

# CITY COUNCIL

1520 AVENUE K



DATE: 8/24/2015

CALL TO ORDER: 7:00 p.m.

INVOCATION:

PLEDGE OF ALLEGIANCE:

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>OUR MISSION - THE CITY OF PLANO IS A REGIONAL AND NATIONAL LEADER, PROVIDING OUTSTANDING SERVICES AND FACILITIES THROUGH COOPERATIVE EFFORTS THAT ENGAGE OUR CITIZENS AND THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p><b>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</b></p> <p><b><u>PROCLAMATIONS &amp; SPECIAL RECOGNITION</u></b></p> <p>PROCLAMATION: September is Food Safety Awareness month.</p> <p>PROCLAMATION: DFW Solar Tour Day is October 3rd.</p> <p>PRESENTATION: The Plano Planning Department is receiving the 2015 CLIDE Award.</p> <p>PRESENTATION: The Plano Police Department is receiving the trophy for winning the annual "Battle of the Badges" blood drive.</p> <p><b><u>COMMENTS OF PUBLIC INTEREST</u></b></p> <p><b><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></b></p> <p><b><u>CONSENT AGENDA</u></b></p> <p><b><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></b></p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(a)	<p><b><u>Approval of Minutes</u></b>            August 5, 2015            August 10, 2015</p>	
(b)	<p><b><u>Approval of Expenditures</u></b>  <b>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</b>            Bid No. 2015-347-B for Split Trail Road - K Avenue to Spring Creek Parkway – Paving, Water and Drainage Improvements to HQS Construction, LLC, in the amount of \$2,697,901; and authorizing the City Manager to execute all necessary documents.</p>	
(c)	<p><b><u>Purchase from an Existing Contract</u></b>            To approve the purchase of one (1) Kenworth T370 Dump Truck for Fleet Services to be utilized by the Public Works Department in the amount of \$101,490 from MHC Kenworth through an existing TASB/BuyBoard contract; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 430-13)</p>	
(d)	<p>To approve the purchase of three (3) Caterpillar 416F2 Backhoe Loaders with Buckets for Fleet Services to be utilized by the Parks and Recreation Department and the Public Works Department in the amount of \$254,023 from Holt Cat through an existing TASB/BuyBoard contract; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 424-13)</p>	
(e)	<p><b><u>Approval of Change Order</u></b>            To Austin Filter Systems, Inc. increasing the contract by \$84,973, Oak Hollow &amp; Brandon Court Project No. 6167, Change Order No. 3. Original Bid No. 2013-358-B.</p>	
(f)	<p>To Motorola Solutions, Inc. increasing the contract by \$149,075 to upgrade radio towers to the latest technical standards for public safety radios, Change Order No. 1. (Contract No. 2015-13-X)</p>	
(g)	<p><b><u>Adoption of Resolutions</u></b>            To approve a Public Road Crossing License Agreement by and between the City of Plano and Dallas Area Rapid Transit; authorizing its execution by the City Manager; and providing an effective date.</p>	
(h)	<p>To approve a Crossing Surface Installation Agreement by and between the City of Plano and Burlington Northern Santa Fe (BNSF) Railroad; authorizing its execution by the City Manager; and providing an effective date.</p>	
(i)	<p>To approve a License Agreement by and between the City of Plano, Texas, and Last Line Pubs, LLC, a Texas Limited Liability Corporation, for use of a 545 square foot portion of property owned by the City of Plano and situated on the west side of the restaurant use located at 1004 E. 15th Street; authorizing the City Manager to execute any necessary documents; and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(j)	<p>To authorize the sale of approximately three acres of vacant land owned by the City and located on the south side of Summit Avenue, east of Matrix Drive; authorizing the City Manager to execute any necessary documents; and providing an effective date.</p>	
(k)	<p><b><u>Adoption of Ordinances</u></b></p> <p>To amend Chapter 12, Motor Vehicles and Traffic, Article VI, Commercial Vehicles, Section 12-137, Streets Prohibited to Certain Vehicles, Subsection (a), Paragraph (1) of the Code of Ordinances of the City of Plano, Texas to revise the end points within which the operation of trucks or motorized vehicles with three axles or more, and with a payload weight in excess of two (2) tons is prohibited on 15th Street within the corporate limits of the City of Plano; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.</p>	
(l)	<p>To abandon all right, title and interest of the City, in and to a portion of that certain Right-of-Way for Director Avenue (a 50 ft. Right-of-Way) and Plano Parkway (a variable width Right-of-Way), subject to retaining a Visibility, Access, and Wall Maintenance Easement, recorded in Cabinet 2013, Page 355 of the Plat Records of Collin County, Texas and being situated in the G.H. Pegues Survey, Abstract No. 700, which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such Right-of-Way to the abutting property owner, CBJeni Berkshire Place, LLC, to the extent of its interest; authorizing the City Manager, to execute any documents deemed necessary; and providing an effective date.</p>	
	<p><b><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></b></p> <p><b><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></b></p> <p><b><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></b></p>	
(1)	<p>Public Hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 7.30 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code).</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(2)	<p>Public Hearing and consideration of an Appeal of the Planning &amp; Zoning Commission's denial of Zoning Case 2015-11 - Request to rezone 14.5± acres located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road from Research/Technology Center to Planned Development-Research/Technology Center in order to allow Office-Showroom/Warehouse with modified development standards. Zoned Research/Technology Center/190 Tollway/Plano Parkway Overlay District. Applicant: Industrial Developments International, LLC (IDI Gazeley). Tabled June 22, 2015 and July 27, 2015.</p>	
(3)	<p>Consideration of an Appeal of the Planning &amp; Zoning Commission's denial of the Concept Plan for Central Plano Industrial Park, Phase 3, Block 24, Lot 1R - Office-Showroom/Warehouse on one lot on 13.7± acres located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road. Zoned Research/Technology Center/190 Tollway/Plano Parkway Overlay District. Applicant: Industrial Developments International, LLC (IDI Gazeley). Tabled June 22, 2015 and July 27, 2015.</p> <p><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal/L Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. The Senator Florence Shapiro Council Chambers is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></p>	



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		08/24/2015		
Department:		City Manager's Office		
Department Head		Bruce Glasscock		
Agenda Coordinator (include phone #): <b>Melinda White X7548, Cindy Pierce X5161</b>				
<b>CAPTION</b>				
PROCLAMATION: September is Food Safety Awareness month				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
<b>FUND(S):</b>				
<b>COMMENTS:</b>				
<b>SUMMARY OF ITEM</b>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

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<b>CAPTION</b>				
PROCLAMATION: DFW Solar Tour Day is October 3 <sup>rd</sup> .				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
<b>FUND(S):</b>				
<b>COMMENTS:</b>				
<b>SUMMARY OF ITEM</b>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	



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COUNCIL AGENDA ITEM**

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Council Meeting Date:		08/24/2015		
Department:		City Manager's Office		
Department Head		Bruce Glasscock		
Agenda Coordinator (include phone #): <b>Melinda White X7548, Cindy Pierce X5161</b>				
<b>CAPTION</b>				
Presentation: The Plano Planning Department is receiving the 2015 CLIDE Award.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
<b>FUND(S):</b>				
<b>COMMENTS:</b>				
<b>SUMMARY OF ITEM</b>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	



# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		08/24/2015		
Department:		City Manager's Office		
Department Head		Bruce Glasscock		
Agenda Coordinator (include phone #): <b>Melinda White X7548, Cindy Pierce X5161</b>				
<b>CAPTION</b>				
PRESENTATION: The Plano Police Department is receiving the trophy for winning the annual "Battle of the Badges" blood drive.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
BALANCE	0	0	0	<b>0</b>
FUND(S):				
COMMENTS:				
<b>SUMMARY OF ITEM</b>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

**PLANO CITY COUNCIL**  
**Worksession**  
**August 5, 2015**

**COUNCIL MEMBERS PRESENT**

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

**COUNCIL MEMBERS ABSENT**

David Downs

**STAFF PRESENT**

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

Mayor LaRosiliere convened the Council into the Work Session on Wednesday, August 5, 2015, at 6:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

**Opening Remarks**

City Manager Glasscock stated the Council would be receiving presentations on funding requests for Buffington Community Service Grants, Cultural Affairs Commission and the Heritage Commission. He advised Director of Budget and Research Rhodes-Whitley and the Commission Chairs will walk the Council through the grant requests.

**Funding Requests**

Buffington Community Service Grants

Due to a conflict of interest, Mayor Pro Tem Smith stepped down from the dais.

Community Relations Commission Vice-Chair Thomas advised that the fund was established in 1998 to address community needs and provide for programs addressing short-term, urgent economic assistance or care services; offer immediate relief of a crisis impacting the physical and/or mental health of Plano residents; and meet a consolidated plan goal. She advised that grants are limited to 50% of any agency's budget by state law, are available to non-profit agencies that have been in operation for three years or more, and general categories of assistance include food, clothing, shelter, transportation, and medical or crisis counseling.

Ms. Thomas advised that of the 30 applications for funding, 5 were funded with federal monies (\$195,461) and 17 with Buffington Community Service funds (\$270,900 or \$1/capita). She reviewed the financial challenges for grants, advising that there was a gap of \$395,444 between the requests and the allocation. Ms. Thomas reviewed the types of programs that will be supported by the recommended funding including: at-risk youth; home-delivered meal services for seniors; senior wellness/healthcare; clothing for school children; housing for homeless; services for battered/abused women and children; crisis counseling and/or intervention; and information and referral services. She further spoke to coordination among organizations reducing duplication of efforts. The Council stated concurrence in supporting the recommendations. Mayor Pro Tem Smith returned to the dais.

#### Presentation of Cultural Affairs Commission

Cultural Affairs Commission Chair Brockett spoke regarding the electronic grant application process and the calendar for the review process. He advised nineteen applications were reviewed and two did not meet minimum scores. Mr. Brockett stated funding is recommended for three special event/urban-town centers programs in the amount of \$32,002 from the General Fund, 14 major arts groups in the amount of \$800,000 and \$200,849 from the Hotel/Motel Fund for the Special Events. The Council stated concurrence in supporting the recommendations.

#### Presentation of Heritage Commission

Heritage Commission Vice-Chair Fox spoke to funding for these grants coming from hotel/motel taxes and earmarked for items that will build heritage tourism in Plano. She stated in considering the grants, the Heritage Commission uses the cumulative weighted criteria of 50% Heritage Tourism and Education, 25% Historic Preservation Merit, and 25% Administrative and Fiscal Responsibility. Ms. Fox provided a history of past Heritage Grants. She spoke to recommended grants covering operations/maintenance and projects for the Heritage Farmstead Museum (\$496,500), the Plano Conservancy for Historic Preservation, Inc. (\$250,358) and the North Texas Masonic Historical Museum and Library (\$35,500). The Council stated concurrence in supporting the recommendations.

#### Special Events Funding Recommendations

Senior Budget Analyst Layne presented the Special Events that are funded through the General fund. She stated the funding for the events totals \$150,000, and includes \$104,681 for City produced events and \$45,319 for non-profit produced events. Ms. Layne stated the non-profit requests are mainly for in-kind donation of services. The Council stated concurrence in supporting the recommendations.

Major Jonathan Rich of the Salvation Army introduced himself and the local staff. Tom McAllister of the Lion’s Club spoke to the number of volunteers for the parade.

Council Items and Issues for Discussion

No items were considered

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 6:46 p.m.

