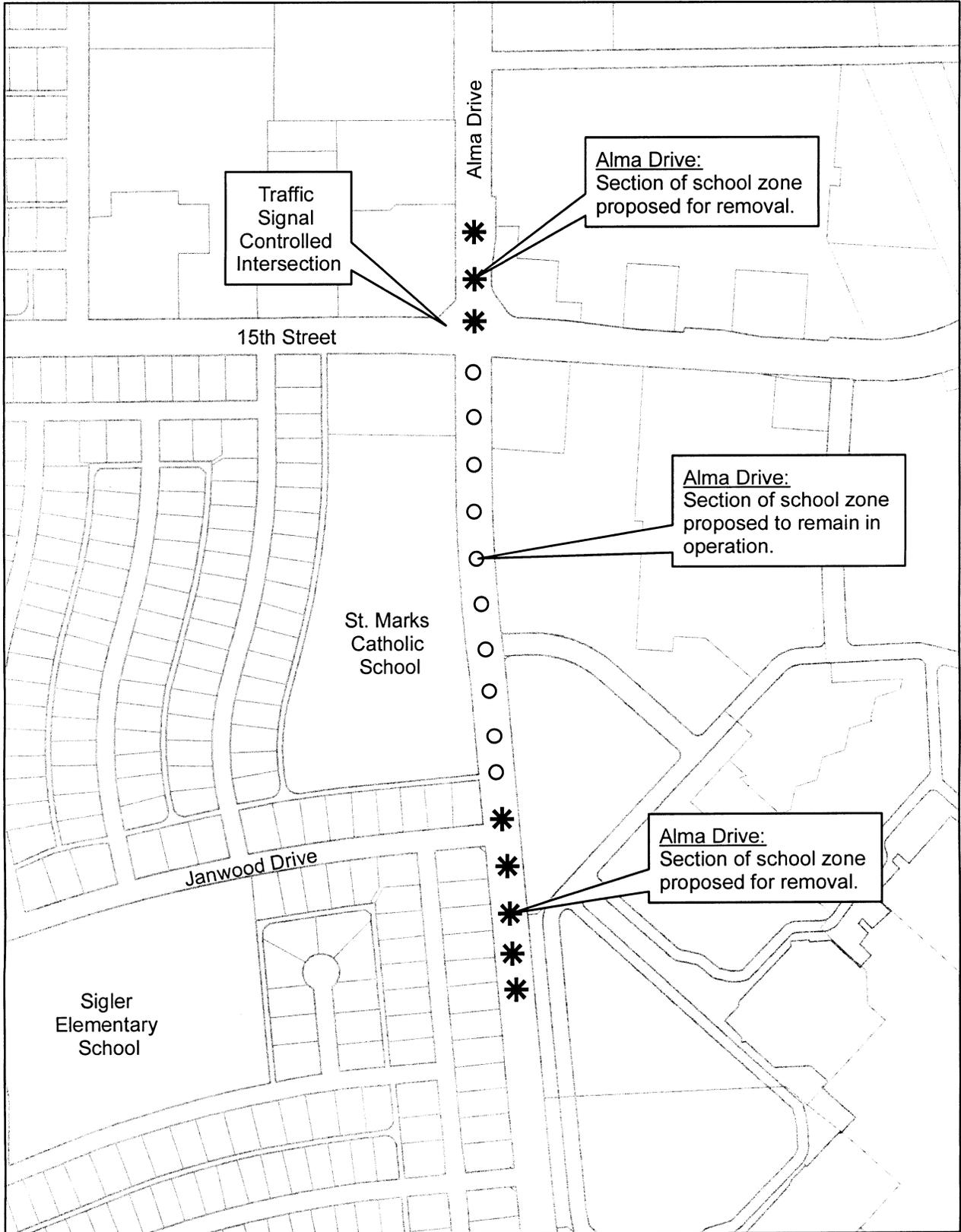
Phil Dyer, MAYOR

ATTEST:

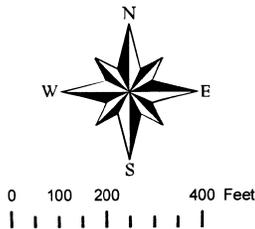
Diane Zucco, CITY SECRETARY

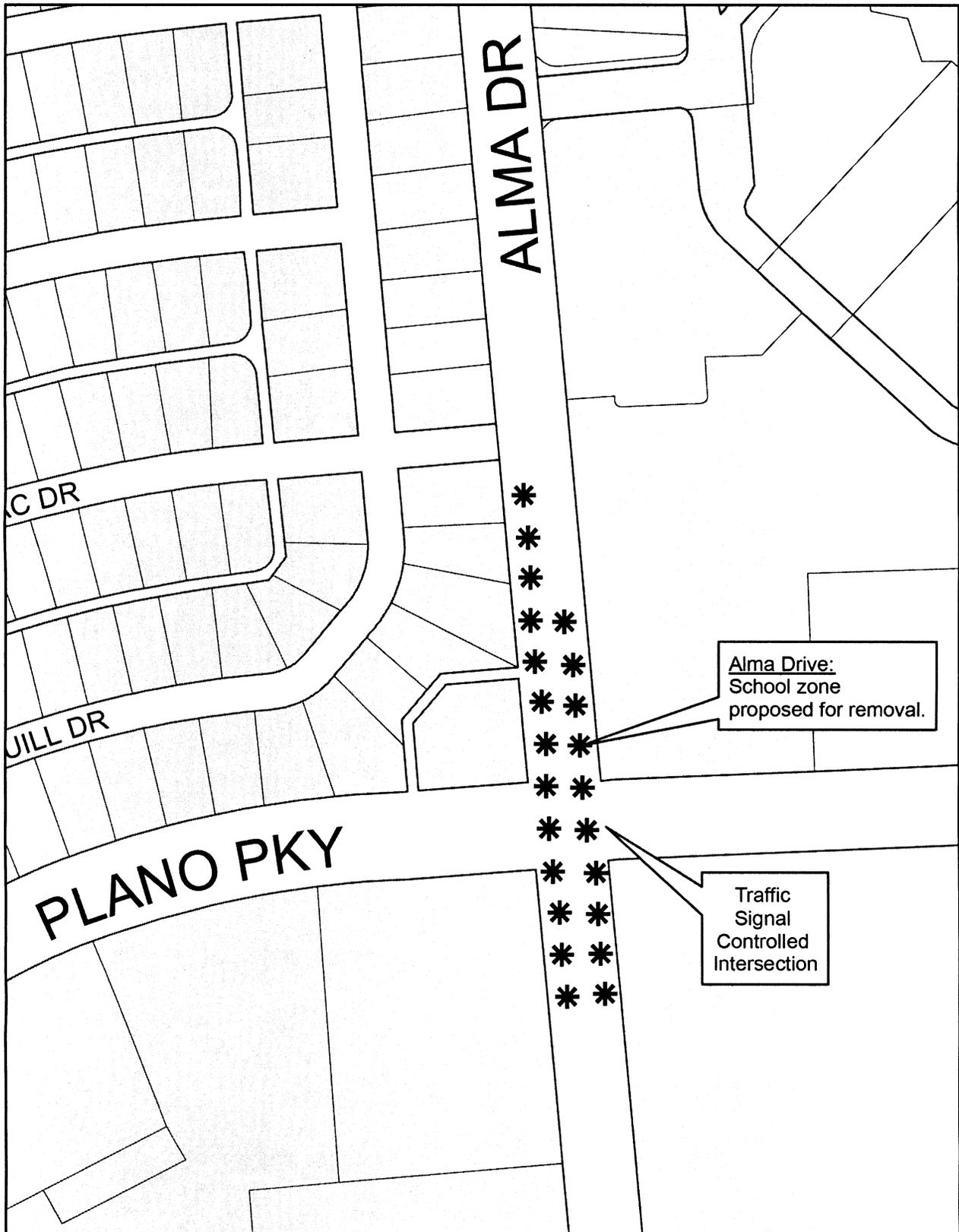
APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

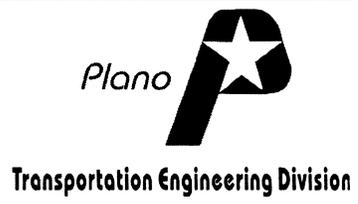
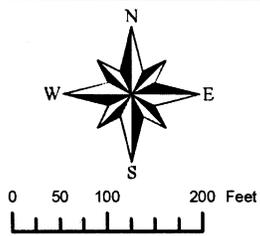


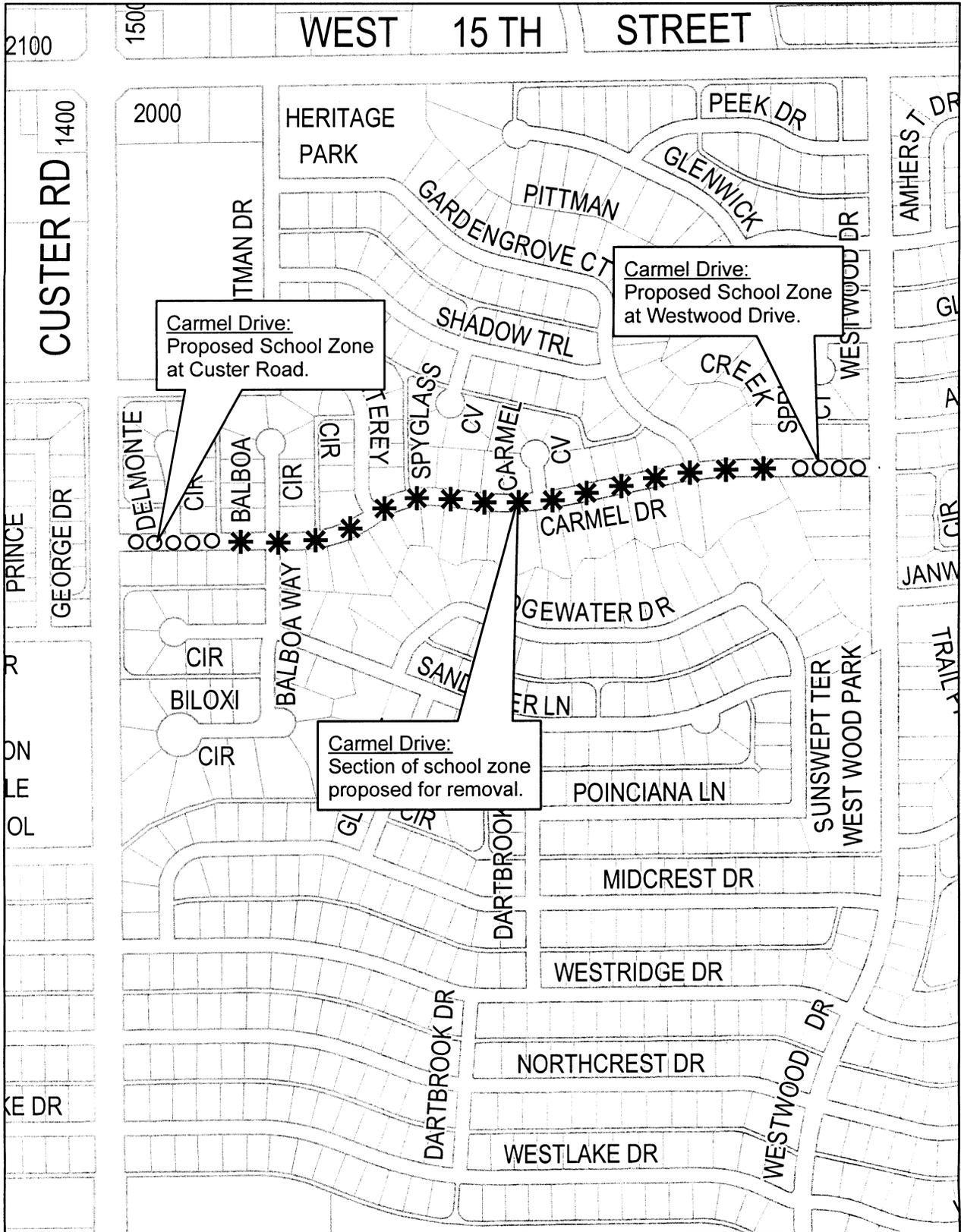
School Zone Modifications -
Alma Drive at 15th Street



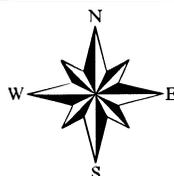


School Zone Modifications -
Alma Drive at Plano Parkway





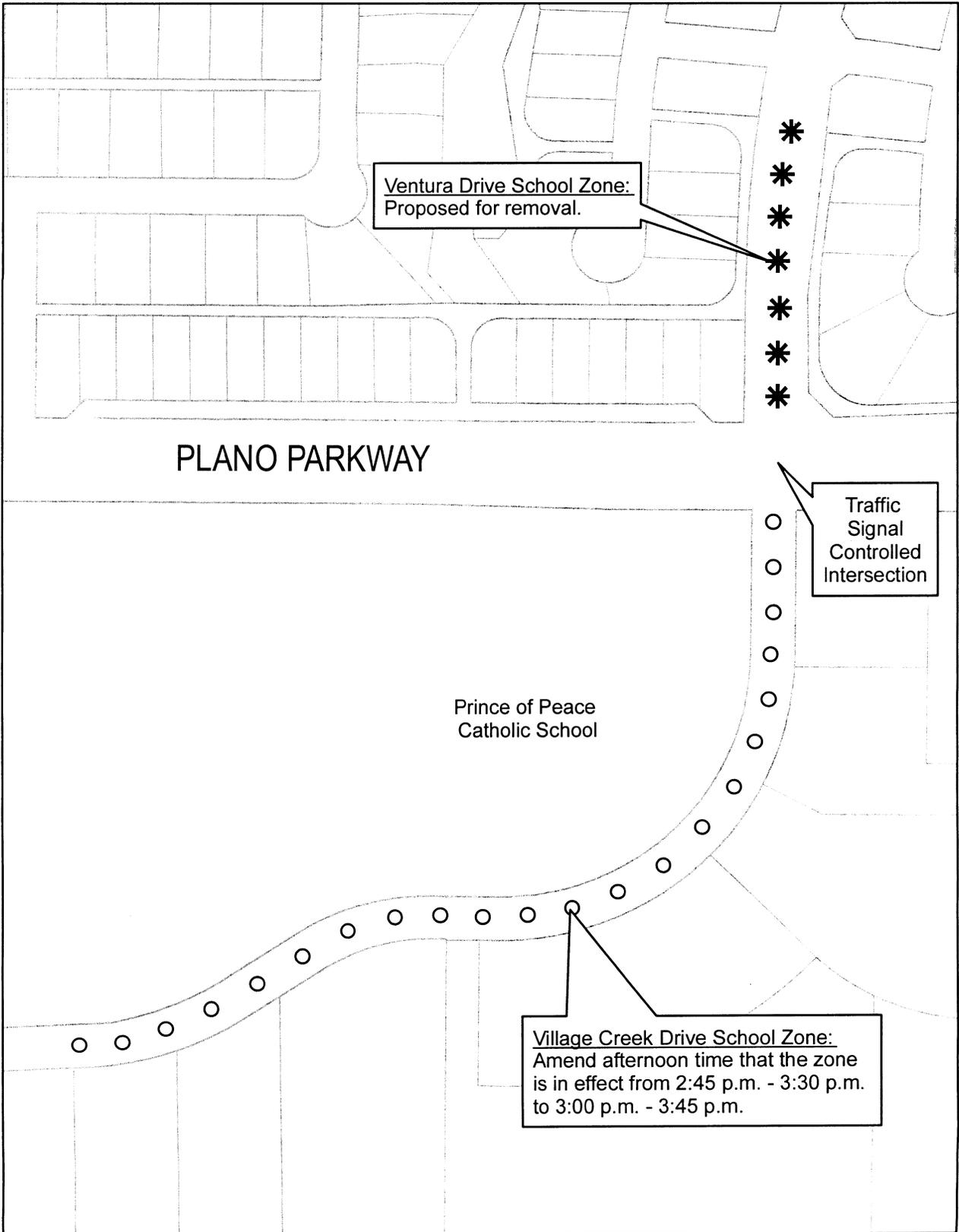
School Zone Modifications - Carmel Drive



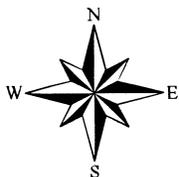
0 125 250 500 Feet



Transportation Engineering Division



School Zone Modifications -
 Ventura Drive Removal
 Village Creek Drive Time Change



0 75 150 300 Feet



Transportation Engineering Division



**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:	8/9/10
Department:	Parks and Recreation
Department Head	Amy Fortenberry
Agenda Coordinator (include phone #): Susan Berger (7255)	

CAPTION

Bid No. 2010-169-B for Pecan Hollow Golf Course Renovation to TDI International dba TDI Golf in the amount of \$7,514,491 and authorizing the City Manager to execute all necessary documents.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2009-10	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	2,169,503	3,177,497	7,898,000	13,245,000
Encumbered/Expended Amount	-2,169,503	-1,516,100	0	-3,685,603
This Item	0	-7,514,491	0	-7,514,491
BALANCE	0	-5,853,094	7,898,000	2,044,906

FUND(S): PARK IMPROVEMENT, MUNICIPAL DRAINAGE CIP

COMMENTS: Funds are included in the 2009-10 Park Improvement and Municipal Drainage CIP for the '09 Pecan Hollow Golf Course, Pecan Hollow Golf Course, Creek Erosion and Trail Connections project. This item, in the amount of \$7,514,491, will be encumbered in the current fiscal year and carry forward into the cash allocation of 2010-11.

STRATEGIC PLAN GOAL: Golf course renovation relates to the City's Goal of Great Neighborhoods -1st Choice to Live and Safe Large City.

SUMMARY OF ITEM

Staff recommends that the bid received from TDI Golf in the amount of \$7,514,491 be accepted as the lowest responsible bid conditioned upon timely execution of any necessary contract documents.

The bid includes the base bid of \$6,860,601, Alternate 1 in the amount of \$113,686, Alternate 2 in the amount of \$228,776 and Alternate 3 in the amount of \$311,428. The bid is well within the consultants base bid estimate of \$7,700,000.

The base bid in the amount of \$6,860,601 is for complete renovation of the 35 year old golf course including new tees, greens, fairways, irrigation system, cart paths, drainage improvements, erosion control structures, additional bridges and a new cart barn. The renovation allows for an improved course layout, the addition of a full service driving range and a teaching course. Alternate 1 is for the addition of a trail along 14th Street in accordance with the 6 Cities Trail Plan. Alternate 2 is for the addition of lighting to the driving range to allow evening use and maximize potential revenues. Alternate 3 is for additional erosion control structures.



CITY OF PLANO COUNCIL AGENDA ITEM

In the event the low bidder cannot execute contract documents, staff recommends that the project be awarded to the second low bidder, Duininck, Inc. in the amount of \$7,592,054 which includes the base bid and Alternates 1, 2 and 3.

List of Supporting Documents:

Location Map

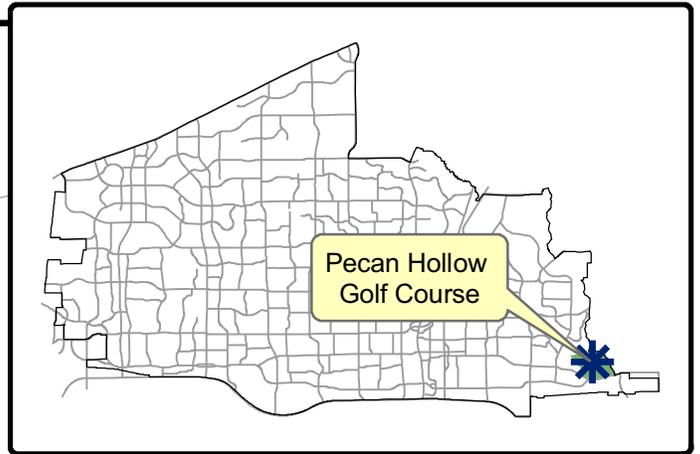
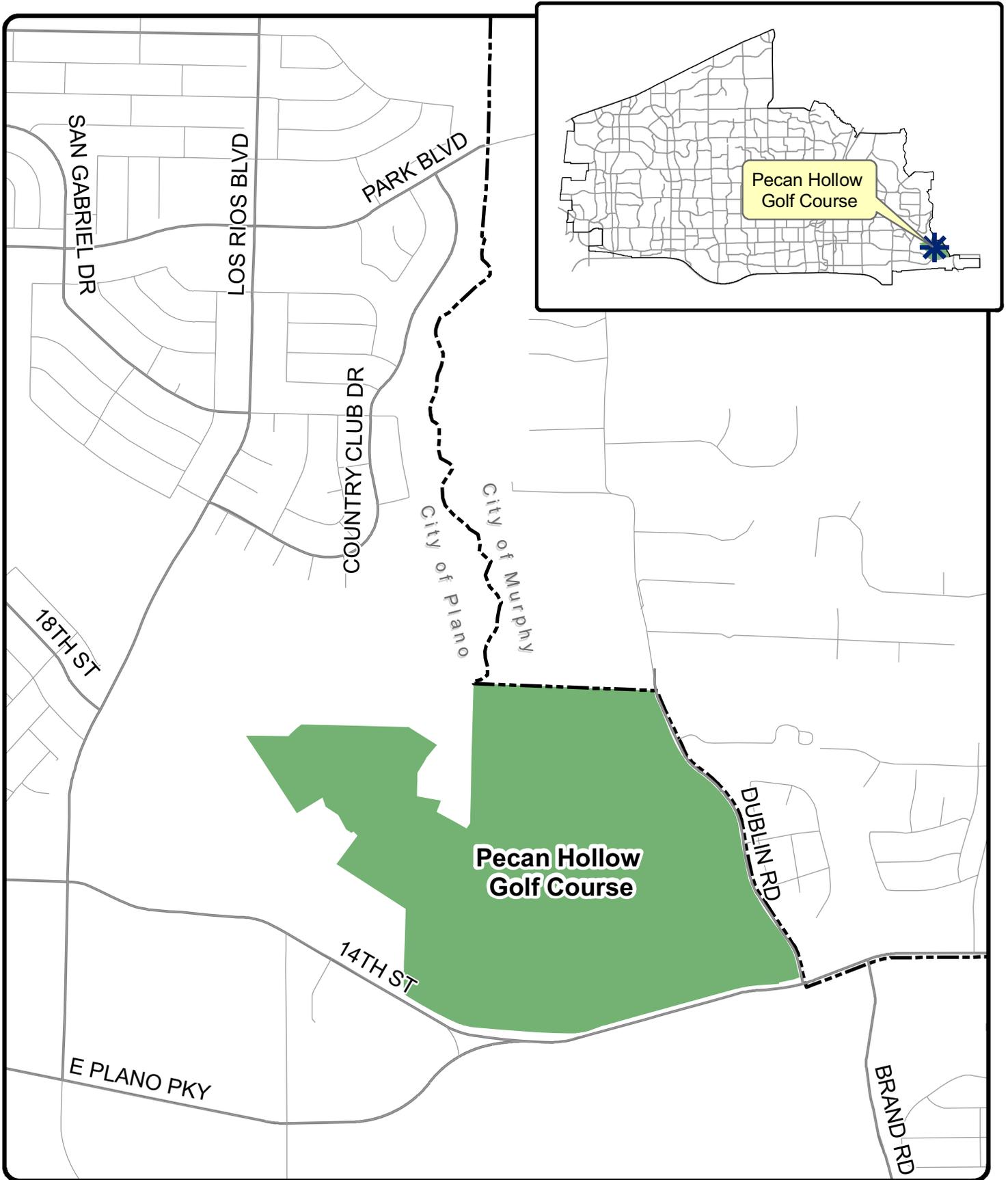
Bid Tab

Other Departments, Boards, Commissions or Agencies



Location Map

Pecan Hollow Golf Course
Project #5922



CITY OF PLANO
***CORRECTED BID TABULATION**
2010-169-B

PECAN HOLLOW GOLF COURSE RENOVATION- PROJECT NO. 5922
JULY 13, 2010 @ 3:30 P.M.

BIDDER:	BID BOND	ADD. 1 ACKN.	ADD. 2 ACKN.	TOTAL BASE BID	ALT. 1	ALT. 2	ALT 3.
TDI Golf	Yes	Yes	Yes	*\$ 6,860,601.47	\$ 113,686.20	\$ 228,776.11	\$ 311,427.60
Duininck, Inc.	Yes	Yes	Yes	\$ 6,995,242.00	\$ 95,592.00	\$ 185,000.00	*\$ 316,220.00
Landscapes Unlimited	Yes	Yes	Yes	\$ 7,435,576.18	\$ 104,127.00	\$ 205,000.00	\$ 252,700.00
Wadsworth Golf Construction Co.	Yes	Yes	Yes	\$ 7,446,704.36	\$ 101,054.40	*\$ 197,845.00	\$ 334,500.00
Mid-America Golf & Landscaping	Yes	Yes	Yes	*\$ 8,003,209.65	\$ 109,930.80	\$ 188,849.85	\$ 256,300.00

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

Bev Rogers

CORRECTED July 14, 2010

Bev Rogers, Buyer

Date

“BID TABULATION STATEMENT”

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

PURCHASING DIVISION
CITY OF PLANO TEXAS



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		8/9/10		
Department:		Budget & Research		
Department Head		Karen Rhodes-Whitley		
Agenda Coordinator (include phone #): E.A. Dorrance x7146				
CAPTION				
DISCUSSION OF THE FY 2010-11 PROPOSED COMMUNITY INVESTMENT PROGRAM.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s): CAPITAL PROJECT FUNDS				
COMMENTS:				
SUMMARY OF ITEM				
Presentation by staff on the various projects included in the FY 2010-11 Proposed Community Investment Program.				
List of Supporting Documents: Agenda, Presentation and P&Z Letter		Other Departments, Boards, Commissions or Agencies		

City Council CIP Worksession
On the 2010-11 Proposed Community Investment Program

Council Chambers, Plano Municipal Center
Monday, August 9, 2010, 7:00 p.m.

- | | |
|------------------------------------|-------------|
| A. Capital Improvement Program | Presenter |
| 1. Overview | Muehlenbeck |
| 2. Parks | Fortenberry |
| A. Recreation Centers Bond Program | |
| B. Park Improvements Bond Program | |
| C. Park Fee Program | |
| D. Parks Capital Reserve | |
| 3. Streets | Cosgrove |
| A. Street Improvements | |
| 4. Municipal Drainage | Cosgrove |
| 5. Water & Sewer | Cosgrove |
| A. Water Improvements | |
| B. Sewer Improvements | |
| 6. Capital Reserve | |
| A. Public Works | Cosgrove |
| B. Facilities | Razinha |
| 7. Municipal Facilities | Razinha |



August 2, 2010

Phil Dyer
Mayor

Lee Dunlap
Mayor Pro Tem

Pat Miner
Deputy Mayor Pro Tem

Ben Harris
Place 2

André Davidson
Place 3

Lissa Smith
Place 4

Harry LaRosiliere
Place 5

Jean Callison
Place 7

Thomas H. Muehlenbeck
City Manager

Honorable Mayor and City Council
City of Plano
PO Box 860358
Plano, TX 75086-0358

RE: Review of Community Investment Program for Consistency with
the Comprehensive Plan

Dear Mayor Dyer and Council Members:

The Planning & Zoning Commission reviewed the proposed Community Investment Program items for the 2010-2011 budget year. The Commission found the CIP to be consistent with the Comprehensive Plan's recommendations for growth management and facility and infrastructure maintenance. The program also addresses present trends in development and population growth.

The Commission appreciates the opportunity to review the CIP and to present our comments.

Sincerely,

Jim Duggan, Chairman
Planning & Zoning Commission

xc: Planning & Zoning Commission
Alan Upchurch, Director of Public Works & Engineering
Phyllis M. Jarrell, Director of Planning

Parks and Recreation

Proposed
Community Investment
Program
FY 2010-11



Parks and Recreation Funding

- ✦ Recreation Centers Bond Program
- ✦ Park Improvements Bond Program
- ✦ Park Fee Program
- ✦ Parks Capital Reserve Fund

Recreation Center Projects

- ◆ Aquatic Center Renovation \$ 1,500,000
- ◆ **Total** \$ **1,500,000**

Aquatic Center Renovation \$1,500,000



Park Improvement Projects

- ◆ Arbor Hills \$ 50,000
- ◆ Athletic Fields Renovations \$ 600,000
- ◆ Land Acquisitions \$1,200,000
- ◆ Oak Point Park \$ 100,000
- ◆ Park Improvements \$ 350,000

Park Improvement Projects

◆ Pecan Hollow Golf Course	\$ 8,000,000
◆ Trail Connections	\$ 1,850,000
◆ White Rock Creek CP	\$ 100,000
◆ Bikeway System	\$ 243,000
◆ Chisholm Trail	\$ 1,760,000
◆ Total	\$ 14,253,000

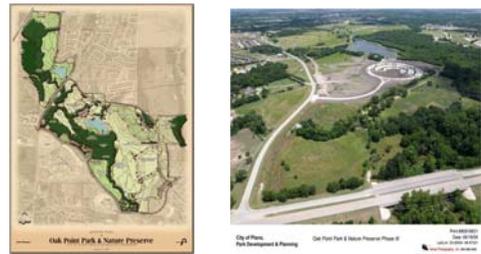
Arbor Hills Nature Preserve \$50,000



Athletic Field Renovations \$600,000



Oak Point Park & Nature Preserve \$100,000



Park Improvements \$350,000



Pecan Hollow Golf Course \$8,000,000



**Trail Connections
\$1,850,000**



**Bikeway System
\$243,000**



**White Rock Creek Community
Park Site \$100,000**



Chisholm Trail \$1,760,000



Park Fee Projects

- ♦ Greenbelt Acquisitions
- Total \$ 865,000**

Capital Reserve Fund

- ♦ Athletic Field Renovation \$500,000
- ♦ Irrigation Renovations \$400,000
- ♦ Park Shelter Replacements \$600,000
- ♦ Park Structures & Equipment \$515,000

Capital Reserve Fund

◆ Playground Replacements	\$300,000
◆ Pool Equipment	\$100,000
◆ Public Building Landscapes	\$125,000
◆ Recreation Center Equipment	\$100,000

Capital Reserve Fund

◆ Silt Removal	\$ 300,000
◆ Trail Repairs	\$ 600,000
◆ Other Projects	\$ 170,000
◆ Total	\$ 3,710,000

Public Works/Engineering

Proposed Community Investment Program FY 2010-11

Street Improvements

◆ Rehabilitation Projects	\$2,573,000
◆ Design Projects	1,255,000
◆ Capacity Improvements	1,929,000
◆ Funding Continuation	8,849,000
◆ Miscellaneous	<u>3,555,000</u>
◆ Total	\$18,161,000

Street Improvements

◆ Rehabilitation Projects	\$2,573,000
■ Alley Reconstruction	
■ Meadows Addition Phase 1	
■ Split Trail	

Street Improvements

◆ Design Projects	\$1,255,000
■ 15 th St – G Ave to US 75	
■ Alley Reconstruction	
■ Intersection Improvements	
■ Miscellaneous Street Reconstruction	
■ Windhaven Pkwy West of City Limits to Spring Creek Pkwy	

Street Improvements

◆ Design Projects – continued

- Coit/Spring Creek Pkwy Intersection Improvements
- Preston/Plano Pkwy Intersection Improvements
- Corridor Intersection Improvements
 - Legacy Drive
 - Parker Road
 - Preston Road
 - Spring Creek Parkway

Street Improvements

◆ Capacity Improvement **\$1,929,000**

- Communications Pkwy - Spring Creek to Tennyson
- Independence Corridor
- Intersection Improvements – Plano Pkwy & Los Rios
- Park Boulevard Corridor

Street Improvements

◆ Funding Continuation **\$8,849,000**

- 14th Street – Avenue K to Ridgewood Drive
- Chaparral Road – Avenue K to East City Limits
- Communications Pkwy – Spring Creek Pkwy to Tennyson Pkwy
- Intersection Improvements
- Marsh – Parker Road South
- McDermott – Coit Road to Ohio Drive
- Park Boulevard/US 75 Pedestrian Crossing
- Ridgewood Drive Reconstruction

Street Improvements

◆ Miscellaneous **\$3,555,000**

- Barrier Free Ramps
- Douglass Walkway
- Landscaping
- Median Landscaping
- Park Streets
- Oversize Participation
- Signalization
- Street Lighting

Other Funding Sources \$9,145,000

◆ Collin County	\$5,884,000
◆ TxDOT	\$2,674,000
◆ East Side TIF II	\$1,700,000
◆ NCTCOG	\$1,018,000
◆ Denton County	\$769,000
◆ RTR Funds	-\$2,900,000

Municipal Drainage \$4,316,000

- ◆ Erosion Control
 - Parks
 - Pitman Creek
 - Padre Court, Dunmoor, and Buckboard
 - Shady Creek, London and Creekside
- ◆ Miscellaneous Drainage Improvements
 - Ashington, Rose Hill & Early Morn
 - Briarwood, Liverpool & Stoney Point