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**Harry LaRosiliere, MAYOR**

ATTEST:

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Lisa C. Henderson, City Secretary

**PLANO CITY COUNCIL  
PRELIMINARY OPEN MEETING  
August 10, 2015**

**COUNCIL MEMBERS PRESENT**

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

**STAFF PRESENT**

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

Mayor LaRosiliere called the meeting to order at 5:00 p.m., Monday, August 10, 2015, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor LaRosiliere then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated in order to consult with an attorney and receive Legal Advice, Section 551.071; to receive information regarding Economic Development, Section 551.087; Real Estate, Section 552.072 and Personnel, Section 551.074; for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor LaRosiliere reconvened the meeting back into the Preliminary Open Meeting at 6:15 p.m. in the Senator Florence Shapiro Council Chambers.

**Consideration and action resulting from Executive Session discussion-**

No items were discussed.

### **Discussion and direction re: SimpleRecycling**

Environmental Waste Services Manager Smouse spoke to the City's recycling program success and the next steps for achieving the 50% recycling rate goal. He advised the SimpleRecycling program was an option to work toward that goal to make it easier to recycle clothing and home goods that typically end up in the land fill. Mr. Smouse stated after the original presentation in June, additional unsolicited proposals were received from World Wear Project, LLC and National Recycling Solutions. He provided a funding comparison of the programs and discussed the formula used for determining estimated tonnage. Mr. Smouse stated after review, Staff recommends SimpleRecycling.

Scott Birnbaum, representing, World Wear Project LLC in Dallas, spoke to the ability to provide a recycling service. City Manager Glasscock advised the decision is to determine if the City wants to increase recycling. He added this type of program is a convenience, and if Council would like a community wide program, a formal Request for Proposal (RFP) process should be utilized. Deputy Mayor Pro Tem Harris and Mayor LaRosiliere expressed concern regarding the use of the City logo. Council expressed concurrence to move forward with a RFP for the service.

### **Library Departmental Report**

Director of Libraries Ziegler briefed the Council regarding the five libraries and the online library, size, collections, and hours of operation. She spoke to the number of patrons utilizing library services on a daily basis, the excellent service provided by staff, and the demographics of those utilizing the services. Ms. Ziegler advised challenges include providing enough eBooks, serving a community that values education and utilizes library services, and coordinating classes to best serve the community.

Ms. Ziegler spoke to the programs and services provided by the libraries including performances by dance groups and musicians, hands-on experiences with animal and science programs, literacy programs, skill improvement training, and programs supporting STEAM (science, technology, engineering, arts, and math) such as robotics and math camps. She stated the libraries partner with many local groups and colleges to provide the programs. Ms. Ziegler outlined the community outreach programs and participation at Plano ISD schools, area festivals, and Collin County agencies. She spoke to the libraries expanded services, innovative enhancements, online presence, and citizen engagement.

### **Media Relations Departmental Report**

This item was presented during the regular meeting.

### **Consent and Regular Agendas**

Council Member Grady requested Consent Agenda Items "E" and "H" be pulled for individual consideration.

**Council Items for Future Discussion**

No items were discussed.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 7:04 p.m.

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**Harry LaRosiliere, MAYOR**

ATTEST:

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Lisa C. Henderson, City Secretary

**PLANO CITY COUNCIL  
REGULAR SESSION  
August 10, 2015**

**COUNCIL MEMBERS PRESENT**

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

**STAFF PRESENT**

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

Mayor LaRosiliere convened the Council into the Regular Session on Monday, August 10, 2015, at 7:04 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Nadim Bashir, Imam and Religious Director of East Plano Islamic Center led the invocation and Girl Scout Junior and Cadette Troop 2580 and Cub Scout Pack 220 led the Pledge of Allegiance and Texas Pledge.

Mayor LaRosiliere presented proclamations for Play Ball Month, National Blood Cancer Awareness Month, administered the oath of office to Sam Greif, Sr. as the new Fire Chief, and presented a certificate of appreciation to Nancy Baumgarten, outgoing member of the Senior Citizens Advisory Board.

**COMMENTS OF PUBLIC INTEREST**

Steve Lavine spoke in support of additional funding for eBooks. Thomas Brackett spoke regarding the lack of regulation of refuse carts in alley ways and the condition of the HOV lane on US Hwy 75. In response, City Manager Glasscock advised the City has been in contact with the Texas Department of Transportation regarding the HOV lane. Dr. Raj Menon, representing the Plano Symphony Orchestra, spoke in support of the arts and the need for a larger theater venue for performing groups such as the Plano Symphony Orchestra.

## **CONSENT AGENDA**

Council Member Grady requested that Consent Agenda Items “E” and “H” be removed for individual consideration.

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

### **Approval of Minutes**

July 27, 2015

July 29, 2015

(Consent Agenda Item “A”)

### **Approval of Expenditures**

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

**Bid No. 2015-341-B** for the Access Improvements at Various Pump & Lift Stations, Project No. 6378 for the Public Works Department to Axis Construction, LP in the amount of \$58,640; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

### **Purchase from an Existing Contract**

To approve the purchase of two (2) Toro Workman HDX-D Utility Vehicles for Fleet Services to be utilized by the Parks and Recreation Department in the amount of \$57,397 from Professional Turf Products through an existing TASB/BuyBoard contract; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 447-14) (Consent Agenda Item “C”)

To approve the purchase of one (1) Crane Carrier Refuse Truck Chassis in the amount of \$172,131 from Bond Equipment Company, Inc. and one (1) Heil Liberty 32-yard Automated Body in the amount of \$124,900 from Heil of Texas for a total amount of \$297,031 for Fleet Services to be utilized by the Environmental Waste Services Division through existing TASB/BuyBoard contracts; and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 425-13 and 430-13) (Consent Agenda Item “D”)

### **Approval of Contract Modification**

To approve and authorize Contract Modification No. 2 for professional landscape architectural services in the amount of \$7,500 from Adams Consulting Engineers, Inc. This modification will provide for design and engineering services for site improvements at the Douglass Community Center. (Consent Agenda Item “F”)

## **Adoption of Resolutions**

**Resolution No. 2015-8-1(R):** To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for the Intersection Traffic Control Project, PIN 17560006409000, targeting intersections regulated by a signal light; authorizing the City Manager to execute the grant agreement and any other documents necessary to effectuate the action taken; and providing an effective date. (Consent Agenda Item “G”)

## **END OF CONSENT**

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

To approve a Professional Services Agreement by and between the City of Plano and GME Consulting Services, Inc. in the amount of \$64,615 for the Intersection Improvements – Plano Parkway and Los Rios Boulevard project; and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

Director of Engineering Carr stated this is an engineering testing contract for four intersections to ensure the materials meet the requirements of the contract. In response to Council Member Grady, Mr. Carr stated the contract used is the standard contract and the specific scope of work is outlined in the exhibit.

Upon a motion made by Council Member Grady and seconded by Council Member Downs, the Council voted 8-0, to approve a Professional Services Agreement by and between the City of Plano and GME Consulting Services, Inc. in the amount of \$64,615 for the Intersection Improvements – Plano Parkway and Los Rios Boulevard project; and authorizing the City Manager to execute all necessary documents.

## **Adoption of Ordinances**

**Ordinance No. 2015-8-2:** To amend Item 5 of Section II of Ordinance No. 2014-10-22 to correct a clerical error; and providing a repealer clause, a savings clause, a severability clause, and an effective date. (Consent Agenda Item “H”)

Director of Planning Day stated the ordinance is amending a clerical error related to the block types. In response to Council Member Grady, Ms. Day advised there are no substantive changes to the development plan, just a correction of a clerical error.

Upon a motion made by Council Member Grady and seconded by Deputy Mayor Pro Tem Harris, the Council voted 8-0, to amend Item 5 of Section II of Ordinance No. 2014-10-22 to correct a clerical error; and further to adopt Ordinance No. 2015-8-2.

## **Media Relations Departmental Report**

Director of Media Relations Stoler presented an overview of the department and its objectives. He spoke to the average number of media contacts monthly, the media center available on the website, media training provided to staff and other organizations, media coverage nationally and locally, media monitoring and analytics, and the importance of relationships with local media.

## **Public Hearing on the FY 2015-16 Recommended Budget and the FY 2015-16 Proposed Community Investment Program (CIP). (Regular Item “1”)**

Director of Budget and Research Rhodes-Whitley stated the public hearing is on the FY 2015-16 Recommended Budget totaling \$490 million and the FY 2015-16 Proposed Community Investment Program of \$161 million.

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

**Resolution No. 2015-8-3(R):** To accept the Certified Appraisal Rolls for Fiscal Year 2015-16 for Collin County and Denton County, and providing an effective date. (Regular Item “2”)

Director of Budget and Research Rhodes-Whitley stated the Collin and Denton County Appraisal Districts have provided the tax rolls totaling \$30.8 billion and the resolution accepts the tax rolls for the year.

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to accept the Certified Appraisal Rolls for Fiscal Year 2015-16 for Collin County and Denton County; and further to adopt Resolution No. 2015-8-3(R).

## **A vote on a proposal to consider an increase in the total tax revenue. (Regular Item “3”)**

Director of Budget and Research Rhodes-Whitley stated due to Truth-in-Taxation law requirements, the Council will need to have a record of vote on a maximum proposed tax rate it will consider throughout the budget process. She reported the effective tax rate is 45.53 cents per \$100 of valuation and the roll back tax rate is 47.59 cents per \$100 of valuation. Ms. Rhodes-Whitley advised the proposed tax rate is 48.86 cents per \$100 of valuation maintaining the current rate and the amount equals \$3,972,561 or an increase of \$29.64 for the average homeowner. She stated the record of vote would be published and public hearings will be held on August 24 and September 2.

Council Member Harrison made a motion to set the tax rate at 47.59 cents per \$100 of valuation. The motion died for lack of second.

Upon a motion made by Mayor Pro Tem Smith and seconded by Deputy Mayor Pro Tem Harris, the Council voted 7-1, with Council Member Harrison voting in opposition, to establish a maximum tax rate of 48.86 cents per \$100 of valuation, maintaining the current tax rate.

**Discussion of the FY 2015-16 Proposed Community Investment Program.** (Regular Item “4”)

Director of Engineering Carr briefly discussed the format of the presentation. Director of Parks and Recreation Fortenberry spoke to the project funding sources and the Park Master Plan. She advised the Recreation Center Projects include Carpenter Park Recreation Center pool improvements, Senior Center expansion, and the Jack Carter Pool. Ms. Fortenberry stated park improvement projects include land acquisition, maintenance facility expansion, Windhaven Meadows improvements, Carpenter Park renovation, Oak Point Park and Nature Preserve improvements, general park improvements, recreation trails, Legacy trail, and special use facility improvements. She reported projects funded by park fees include Cottonwood Creek Greenbelt South and Windhaven Meadows Trail. Ms. Fortenberry spoke to the many projects funded from capital reserves include renovation to athletic fields, irrigation, facilities, landscaping, medians, neighborhood parks, signage, playground equipment, and public buildings.

Director of Engineering Carr spoke to the funding sources of various projects for the upcoming fiscal year. He stated projects include street construction, street capacity, street design, miscellaneous street projects, major screening wall, drainage and erosion control, water improvements, and sewer improvements.

Facilities Manager Rahzina spoke to the funding sources for the facility capital projects. He stated the projects include Fire Station No. 1 and Administration building, Joint Use facility, Animal Shelter, Parkway Service Center, Municipal Center, Parr Library, Oak Point Recreation Center and Robinson Justice Center.

Director of Public Works Cosgrove presented the public works projects including screening wall reconstruction, traffic signal upgrades, pavement markings, street condition inventory, street name sign replacement, concrete repair, traffic guardrails, inflow/infiltration repairs, manhole sealing, and pump station rehabilitation.

The Council took a brief recess at 9:01 p.m. and reconvened at 9:13p.m.

**Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2014-34** - Request to rezone 54.3± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive from Regional Employment to Planned Development- Regional Employment to allow for Single-Family Residence Attached with modified development standards. Zoned Regional Employment/State Highway 121 Overlay District. Applicant: Ronald McCutchin Family Partnership, LTD. Tabled July 27, 2015. (Regular Item “5”)

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

Director of Planning Day provided information on the current zoning, property location, surrounding uses, the proposed concept plan, and site photographs. She spoke to the non-conformance with the comprehensive plan. Ms. Day stated the Planning and Zoning Commission denied the request. She spoke to adjacent property uses and the types of businesses allowed on the property in question.

**Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2014-34 (Cont'd.)**

Brian Klein, on behalf of the developer, spoke to the development challenges due to minimal access on State Highway 121 frontage, the general location of property, and that residential is an appropriate use for the site. John Pippard, representing the property owner, spoke to the challenge to finding a purchaser for the property and asked the Council to support the appeal.

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

Mayor LaRosiliere spoke to the viability of using this property for business use and supported the proposed zoning change. Council Member Grady stated it is not favorable for residential use due to proximity to the highway. City Manager Glasscock advised that NTTA will not install noise abatement walls. Council Member Harrison expressed concern about the noise from the highway for residential uses. Deputy Mayor Pro Tem Harris does not feel the change is appropriate. Council Member Downs was concerned with the access to the property.

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Downs, the Council voted 5-3, with Mayor LaRosiliere, Mayor Pro Tem Smith, and Council Member Miner voting in opposition, to deny the appeal of the Planning & Zoning Commission's denial of Zoning Case 2014-34 - Request to rezone 54.3± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive from Regional Employment to Planned Development- Regional Employment to allow for Single-Family Residence Attached with modified development standards.

**Consideration of an Appeal of the Planning & Zoning Commission's denial of the Concept Plan for Sam Rayburn Plaza and Villages of Prairie Commons East** - General office, 116 Patio Home lots, 70 Single-Family Residence Attached lots, and seven common area lots on 43.1± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive. Zoned Regional Employment/State Highway 121 Overlay District. Applicant: Ronald McCutchin Family Partnership, LTD. Tabled July 27, 2015. (Regular Item "6")

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

Director of Planning Day advised this is a companion item to the previous item and is not consistent with current zoning requirements and Staff recommends denial.

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 8-0, to deny the appeal of the Planning & Zoning Commission's denial of the Concept Plan for Sam Rayburn Plaza and Villages of Prairie Commons East - General office, 116 Patio Home lots, 70 Single-Family Residence Attached lots, and seven common area lots on 43.1± acres located at the southeast corner of State Highway 121 and future Ridgeview Drive.

**Public Hearing and adoption Ordinance No. 2015-8-4 as requested in Zoning Case 2015-19** to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, so as to rezone 3.2± acres of land from General Office to Retail and repealing in its entirety Ordinance No. 87-9-20, thereby rescinding Specific Use Permit No. 57 for the additional use of Restaurant on 0.1± acre; Ordinance No. 2002-12-5, thereby rescinding Specific Use Permit No. 484 for Veterinary Clinic on 0.1± acre; Ordinance No. 2008-1-23, thereby rescinding Specific Use Permit No. 592 for Kennel (Indoor Pens)/Commercial Pet Sitting on 0.1± acre; and Ordinance No. 2014-9-21, thereby rescinding Specific Use Permit No. 653 for Health/Fitness Center on 0.1± acre of land, located at the southeast corner of Park Boulevard and Los Rios Boulevard in the City of Plano, Collin County, Texas; 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: Park Boulevard Center LTD. (Regular Item “7”)

Director of Planning Day spoke to the current zoning being inconsistent with surrounding retail uses and that the zoning change simplifies the process. She provided photos of surrounding areas and discussed the current uses. Ms. Day stated Staff and the Planning and Zoning Commission recommend approval as submitted.

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

Upon a motion made by Council Member Downs and seconded by Mayor Pro Tem Smith, the Council voted 8-0, to rezone 3.2± acres of land from General Office to Retail and repealing in its entirety Ordinance No. 87-9-20, thereby rescinding Specific Use Permit No. 57 for the additional use of Restaurant on 0.1± acre; Ordinance No. 2002-12-5, thereby rescinding Specific Use Permit No. 484 for Veterinary Clinic on 0.1± acre; Ordinance No. 2008-1-23, thereby rescinding Specific Use Permit No. 592 for Kennel (Indoor Pens)/Commercial Pet Sitting on 0.1± acre; and Ordinance No. 2014-9-21, thereby rescinding Specific Use Permit No. 653 for Health/Fitness Center on 0.1± acre of land, located at the southeast corner of Park Boulevard and Los Rios Boulevard in the City of Plano, Collin County, Texas; as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2015-19; and further to adopt Ordinance No. 2015-8-4.

**Resolution No. 2015-8-5(R):** To declare Downtown Plano as an Arts District and adopt the “Downtown Arts, Culture and Events Plan” as a guide to its future development; and providing an effective date. (Regular Item “8”)

Deputy City Manager Turner spoke to the designation of downtown as an arts district and the plan as a guide to its future development. He stated designation will further reinforce the interest in the arts in the Downtown area and help secure activity at the venues. Mr. Turner advised the district will be the commercial area and surrounding neighborhoods. He spoke to the plan further encouraging arts, working with non-profits, working towards art designation from the State, and the need for additional arts spaces (studios, theaters, etc.) In response to Council Member Harrison, Mr. Turner advised bed and breakfast establishments are available through a special use permit. Council Member Downs spoke to the option of making the downtown area more walkable.

**Resolution No. 2015-8-5(R)(Cont'd.)**

Debbie Watson, speaking on behalf of Dr. George Robinson, and Mary Compton, Ray Bittel, Greg Elam, and Mirna Lynch spoke in favor of the arts district and expressed the need for additional venues. Soheyla Rashidyan provided notes to Council expressing her thoughts on the matter.

A motion was made by Deputy Mayor Pro Tem Harris and seconded by Council Member Miner to declare Downtown Plano as an Arts District and adopt the “Downtown Arts, Culture and Events Plan” as a guide to its future development. In response to Mayor Pro Tem Smith, Mr. Turner provided clarification of the proposed resolution and recommendations of the plan. Council Member Downs expressed his gratitude the arts supporters in attendance. The Council voted 8-0 and further adopted Resolution No. 2015-8-5(R).

With no further business, Mayor LaRosiliere adjourned the meeting at 10:28 p.m.

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**Harry LaRosiliere, Mayor**

ATTEST

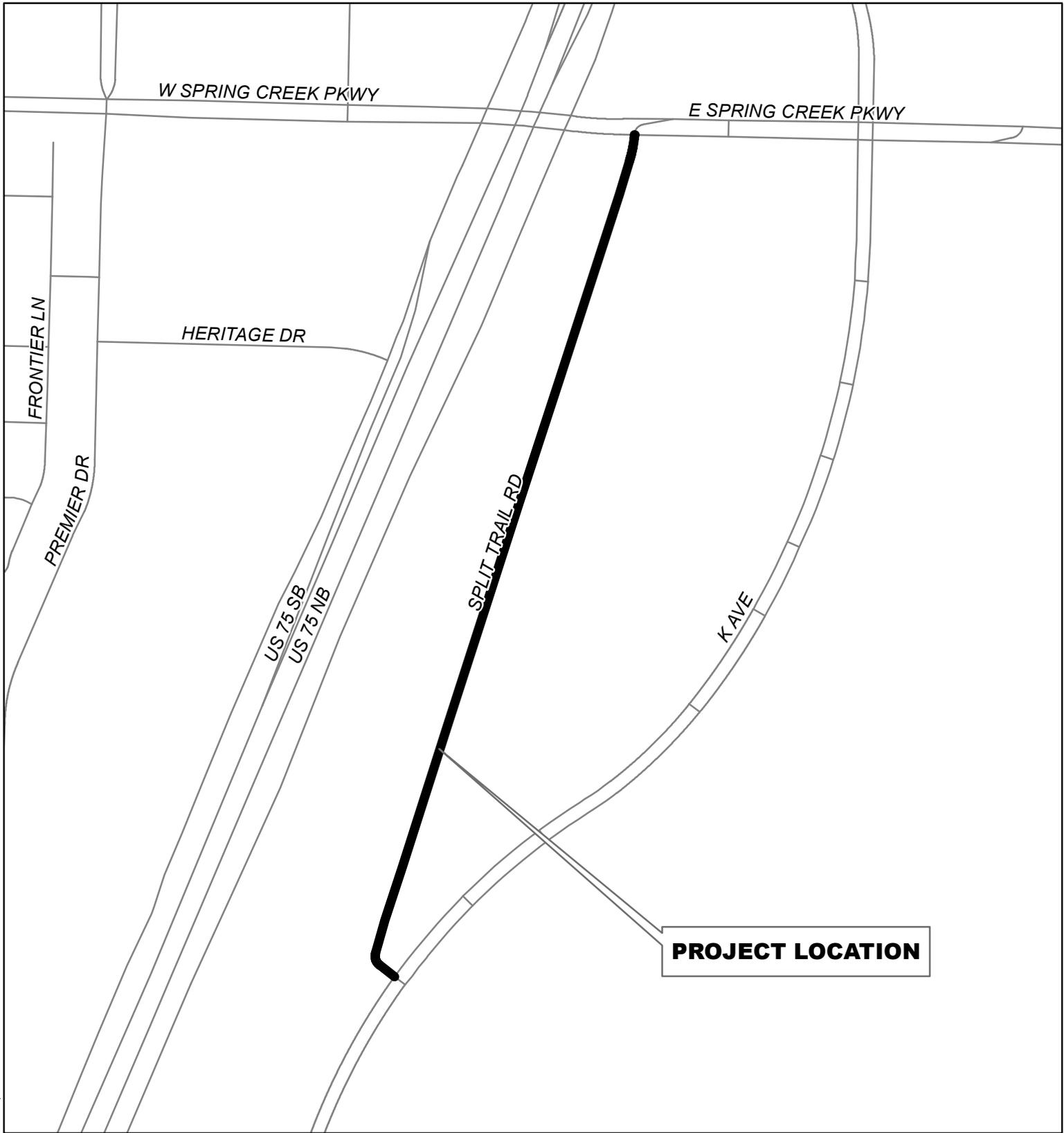
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Lisa C. Henderson, City Secretary

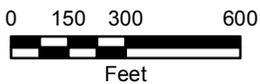


**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		08/24/15			
Department:		Engineering			
Department Head:		Jack Carr, PE			
Agenda Coordinator (include phone #):			Kathleen Schonne (7198)		
			Project No. 5991		
<b>CAPTION</b>					
Bid No. 2015-347-B for Split Trail Road - K Avenue to Spring Creek Parkway – Paving, Water and Drainage Improvements to HQS Construction, LLC, in the amount of \$2,697,901 and authorizing the City Manager to execute all necessary documents.					
<b>FINANCIAL SUMMARY</b>					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	<b>2014-15; 2015-16</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget		1,000	302,350	2,634,000	<b>2,937,350</b>
Encumbered/Expended Amount		-1,000	-102,331	0	<b>-103,331</b>
This Item		0	-200,000	-2,497,901	<b>-2,697,901</b>
BALANCE		0	19	136,099	<b>136,118</b>
<b>FUND(S):</b> STREET IMPROVEMENTS CIP, WATER CIP					
<p><b>COMMENTS:</b> Funding is available in the 2014-15 CIP and planned in the 2015-16 CIP for this expenditure. The construction of paving, water and drainage improvements on Split Trail Road, in the amount of \$2,697,901, will leave a project balance of \$136,118 available for future expenditures related to this or other street improvement and Water CIP projects.</p> <p><b>STRATEGIC PLAN GOAL:</b> Reconstructing roads and replacing water lines relates to the City's goal of a Financially Strong City with Service Excellence.</p>					
<b>SUMMARY OF ITEM</b>					
<p>Staff recommends bid of HQS Construction, LLC, in the amount of \$2,697,900.75, be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents.</p> <p>Engineer's estimate was \$2,500,000.00.</p> <p>The project consists of the paving reconstruction of Split Trail Road at a 36-foot width from K Avenue to approximately 2,600-feet north; 8-inch water line replacement from K Avenue to Spring Creek Parkway; enlargement of the existing culvert under Split Trail Road for Brown Branch Creek; and gabion wall construction in the creek area.</p>					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Location Map, Bid Summary			N/A		



georgetau.C:\Projects\Engineering\Location\Maps\07-29-2015\_Split\_Trail\_Rd\Split\_Trail\_Road.mxd