Water Improvements \$5,668,739

- ◆ Custer Pump Station
- ◆ Park Estates Water Rehabilitation
- ◆ Ridgewood Water Rehabilitation
- ◆ Southeast Industrial Tank Repair
- ◆ Stadium Ground Storage Tanks Repaint
- ◆ Water Infrastructure Renovation

Sewer Improvements \$5,139,739

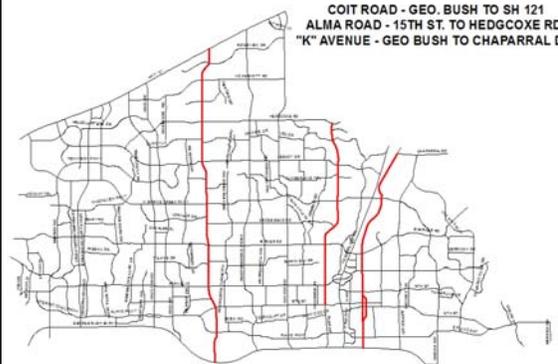
- ◆ 15th Street – G Avenue to US 75
- ◆ Aerial Crossings
- ◆ I and I Repairs
- ◆ Infrastructure Renovation
- ◆ Manhole Sealing
- ◆ Russell Creek Sewer Rehab Phase II
- ◆ Sewer Erosion Control
- ◆ Sherry Lift Station

Capital Reserve Projects FY 2010-11

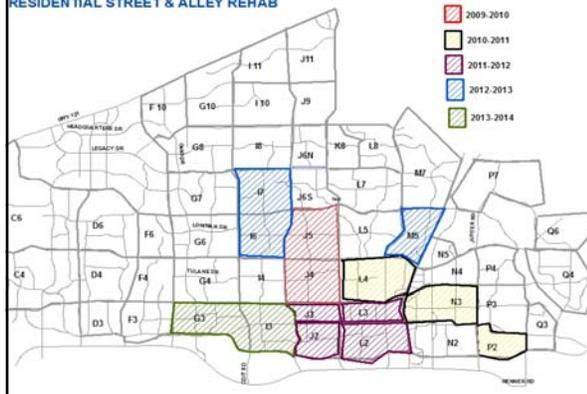
Arterial Concrete Repairs	\$2,300,000
Residential Street/Alley Repairs	3,000,000
Pavement Maintenance	1,000,000
Screening Wall Repair	350,000
Sidewalk Repairs	250,000
Underseal Program	2,000,000
Street Name and Retro-Reflectivity	194,000
Pump Station Rehabilitation	450,000
Pavement Joint & Crack Sealing	200,000
Total	\$9,744,000

2010 - 2011 ARTERIAL CONCRETE PAVEMENT REHAB PROJECTS

COIT ROAD - GEO. BUSH TO SH 121
ALMA ROAD - 15TH ST. TO HEDGCOXE RD.
"K" AVENUE - GEO BUSH TO CHAPARRAL DR.



CITY OF PLANO PUBLIC WORKS CAPITAL RESERVE RESIDENTIAL STREET & ALLEY REHAB



Retro-Reflectivity Program - \$150,000

- \$44,000 for current ongoing Street Name Sign Replacement Program (to be completed next year), and \$150,000 for new Federal Mandate for Traffic Sign Retro-Reflectivity (Funding through CRF)
- Three Compliance Dates
 - 2012 – Sign Assessment and Management Method Designed to Maintain Traffic Sign Retro-Reflectivity using Super Engineering Grade Type II or a Higher Grade Sheeting
 - 2015 – Complied with Changing out all Regulatory, Warning, and Ground Mounted Signs with Super Engineering Grade Type II or a Higher Grade Sheeting
 - 2018 – Complied with Changing out all Overhead and Street Name Signs with Super Engineering Grade Type II or a Higher Grade Sheeting

**Public Works
Other Community Investment Projects
FY 2010-11**

Barrier Free Accessibility	\$ 100,000
Traffic Signalization	500,000
Large Water Valve Replacement	30,000
Inflow-Infiltration Repairs (Service Contract)	2,000,000
Manhole Sealing	300,000
Inflow-Infiltration Program	200,000
Distribution System Improvements	90,000
Total	\$3,220,000

**Facilities Capital Reserve
\$2,071,000**

- ◆ Energy Reduction
- ◆ Various Building Modifications
 - Liberty Recreation Center
 - Fleet Services Building
 - Parkway Services/Operations
 - Fire Stations Minor Renovations
 - Robinson Justice Center
 - Facilities Services
 - Municipal Center

**Facility Projects
\$7,498,800**

- ◆ Fire Stations #2, #6 and #7
- ◆ Technology Services Facility
- ◆ Radio System Infrastructure

Continuation/completion from prior year funding:

- ◆ Fire Station #13
- ◆ Fire Station #4 Expansion



**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:		8/9/10		
Department:		Budget & Research		
Department Head		Karen Rhodes-Whitley		
Agenda Coordinator (include phone #): E. A. Dorrance x7146				
CAPTION				
A Public Hearing on the FY 2010-11 Recommended Budget & the FY 2010-11 Proposed Community Investment Program (CIP).				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
This is a required public hearing to consider the FY 2010-11 Recommended Budget and the FY 2010-11 Proposed Community Investment Program (CIP).				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

**NOTICE OF PUBLIC HEARING ON
THE BUDGET & COMMUNITY INVESTMENT PROGRAM**

The City Council of the City of Plano will hold a public hearing on the Recommended Budget and Proposed Community Investment Program (CIP) for Fiscal Year 2010-11. The hearing will be held on Monday, August 9, 2010 at 7:00 p.m., in the Council Chambers at the Plano Municipal Center, 1520 Ave. K., Plano.

All interested persons will be given an opportunity to be heard for or against any item or the amount of any item contained in the Recommended Budget or Proposed CIP.

Copies of the Recommended Budget and Proposed CIP are available for public inspection at each of the City's libraries.

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



**CITY 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:		8/9/10		
Department:		Budget & Research		
Department Head		Karen Rhodes-Whitley		
Agenda Coordinator (include phone #): E. A. Dorrance x7146				
CAPTION				
A vote on a proposal to consider an increase in the total tax revenue.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	121,843,659	121,843,659
BALANCE	0	0	121,843,659	121,843,659
FUND(S): GENERAL FUND, GENERAL OBLIGATION DEBT FUND, & TIF				
COMMENTS: The 2010-11 Certified Appraisal Roll will generate revenues of approximately \$121,843,659 , at the proposed rate of 50.35 cents per \$100 of assessed property value. This amount has been included in the Recommended 2010-11 Budget.				
SUMMARY OF ITEM				
If the Council intends to propose a tax rate that will increase tax revenue over the effective tax rate, then it must take a vote for the record regarding each council member's position on the proposal.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

DATE: July 20, 2010
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of July 19, 2010

**AGENDA ITEM NO. 6 - PUBLIC HEARING
ZONING CASE 2010-06
APPLICANT: CITY OF PLANO**

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Section 3.400 (Lot Regulations), Subsection 3.801 of Section 3.800 (Height Regulations), and Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations), and related sections of the Zoning Ordinance pertaining to church and rectory uses and other religious uses and facilities.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

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

1. Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to read as follows:

1.600 Definitions

~~Church and Rectory~~ Religious Facility – A building ~~for regular assembly for religious worship which is used primarily for such purpose~~ used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for ~~ministers, priests, nuns, or rabbis~~ religious personnel on the premises.

2. Amend Section 3.400 (Lot Regulations) of Article 3 (Supplementary Regulations) to read as follows:

3.400 Lot Regulations

3.401 Independent living facilities, assisted living facilities, long-term care facilities, continuing care facilities, community centers, hospitals, ~~churches~~, colleges, universities, trade and commercial schools, and public, private, and parochial schools located in any residential district shall have a minimum site area of two acres ~~and shall have access to a street with a minimum 36 feet of pavement width.~~

3.402 Religious facilities, independent living facilities, assisted living facilities, long-term care facilities, continuing care facilities, community centers, hospitals, colleges, universities, trade and commercial schools, and public, private, and parochial schools located in any residential district shall have access to a street with a minimum 36 feet of pavement width.

~~3.402~~ 3.403 Through lots are hereby prohibited.

~~3.403~~ 3.404 Where residential lots have frontage on streets at opposite ends of the lot, a screening wall or other permanent barrier shall be constructed on the property line so that access is denied to one of the adjacent streets.

~~3.404~~ 3.405 In the case where excess right-of-way is dedicated by plat for the purpose of construction an overpass and where such right-of-way exceeds the normal right-of-way required by the Thoroughfare Plan for the adjacent street, development which occurs on the property from which the excess right-of-way was dedicated may utilize the dedicated excess right-of-way in computing floor area ratio and lot coverage.

3. Amend Subsection 3.801 of Section 3.800 (Height Regulations) of Article 3 (Supplementary Regulations) to read as follows:

3.800 Height Regulations

3.801 In all zoning districts and planned developments, water standpipes and tanks, ~~church steeples~~ religious facility architectural features, bell towers, domes and spires on school buildings and institutional buildings, the roofs of auditoriums and sanctuaries of one story construction, and public safety structures may be erected to exceed the district's maximum height. Side and rear yards shall be increased by two additional feet, and the front yard shall be increased by one additional foot, for each foot that such structures exceed the district's maximum height where adjacent to residential districts. The increase in the required yard shall apply only to the portion of the structure that causes the increased yard requirements. See Sections 3.600 and 3.700 for additional side and rear yard setbacks in nonresidential zoning districts.

4. Amend Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) to read as follows:

3.1107 Schedule of Off-Street Parking

Amend parking requirements for religious facility as follows:

~~Church~~ Religious Facility – One space ~~for~~ per each every five seats persons accommodated in the main ~~sanctuary~~ assembly area(s). (No maximum number of parking spaces.)

5. Any reference to ‘church’ and/or ‘church and rectory’ in the Zoning Ordinance shall be changed to ‘religious facility.’

FOR CITY COUNCIL MEETING OF: August 9, 2010 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dc

CITY OF PLANO
PLANNING & ZONING COMMISSION

July 19, 2010

Agenda Item No. 6

Public Hearing: Zoning Case 2010-06

Applicant: City of Plano

DESCRIPTION:

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Section 3.400 (Lot Regulations), Subsection 3.801 of Section 3.800 (Height Regulations), and Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations), and related sections of the Zoning Ordinance pertaining to church and rectory uses and other religious uses and facilities.

REMARKS:

Recently, staff has had several discussions with the Planning & Zoning Commission regarding the city's definition and related ordinance provisions associated with church and rectory uses. The Zoning Ordinance defines church and rectory as "a building for regular assembly for religious worship which is used primarily for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, or rabbis on the premises." After examining the Zoning Ordinance and receiving direction from the Planning & Zoning Commission, staff believes it is necessary to update the ordinance to ensure that it is more aligned with state and federal laws and to address today's wide range of religious land uses.

LEGAL CONSIDERATIONS:

Religious Land Use and Institutionalized Persons Act (RLUIPA)

The federal Religious Land Use and Institutionalized Persons Act (RLUIPA) was enacted in 2000 in order to prevent zoning and development discrimination against religious institutions. This legislation has caused municipalities to rethink their ordinances for religious institutions to ensure that the ordinances are consistent with RLUIPA. There are two basic provisions to RLUIPA:

1. The “substantial burden” provision prohibits a municipality from imposing or implementing a land use regulation in a manner that imposes a “substantial burden” on “religious exercise” unless such a burden is justified by a “compelling governmental interest” and unless it is the least restrictive means of furthering that interest. Religious exercise is defined to include “the use, building or conversion of real property for the purpose of religious exercise.” For a burden on religion to be “substantial,” the government regulation must be significantly oppressive and place more than an inconvenience on religious exercise. For example, requiring a permit to erect, expand, or operate a place of worship is probably not a substantial burden; however, failing to consider an application for a permit from a religious group might be.
2. The “equal terms” provision requires that a municipality may not treat “a religious assembly or institution on less than equal terms than another religious assembly or a nonreligious assembly or institution.” In other words, cities should not create ordinances which in practice treat religious institutions, regardless of denomination, differently than nonreligious uses, or that treat religious uses differently than comparable assembly or institutional uses.

Texas Religious Freedom Restoration Act (RFRA)

Enacted in 1999, the Texas RFRA prohibits a government from substantially burdening the exercise of religion unless that government can show that there is a compelling governmental interest and that regulation is the least restrictive means of furthering that interest.

Legal Assessment of Plano’s Zoning and Development Regulations

In July 2008, Duncan Associates completed a legal assessment of the city’s Zoning Ordinance. In their examination of religious institutions, Duncan found that “there is nothing in [Plano’s] zoning ordinance that appears to even come close to a substantive violation of the letter or spirit of RLUIPA as it has been construed in the courts.” However, Duncan made two recommendations that the city may want to consider. The first is to change the term “church.” Duncan suggested that a more common, inclusive term/phrase such as “religious facility” might be more appropriate. The second is to classify churches according to their size. The purpose of this second recommendation would be to allow only smaller churches within single-family residence zoning districts. Plano has not distinguished churches based upon size and this has allowed many worship facilities to locate within the city. While some cities regulate churches based upon size, the courts appear to be ruling more favorably towards churches since the time the Duncan assessment was completed. Should Plano continue to not regulate churches based upon size, Duncan recommends that the city may wish to consider addressing the regulation of various accessory uses that are related to religious institutions.

ISSUES:

Term

The term “Church and Rectory” is outdated and in many cases inaccurate. In order to include all religious activities regardless of religious preference in a single term, staff suggests changing the term to “Religious Facility,” which is more common, inclusive wording.

Definition of “Church and Rectory” and Accessory Uses

The city’s current definition is “a building for regular assembly for religious worship which is used primarily for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, or rabbis on the premises.” This definition, although functional, is outdated as well. The definition should address all religious uses and not single out a particular religion. Therefore, the Commission developed the following definition:

“A building used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for religious personnel on the premises.”

The Commission considered providing examples of specific accessory uses within the definition itself, but ultimately decided against that practice because of the wide range of accessory uses that are typically associated with various religious uses. Additionally, the Commission has recommended that the city remain favorable in its regulation of accessory uses and continue to allow the accessory uses in conjunction with the church use by right in all zoning districts since churches are allowed by right in all districts.

Permitted Zoning Districts

At this time, church and rectory uses are permitted by right in all of Plano’s zoning districts. Given past discussions with the Commission, the direction provided to staff has been that this not be changed since adequate provisions are already in place to protect residential neighborhoods, such as maximum lot coverage, parking requirements, access to a street with a minimum pavement width, etc.

Minimum Lot Size

Section 3.401 of the Zoning Ordinance requires churches to have a minimum of two acres when developing within a residential zoning district. The reason for this is to allow for future building and parking needs due to increased attendance and typical church expansion. This provision is not solely applied to churches but is also applied to independent living facilities, assisted living facilities, long-term care facilities, continuing care facilities, community centers, hospitals, colleges, universities, trade and commercial schools, and public, private, and parochial schools when located in residential districts.

There have been several variance requests to this minimum site acreage provision. Although the requirement is also applied to uses other than churches, and it is not a clear violation of state or federal law, staff believes that the city may continue to be challenged on this provision in the future. Staff recommends removing the minimum lot size requirement for churches since adequate provisions are already in place to protect residential neighborhoods, such as maximum lot coverage, parking requirements, access to a street with a minimum pavement width, etc.

Access to a Street with a Minimum Pavement Width

Section 3.401 of the Zoning Ordinance also requires churches to have access to a street with a minimum pavement width of 36 feet when the church is located within a residential zoning district. This provision is also applied to independent living facilities, assisted living facilities, long-term care facilities, continuing care facilities, community centers, hospitals, colleges, universities, trade and commercial schools, and public, private, and parochial schools. Religious facilities may create heavy traffic flows concentrated within a few hours during their normal worship times. The purpose of this requirement is to ensure that there is access to a street with adequate pavement width to handle excessive traffic flows during these times. The Commission recommended that this provision remain.

Housing for the Homeless

Recently the city has received an inquiry regarding the allowance for churches to sponsor or operate homeless shelters. Many churches support and encourage the feeding and housing of homeless, as these activities are congruent with their religious beliefs. Currently, these uses are defined as either household care facility or household care institution depending on the number of individuals housed. In previous discussions with the Commission, staff thought it might be appropriate to separate the homeless shelter use from the other household care uses and allow them as accessory uses for religious facilities only.

If homeless shelters associated with churches are a use that the city believes it needs to address individually, staff recommends that the shelters be allowed as an accessory use to religious uses only and not allowed for fraternal, social, and institutional uses since these types of organizations can operate shelters in accordance with the city's current household care facility and household care institution uses. In that instance, staff suggests the following definition for a "temporary accessory housing shelter:"

"A not-for-profit temporary housing shelter operated as an accessory use to a religious facility only, providing free lodging for indigent individuals or families with no regular home or residential address. A temporary accessory housing shelter shall house a maximum of 20 individuals at one time, and shall operate for a maximum of 30 days per calendar year. This definition shall not include household care facility and household care institutions."

In previous discussions, the Commission suggested the possibility of creating limits on the number of individuals allowed; restricting the time an individual is allowed to remain in a shelter; imposing a lot size regulation; and creating a provision for bathroom facilities. Staff believes that creating such limits on a temporary accessory housing shelter would prove difficult to monitor and enforce.

After further examination, staff believes that housing for the homeless should remain classified as either household care facility or household care institution because these classifications already exist within the Zoning Ordinance and have limits placed upon them based upon the number of persons housed. Furthermore, if an applicant believes that they cannot abide by the limits on the number of persons set forth in the household care definitions, particularly household care facilities since they are limited to eight persons plus two care-givers, the applicant currently has the opportunity to apply for a variance with the Board of Adjustment (BOA). Staff believes that the existing household care definitions and related variance process are sufficient to meet the needs of churches seeking to provide housing for the homeless.

Parking

Currently, the Zoning Ordinance requires churches to provide parking at “one space per every five seats in the main sanctuary.” The Commission directed staff that the current parking ratio calculation at one per five is appropriate, but recommended amending the method of calculation from “seats” to more all-encompassing language. Staff is recommending that parking for religious facilities be calculated as follows:

“One space per every five persons accommodated in the main assembly area(s).”

This verbiage is similar to the existing calculation for assembly uses. During the review process, the applicant will note on the site plan the number of persons that can be accommodated whether it is fixed seating or some other seating method, and then staff can verify the required parking is being provided.

Special Exception

In previous discussions, the Commission and staff discussed the possibility of creating a special exception process in order to allow for development requests for religious facilities that do not comply with existing regulations. A special exception process, which is authorized by state law, would allow for requests for alternate development proposals that do not comply with current development regulations to be considered, instead of the current variance process already provided for in the Zoning Ordinance. Presently, the BOA has the authority to hear and grant variances if certain criteria are met. Given the limited number of variance requests reviewed by the BOA for churches, staff believes that the established variance process is sufficient to handle any variance issues that may arise pertaining to churches. Additionally, this same process is available for similar assembly-type uses.

RECOMMENDATION:

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

1. Amend Section 1.600 (Definitions) of Article 1 (General Regulations) to read as follows:

1.600 Definitions

~~Church and Rectory~~ Religious Facility – A building ~~for regular assembly for religious worship which is used primarily for such purpose~~ used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for ~~ministers, priests, nuns, or rabbis~~ religious personnel on the premises.

2. Amend Section 3.400 (Lot Regulations) of Article 3 (Supplementary Regulations) to read as follows:

3.400 Lot Regulations

3.401 Independent living facilities, assisted living facilities, long-term care facilities, continuing care facilities, community centers, hospitals, ~~churches,~~ colleges, universities, trade and commercial schools, and public, private, and parochial schools located in any residential district shall have a minimum site area of two acres and ~~shall have access to a street with a minimum 36 feet of pavement width.~~

3.402 Religious facilities, independent living facilities, assisted living facilities, long-term care facilities, continuing care facilities, community centers, hospitals, colleges, universities, trade and commercial schools, and public, private, and parochial schools located in any residential district shall have access to a street with a minimum 36 feet of pavement width.

~~3.402~~ 3.403 Through lots are hereby prohibited.

~~3.403~~ 3.404 Where residential lots have frontage on streets at opposite ends of the lot, a screening wall or other permanent barrier shall be constructed on the property line so that access is denied to one of the adjacent streets.

~~3.404~~ 3.405 In the case where excess right-of-way is dedicated by plat for the purpose of construction an overpass and where such right-of-way exceeds the normal right-of-way required by the Thoroughfare Plan for the adjacent street, development which occurs on the property from which the excess right-of-way was dedicated may utilize the dedicated excess right-of-way in computing floor area ratio and lot coverage.

3. Amend Subsection 3.801 of Section 3.800 (Height Regulations) of Article 3 (Supplementary Regulations) to read as follows:

3.800 Height Regulations

3.801 In all zoning districts and planned developments, water standpipes and tanks, ~~church steeples~~ religious facility architectural features, bell towers, domes and spires on school buildings and institutional buildings, the roofs of auditoriums and sanctuaries of one story construction, and public safety structures may be erected to exceed the district's maximum height. Side and rear yards shall be increased by two additional feet, and the front yard shall be increased by one additional foot, for each foot that such structures exceed the district's maximum height where adjacent to residential districts. The increase in the required yard shall apply only to the portion of the structure that causes the increased yard requirements. See Sections 3.600 and 3.700 for additional side and rear yard setbacks in nonresidential zoning districts.

4. Amend Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) to read as follows:

3.1107 Schedule of Off-Street Parking

Amend parking requirements for religious facility as follows:

~~Church~~ Religious Facility – One space ~~for~~ per each every five ~~seats~~ persons accommodated in the main ~~sanctuary~~ assembly area(s). (No maximum number of parking spaces.)

5. Any reference to 'church' and/or 'church and rectory' in the Zoning Ordinance shall be changed to 'religious facility.'

Zoning Case 2010-06

An Ordinance of the City of Plano, Texas, amending Section 1.600 Definitions of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), Section 3.400 (Lot Regulations), Subsection 3.801 of Section 3.800 (Height Regulations), and Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, pertaining to church and rectory uses and other religious uses and facilities; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 9th day of August, 2010, for the purpose of considering a change in the Zoning Ordinance; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 9th day of August, 2010; and

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

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

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

1.600 Definitions

Religious Facility – A building used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for religious personnel on the premises.

Section II. Amend Section 3.400 (Lot Regulations) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended, such section to read as follows:

3.400 Lot Regulations

3.401 Independent living facilities, assisted living facilities, long-term care facilities, continuing care facilities, community centers, hospitals, colleges, universities, trade and commercial schools, and public, private, and parochial schools located in any residential district shall have a minimum site area of two acres.

3.402 Religious facilities, independent living facilities, assisted living facilities, long-term care facilities, continuing care facilities, community centers, hospitals, colleges, universities, trade and commercial schools, and public, private, and parochial schools located in any residential district shall have access to a street with a minimum 36 feet of pavement width.

3.403 Through lots are hereby prohibited.

3.404 Where residential lots have frontage on streets at opposite ends of the lot, a screening wall or other permanent barrier shall be constructed on the property line so that access is denied to one of the adjacent streets.

3.405 In the case where excess right-of-way is dedicated by plat for the purpose of construction an overpass and where such right-of-way exceeds the normal right-of-way required by the Thoroughfare Plan for the adjacent street, development which occurs on the property from which the excess right-of-way was dedicated may utilize the dedicated excess right-of-way in computing floor area ratio and lot coverage.

Section III. Amend Subsection 3.801 of Section 3.800 (Height Regulations) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended, such subsection to read as follows:

3.800 Height Regulations

3.801 In all zoning districts and planned developments, water standpipes and tanks, religious facility architectural features, bell towers, domes and spires on school buildings and institutional buildings, the roofs of auditoriums and sanctuaries of one story construction, and public safety structures may be erected to exceed the district's maximum height. Side and rear yards shall be increased by two additional feet, and the front yard shall be increased by one additional foot, for each foot that such structures exceed the district's maximum height where adjacent to residential districts. The increase in the required yard shall apply only to the portion of the structure that causes the increased yard requirements. See Sections 3.600 and 3.700 for additional side and rear yard setbacks in nonresidential zoning districts.

Section IV. Amend Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended, such subsection to read as follows:

3.1107 Schedule of Off-Street Parking

Amend parking requirements for religious facility as follows:

Religious Facility – One space per every five persons accommodated in the main assembly area(s). (No maximum number of parking spaces.)

Section V. That the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended such that any reference to “church” and/or “church and rectory” in the Comprehensive Zoning Ordinance shall be changed to “religious facility.”

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

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

PASSED AND APPROVED THIS THE 9TH DAY OF AUGUST, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

DATE: July 20, 2010
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of July 19, 2010

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2010-08
APPLICANT: MORLEDGE HOLDINGS, LP**

Request for a Specific Use Permit for a 90-foot Commercial Antenna Support Structure on 0.1± acre located 220± feet east of Coit Road and 480± feet north of Hedgcoxe Road. Zoned Retail.

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 subject to the commercial antenna support structure being constructed as a flagpole stealth design.

FOR CITY COUNCIL MEETING OF: August 9, 2010 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dc

xc: Vincent Huebinger, Vincent Gerard & Assoc. Inc.

MEMO

July 27, 2010

TO: Tom Muehlenbeck, City Manager
Frank Turner, Deputy City Manager

FROM: Eric Hill, Planner

RE: Zoning Case 2010-08

Staff received a letter in opposition to Zoning Case 2010-08 from an adjacent property owner. Because the property owner's opposition constitutes more than 20% of the land area within the 200-foot zoning notice area, Chapter 211 of the Local Government Code requires that a three-quarter majority vote, rather than a simple majority vote, will be necessary for City Council to approve Zoning Case 2010-08.

Phyllis Jarrell, Director of Planning, and Tina Firgens, Planning Manager, will be present at the City Council meeting to address any questions regarding this item.

CITY OF PLANO
PLANNING & ZONING COMMISSION

July 19, 2010

Agenda Item No. 7A

Public Hearing: Zoning Case 2010-08

Applicant: Morledge Holdings, LP

DESCRIPTION:

Request for a Specific Use Permit for a 90-foot Commercial Antenna Support Structure on 0.1± acre located 220± feet east of Coit Road and 480± feet north of Hedgcoxe Road. Zoned Retail.

REMARKS:

This item was tabled at the July 6, 2010, Planning & Zoning Commission meeting. It needs to be removed from the table.

The requested zoning is a Specific Use Permit (SUP) for a 90-foot Commercial Antenna Support Structure. A commercial antenna is defined as any antenna system that provides, directly or indirectly for a fee, telecommunications services to the public or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established. The property is currently zoned Retail (R). The R district is primarily intended to provide areas for neighborhood, local, and regional shopping facilities for the retail sales of goods and services including convenience stores, shopping centers, and regional malls but not including wholesaling and warehousing.

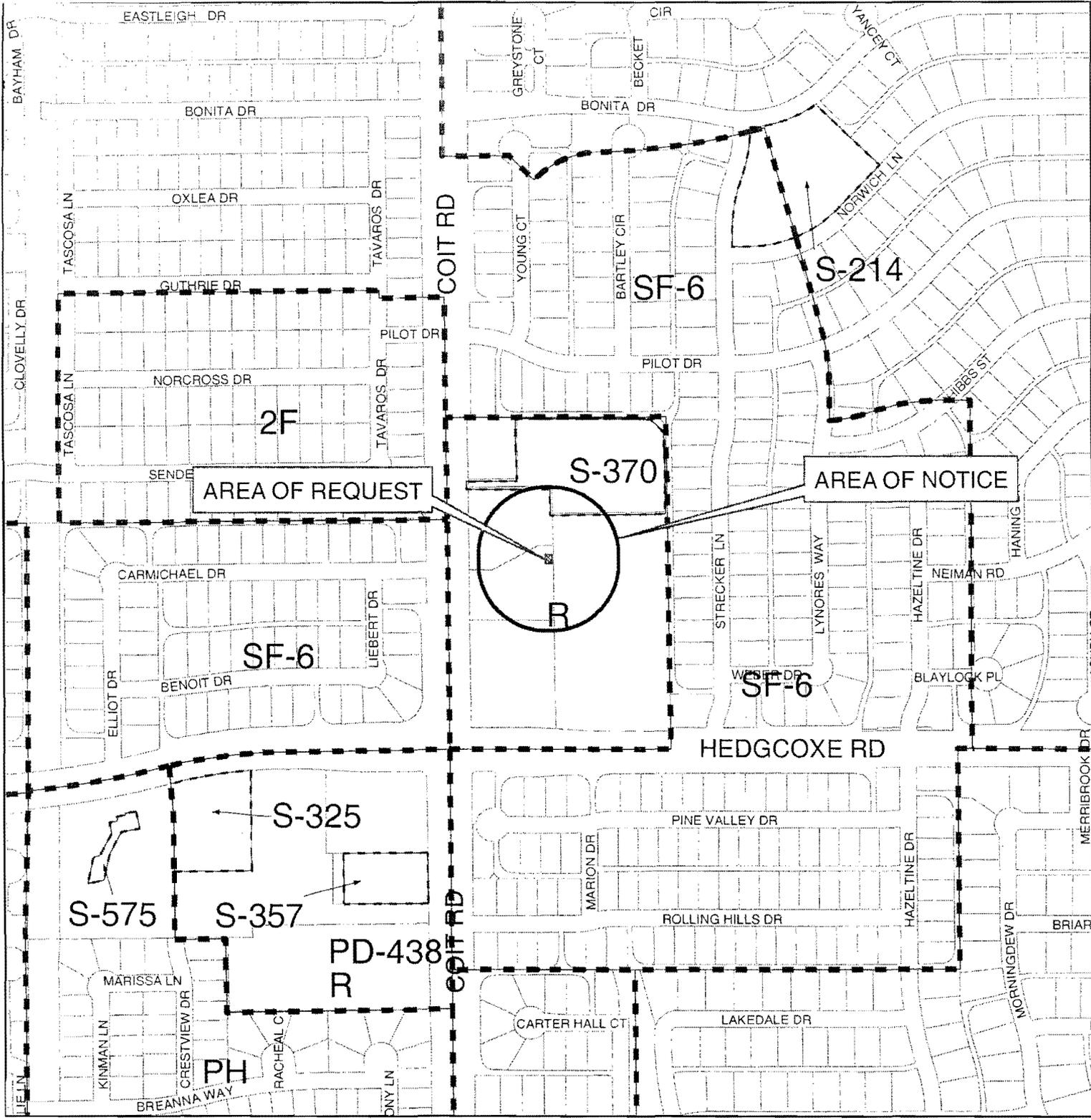
The subject property is currently developed as a minor automobile repair business and includes an existing 60-foot commercial antenna support structure; the existing tower is allowed by right in the R district. The applicant proposes to remove the existing 60 foot tower and construct a new 90 foot tower in the same location. Because the requested tower exceeds 60 feet in height, an SUP is required. The maximum height of a commercial antenna support structure that may be requested is 120 feet in the R district. The reason why the applicant is requesting an additional 30 feet in height is to provide adequate coverage and to allow for collocation for multiple carriers.

The land surrounding the area of request is zoned R and is occupied by veterinary clinic, day care, post office, and retail uses. Approximately 400 feet to the north and 370 feet to the east is a residential subdivision, Highland Ridge 7. To the south across Hedgcoxe Road and to the west across Coit Road are additional residential subdivisions, Parkdale and Highland Meadows.

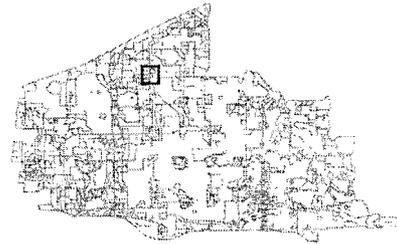
Due to the subject property's proximity to existing residential subdivisions, staff has recommended that the applicant provide a stealth design for the requested support structure. The purpose for this request is to minimize the visual effect of a traditional 90-foot tall support structure with visible antenna. The applicant is proposing a "flagpole" design which will completely enclose and hide the antenna within a large pole. The applicant's design will help minimize the aesthetic impact of the proposed antenna support structure from the neighboring residential subdivisions and commercial developments, while also limiting the necessary height of the pole. According to the applicant the new pole design will be able to accommodate three antenna carriers (the existing carrier, the applicant, and one other carrier). Staff believes that the proposed design meets the intent of a stealth commercial antenna support structure.

RECOMMENDATION:

Recommended for approval.