City of Plano GIS Division  
July, 2015

**Split Trail Road  
K Avenue to Spring  
Creek Parkway  
Paving, Water and  
Drainage Improvements  
Project No. 5991**

**Project Location**



# CITY OF PLANO

**Bid No. 2015-347-B**

**Split Trail Road – K Avenue to Spring Creek Parkway; Paving, Water,  
& Drainage Improvements – Project No. 5991**

## **Bid Recap**

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**Bid opening Date/Time:** July 28, 2015 @ 3:00 PM

**Number of Vendors Notified:** 7,498

**Vendors Submitting “No Bids”:** 0

**Number of Bids Submitted:** 5

<b><u>Vendor Name</u></b>	<b><u>Total Base Bid</u></b>
HQS Construction, LLC	\$2,697,900.75
Tiseo Paving Company	\$2,992,240.60
Pavecon Public Works, LP	\$3,060,895.18
Lone Star Civil Construction, Inc.	\$3,444,444.00
RBR Infrastructure & Road, LLC	\$3,884,840.00

**Recommended Vendor(s):**  
HQS Construction, LLC \$2,697,900.75

*Corey Isaacs*  
\_\_\_\_\_  
Corey Isaacs, Buyer II

July 31, 2015  
\_\_\_\_\_  
Date



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		8/24/15		
Department:		Public Works		
Department Head		Gerald Cosgrove		
Agenda Coordinator (include phone #): <b>Lincoln Thompson ext. 7376</b>				
<b>CAPTION</b>				
To approve the purchase of one (1) Kenworth T370 Dump Truck for Fleet Services to be utilized by the Public Works Department in the amount of \$101,490 from MHC Kenworth through an existing TASB/BuyBoard contract and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 430-13)				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2014-15</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	101,490	0	<b>101,490</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	-101,490	0	<b>-101,490</b>
BALANCE	0	0	0	<b>0</b>
FUND(S): <b>EQUIPMENT REPLACEMENT FUND</b>				
<b>COMMENTS:</b> Funds are available in the FY 2014-15 Adopted Budget to purchase one (1) Kenworth T370 Dump Truck for the scheduled replacement of unit #97024 in Cost Center #742/Streets. <b>STRATEGIC PLAN GOAL:</b> Providing one (1) Kenworth T370 Dump Truck for Fleet Services relates to the City's Goal of a Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 271 Subchapter F of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (TASB/BuyBoard Contract No. 430-13)				
List of Supporting Documents: Recommendation Memo Cooperative Quote Recap			Other Departments, Boards, Commissions or Agencies NA	



# Memorandum

**Date:** August 3, 2015  
**To:** Bruce D. Glasscock, City Manager  
**From:** Reid Choate, Fleet Manager  
**Subject:** Tandem Dump Truck Purchase Recommendation

It is the recommendation of Fleet Services to purchase one (1) Kenworth T370 Dump Truck from MHC Kenworth, through the TASB/BuyBoard Contract No. 430-13 in the amount of \$101,490.20. Fleet Services and Purchasing reviewed multiple Cooperative Contracts and found this to be the best value for the City.

This purchase is for the scheduled replacement of unit 97024 in Cost Center 742/Streets.

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

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

**CITY OF PLANO  
SOLICITATION NO. 2015-365-O  
Tandem Axle 12-14 Yard Dump Truck  
QUOTE RECAP**

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**Number of Vendors Contacted:** 4

**Vendors Submitting "No Bids":** 0

**Bids Deemed Nonresponsive:** 0

**Number of Responsive Quotes Submitted:** 3

One (1) 2015 Kenworth Model T370 Via TASB / BuyBoard Contract 430-13	\$101,490.20
One (1) 2015 Kenworth Model T370 Via Houston Galveston Area Council / HGAC Contract HT06-14	\$102,160.00
One (1) 2016 Peterbilt Model 348 Via Houston Galveston Area Council / HGAC Contract HT06-14	\$109,896.00

**Low Quote Meeting Specifications:**

One (1) 2015 Kenworth Model T370 Via TASB / BuyBoard Contract 430-13	\$101,490.20
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*Lincoln Thompson*

Lincoln Thompson  
Senior Buyer

*July 24, 2015*

Date



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		8/24/15		
Department:		Public Works		
Department Head		Gerald Cosgrove		
Agenda Coordinator (include phone #): <b>Lincoln Thompson ext. 7376</b>				
<b>CAPTION</b>				
To approve the purchase of three (3) Caterpillar 416F2 Backhoe Loaders with Buckets for Fleet Services to be utilized by the Parks and Recreation Department and the Public Works Department in the amount of \$254,023 from Holt Cat through an existing TASB/BuyBoard contract and authorizing the City Manager to execute all necessary documents. (TASB/BuyBoard Contract No. 424-13)				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2014-15</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	254,023	0	<b>254,023</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	-254,023	0	<b>-254,023</b>
BALANCE	0	0	0	<b>0</b>
FUND(S): <b>EQUIPMENT REPLACEMENT FUND</b>				
<b>COMMENTS:</b> Funds are available in the FY 2014-15 Adopted Budget to purchase three (3) Backhoe Loaders with Buckets for the scheduled replacement of unit #42006 in Cost Center #643/Park Support Services, unit #03504 in Cost Center #763/Utility District #2 and unit #03505 in Cost Center #766/Utility District #1. <b>STRATEGIC PLAN GOAL:</b> Providing three (3) Caterpillar 416F2 Backhoe Loaders for Fleet Services relates to the City's Goal of a Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 271 Subchapter F of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (TASB/BuyBoard Contract No. 424-13)				
List of Supporting Documents: Recommendation Memo Cooperative Quote Recap			Other Departments, Boards, Commissions or Agencies NA	



# Memorandum

**Date:** August 3, 2015  
**To:** Bruce D. Glasscock, City Manager  
**From:** Reid Choate, Fleet Manager  
**Subject:** Backhoe/Loader Purchase Recommendation

It is the recommendation of Fleet Services to purchase three (3) Caterpillar 416F2 Backhoe Loaders with Buckets from Holt Cat, through TASB/BuyBoard Contract No. 424-13 in the amount of \$254,023.00. Fleet Services and Purchasing reviewed multiple Cooperative Contracts and found this to be the best value for the City.

This purchase is for the scheduled replacement of unit 42006 in Cost Center 643/Park Support Services, unit 03504 in Cost Center 763/Utility District #2 and unit 03505 in Cost Center 766/Utility District #1.

Equipment replacement is analyzed based on age, usage, maintenance cost, and re-sale value in determining the need for replacement. Based on these criteria, Fleet Services recommends the replacement of the above equipment. If this equipment is not replaced we will incur additional maintenance cost and salvage value will be greatly depreciated. In addition, the user department will be limited in their ability to perform their duties due to additional down time of the older equipment.

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

Additional funding will come from the ERF.

**CITY OF PLANO**  
**SOLICITATION NO. 2015-362-O**  
**Three (3) Caterpillar 416F2 Backhoe Loaders**  
**COOPERATIVE QUOTE RECAP**

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**Number of Vendors Contacted:** 2

**Vendors Submitting "No Bids":** 0

**Quotes Deemed Nonresponsive:** 0

**Number of Responsive Quotes Submitted:** 4

One (1) Caterpillar 416F2 Backhoe Loaders with Four (4) Buckets	
Via TASB / BuyBoard Contract 424-13	\$ 91,165.00
Via HGAC Contract EM06-13	\$110,903.79

Two (2) Caterpillar 416F2 Backhoe Loaders with Three (3) Buckets	
Via TASB / BuyBoard Contract 424-13	\$162,858.00
Via HGAC Contract EM06-13	\$201,252.14

**Recommended Cooperative Quotes:**

One (1) Caterpillar 416F2 Backhoe Loaders with Four (4) Buckets	
Via TASB / BuyBoard Contract 424-13	\$ 91,165.00

Two (2) Caterpillar 416F2 Backhoe Loaders with Three (3) Buckets	
Via TASB / BuyBoard Contract 424-13	<u>\$162,858.00</u>

Total Cost	\$254,023.00
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Lincoln Thompson  
Lincoln Thompson  
Senior Buyer

July 14, 2015  
Date



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		08/24/15		
Department:		Engineering		
Department Head:		Jack Carr, PE		
Agenda Coordinator (include phone #):			Kathleen Schonne x7198	
			Project No. 6167	
<b>CAPTION</b>				
To Austin Filter Systems, Inc., increasing the contract by \$84,973, Oak Hollow & Brandon Court Project No. 6167, Change Order No. 3. Original Bid No. 2013-358-B.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: <b>2014-15</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	236,120	892,700	0	<b>1,128,820</b>
Encumbered/Expended Amount	-236,120	-687,291	0	<b>-923,411</b>
This Item	0	-84,973	0	<b>-84,973</b>
<b>BALANCE</b>	<b>0</b>	<b>120,436</b>	<b>0</b>	<b>120,436</b>
<b>FUND(S):    SEWER CIP &amp; MUNICIPAL DRAINAGE CIP</b>				
<p><b>COMMENTS:</b> Funding is available in the 2014-15 Sewer CIP and Municipal Drainage CIP for this item. This change order, in the amount of \$84,973, will leave a current balance of \$120,436 available for future expenditures on sanitary sewer and drainage projects.</p> <p><b>STRATEGIC PLAN GOAL:</b> Modifying existing contracts to address additional items discovered during project execution relates to the City's goal of a Financially Strong City with Service Excellence.</p>				
<b>SUMMARY OF ITEM</b>				
<p>This change order, in the amount of \$84,972.98, is for additional work necessary to complete the project. The quantity change and additional item resulted from conditions identified in the field and the work was deemed necessary to properly anchor the gabion mattress into the adjacent gabion wall at Hampton Lane (SPR-17932) and Oak Hollow (Ind-6671), and an additional 51 LF of aerial crossing painting.</p> <p>Spring Creek Aerial Crossing Near San Simeon Way  <a href="https://maps.google.com/maps?ll=33.064464,-96.746249&amp;spn=0.005359,0.009034&amp;t=h&amp;z=16&amp;ici=com">https://maps.google.com/maps?ll=33.064464,-96.746249&amp;spn=0.005359,0.009034&amp;t=h&amp;z=16&amp;ici=com</a></p> <p>Oak Hollow Drive &amp; Indian Creek Aerial Crossing          Brandon Court Retaining Wall  <a href="https://maps.google.com/?ll=33.038385,-96.843882&amp;spn=0.021442,0.036135&amp;t=h&amp;z=14">https://maps.google.com/?ll=33.038385,-96.843882&amp;spn=0.021442,0.036135&amp;t=h&amp;z=14</a></p> <p>Spring Creek Aerial Crossing Near Hampton Lane          Spring Creek Aerial Crossing Near Scarborough Lane</p>				