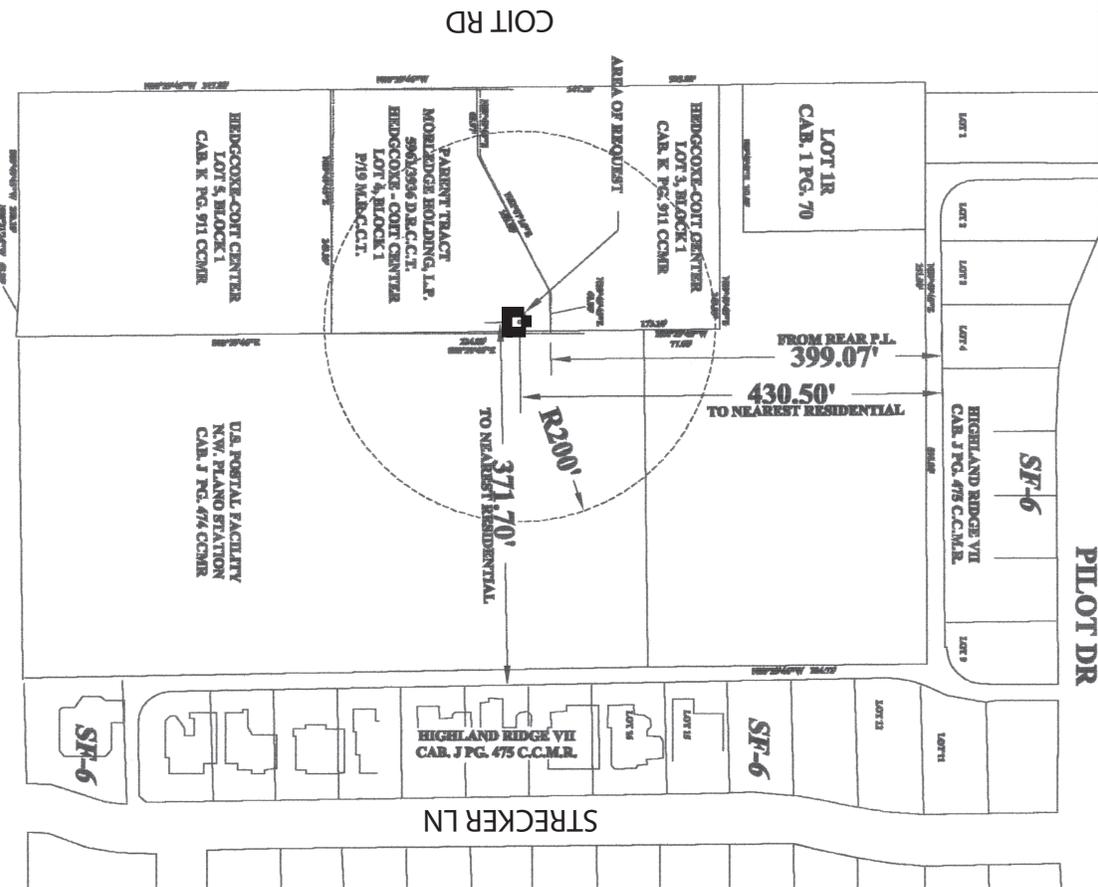


Zoning Case #: 2010-08
 Existing Zoning: RETAIL



○ 200' Notification Buffer

NO.	DESCRIPTION	DATE	BY	REVISIONS / CORRECTIONS
1	FOR THE PURPOSES OF THIS ZONING EXHIBIT, THE SITE IS ASSUMED TO BE A GOOD YEAR SERVICE CENTER.	06/22/2010	SG	



PURPOSE
 PURPOSE OF THIS ZONING EXHIBIT IS TO PROVIDE A ZONING DISTRICT WITH SUPPORT STRUCTURE FOR THE PROPOSED SERVICE CENTER.

ENGINEERS/ARCHITECTS
 ALDRIN CONSULTING GROUP, INC.
 2000 W. WILSON ROAD, SUITE 200
 DALLAS, TX 75243
 PHONE: (972) 412-8372

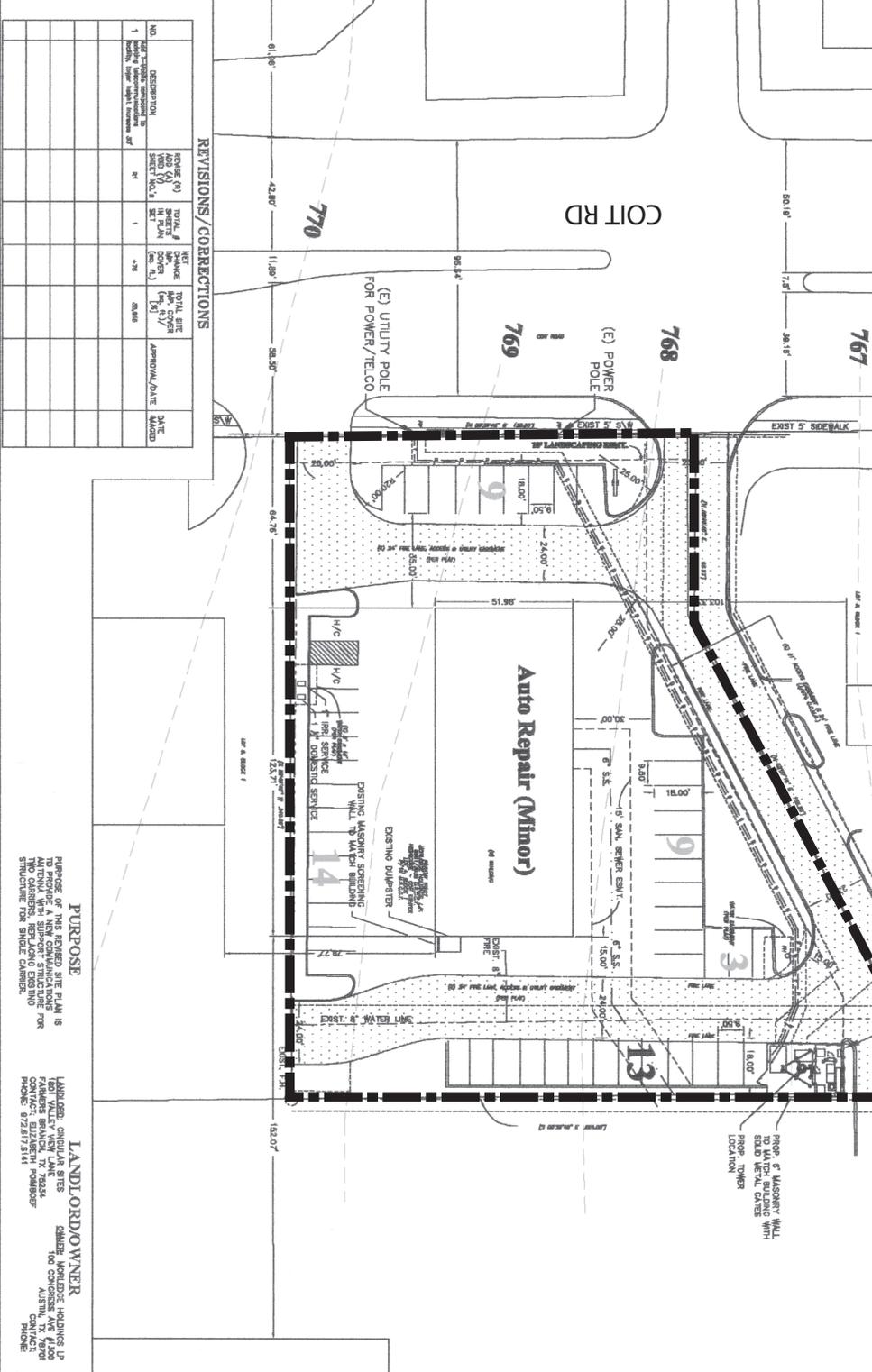
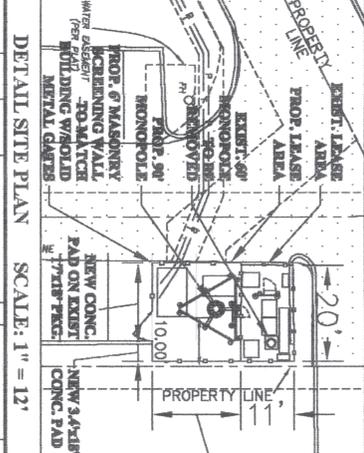
LAND OBTAINER
 LAND OBT: CARMICHAEL, SHERIDAN HOLDINGS LP
 1401 VALLEY VIEW LANE, SUITE 200
 CONROES BRANCO, TX 75002
 PHONE: 972.677.5141

APPLICANT INFO.
 -MOBILE
 4401 PRESTON, SUITE 110
 AUSTIN, TX 78746
 CONTACT: (512) 328-2885

LEGAL DESCRIPTION
 LOT 4, BLOCK 1, HDGCOXE COIT CENTER

ZONING
 1. THE PROPOSED ZONING DISTRICT IS A ZONING EXHIBIT.
 2. THE PROPOSED ZONING DISTRICT IS A ZONING EXHIBIT.
 3. THE PROPOSED ZONING DISTRICT IS A ZONING EXHIBIT.

ZONING EXHIBIT
 ZONING CASE 2010-08
HEDGCOXE COIT CENTER
 BLOCK 1, LOT 4
 GOOD YEAR SERVICE CENTER
 1048 ACRES
 VINCENT GERARD & ASSOCIATES
 1715 CAPITAL OF TEXAS HIGHWAY SOUTH, SUITE 207
 AUSTIN, TEXAS
 (512) 328-2885 • 528-4011 (FAX)
 EMAIL ADDRESS: vgerard@vga.net



REVISIONS/CORRECTIONS

NO.	DESCRIPTION	DATE	BY	CHKD.
1	Initial site plan submitted for review. Minor corrections noted. Review subject to review of	04/18/10	VS	VS

PURPOSE
 PREPARE OF THIS ZONING EXHIBIT PLAN IS TO PROVIDE THE NECESSARY INFORMATION FOR ANTIWIND WITH SUPPORT STRUCTURE FOR STRUCTURE FOR SINGLE DORMER.

LANDLORD/OWNER
 LAMAR CORP. CHOUX SITE
 1801 VALLEY VIEW LANE
 CARRERS BRANCH TX 75224
 PHONE: 972/3712141

DESIGNER
 VINCENT GERARD & ASSOCIATES
 1715 CAPITAL OF TEXAS HIGHWAY SOUTH, SUITE 207
 AUSTIN, TX 78701
 PHONE: 512/328-2693



- EXISTING WITHIN THE SITE SCHEDULE**
- | ID | TYPE | SIZE | NO. | EXIST. OR | NEW |
|----|-------|-----------|-----|-----------|-----|
| 1 | CONC. | 12' x 24' | 1 | EXIST. | NEW |
| 2 | CONC. | 12' x 24' | 2 | EXIST. | NEW |
- EXISTING WITHIN THE SITE SCHEDULE**
- | ITEM NO. | DESCRIPTION | QUANTITY | UNIT |
|----------|-------------|----------|-------|
| 1 | CONCRETE | 4,000 | CU YD |
| 2 | STEEL | 2,000 | LB |
| 3 | BRICK | 100,000 | BRICK |
| 4 | ROOFING | 10,000 | SQ FT |
| 5 | PAINT | 10,000 | GAL |
| 6 | GLASS | 10,000 | SQ FT |
| 7 | MECHANICAL | 10,000 | SQ FT |
| 8 | ELECTRICAL | 10,000 | SQ FT |
| 9 | PLUMBING | 10,000 | SQ FT |
| 10 | LANDSCAPE | 10,000 | SQ FT |
| 11 | ASPHALT | 10,000 | SQ FT |
| 12 | CONCRETE | 10,000 | SQ FT |
| 13 | PAINT | 10,000 | GAL |
| 14 | GLASS | 10,000 | SQ FT |
| 15 | MECHANICAL | 10,000 | SQ FT |
| 16 | ELECTRICAL | 10,000 | SQ FT |
| 17 | PLUMBING | 10,000 | SQ FT |
| 18 | LANDSCAPE | 10,000 | SQ FT |
| 19 | ASPHALT | 10,000 | SQ FT |
| 20 | CONCRETE | 10,000 | SQ FT |
| 21 | PAINT | 10,000 | GAL |
| 22 | GLASS | 10,000 | SQ FT |
| 23 | MECHANICAL | 10,000 | SQ FT |
| 24 | ELECTRICAL | 10,000 | SQ FT |
| 25 | PLUMBING | 10,000 | SQ FT |
| 26 | LANDSCAPE | 10,000 | SQ FT |
| 27 | ASPHALT | 10,000 | SQ FT |
| 28 | CONCRETE | 10,000 | SQ FT |
| 29 | PAINT | 10,000 | GAL |
| 30 | GLASS | 10,000 | SQ FT |
| 31 | MECHANICAL | 10,000 | SQ FT |
| 32 | ELECTRICAL | 10,000 | SQ FT |
| 33 | PLUMBING | 10,000 | SQ FT |
| 34 | LANDSCAPE | 10,000 | SQ FT |
| 35 | ASPHALT | 10,000 | SQ FT |
| 36 | CONCRETE | 10,000 | SQ FT |
| 37 | PAINT | 10,000 | GAL |
| 38 | GLASS | 10,000 | SQ FT |
| 39 | MECHANICAL | 10,000 | SQ FT |
| 40 | ELECTRICAL | 10,000 | SQ FT |
| 41 | PLUMBING | 10,000 | SQ FT |
| 42 | LANDSCAPE | 10,000 | SQ FT |
| 43 | ASPHALT | 10,000 | SQ FT |
| 44 | CONCRETE | 10,000 | SQ FT |
| 45 | PAINT | 10,000 | GAL |
| 46 | GLASS | 10,000 | SQ FT |
| 47 | MECHANICAL | 10,000 | SQ FT |
| 48 | ELECTRICAL | 10,000 | SQ FT |
| 49 | PLUMBING | 10,000 | SQ FT |
| 50 | LANDSCAPE | 10,000 | SQ FT |
| 51 | ASPHALT | 10,000 | SQ FT |
| 52 | CONCRETE | 10,000 | SQ FT |
| 53 | PAINT | 10,000 | GAL |
| 54 | GLASS | 10,000 | SQ FT |
| 55 | MECHANICAL | 10,000 | SQ FT |
| 56 | ELECTRICAL | 10,000 | SQ FT |
| 57 | PLUMBING | 10,000 | SQ FT |
| 58 | LANDSCAPE | 10,000 | SQ FT |
| 59 | ASPHALT | 10,000 | SQ FT |
| 60 | CONCRETE | 10,000 | SQ FT |
| 61 | PAINT | 10,000 | GAL |
| 62 | GLASS | 10,000 | SQ FT |
| 63 | MECHANICAL | 10,000 | SQ FT |
| 64 | ELECTRICAL | 10,000 | SQ FT |
| 65 | PLUMBING | 10,000 | SQ FT |
| 66 | LANDSCAPE | 10,000 | SQ FT |
| 67 | ASPHALT | 10,000 | SQ FT |
| 68 | CONCRETE | 10,000 | SQ FT |
| 69 | PAINT | 10,000 | GAL |
| 70 | GLASS | 10,000 | SQ FT |
| 71 | MECHANICAL | 10,000 | SQ FT |
| 72 | ELECTRICAL | 10,000 | SQ FT |
| 73 | PLUMBING | 10,000 | SQ FT |
| 74 | LANDSCAPE | 10,000 | SQ FT |
| 75 | ASPHALT | 10,000 | SQ FT |
| 76 | CONCRETE | 10,000 | SQ FT |
| 77 | PAINT | 10,000 | GAL |
| 78 | GLASS | 10,000 | SQ FT |
| 79 | MECHANICAL | 10,000 | SQ FT |
| 80 | ELECTRICAL | 10,000 | SQ FT |
| 81 | PLUMBING | 10,000 | SQ FT |
| 82 | LANDSCAPE | 10,000 | SQ FT |
| 83 | ASPHALT | 10,000 | SQ FT |
| 84 | CONCRETE | 10,000 | SQ FT |
| 85 | PAINT | 10,000 | GAL |
| 86 | GLASS | 10,000 | SQ FT |
| 87 | MECHANICAL | 10,000 | SQ FT |
| 88 | ELECTRICAL | 10,000 | SQ FT |
| 89 | PLUMBING | 10,000 | SQ FT |
| 90 | LANDSCAPE | 10,000 | SQ FT |
| 91 | ASPHALT | 10,000 | SQ FT |
| 92 | CONCRETE | 10,000 | SQ FT |
| 93 | PAINT | 10,000 | GAL |
| 94 | GLASS | 10,000 | SQ FT |
| 95 | MECHANICAL | 10,000 | SQ FT |
| 96 | ELECTRICAL | 10,000 | SQ FT |
| 97 | PLUMBING | 10,000 | SQ FT |
| 98 | LANDSCAPE | 10,000 | SQ FT |
| 99 | ASPHALT | 10,000 | SQ FT |
| 100 | CONCRETE | 10,000 | SQ FT |

REVISIONS/CORRECTIONS

HEIDCOXE COIT CENTER
 BLOCK 1, LOT 4
 GOOD YEAR SERVICE CENTER
 1108 HEIDCOXE RD
 AUSTIN, TEXAS 78701
 CITY OF PLANO, COLLIN COUNTY, TX

Zoning Case 2010-08

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 604 so as to allow the additional use of a 90-foot Commercial Antenna Support Structure on 0.1± acre of land out of the Grizzel Kennedy Survey, Abstract No. 499, located 220± feet east of Coit Road and 480± feet north of Hedgcoxe Road, in the City of Plano, Collin County, Texas, presently zoned Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

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 9th day of August, 2010, for the purpose of considering granting Specific Use Permit No. 604 for the additional use of 90-foot Commercial Antenna Support Structure on 0.1± acre of land out of the Grizzel Kennedy Survey, Abstract No. 499, located 220± feet east of Coit Road and 480± feet north of Hedgcoxe Road, in the City of Plano, Collin County, Texas, presently zoned Retail; 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 9th day of August, 2010; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 604 for the additional use of a 90-foot Commercial Antenna Support Structure on 0.1± acre of land out of the Grizzel Kennedy Survey, Abstract No. 499, located 220± feet east of Coit Road and 480± feet north of Hedgcoxe Road, in the City of Plano, Collin County, Texas, 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 grant Specific Use Permit No. 604 for the additional use of a 90-foot Commercial Antenna Support Structure on 0.1± acre of land out of the Grizzel Kennedy Survey, Abstract No. 499, located 220± feet east of Coit Road and 480± feet north of Hedgcoxe Road, in the City of Plano, Collin County, Texas, presently zoned Retail, said property being more fully described on the legal description in Exhibit "A" attached hereto.

Section II. The specific use permit for the 90-foot Commercial Antenna Support Structure is hereby granted subject to said structure being constructed as a flagpole stealth design.

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

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

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

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

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

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

PASSED AND APPROVED THIS THE 9TH DAY OF AUGUST, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ZC 2010-08

BEING a 0.014 acre tract (592.00 square feet) and being all that certain lot, tract or parcel of land situated in the Grizzel Kennedy Survey, Abstract No. 499, City of Plano, Collin County, Texas, and being part of a tract described in a deed from John Morledge and Jeanne Morledge to Morledge Holdings, L.P. as recorded in Volume 5961, Page 3936, Deed Records of Collin County, Texas, (said tract also being known as Lot 4, Block 1 of the Hedgcoxe - Coit Center, according to the plat thereof recorded in Volume P, Page 19, Map Records of Collin County, Texas), and being more particularly described as follows:

COMMENCING from a 1/2 inch iron rod found at the southeast corner of said Lot 4 and the northeast corner of Lot 5, for a corner;

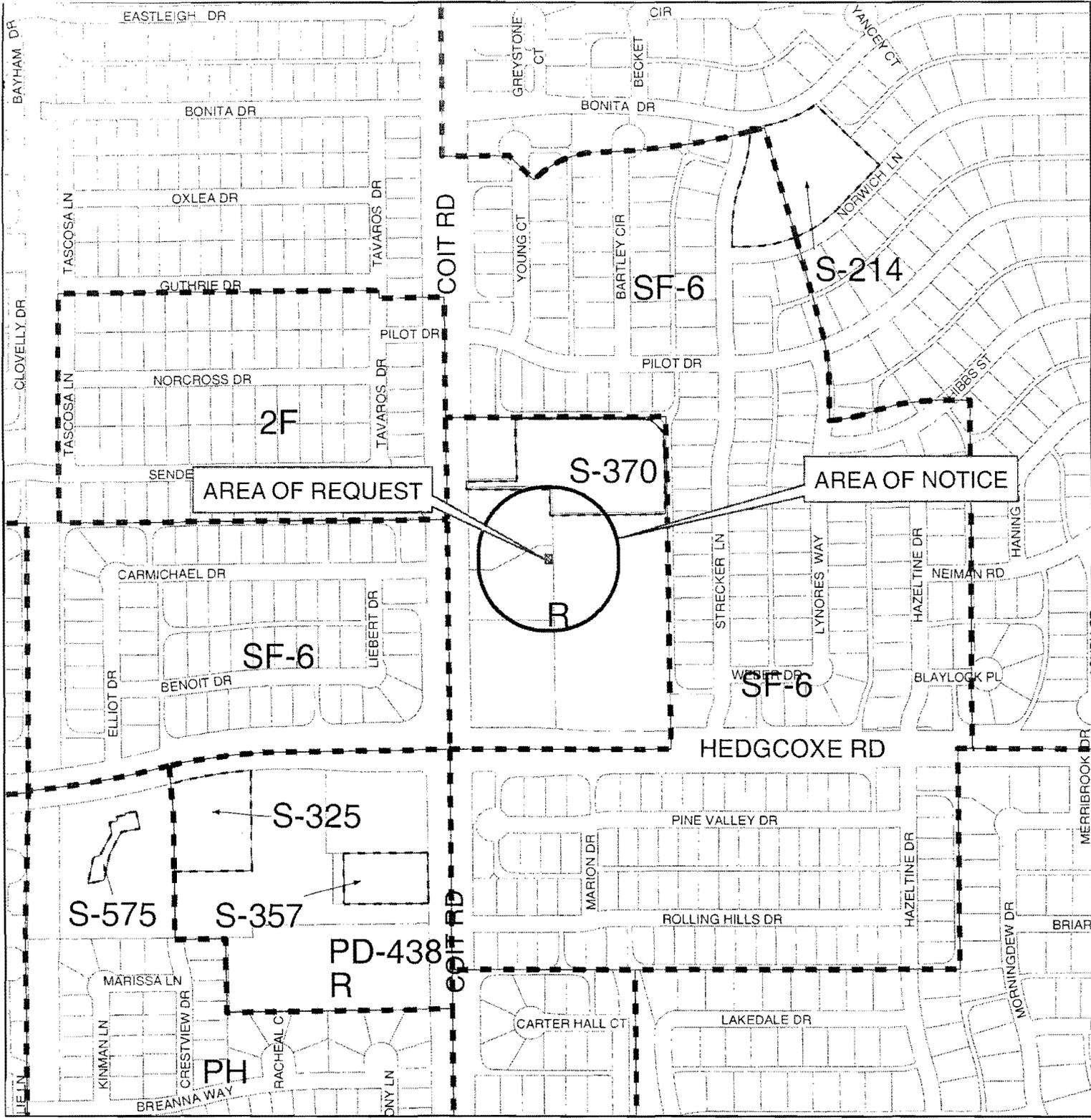
THENCE North 00° 31' 30" West along the east line of said Lot 4 a distance of 167.98 feet and South 89° 28' 30" West across said Lot 4 a distance of 1.14 feet to a capped 1/2 inch iron rod stamped "WIMBERLY 6005" set at the POINT OF BEGINNING of said lease area;

THENCE South 89° 28' 30" West across said Lot 4 a distance of 20.00 feet to an x-found, for a corner;

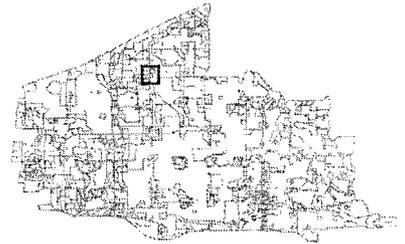
THENCE North 00° 31' 30" West across said Lot 4 a distance of 29.60 feet to an x-found, for a corner;

THENCE North 89° 28' 30" East across said Lot 4 a distance of 29.60 feet to a capped 1/2 inch iron rod stamped 'BEASLEY' found, for a corner;

THENCE South 00° 31' 30" East across said Lot 4 a distance of 20.60 feet to the POINT OF BEGINNING and CONTAINING 0.014 acres (592.00 square feet) of land.

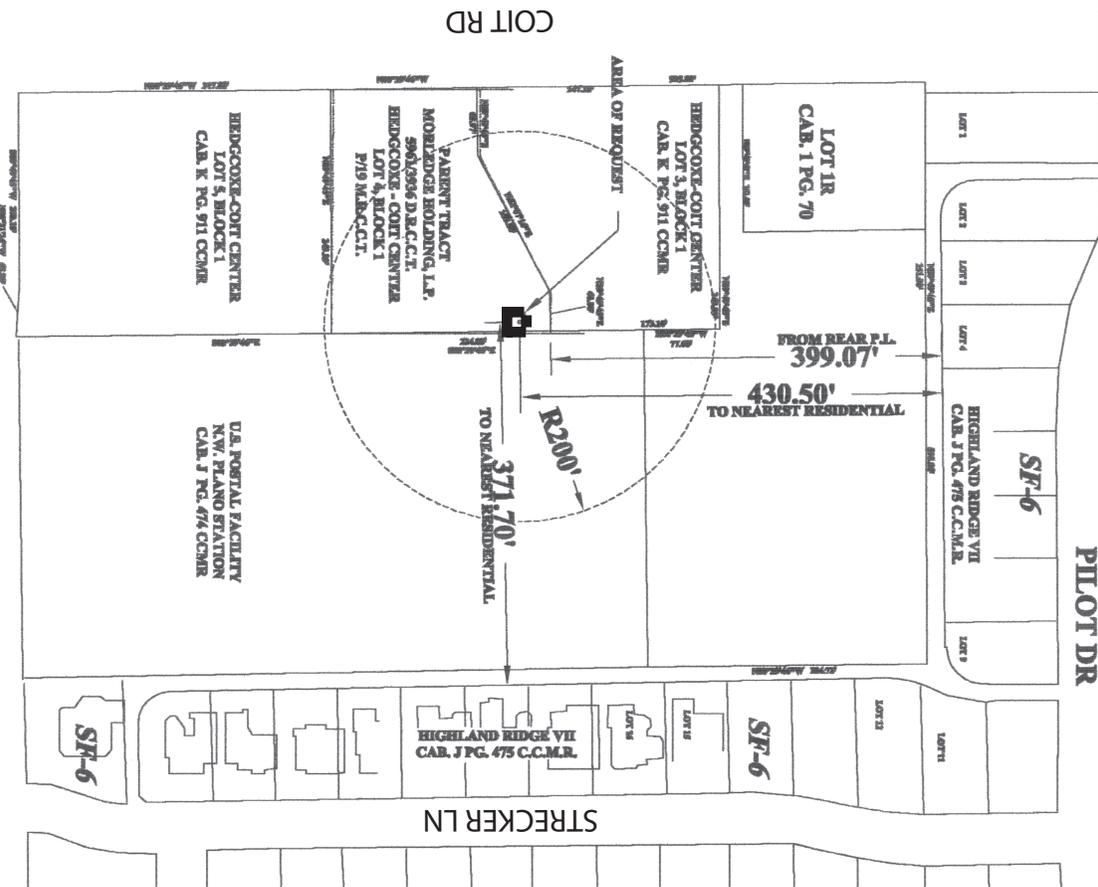


Zoning Case #: 2010-08
 Existing Zoning: RETAIL



○ 200' Notification Buffer

NO.	DESCRIPTION	DATE	BY	REVISIONS / CORRECTIONS
1	FOR PRELIMINARY REVIEW AND APPROVAL	06/22/2010	SG	



NO.	DESCRIPTION	DATE	BY	REVISIONS / CORRECTIONS
1	FOR PRELIMINARY REVIEW AND APPROVAL	06/22/2010	SG	

PURPOSE
PURPOSE OF THIS HEDGCOXE SITE PLAN IS TO PROVIDE FOR THE DEVELOPMENT OF A COMMERCIAL CENTER WITH SUPPORT STRUCTURE FOR THE HEDGCOXE COIT CENTER.

ENGINEERS/ARCHITECTS
ALDRIN CONSULTING GROUP, INC.
1401 VALLEY VIEW LANE, SUITE 200 DALLAS TX 75243
PHONE: (972) 624-8372

LAND OBTAINER
LAND OBT: CARMICHAEL, SHERIFF
1401 VALLEY VIEW LANE, SUITE 200 DALLAS TX 75243
PHONE: (972) 624-8372

APPLICANT INFO.
-MOBILE
4401 FREEDOM AVE. STE 110
AUSTIN, TX 78746
CONTACT: (512) 328-2885
FAX: (512) 328-2885

LEGAL DESCRIPTION
LOT 4, BLOCK 4, HEDGCOXE - COIT CENTER

ZONING
1. THE ZONING DISTRICT IS COMMERCIAL CENTER (CC).

SCALE: 1" = 60'

SITE LOCATION

VINCENT GERARD & ASSOCIATES
LAND PLANNING & ZONING CONSULTANTS
1715 CAPITAL OF TEXAS HIGHWAY SOUTH, SUITE 207
AUSTIN, TEXAS
(512) 328-2893 • 528-4011 (FAX)
EMAIL ADDRESS: www.vg@aig.com

PLANO AT&T ZONING EXHIBIT
ZONING CASE 2010-08
ZONING EXHIBIT
8012 COIT ROAD - PLANO, TEXAS 75024

F-Mobile
7668 Warren Parkway, SUITE 100
PLANO, TEXAS 75024
DATE: 06/22/2010 2:22:21 PM

DATE: July 20, 2010
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of July 19, 2010

**AGENDA ITEM NO. 9 - PUBLIC HEARING
ZONING CASE 2010-11
APPLICANT: CITY OF PLANO**

Request to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and related sections of the Zoning Ordinance pertaining to commercial amusement (outdoor) uses and development standards within the Regional Employment zoning district.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

Recommended for approval as follows:

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) of the Zoning Ordinance to allow commercial amusement (outdoor) use in the Regional Employment zoning district with approval of a specific use permit.

FOR CITY COUNCIL MEETING OF: August 9, 2010 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

KP/dc

CITY OF PLANO
PLANNING & ZONING COMMISSION

July 19, 2010

Agenda Item No. 9

Public Hearing: Zoning Case 2010-11

Applicant: City of Plano

DESCRIPTION:

Request to amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses), and related sections of the Zoning Ordinance pertaining to commercial amusement (outdoor) uses and development standards within the Regional Employment zoning district.

REMARKS:

Staff has had recent discussions with developers regarding a potential commercial amusement (outdoor) use within the Regional Employment (RE) district which is currently a prohibited use in this district. Commercial amusement (outdoor) uses are defined as: "An outdoor area or structure open to the public, which provides entertainment or amusement for a fee or admission charge including, but not limited to, batting cages, miniature golf, go-kart tracks, and carnivals." Typical examples of this use include outdoor miniature golf, pitch and putt (par three) golf courses, outdoor batting facilities, go-kart tracks, and golf driving ranges. At its meeting on June 7, 2010, the Planning & Zoning Commission called a public hearing to consider amending the RE district to allow this use.

The RE zoning district was created in October 2000 to replace the Tollway Employment district along the Dallas North Tollway and to allow the city the ability to apply the district to other areas of the city, such as along State Highway 121. Commercial amusement (outdoor) use is not currently allowed in the RE district. Several other districts allow commercial amusement (outdoor) use subject to approval of a specific use permit (SUP); these include: Retail (R), Light Commercial (LC), Commercial Employment (CE), Light Industrial-1 (LI-1), Light Industrial-2 (LI-2), Regional Commercial (RC), and Corridor Commercial (CC).

Staff believes that there are certain tracts within the RE district that may be appropriate for the commercial amusement (outdoor) use. The standards of the RE district are reliant upon high-visibility corridors; however, some tracts of land do not front the Dallas North Tollway or Sam Rayburn Tollway, and as a result do not offer the economic incentive of high visibility. This type of use may also provide an interim development option, particularly for properties located along major corridors where the longer term development of the property may be a higher and better use for an area. Past examples of this include the former golf driving range along State Highway 190 that is now developed as Baylor Hospital, and the former miniature golf development along U.S. Highway 75 that is now developed as restaurant uses. Therefore, it may be appropriate to consider allowing this use in some areas within the RE district.

However, it should be noted that, not all RE zoned properties may be appropriate for commercial amusement (outdoor) use. Some of the tracts are in close proximity to residential areas. Therefore, staff recommends the use be allowed within the RE district subject to approval of an SUP. The SUP process will allow review of site-specific circumstances to ensure that adjacent properties are safeguarded from potential negative impacts of this use including noise, vibration, odor, lighting, traffic, or other undesirable or hazardous conditions.

RECOMMENDATION:

Recommended for approval as follows:

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) of the Zoning Ordinance to allow commercial amusement (outdoor) use in the Regional Employment zoning district with approval of a specific use permit.

Zoning Case 2010-11

An Ordinance of the City of Plano, Texas, amending Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended pertaining to commercial amusement (outdoor) uses and development standards within the Regional Employment zoning district; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 9th day of August, 2010, for the purpose of considering a change in the Zoning Ordinance; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 9th day of August, 2010; and

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

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

Section I. Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to allow commercial amusement (outdoor) use in the Regional Employment zoning district with approval of a specific use permit.