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

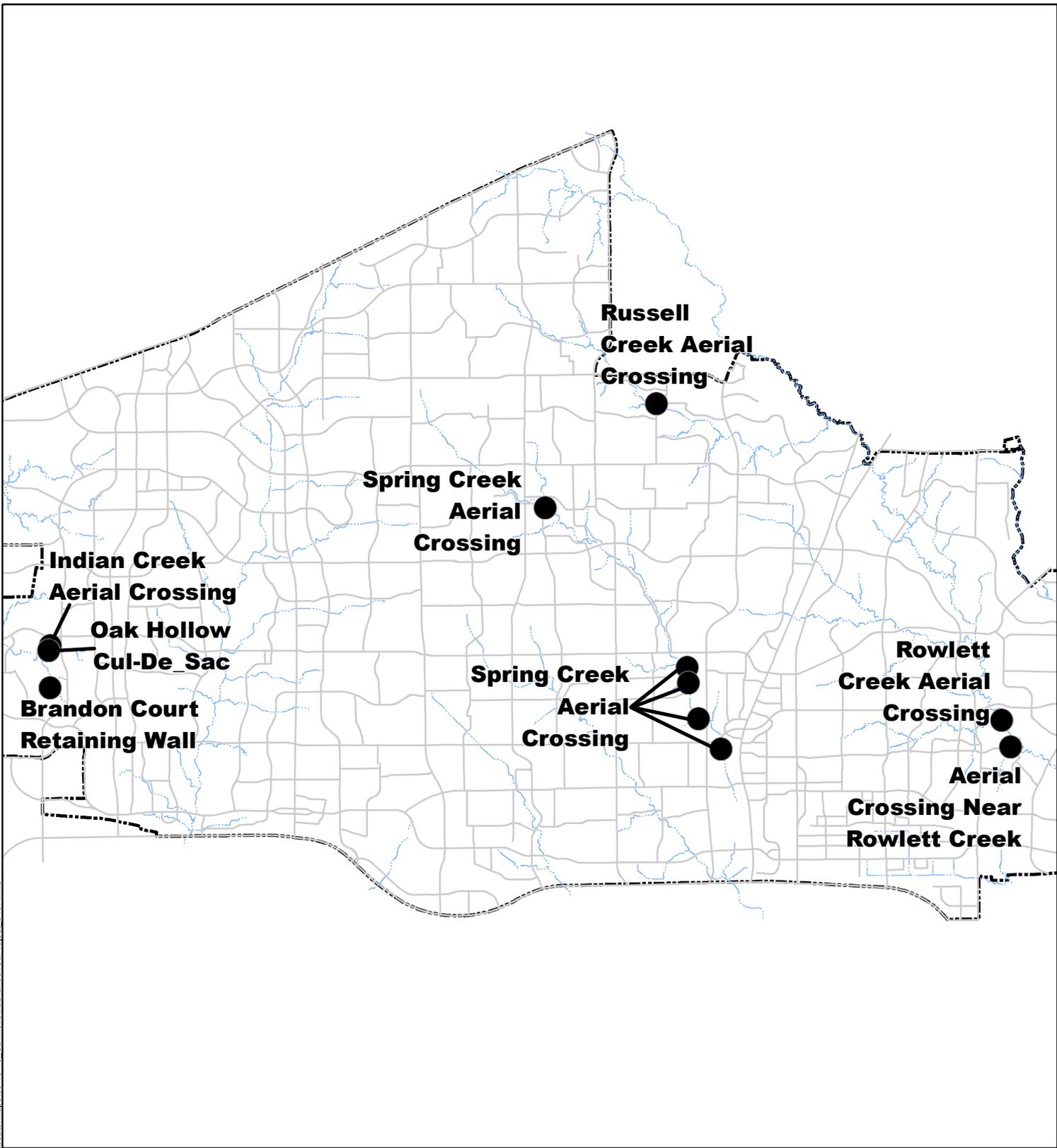
Spring Creek Aerial Crossing Near Brassington Lane  
Spring Creek Aerial Crossing South of Park Boulevard  
<https://maps.google.com/?ll=33.030146,-96.719127&spn=0.023315,0.045447&t=m&z=15>

Rowlett Creek Aerial Crossing  
Aerial Crossing Near Rowlett Creek  
<https://maps.google.com/?ll=33.026656,-96.657715&spn=0.011658,0.022724&t=m&z=16>

Russell Creek Aerial Crossing  
<https://maps.google.com/?ll=33.082481,-96.72595&spn=0.01165,0.022724&t=m&z=16>

List of Supporting Documents:  
Location Map; Change Order No. 3

Other Departments, Boards, Commissions or Agencies  
N/A

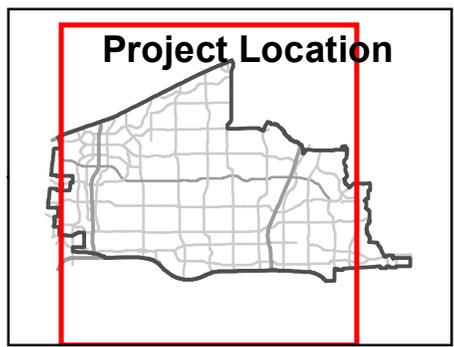


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## Oak Hollow & Brandon Court Project No. 6167

March, 2015  
City of Plano GIS Division



**CHANGE ORDER NO. 3**

**OAK HOLLOW & BRANDON COURT  
PROJECT NO. 6167  
PURCHASE ORDER NO. 104625  
CIP NO. 48898  
BID NO. 2013-358-B**

A. INTENT OF CHANGE ORDER

The intent of this change order is to modify the provisions of the contract entered into by the **CITY OF PLANO, TEXAS**, and **AUSTIN FILTER SYSTEMS, INC.** for the **OAK HOLLOW & BRANDON COURT PROJECT NO. 6167**, dated January 28, 2014.

B. DESCRIPTION OF CHANGE

The change order is for additional work necessary to address unforeseen field condition during the construction. These quantity changes resulted from the difference between the plan estimated quantities and the actual quantities used from field measurements

C. EFFECT OF CHANGE

This change order will have the following effect on the cost of this project:

<i>ITEM NO.</i>	<i>ITEM DESCRIPTION</i>	<i>ORIGINAL QUANTITY</i>	<i>REVISED QUANTITY</i>	<i>UNIT</i>	<i>UNIT PRICE</i>	<i>AMOUNT OF CHANGE</i>
23	Tan Paint on Existing Aerial	178	229	LF	\$ 335.00	\$ 17,085.00
33A	Repair of the Gabion Mattresses at Hampton Lane (SPR-17932) & Oak Hollow (IND-6671)	0	1	LS	\$ 67,887.98	\$ 67,887.98
	<b>TOTAL</b>					\$ 84,972.98

Original Contract Amount	\$	<u>787,190.00</u>
Contract Amount (Including Previous Change Orders)	\$	<u>875,230.43</u>
<b>Amount, Change Order No. 3</b>	<b>\$</b>	<b><u>84,972.98</u></b>
<b>Revised Contract Amount</b>	<b>\$</b>	<b><u>960,203.41</u></b>
<b>Total Percent Increase Including Previous Change Orders</b>		<b><u>21.98%</u></b>

D. EFFECT OF CHANGE ON CONTRACT TIME

The work required under this change order will add 11 days to this project:

Original Contract Time	<u>150 working days</u>
Amount (Including Previous Change Orders)	<u>196 working days</u>
<b>Amount, Change Order No. 3</b>	<b><u>11 working days</u></b>
<b>Revised Contract Time</b>	<b><u>207 working days</u></b>
<b>Total Percent Increase Including Previous Change Orders</b>	<b><u>38.00%</u></b>

E. AGREEMENT

In the event of any conflict or inconsistency between the provisions set forth in this Change Order No. 3 and the contract, this Change Order No. 3 shall govern and control. For and in consideration of the covenants, duties and obligations herein contained, the parties do mutually agree that except as provided above, all other terms and conditions of the Contract shall remain unchanged and in full force and effect.

By the signatures below, duly authorized agents of the **CITY OF PLANO, TEXAS**, and **AUSTIN FILTER SYSTEMS, INC.**, do hereby agree to append this Change Order No. 3 to the original contract between themselves, dated January 28, 2014.

F. AUTHORITY TO SIGN

The undersigned officers 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.

**OWNER: CITY OF PLANO**

**CONTRACTOR: AUSTIN FILTER  
SYSTEMS, INC.**

By: \_\_\_\_\_  
(signature)

By: \_\_\_\_\_  
(signature)

Print  
Name: Bruce D. Glasscock

Print  
Name: Mark Toungate

Print  
Title: City Manager

Print  
Title: President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Paige Mims, City Attorney

**ACKNOWLEDGMENTS**

**STATE OF TEXAS**           §  
  §  
**COUNTY OF WILLIAMSON**   §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by **MARK TOUNGATE, PRESIDENT** of **AUSTIN FILTER SYSTEMS, INC.**, a **TEXAS** corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

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

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by **BRUCE D. GLASSCOCK, CITY MANAGER** of the **CITY OF PLANO, TEXAS**, a Home-Rule Municipal Corporation, on behalf of said municipal corporation.

\_\_\_\_\_  
Notary Public, State of Texas



# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		8/24/15		
Department:		Technology Services		
Department Head		David Stephens		
Agenda Coordinator (include phone #): <b>Sharron Mason x 7247</b>				
<b>CAPTION</b>				
To Motorola Solutions, Inc., increasing the contract by \$149,075 to upgrade radio towers to the latest technical standards for public safety radios, Change Order No. 1. (Contract No. 2015-13-X)				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	<b>2014-15</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
		<b>TOTALS</b>		
Budget		0	8,050,000	0
Encumbered/Expended Amount		0	-7,875,000	0
This Item		0	-149,075	0
BALANCE		0	25,925	0
<b>FUND(S):    TECHNOLOGY IMPROVEMENTS CIP</b>				
<p><b>COMMENTS:</b> Funding for this item is available in the 2014-15 Technology Improvements CIP. This change order to upgrade radio towers to the latest technical standards for public safety radios, in the amount of \$149,075, will leave a current balance of \$25,925 available for additional Technology Improvements if needed.</p> <p><b>STRATEGIC PLAN GOAL:</b> Obtaining a change order to upgrade Plano's radio towers relates to the City's goals of Safe Large City and Financially Strong City with Service Excellence.</p>				
<b>SUMMARY OF ITEM</b>				
See recommendation memo.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Recommendation Memo			NA	



# Memorandum

**Date:** July 16, 2015

**To:** Jim Parrish, Deputy City Manager  
David Stephens, Chief Information Officer

**From:** Ron Goldsmith, Radio System Manager

**Subject:** Radio Tower Modifications

The City of Plano Radio Shop manages ten (10) radio tower sites as part of the Plano, Allen, Wylie and Murphy (PAWM) regional communications network. Multiple city departments including Public Safety, Technology Services, Traffic, Public Works, Parks & Recreation and others use these towers.

In December of 2014, The City of Plano purchased a \$7,875,000 upgrade from Motorola to increase the capacity of the PAWM radio network (Contract # 2015-13-X). The upgrade included replacement of two-way radios, radio network infrastructure upgrades and the installation of additional antennas to all radio tower sites. The new antennas increased the radio tower loading and decreased the desired structural safety margin at four (4) of the radio towers located within the City of Plano. These radio towers are critical structures for our day-to-day operations as well as providing our most reliable means of communications in the event of a natural or man-made disaster.