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

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

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

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

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

PASSED AND APPROVED THIS THE 9TH DAY AUGUST, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		8/9/2010		
Department:		Planning/Community Services		
Department Head		Phyllis Jarrell		
Agenda Coordinator (include phone #): Evelyn Trull x. 7566				
CAPTION				
A Public Hearing and Resolution amending the 2009-10 Action Plan to include the additional activity of land purchase in the amount of \$700,000 to support homeless transitional housing and services; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2009-10	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): CDBG GRANT FUNDS				
<p>COMMENTS: This public hearing item will consider an amendment to the City of Plano's adopted 2009-10 Action Plan to fund the purchase of land in the amount of \$700,000 for development of a transitional living facility for homeless families with Plano requested by the Samaritan Inn. Since this item authorizes a public hearing and plan amendment only, there is no fiscal impact.</p> <p>The companion agenda item will authorize the City to make application for the Section 108 loan to fund the project, should this Action Plan amendment be approved.</p> <p>STRATEGIC PLAN GOAL: This amendment to the 2009-10 Action Plan relates to the City's goals of Great Neighborhoods - 1st Choice to Live and Partnering for Community Benefit.</p>				
SUMMARY OF ITEM				
<p>This item includes a public hearing for an amendment to the City of Plano's adopted 2009-10 Action Plan, which details the allowable activities and associated expenditures for U.S. Department of Housing and Urban Development grant funds. This amendment incorporates a request by the Samaritan Inn to fund the purchase of land in the amount of \$700,000 for development of a transitional living facility for homeless families within Plano. This item has a companion agenda item which will authorize the City to make application for the Section 108 loan to fund the project, should this Action Plan amendment be approved.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Memo, Letter, Resolution, Substantial Amendment		Community Relations Commission approved 8-0.		

MEMORANDUM

Date: July 27, 2010

To: City Council

Via: Tom Muehlenbeck, City Manager
Frank Turner, Deputy City Manager

From: Christina Day, Community Services Manager

Subject: Substantial Amendment to the 2009 Action Plan Supporting Section 108 Loan Guarantee Application for Transitional Housing and Services for the Homeless

In May of 2010, the Community Services staff was approached by members of the Collin County Homeless Coalition with a proposal to purchase property in Plano for the location of a non-profit social service and transitional housing facility serving the homeless. The Samaritan Inn has experienced such demand for services that they wish to expand their programs into Plano, providing program-based shelter and care for families in need. Currently, the Samaritan Inn operates the only comprehensive transitional housing program for homeless persons in Collin County and is located in McKinney. The agency and supporters approached City staff seeking funding to aid in the development of the project.

In reviewing this request, staff noted that the grant funding cycle for 2010 grants was complete. However, staff also recognized the opportunity to meet a significant need in our community that has been documented repeatedly through our planning processes.

HOMELESS NEEDS ASSESSMENT

Every five years, the City of Plano conducts an assessment of housing and community development needs within Plano in order to provide guidance for the expenditure of Federal grant funds provided through the U.S. Department of Housing and Urban Development (HUD). This process includes significant public input through public hearings, community meetings, interviews of stakeholders, and surveys. The City is currently operating under the 2005-09 Consolidated Plan through September 30, 2010. The 2010-14 Plan was adopted by Council on March 8, 2010 and will become effective October 1, 2010, if approved by HUD.

Assisting in the creation of emergency and/or transitional housing has been a consolidated plan goal of the City of Plano since the 2000-2004 Consolidated Plan for Housing and Community Development Needs. Plan goals related to Homelessness in the last three adopted plans are as follows:

- 2000-2004 Consolidated Plan: "To increase the availability of housing, both traditional and supportive, for persons with special needs". HUD considers homeless people a special needs population.
- 2005-2009 Consolidated Plan: "Expand the continuum of housing and services for a variety of special needs populations, including persons who are homeless and at risk of homelessness through increasing transitional housing and permanent supportive housing for persons with special needs".

- 2010-2014 Consolidated Plan: “Support and assist with the creation of additional shelter, supportive services, and transitional housing for homeless and under-housed: Five Year Goal - assist 100 families”.

These goals are based on a market analysis of current conditions. The Housing Market Analysis conducted for the 2005-2009 Consolidated Plan noted overcrowding as a big problem for renters in Plano. To afford housing, the City’s lowest income households are cost burdened, live in overcrowded conditions, and have limited choices of where to live in Plano. The Plan also noted a 375 bed gap between the availability of beds and the need for beds by families with children living in Plano.

The Housing Market Analysis completed for the 2010-2014 Consolidated Plan had similar findings. Seven percent of Plano families with children lived in poverty within the past year. Moreover, 73% of low income households in Plano were cost burdened, living in crowded conditions, and/or lived in units without complete kitchen and plumbing facilities. Public input during the 2010-2014 Consolidated Plan process noted emergency and transitional housing and affordable housing as the biggest issue for special needs populations.

CONSIDERATION OF REQUEST FOR FINANCIAL SUPPORT

Considering the long-term need established by these public processes over the past ten years and our limited ability to meet this need to date, staff looked for options to support the project. After reviewing funding programs that HUD makes available to participating jurisdictions (PJ) such as the City of Plano, staff recommends the Section 108 Loan Guarantee program as the best available funding option for the requested project. The Section 108 Loan Guarantee allows the City to fund large scale projects up-front with a payback period up to twenty years at an attractive interest rate. Loans are repaid from future CDBG entitlement allocations. According to the HUD website: “HUD has the ability to structure the principal amortization to match the needs of the project and borrower...Permanent financing is pegged to yields on U.S. Treasury obligations of similar maturity to the principal amount. A small additional basis point spread, depending on maturity, will be added to the Treasury yield to determine the actual rate.” We will not know the final interest rate unless the loan application is approved by HUD, but we estimate the rate at between three and four percent.

In discussing the loan, the Samaritan Inn has committed to repaying the interest on the note, so the City would only contribute entitlement funds toward the project annually. These funds would be considered as an automatic allocation of \$70,000 to repay the CDBG loan annually over the 10-year loan term. In recent years, other non-profit agencies’ facilities have been supported by Plano’s CDBG funds, including allocations of up to \$240,000 in a single grant year.

The funds requested in the application are not tied to any specific site, only to the activity of creating the transitional living facility with services for the homeless. While there is a zoning case (ZC 2010-12) associated with this project, the funding requested herein is not tied to that site and should not impact the zoning request in any way. The funds requested in the Section 108 Loan Guarantee Application may be used on any developable site located within Plano city limits.

If approved by City Council, a Section 108 Loan Guarantee Application will be sent to HUD in order to begin the six month application approval process. The purchase of any property will not occur until the loan is approved, and development rights are in place. The City will secure the property with a lien for the full amount of the loan and enter into a contract with the Samaritan Inn to ensure compliance with HUD and City regulations.

The Community Relations Commission reviewed this proposed amendment and loan application at its July 13, 2010 meeting and recommended approval of the amendment and a loan application for \$700,000 for a loan term of 10 years with a unanimous vote of 8-0.

RECOMMENDATION

The Community Relations Commission recommended the following items:

1. City Council approval of the Substantial Amendment to the 2009 Action Plan which would allow funding for transitional housing and services for the homeless (initial agenda item); and
2. City Council adoption of the attached resolution authorizing the City to make application for a CDBG Section 108 Loan Guarantee for \$700,000 for a loan term of 10 years to purchase property for a transitional living facility in Plano operated by the Samaritan Inn (companion agenda item).



July 6, 2010

City of Plano
C/o Christina Day
Community Services Manager
Planning Dept. Community Services Div.
1520 K. Avenue, suite 250
Plano, TX. 75074

Dear Mrs. Day:

As you may know, The Samaritan Inn, a 501(c)3 Cooperation, is the only homeless shelter in Collin County and is located in McKinney Texas. The Inn has a capacity of 130 people and has been full for over two years with the highest percent (42%) of people coming from Plano. Unfortunately, the Inn is turning away 35-40 families per month because of capacity issues.

In order to meet this current and what appears to be an increasing need, The Samaritan Inn would like to expand its services by building a state of the art Transitional Living Facility for homeless families in Plano.

The Samaritan Inn has located 6.15 acres on FM 544 in Plano Texas that would be an ideal site for the construction of this project. The original asking price for this property was one million dollars. After some discussion, the seller is willing to sell this property for 700,000.

The Samaritan Inn would act as the principle developer and has already contacted an architect and a builder in order to design and give an estimate for this project. This proposed project would be a campus style setting with a total of seven (7) buildings totaling approximately 27,320 square feet. The anticipated capacity would be 70 families with an average of 3-4 members per family. The plan is to erect the smallest of the dorm buildings along with the administrative building and the cafeteria. This would allow services to begin within the first 3 years from the time the land is secured. The main 2-story dormitory building would be approximately 9,720 SF. Assuming \$120/SF for construction cost, we will probably budget \$1.2-1.3 million. Anticipated construction time is to be somewhere between 9 and 12 months to complete. The total of the seven (7)

buildings (including the 9,720 SF dorm building) is 27,320 SF. Using the same \$120/SF, the entire complex should probably cost approximately \$3.3 million. I have been informed that it would take 12 to 18 months for construction of the total complex.

With The Samaritan Inn being the principle developer and providing the equity it is The Samaritan Inn's wish that this letter serve as an official request to the City of Plano to submit the necessary documentation to receive a HUD loan that will be used for the purchase of land located on F.M. 544 in Plano Texas.

Please know that all of us at The Samaritan Inn are extremely excited about the potential of this project and are looking forward to working closely with the City of Plano to better serve our community.

Most Sincerely,



Lynne Sipiora
Executive Director

A Resolution Amending the 2009-10 Action Plan to include the additional activity of land purchase in the amount of \$700,000 to support homeless transitional housing and services; and providing an effective date.

WHEREAS, the current 2005-09 City of Plano Consolidated Plan of Housing and Community Development Needs has a goal of expanding the continuum of housing and services for a variety of special needs populations, including persons who are homeless and at risk of homelessness through increasing transitional housing and permanent supportive housing for persons with special needs; and

WHEREAS, the Community Relations Commission held a public hearing on July 13, 2010 concerning the 2009-2010 Substantial Amendment to the 2009-2010 Action Plan, and the use of Section 108 Loan Guarantee funds collectively referred herein as “the Funds”; and

WHEREAS, the Community Relations Commission recommended approval of a Substantial Amendment to the 2009-2010 Action Plan (Exhibit A) to allow transitional housing to meet the Consolidated Plan goal and the use of Section 108 Loan Guarantee funds toward that activity in an amount of \$700,000; and

WHEREAS, the Council held a public hearing on August 9, 2010, to receive public comments concerning the aforementioned recommendations of the Community Relations Commission; and

WHEREAS, the City Council finds this Substantial Amendment to be consistent with the current, adopted Consolidated Plan.

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

SECTION I. - 2009-2010 Substantial Action Plano Amendment is hereby adopted.

SECTION II. - This resolution shall take effect immediately upon its passage.

DULY PASSED AND APPROVED THIS THE 9TH DAY OF AUGUST, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

Approved as to form:

Diane C. Wetherbee, CITY ATTORNEY

**Substantial Amendment to the City of Plano 2009-10 Action Plan
to Support Transitional Housing for Homeless Through
a Section 108 Loan Guarantee Application**

A. General Information

Grantee Name	City of Plano
Name of Entity or Department Administering Funds	Planning Department – Community Services Division
Contact Person (person to answer questions about this amendment)	Christina Day
Title	Community Services Manager
Address Line 1	1520 K Avenue
Address Line 2	Suite 250
City, State, Zip Code	Plano, TX 75074
Telephone	972-941-5262
Fax	972-941-7396
Email Address	chrisd@plano.gov
Authorized Official (if different from Contact Person)	Thomas H. Muehlenbeck
Title	City Manager
Address Line 1	1520 K Avenue
Address Line 2	Suite 300
City, State, Zip Code	Plano, TX 75074
Telephone	972-941-7121
Fax	972-423-9587
Email Address	tomm@plano.gov
Web Address where this Form is Posted	http://plano.gov/Departments/Planning/
Amount Grantee is Requesting*	\$700,000

**Substantial Amendment to the City of Plano 2009-10 Action Plan
to Support Transitional Housing for Homeless Through
a Section 108 Loan Guarantee Application**

B. Citizen Participation and Public Comment

1. Briefly describe how the grantee followed its citizen participation plan regarding this proposed substantial amendment (limit 250 words).

Response: On Friday, July 9, 2010 a public notice was placed in the paper informing citizens of the public of this Substantial Amendment proposal. A public hearing was held by the Community Relations Commission at 5:30 p.m., Tuesday, July 13, 2010 in Building Inspections Training Room at 1520 K Avenue, Plano TX, 75074 to allow for public comment/discussion of the proposed substantial amendment to the 2009-2010 Annual Action Plan.

A public hearing will be held on Monday, August 9, 2010, at 7:00 p.m., in the Council Chambers, at 1520 K Avenue, Plano TX, 75074, to allow for public comments/discussion of the proposed amendment to the 2009-2010 Annual Action Plan. Immediately following the public hearing, and after all public comments have been considered, the City Council will take formal action on the amendment to the FY 2009-2010 Annual Action Plan at its regularly scheduled City Council meeting.

2. Provide the appropriate response regarding this substantial amendment by checking one of the following options:

- Grantee did not receive public comments.
- Grantee received and accepted all public comments.
- Grantee received public comments and did not accept one or more of the comments.

(Section to be completed upon the end of the Public Comment Period)

3. Provide a summary of the public comments regarding this substantial amendment. Include a summary of any comments or views not accepted and the reasons for non-acceptance.

Response: (Section to be completed upon the end of the Public Comment Period)

C. Project Description and Distribution of Funds

The proposed amendment would allow the City of Plano to apply for Section 108 Loan Guarantee funds in the amount of \$700,000 from the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds. The Section 108 Loan funds will be used to acquire land to build a public facility that provides transitional housing and support services to families. This multi-building public facility will be approximately 27,320 square feet and include a two story, 9,720 square foot, transitional housing facility for families. Surrounding buildings will house administrative offices and support services for families in transition.

**Substantial Amendment to the City of Plano 2009-10 Action Plan
to Support Transitional Housing for Homeless Through
a Section 108 Loan Guarantee Application**

The proposed Section 108 Guarantee Loan project meets the following 2009 Consolidated Plan Goal: Expanding the continuum of housing and services for a variety of special needs populations, including persons who are homeless and at risk of homelessness and Objective: Increase transitional housing and permanent supportive housing for persons with special needs. The use of the Section 108 Loan is eligible under the CDBG Regulations Section 570.703(l); Acquisition, construction, reconstruction, rehabilitation or historic preservation, or installation of public facilities which meet the CDBG National Objective requirements of Section 570.208(a)(2)(A); Limited clientele activities that benefit a clientele who are presumed low-to-moderate income persons.

The City is proposing to pay back the loan including principal and interest due, servicing and other associated costs with future CDBG Entitlement funds pursuant to Section 106 of Title I of the Housing and Community Development Act of 1974, as amended. The repayment period will not exceed 10-years. The activity is not expected to generate program income. The City will execute a deed of trust and promissory note on the building securing the real property as collateral. The recipient agency will pay all interest and fees associated with the loan.

D. Collaboration Efforts

In May of 2010, the Community Services staff was approached by members of the Collin County Homeless Coalition with a proposal to purchase property in Plano for the location of a non-profit social service and transitional housing facility serving the homeless. The Samaritan Inn would expand their programs into Plano providing program-based shelter and care for families and individuals in need. Currently, the Samaritan Inn operates the only comprehensive transitional housing program for homeless persons in Collin County and is located in McKinney.

This project is a collaborative effort with the Samaritan Inn and various non profits within the city of Plano.

E. Estimated Budget Summary

HUD requires the grantee to complete the following table so that participants in the citizen participation process may see the grantee's preliminary estimated amounts for various HPRP activities. Enter the estimated budget amounts for each activity in the appropriate column and row. The grantee will be required to report actual amounts in subsequent reporting.

**Substantial Amendment to the City of Plano 2009-10 Action Plan
to Support Transitional Housing for Homeless Through
a Section 108 Loan Guarantee Application**

Estimated Budget Summary			
	Section 108 Loan Funds	Outside Funding Source (Principle Developer funds)	Total Amount Budgeted
Land acquisition	\$700,000	\$0	\$700,000
Building construction & associated costs	\$ 0	\$3,300,000	\$3,300,000
Subtotal (add previous two rows)	\$700,000	\$3,300,000	\$4,000,000
Total Project Budget			\$4,000,000
Private Developer Budget			\$3,300,000
Section 108 Loan Guarantee			\$700,000

F. Authorized Signature

By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete, and accurate to the best of my knowledge. I also provide the required assurances and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

SIGNED ONLY AFTER COUNCIL APPROVAL

Signature/Authorized Official

Date

Title



**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:		8/9/2010		
Department:		Planning/Community Services		
Department Head		Phyllis Jarrell		
Agenda Coordinator (include phone #): Evelyn Trull x. 7566				
CAPTION				
A Resolution authorizing the Filing of an Application in an amount not to exceed \$700,000 under the U. S. Department of Housing and Urban Development Section 108 Loan Guarantee Program; approving its execution by the City Manager or, an authorized designee; and providing an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2009-10	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	700,000	0	700,000
BALANCE	0	700,000	0	700,000
FUND(S): CDBG GRANT FUNDS				
<p>COMMENTS: This item will allow City staff to make application for a loan in the amount of \$700,000 through HUD's Section 108 Loan Guarantee Program. If approved, the City will receive \$700,000 in revenues from the U.S. Department of Housing and Urban Development which in turn will be repaid over 10 years at \$70,000 per year from the City's CDBG entitlement funds.</p> <p>This agenda item is a companion agenda item to the Public Hearing on Amending the City's 2009-10 Action Plan.</p> <p>STRATEGIC PLAN GOAL: An application to purchase land to support homeless transitional housing and services relates to the City's goals of Great Neighborhoods - 1st Choice to Live and Partnering for Community Benefit.</p>				
SUMMARY OF ITEM				
This item will allow the City staff to make application for a loan in the amount of \$700,000 through HUD's Section 108 Loan Guarantee Program. The program is designed to allow communities to make large investments in community development projects that would not be feasible using annual allocations. The loan will be repaid over 10 years at \$70,000 per year from the City's CDBG entitlement funds.				
List of Supporting Documents: Resolution, Loan Application			Other Departments, Boards, Commissions or Agencies Community Relations Commission approved 8-0	

A Resolution authorizing the Filing of an Application in an amount not to exceed \$700,000 under the U. S. Department of Housing and Urban Development Section 108 Loan Guarantee Program; approving its execution by the City Manager or, an authorized designee; and providing an effective date.

WHEREAS, the City of Plano is considered a Participating Jurisdiction (PJ) and therefore eligible to submit an application to the U. S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program; and

WHEREAS, the City Council adopted a Substantial Amendment to the 2009-10 Action Plan to add the activity of creating a transitional living facility for homeless families within the Plano city limits to the 2009-2010 Action Plan; and

WHEREAS, the City has received a request from the Samaritan Inn requesting funding to allow them to purchase property for the creation of a transitional living facility consistent with the City's 2005-2009 Consolidated Plan; and

WHEREAS, the City has determined that it is in the best interests of the citizens of Plano that application be made for \$700,000 of CDBG funds to be repaid over ten years to support land purchase for said activity, as shown in Exhibit A.

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

SECTION I. - Thomas H. Muehlenbeck, City Manager of the City of Plano, is hereby authorized to file an application for funds under the U. S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program.

SECTION II. - Thomas H. Muehlenbeck, City Manager, is hereby designated as the Chief Executive Officer and authorized representative of the City of Plano, Texas, for the purpose of acting in connection with the application and providing such additional information as may be required.

SECTION III. - This resolution shall take effect immediately upon its passage.

DULY PASSED AND APPROVED THIS THE 9TH DAY OF AUGUST, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

Approved as to form:

Diane C. Wetherbee, CITY ATTORNEY

CITY OF PLANO APPLICANT COMPLETENESS GUIDE
SECTION 108 LOAN GUARANTEE APPLICATION
24 CFR §570.700 – §570.710

SECTION I – GENERAL INFORMATION

Please ensure the submission includes:

- Standard Form 424 (form SF-424) – Application for Federal Assistance;
 - Applicant's congressional district(s); and (To be attached after City Council approval)
- Name, title, address, telephone and fax numbers, and e-mail of applicant contacts:

Chief elected official or chief executive officer

Name & Title: Thomas H. Muehlenbeck, City Manager

Organization: City of Plano

Address (Street): 1520 Avenue K

Address (City/State/Zip): Plano, TX 75074

Phone & Fax: 972-941-7000

E-mail: tomm@plano.gov

Staff contact

Name & Title: Christina Day, Community Service Manager

Organization: City of Plano

Address (Street): 1520 Avenue K

Address (City/State/Zip): Plano, TX 75074

Phone & Fax: 972-941-7151

E-mail: chrisd@plano.gov

State contact (If applicant is CDBG nonentitlement community)

Name & Title: N/A

Organization: N/A

Address (Street): N/A

Address (City/State/Zip): N/A

Phone and Fax: N/A

E-mail: N/A

Consultant contact (If applicant has designated a consultant as principal contact)

Name & Title: N/A

Organization: N/A

Address (Street): N/A

Address (City/State/Zip): N/A

Phone and Fax: N/A

E-mail: N/A

SECTION II – THE APPLICATION

- **Statement of Community Development Objectives (570.704(a)(1)(i)(A)).** Provide the statement of community development objectives in the Consolidated Plan to be achieved by use of Section 108 funds (Also provide the citation of the objectives in the Consolidated Plan).

The proposed Section 108 Guarantee Loan project meets the following 2005-2009 Consolidated Plan Goal: Expanding the continuum of housing and services for a variety of special needs populations, including persons who are homeless and at risk of homelessness and Objective: Increase transitional housing and permanent supportive housing for persons with special needs. The use of the Section 108 Loan is eligible under the CDBG Regulations Section 570.703(l); Acquisition, construction, reconstruction, rehabilitation or historic preservation, or installation of public facilities which meet the CDBG National Objective requirements of Section 570.208(a)(2)(A); Limited clientele activities that benefit a clientele who are presumed low-to-moderate income persons.

- *Note: Nonentitlement community. If applicant is a CDBG nonentitlement community, include reference to the provision in the State's Final Statement regarding the use of Section 108 by nonentitlement communities.*

N/A

- **Citizen Participation Requirements.** Before submission of an application for loan guarantee assistance to HUD, the public entity must follow all presubmission and citizen participation requirements pursuant to 570.704(a). Provide a brief description of how the presubmission and citizen participation requirements were met.

The City of Plano is following the citizen participation guidelines established in the 2005-2009 Consolidated Plan, as approved by the U.S. Department of Housing and Urban Development (HUD).

- *Note: Environmental standards. Each project assisted is subject to the provisions of 24 CFR Part 58 (570.704(d)).*

Upon City Council approval of the proposed application, a complete environmental review will be conducted, and a public notice will be published in the newspaper for citizen comment.

- *Note: Labor standards. Each project assisted is subject to the provisions of 24 CFR Part 70 (570.707).*

The City of Plano understands that because a portion of this project is being funded with CDBG funds all labor standards regulation stated in 24 CFR Part 70 (570.707) will be followed.

□ **Project Description.**

- Describe the project;

The City of Plano wants to acquire land for the Samaritan Inn, a non-profit organization in Collin County, to assist their efforts in building a Transitional Living Facility for homeless families. The Samaritan Inn is the only shelter for homeless in Collin County. Specifically, the Section 108 Loan funds will be used to acquire land to build a public facility that provides transitional housing and support services to families. This multi-building public facility will be approximately 27,320 square feet and includes a two story, 9,720 square foot, transitional housing dormitory for families. Surrounding buildings will house administrative offices and support services for families in transition.

- Describe the project structure and participants (as applicable), including:

- The name of the applicant public entity, or its designated public agency (if applicable), that will act as a borrower and issue the debt obligations (570.704(b)(2));

The City of Plano will serve as the borrower and issue the debt obligation.

- Amount of Section 108 assistance sought (May not exceed 5 times the CDBG allocation and should be in \$1,000 increments) (570.705(a)(2));

The amount of Section 108 assistance sought is \$700,000.

- The entity that will undertake the project;

The City of Plano is funding land acquisition for this project undertaken by the Samaritan Inn.

- The principal developer;

The Samaritan Inn will be the principal developer.

- Who will provide equity;

The Samaritan Inn will provide the equity for the project.

- Who will own the assets upon completion, including land and improvements; and

Upon completion of the project, the Samaritan Inn will own the assets, including land improvements. The City of Plano will place a lien on the acquired land to ensure that the project meets a HUD national objective for at minimum five years after the project if completed in its entirety.

- What type of businesses will be assisted?

The Samaritan In a 501(c)3 will be assisted through this project.

- Displacement, relocation, acquisition, and replacement of housing. If applicable, each

project assisted must comply with the displacement, relocation, acquisition, and replacement of housing requirements in 570.606 (570.704(e)):

- Describe any acquisition activities to be undertaken; and/or

This project will require land acquisition which is the reason for the Section 108 loan request.

- Describe any relocation activities to be undertaken.

Relocation activities will not occur through this project because any land acquired will be vacant, thereby not triggering displacement.

- **Project Implementation Schedule.** Indicate the estimated project schedule. Identify each major task/activity associated with implementing the project and provide the projected begin and completion dates. The following is a sample format:

Major Tasks/Activities	Begin Date	End Date
1. Acquire Land	July 2010	February 2011
2. Capital Campaign for Building	January 2011	June 2011
3. Building of the facility in phases	June 2011	June 2014
4.		
5.		

The project will establish a 27,320 square foot, seven building transitional living complex that provides housing and support services to residents. The main two-story transitional housing building has approximately 9,720 SF. Assuming \$120 per square foot for construction cost, approximately \$1.3 million has been budgeted. Anticipated construction time is between 9 and 12 months to complete. Using the above price estimate, the entire complex should probably cost approximately \$3.3 million. Construction of the total complex will take approximately 12- 18 months. With the land the estimated total cost for this project will be approximately \$4 million.

- **Statement of Sources and Uses.** Indicate all project financial sources and related dollar amounts including the Section 108 loan and owner/developer equity and all principal project cost components (uses) and related dollar amounts. The following is a sample format:

Sources:	Amount	Uses:	Amount
Section 108 Loan	\$700,000	Project Cost Component No. 1	\$700,000 (acquisition only)
EDI or BEDI Grant	\$	Project Cost Component No. 2	\$
CDBG	\$	Project Cost Component No. 3	\$
Other (describe)	\$	Project Cost Component No. 4	\$
Owner / Developer Equity	\$3,300,000.00	Project Cost Component No. 5	\$3,300,000.00
Total Sources:	\$4,000,000.00	Total Uses:	\$4,000,000.00

- **Budget.** Clearly indicate all project costs, identify the eligible activities to be carried out with Section 108 assistance, and national objective(s) to be met (see national objective codes listed below), along with the budgeted amounts for each activity. The following is a sample format:

- *Note: Guaranteed loan funds may not be used to reimburse the CDBG program account or line of credit for costs incurred by the public entity or designated public agency and paid with CDBG grant funds or program income (570.703).*

Eligible Activity	\$ 108	\$ EDI/ BEDI	\$ CDBG	\$ Other	Nat. Obj.
Acquisition of improved or unimproved real property in fee or by long-term lease, including acquisition for economic development purposes (570.703(a))	N/A	N/A	N/A	N/A	N/A
Rehabilitation of real property owned or acquired by the public entity or its designated public agency (570.703(b))	N/A	N/A	N/A	N/A	N/A
Payment of interest on 108 loan obligations (570.703(c))	N/A	N/A	N/A	N/A	N/A
Relocation costs of 108-assisted activity (570.703(d))	N/A	N/A	N/A	N/A	N/A
Clearance, demolition and removal of buildings and improvements on real property acquired or rehabilitated pursuant to (a) acquisition and (b) rehabilitation, except where necessary to carry out other eligible 108 activity (570.703(e))	N/A	N/A	N/A	N/A	N/A
Site preparation, including construction, reconstruction, or installation of public or other site improvements, utilities, or facilities (other than buildings), which is: (1) related to the redevelopment or use of the real property acquired or rehabilitated pursuant to (a) acquisition and (b) rehabilitation or (2) for an economic development purpose(570.703(f))	N/A	N/A	N/A	N/A	N/A
Payment of 108 issuance, underwriting, servicing, trust administration, and other costs associated with private sector financing (570.703(g))	N/A	N/A	N/A	N/A	N/A
Housing rehabilitation eligible under 570.202 (570.703(h))	N/A	N/A	N/A	N/A	N/A
Economic development eligible under 570.203 (570.703(i)(1))	N/A	N/A	N/A	N/A	N/A
Economic development as “community economic development” eligible under 570.204 (570.703(i)(2))	N/A	N/A	N/A	N/A	N/A
Construction of housing by nonprofit organizations (570.703(j))	N/A	N/A	N/A	N/A	N/A
108 debt service reserve to be used in accordance with requirements specified in the contract (570.703(k))	N/A	N/A	N/A	N/A	N/A
Acquisition, construction, reconstruction, rehab or installation of public facilities, public streets, sidewalks and other site improvements and public utilities (570.703(l))	\$700,000	N/A	N/A	N/A	570.208(a)(2)
Public works, site or other improvements in colonias (570.703(m))	N/A	N/A	N/A	N/A	N/A
Total Budget:	\$700,000	N/A	N/A	N/A	N/A

□ **National Objective Compliance (570.704(b)(1)).**

- Provide a description of how each of the eligible activities to be carried out will meet a CDBG national objective and indicate which national objective the activities will meet.

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- If the application proposes multiple activities with multiple national objectives, tie each eligible activity to a national objective.

National Objectives	Citation	Code
Low- and moderate-income persons – area benefit	570.208(a)(1)	LMA
Low- and moderate-income persons – limited clientele	570.208(a)(2)	LMC
Low- and moderate-income persons – housing	570.208(a)(3)	LMH
Low- and moderate-income persons – job creation or retention	570.208(a)(4)	LMJ
Prevention or elimination of slums or blight – area basis	570.208(b)(1)	SBA
Prevention or elimination of slums or blight – spot basis	570.208(b)(2)	SBS
Prevention or elimination of slums or blight – urban renewal	570.208(b)(3)	SBR
Urgent need/imminent threat	570.208(c)	URG

□ **Generic Application Screening Activities, Underwriting & Public Benefit Standards.** If any of the following three items are applicable, prepare and attach a narrative on the issues:

- (1) If the application is generic in nature, (e.g., use of Section 108 as economic development loan fund where specific businesses to be assisted have not yet been identified) describe the types of activities to be carried out and the criteria which the applicant will use to screen activities for assistance.
- (2) If the application is for generic special economic development activities, provide a summary of the process established to complete basic financial underwriting of the project(s) and a public benefit evaluation in accordance with 570.209.
- (3) If the application is for a single special economic development activity, summarize the basic information used for the financial underwriting of the project and for the public benefit evaluation in accordance with 570.209.

□ **Section 108 Loan Repayment Source (570.704(b)(2)).** Identification of proposed Section 108 loan repayment source. Examples of sources of repayment may include one or a combination of the following:

- Project generated revenue; N/A

- CDBG funds or program income; and/or

The City of Plano will pay back the loan through use of future CDBG entitlement dollars.

- Other local sources, etc. (describe other sources). N/A

- **Section 108 Loan Repayment Schedule (570.704(b)(2)).** Identification of proposed Section 108 repayment schedule. The term may not exceed twenty years (570.705(f)); the schedule should show principal only; and principal amounts must be in \$1,000 increments. See the sample format below:

Year	Principal	Year	Principal	Year	Principal	Year	Principal
1	\$70,000.00	6	\$70,000.00	11	\$	16	\$
2	\$70,000.00	7	\$70,000.00	12	\$	17	\$
3	\$70,000.00	8	\$70,000.00	13	\$	18	\$
4	\$70,000.00	9	\$70,000.00	14	\$	19	\$
5	\$70,000.00	10	\$70,000.00	15	\$	20	\$

- **Additional Security Requirements (570.705(b)(3)).** Identification of proposed additional security beyond pledge of CDBG funds. Examples of security may include one or a combination of the following:

- The asset financed with the Section 108 funds;
- A first or second lien on real property;

The City of Plano will serve as the first lien holder on the acquired property.

- A lien on machinery or equipment;
- Debt service reserves;
- The pledge of an income stream;
- A pledge of future tax increments; and/or
- Other security (describe other security).

- **Section 108 Certifications (570.704(b)).** Standard CDBG certifications are not acceptable. Applicant should submit the Section 108 certification forms. Preferably, each certification will be individually executed but certifications included as part of application submitted with original signature of appropriately authorized official are acceptable. State certification, required for applicants from nonentitlement localities, must be signed by appropriate State official. [\(To be attached after City Council approval\)](#)

- Pledge of CDBG grant funds under 570.705(b)(2) (570.704(b)(3));
- “Other financing” certification (570.704(b)(4));
- Drug-free workplace (570.704(b)(5));
- Debarment, suspension, and other responsibility matters (570.704(b)(6));
- Statement regarding lobbying (570.704(b)(7)); and
- Section 108 certifications required under 570.704(b)(8).
- State pledge of CDBG funds and certifications required under 570.704(b)(9), if applicant is a CDBG nonentitlement community.