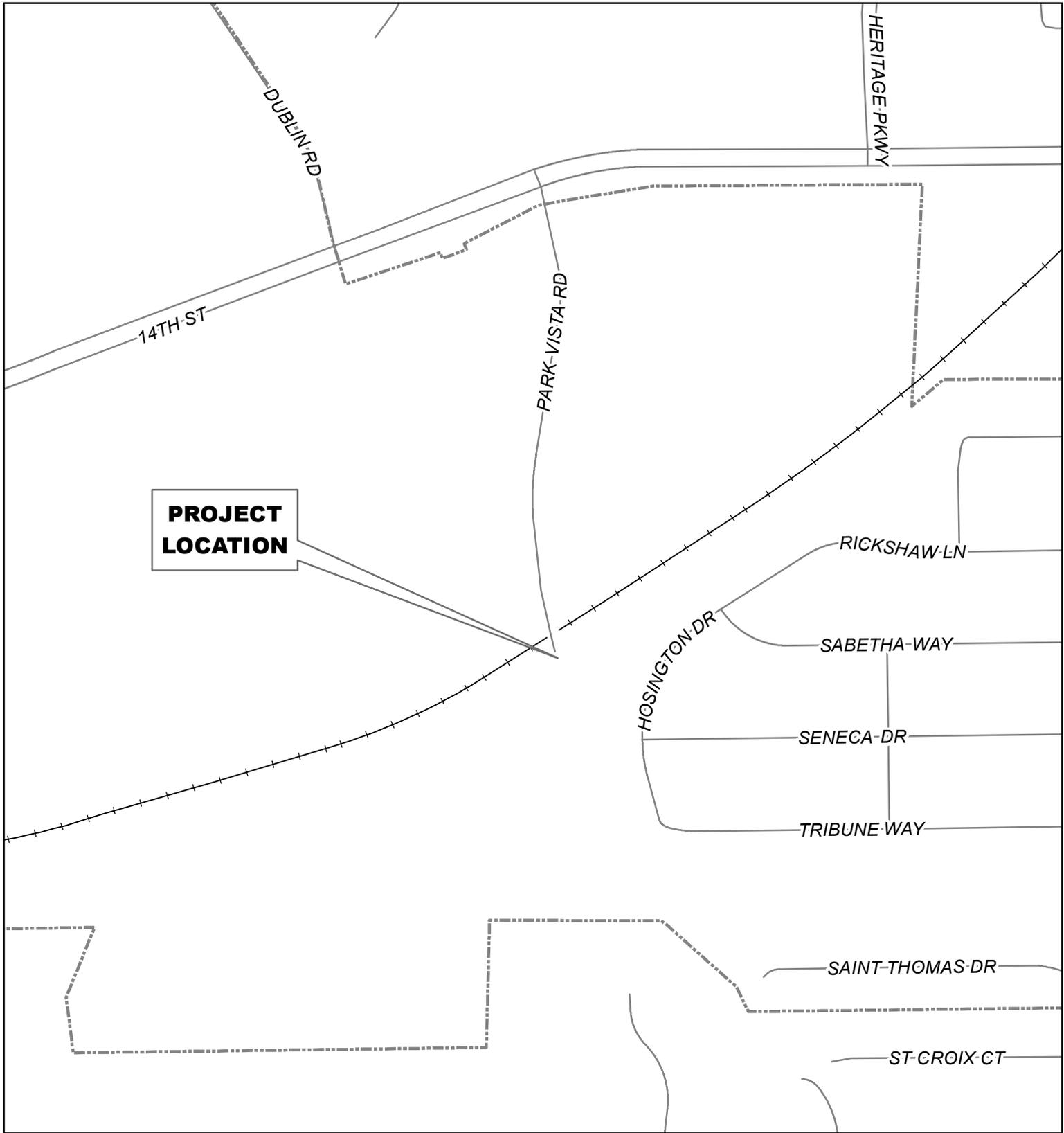
The Radio Shop is requesting approval to upgrade the towers to the latest Grade 1 technical standard for public safety radio towers. This is a new standard designed to ensure the towers will withstand heavy ice accumulation and hurricane level winds. The upgrade will include manufacturing and installation of additional steel bracing for the radio towers. These tower modifications will provide the needed structural stability, as well as provide additional capacity for future projects, while maintaining Grade 1 service.

The modifications and engineering work will be performed by Motorola Solutions. The Radio Shop is requesting approval of \$149,074.56 for the tower upgrade/modification work. The funds to upgrade the radio towers will come from the unused portion of Technology Improvement Fund.



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		08/24/15		
Department:		Engineering		
Department Head:		Jack Carr, PE		
Agenda Coordinator (include phone #):		Kathleen Schonne(7198)		Project No. 6494
<b>CAPTION</b>				
A Resolution of the City of Plano, Texas, approving a Public Crossing License Agreement by and between the City of Plano and Dallas Area Rapid Transit; authorizing its execution by the City Manager or his designee, and providing an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2014-15</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):    N/A				
<b>COMMENTS:</b> This item has no financial impact. STRATEGIC PLAN GOAL: Obtaining an agreement with Dallas Area Rapid Transit (DART) to facilitate the completion of a city project relates to the City's goal of Partnering for Community Benefit.				
<b>SUMMARY OF ITEM</b>				
This agreement is for improvements to the Park Vista Road box culverts adjacent to the Dallas Area Rapid Transit (DART) road crossing. Improvements include paving a portion of the south end of the roadway, installation of 4-inch thick concrete slope paving, and a five-foot wide, 4-inch thick concrete sidewalk on west side of roadway. Four (4) 8-foot x 7-foot culverts with headwalls will be installed adjacent to the south edge of the crossing. The installation of the box culvert requires minor grading within DART's right of way. There will be no impacts to the road crossing.				
List of Supporting Documents: Location Map; Resolution; DART Agreement (Exhibit A)			Other Departments, Boards, Commissions or Agencies N/A	



**PROJECT  
LOCATION**

## Park Vista Box Culverts Project # 6494

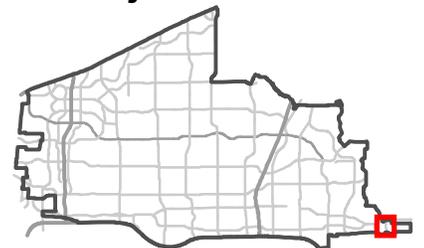


0 125 250  
Feet



City of Plano GIS Division  
April, 2015

### Project Location



**A Resolution of the City of Plano, Texas, approving a Public Road Crossing License Agreement by and between the City of Plano and Dallas Area Rapid Transit; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.**

**WHEREAS**, City of Plano has a need to improve the driveway crossing with the installation of box culverts, the proposed box culverts will provide the needed capacity improvements for the existing channel; and

**WHEREAS**, the Engineering Department has determined that the installation of the proposed box culverts is the best possible option available; and

**WHEREAS**, upon consideration of the Agreement and all matters attendant and related thereto, the City Council is of the opinion that the Agreement should be approved, and that the City Manager or his designee shall be authorized to authorized to accept the proposal on behalf of the City of Plano.

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

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

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

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

**DULY PASSED AND APPROVED** this 24th day of August, 2015.

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Harry LaRosiliere, MAYOR

ATTEST:

---

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

---

Paige Mims, CITY ATTORNEY

**PUBLIC ROAD CROSSING LICENSE AGREEMENT**

THIS AGREEMENT (“License”), by and between DALLAS AREA RAPID TRANSIT (“Licensor”), a regional transportation authority, created, organized and existing pursuant to Chapter 452, Texas Transportation Code, as amended (the "Act") and the CITY OF PLANO, a Texas home-rule municipal corporation ("Licensee"), acting by and through its duly authorized official, whose mailing address is P.O. Box 860358, Plano, Texas 75086-0358.

WHEREAS, Licensor now owns certain railroad right-of-way within the city limits of the Licensee; and

WHEREAS, Licensor has a Trackage Rights Agreement with Kansas City Southern Railway (the "Railroad"), whereby the Railroad is responsible for certain maintenance of existing at-grade highway-rail crossings; and

WHEREAS, Licensee has an existing public road known as Park Vista Road that crosses Licensor’s Cotton Belt railroad right-of-way with an at-grade railroad crossing (“Public Road Crossing”), identified as DOT No. 789643C; and

WHEREAS, Licensee proposes the repaving of a portion of the Public Road Crossing within Park Vista Road, with new concrete pavement, a sidewalk along the west side of the roadway, grading and concrete slope paving in accordance with Licensor’s standards; NOW, THEREFORE,

1. **Purpose.** Licensor hereby grants this License to Licensee for the purpose of constructing, reconstructing, installing and maintaining (the “Permitted Uses”) an at-grade, two-lane, (22)-foot wide public road crossing (the “Permitted Improvement”). The instant work consists of paving a portion of the south end of the roadway, installation of 4-inch thick concrete slope paving, and a five-foot wide, 4-inch thick, concrete sidewalk on the west side of the roadway, to be performed on Licensor’s right-of-way (the “Property”), more particularly as shown in Exhibit "A", dated June 1, 2015, attached hereto and incorporated herein for all pertinent purposes. Four (4) 8-foot x 7-foot box culverts with headwalls will be installed adjacent to the south edge of the Property. This road crossing is located on Park Vista Road at Mile Post 585.40 (Latitude: 33 degrees0’26.12”N, Longitude: 96 degrees 37’42.86W), within a 100-foot wide right-of-way covering an area approximately 2,200 square feet. The road crosses Licensor’s Property, in Plano, Collin County, Texas.

The term “public road crossing” shall include the concrete crossing material, pavement, grading, barricades, street lighting, drainage facilities, signs, pavement markings, active warning devices/signals, and approaches.

The Property shall be used by Licensee, and the public, solely for the Permitted Uses and the Permitted Improvement, EXCEPT, HOWEVER, AND IT IS UNDERSTOOD BY BOTH LICENSOR AND LICENSEE THAT THE GRANTING OF THIS LICENSE SHALL NOT BE CONSTRUED IN ANY WAY TO CONSTITUTE A DEDICATION TO THE PUBLIC.

2. **Consideration.** The consideration for the granting of this License shall be:

2.01. The faithful performance by Licensee of all of the covenants and agreements contained in this License to be performed by Licensee, and

2.02. The payment for the entire cost of constructing and maintaining the public road, including any drainage facilities caused to be required thereof, and

2.03. The reimbursement by Licensee to the Railroad for all labor and materials necessary for the construction of the crossing surface within the limits of the ties and installation of the active warning devices, within thirty (30) days upon presentation of invoice by the Railroad, and

2.04. The future costs of reconstruction of the Permitted Improvement within the limits of the railroad ties within the road crossing. This area of the road crossing may become impossible to maintain by the Railroad due to deterioration or obsolescence of the crossing material. In the event maintenance is no longer possible and reconstruction is necessary, Licensor and Licensee shall agree on the type of reconstruction, and Licensor shall reconstruct the road crossing within the limits of the railroad ties, at the sole cost of the Licensee.

3. **Term.** This License shall begin on the **24<sup>th</sup> day of August, 2015**, and shall be perpetual, subject to termination by either party as provided herein.

4. **Non Exclusive License.** This License is non-exclusive and is subject to (a) any existing utility, drainage or communication facility located in, on, under, or upon the Property owned by Licensor, any railroad, utility, or communication company, public or private; (b) to all vested rights presently owned by any railroad, utility or communication company, public or private, for the use of the Property for facilities presently located within the boundaries of the Property; and (c) to any existing lease, license or other interest in the Property granted by Licensor to any individual, corporation or other entity, public or private.

5. **Design, Construction, Operation and Maintenance.** Licensor's use of the Property and adjoining property may include the use of electrically powered equipment. Notwithstanding Licensor's inclusion within its system of measures designed to reduce stray current which may cause corrosion, **Licensee is hereby warned that such measures may not prevent electrical current being present in proximity to the Permitted Improvement and that such presence could produce corrosive effects to the Permitted Improvement. Licensee waives any claim and releases Licensor with regard to any claim arising from such corrosion.**

5.01. All design, construction, reconstruction, replacement, removal, operation and maintenance of the Permitted Improvement on the Property shall be done in such a manner so as not to interfere in any way with the operations of Licensor or with any railroad operations. In particular, cathodic protection or other stray current corrosion control measures of the Permitted Improvement as required shall be made a part of the design and construction of the Permitted Improvement.

5.02. During the design phase and prior to commencing construction on the Property, a copy of the construction plans showing the exact location, type and depth of the construction, any cathodic protection measures and any working area, shall be submitted for written approval to Licensor and the Railroad when the construction is going to be within the area of Railroad operations. Such approval shall not be unreasonably withheld. No work shall commence until said plans have been approved by Licensor and Railroad.

5.03. Licensee agrees to design, construct, reconstruct and maintain the Permitted Improvement, except the active warning devices/signals, in such a manner so as not to create a hazard to the use of the Property, and further agrees to pay any damages which may arise by reason of Licensee's use of the Property.

5.04. Licensee agrees to institute and maintain a reasonable testing program to determine whether or not additional cathodic protection of its Permitted Improvement is necessary and if it is or should become necessary, such protection shall be immediately instituted by Licensee at its sole cost and expense.

5.05. Licensee covenants and agrees to contract and enter into a cost reimbursement agreement with the Railroad to further specify how cost reimbursements will take place. Such reimbursements shall include the original construction of all active warning devices and crossing surface within the limits of the ties. Licensee also agrees to be responsible for the cost of future reconstruction upon the expiration of the useful life of the crossing surface.

5.06. Licensee or its contractor shall remove all trees and other vegetation within the railroad right of way for a distance of 300 feet in all four quadrants of the right of way.

5.07. Licensee shall be responsible for maintenance and liable for damage for any and all additional drainage created by Licensee's project distributed onto and within Licensor's right of way from the point of entry to the exit point of Licensor's Property.

5.08. Licensee shall provide traffic control and all necessary safety measures during construction or maintenance operations to accommodate work by Railroad.

**5.09. Licensor makes no warranty regarding subsurface installations on the Property. Licensee shall conduct its own inspection of same and will not rely on the absence or presence of markers.**

5.10. If at any time, in Licensor's determination, traffic volume or other circumstances should warrant a grade separation for the crossing licensed hereunder, Licensee shall be responsible for the installation of such grade separation to Licensor's standards, at no cost to Licensor.

**5.11. Licensee shall provide to Licensor final construction drawings("as-builts") that are signed and sealed by a Texas Professional Engineer within sixty ("60") days of completion of the project or a \$100.00 fee per month will be assessed until they are received.**

**6. Governmental Approvals.** Licensee, at its sole cost and expense, shall be responsible for and shall obtain, any and all licenses, permits, or other approvals from any and all governmental agencies, federal, state or local, and required to carry on any activity permitted herein.

**7. Licensor's Standard Contract and Insurance.** No work on the Property shall be commenced by Licensee or any contractor for Licensee until such Licensee or contractor shall have executed Licensor's Construction Agreement And Contractor's Right of Entry covering such work, and has furnished insurance coverage in such amounts and types as shall be satisfactory to Licensor.

**8. Duty of Care in Construction.** Licensee or its contractor shall use reasonable care during the construction period and thereafter, to avoid damaging any existing buildings, equipment and vegetation on or about the Property and any adjacent property owned by or under the control of Licensor. If the Licensee or its contractor causes damage to the Property or such adjacent property, the Licensee and/or its contractor shall immediately make appropriate replacement or repair the damage at no cost or expense to Licensor. If Licensee or its contractor fails or refuses to make such replacement, Licensor shall have the right, but not the obligation, to make or effect any such repair or replacement at the sole cost and expense of Licensee, which cost and expense Licensee agrees to pay to Licensor upon demand.

## 9. Environmental Protection.

9.01. Licensee shall not use or permit the use of the Property for any purpose that may be in violation of any local, state or federal laws pertaining to health or the environment, including but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), the Resource Conservation and Recovery Act ("RCRA"), the Clean Water Act ("CWA") and the Clean Air Act ("CAA").

9.02. Licensee warrants that the Permitted Use of the Property will not result in the disposal or other release of any hazardous substance or solid waste on or to the Property, and that it will take all steps necessary to ensure that no such hazardous substance or solid waste will ever be discharged onto the Property by Licensee or its Contractors.

9.03. The terms "hazardous substance" and "release" shall have the meanings specified in CERCLA and the terms "solid waste" and "disposal" (or "disposed") shall have the meanings specified in the RCRA; PROVIDED, HOWEVER, that in the event either CERCLA or RCRA is amended so as to broaden the meaning of any term defined thereby, such broader meaning shall apply subsequent to the effective date of such amendment; and PROVIDED FURTHER, that to the extent that the laws of the State of Texas establish a meaning for "hazardous substance", "release", "solid waste", or "disposal", which is broader than that specified in either CERCLA or RCRA, such broader meaning shall apply.

**9.04. Licensee shall indemnify and hold Licensor and Railroad harmless against all cost of environmental clean up to the Property resulting from Licensee's use of the Property under this License.**

**10. Mechanic's Liens Not Permitted.** Licensee shall fully pay for all labor and materials used in, on, or about the Property and will not permit or suffer any mechanic's or materialmen's liens of any nature to be affixed against the Property by reason of any work done or materials furnished to the Property at Licensee's instance or request.

**11. Maintenance of Completed Improvement.** After the Permitted Improvement has been constructed, the active warning devices/signals and the grade crossing within the limits of the railroad ties (subject to Paragraph 2.05 and 5.05) shall be maintained by the Railroad. Licensee shall maintain all other Permitted Improvement. In the event the Licensee fails to maintain the Permitted Improvement or Property as required, upon discovery, Licensor shall notify Licensee of such occurrence in writing. In the event Licensee shall not have remedied the failure within ten (10) days from the date of such notice, Licensor shall have the right, but not the obligation to remedy such failure at the sole cost and expense of Licensee. In the event Licensor exercises its right to remedy Licensee's failure, Licensee agrees to immediately pay to Licensor all costs incurred by Licensor upon demand.

## 12. Future Use by Licensor.

12.01. This License is made expressly subject and subordinate to the right of Licensor to use the Property for any purpose whatsoever.

12.02. In the event that Licensor shall, at any time subsequent to the date of this License, at its sole discretion, determine that the relocation of the Permitted Improvement shall be necessary or convenient for Licensor 's use of the Property, or that the crossing must be modified, including but not limited to the installation of grade crossing signals, Licensee shall, at its sole cost and expense make such modifications or relocate said Permitted Improvement so as not to interfere with Licensor's or Licensor's

assigns use of the Property. In this regard, Licensor may, but is not obligated to, designate other property for the relocation of the Permitted Improvement. Licensor shall give Licensee a minimum of thirty (30) days written notice of any required relocation or modification. Licensee shall promptly commence to make the required changes thereafter and shall diligently complete the modification or relocation as required within a reasonable period.

**13. Duration of License.** This License shall terminate and be of no further force and effect (a) in the event Licensee shall discontinue or abandon the use of the Permitted Improvement; (b) in the event Licensee shall relocate the Permitted Improvement from the Property; (c) upon termination in accordance with paragraph 18 of this License, whichever event first occurs; PROVIDED, HOWEVER, that any indemnifications provided for herein shall survive such termination.

**14. Compliance With Laws and Regulations.** Licensee agrees to abide by and be governed by all laws, ordinances and regulations of any and all governmental entities having jurisdiction over the Licensee and by railroad regulations, policies and operating procedures established by the Railroad, or other applicable railroad regulating bodies, and Licensee agrees to indemnify and hold Licensor harmless from any failure to so abide and all actions resulting therefrom. Licensee acknowledges the Federal Railroad Administration (FRA) requirements for whistles at at-grade public and private road crossings and requirements for Positive Train Control (PTC) for controlling and monitoring train movements to assure safety and efficiency when passenger service is implemented.

**15. Indemnification.** Licensee shall at all times protect, indemnify, defend and hold Licensor and the Railroad harmless against and from any and all loss, cost, damage or expense, including attorney's fees and including, without limitation, claims of negligence, arising out of this License (including by example and not limitation, Licensee's acts or failure to act hereunder), Licensee's use in any way of the Property, or arising from any accident or other occurrence on or about the Property, resulting in personal injury, death, or property damage, except to the extent fault is judicially determined against Licensor.

**16. Termination of License.** At such time as this License may be terminated or cancelled for any reason whatsoever, Licensee, upon request by Licensor, shall remove all improvements and appurtenances owned by it, situated in, under or attached to the Property and shall restore the Property to the condition existing at the date of execution of this License, at Licensee's sole expense.

**17. Assignment.** Licensee shall not assign or transfer its rights under this License in whole or in part, or permit any other person or entity to use the License hereby granted without the prior written consent of Licensor which Licensor is **under no obligation to grant**.

**18. Methods of Termination.** This License may be terminated in either of the following ways:

18.01. Written agreement of both parties; or

18.02. By either party giving the other party thirty (30) days written notice.

**19. Miscellaneous.**

19.01. Notice. When notice is permitted or required by this License, it shall be in writing and shall be deemed delivered when delivered in person or when placed, postage prepaid, in the U.S. Mail, Certified, Return Receipt Requested, and addressed to the parties at the following addresses:

LICENSOR: Dallas Area Rapid Transit  
P. O. Box 660163 Or 1401 Pacific Avenue  
Dallas, Texas 75266-7210 Dallas, Texas 75202-7210  
Attn: Railroad Management

LICENSEE: City of Plano, Texas  
1520 K. Avenue, Suite 250 Or P.O. Box 860358  
Plano, Texas 75074 Plano, Texas 75086-0358  
Attn: City Engineer

Either party may from time to time designate another and different address for receipt of notice, by giving notice of such change of address.

19.02. Governing Law. This License shall be construed under and in accordance with the laws of the State of Texas.

19.03. Entirety and Amendments. This License embodies the entire agreement between the parties and supersedes all prior agreements and understandings, if any, relating to the Property and the matters addressed herein, and may be amended or supplemented only by a written instrument executed by the party against whom enforcement is sought.

19.04. Parties Bound. This License shall be binding upon and inure to the benefit of the executing parties and their respective heirs, personal representatives, successors and assigns.

19.05. Number and Gender. Words of any gender used in this License shall be held and construed to include any other gender; and words in the singular shall include the plural and vice versa, unless the text clearly requires otherwise.

19.06. Authorization. Licensee shall furnish to Licensor a certified copy of minutes or a City Resolution adopted by the governing body of Licensee, authorizing the execution of this License on behalf of the Licensee, or other proof sufficient to establish the authority to execute this License.

19.07. No Joint Enterprise. The parties do not intend that this License be construed as finding that the parties have formed a joint enterprise. The purposes for which each party has entered into this License are separate and distinct. It is not the intent of any of the parties that a joint enterprise relationship is being entered into and the parties hereto specifically disclaim such relationship. This License does not constitute a joint enterprise, as there are no common pecuniary interests, no common purpose and no equal right of control among the parties hereto.

19.08. Counterparts. The parties may execute this Agreement in multiple originals and when taken together, those originals constitute a whole.

[Signatures on the following page]

IN WITNESS WHEREOF, the parties have executed this License on the date last signed.

LICENSOR: DALLAS AREA RAPID TRANSIT

BY: \_\_\_\_\_

MAUREEN MCCOLE  
Vice President, Commuter Rail  
& Railroad Management

Date: \_\_\_\_\_

LICENSEE: CITY OF PLANO

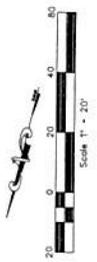
BY: \_\_\_\_\_

BRUCE D. GLASSCOCK  
City Manager

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Paige Mims  
City Attorney

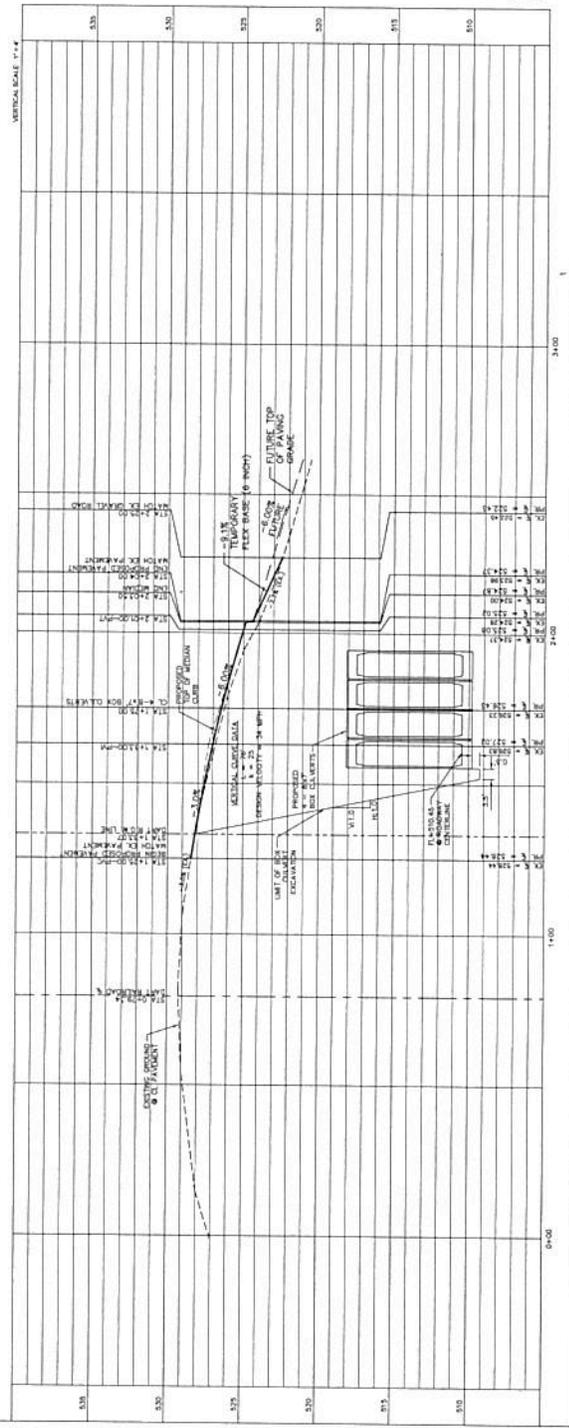
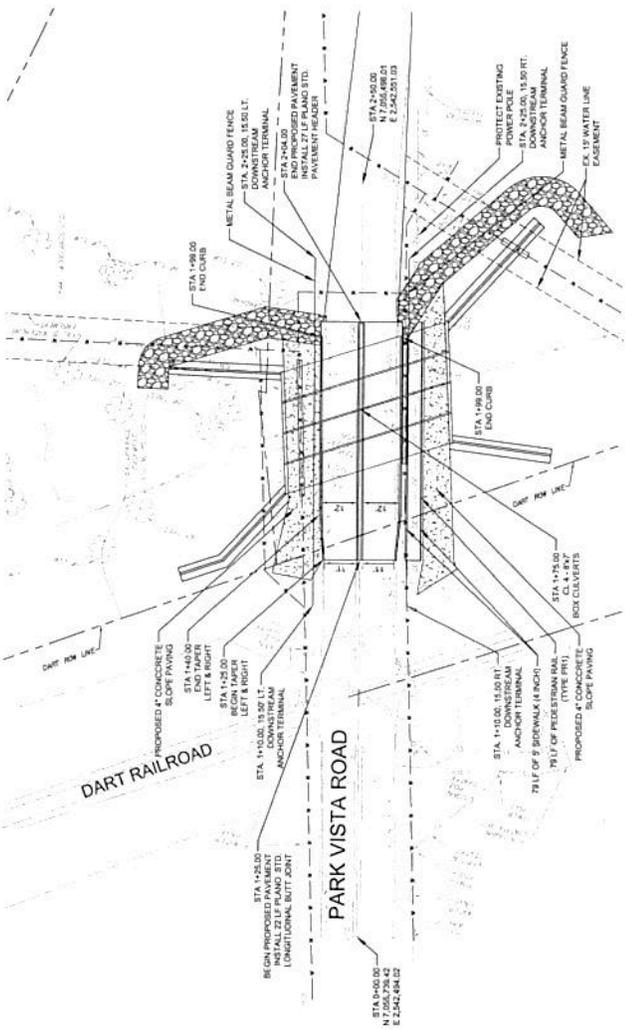


NOTES:  
 ADJUST EXISTING WATER MARKS AS REQUIRED.  
 TPC - TRAIN SIGNAL CABLE



NO.	DATE	BY
1	06/11/15	JH
TITLED/SCALE/REVISION INFORMATION		
CITY OF PLANO, TEXAS ENGINEERING DEPARTMENT		
PAVING PLAN & PROFILE		
PARK VISTA ROAD		
DESIGNED BY: JH	FEELNAME:	
EXAMINED BY: DALTECH	SCALE: H. 1/2" = 1'-4"	
APPROVED BY: HMB	DATE: JUN 2015	
		SHEET .02 OF .02

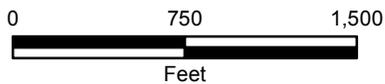
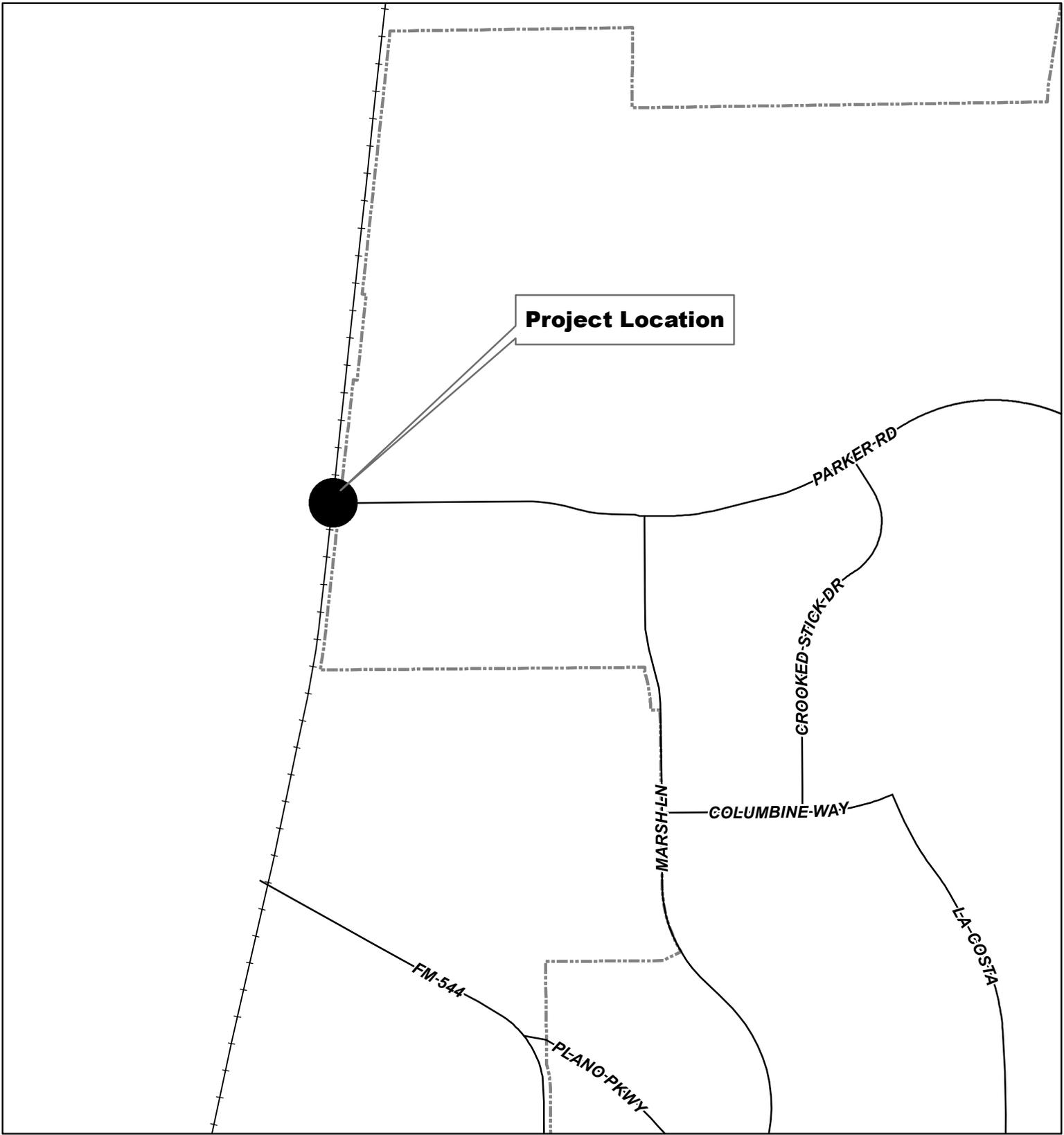
**DALTECH**  
 ENGINEERING, P.C.  
 11400 DALLAS PARKWAY, SUITE 110  
 DALLAS, TEXAS 75243  
 TEL: 972.355.2714  
 FAX: 972.355.4111





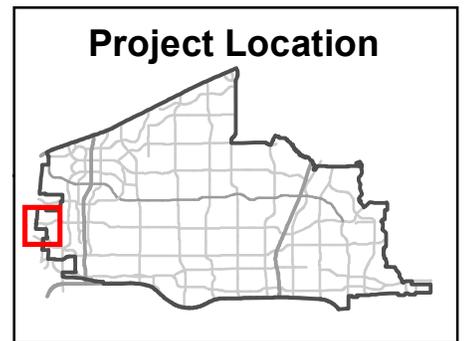
**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		08/24/15		
Department:		Engineering		
Department Head:		Jack Carr, PE		
Agenda Coordinator (include phone #): <b>Kathline Schonne 7198</b>				
<b>CAPTION</b>				
A Resolution of the City of Plano, Texas, approving a Crossing Surface Installation Agreement by and between the City of Plano and Burlington Northern Santa Fe (BNSF) Railroad; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: <b>2014-15</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	120,000	0	<b>120,000</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	-56,000	0	<b>-56,000</b>
<b>BALANCE</b>	<b>0</b>	<b>64,000</b>	<b>0</b>	<b>64,000</b>
<b>FUND(S): STREET IMPROVEMENTS CIP</b>				
<p><b>COMMENTS:</b> . Funding is available for this item in the 2014-15 Street Improvements CIP. Improvements to the Parker Road and BNSF crossing, in the amount of \$56,000, will leave a current year balance of \$64,000 available for future street improvements.</p> <p><b>STRATEGIC PLAN GOAL:</b> Improving a railroad crossing to provide a smooth riding surface relates to the City's goals of a Financially Strong City with Service Excellence and Great Neighborhoods – 1<sup>st</sup> Choice to Live.</p>				
<b>SUMMARY OF ITEM</b>				
This resolution and agreement is for improvements to the Parker Road at BNSF railroad crossing. The railroad tracks are currently much lower at this crossing than the adjacent roadway creating a severe "dip" in the driving surface. The City has received numerous complaints about the conditions. BNSF has agreed to reset the crossing to eliminate the "dip" and provide a smooth riding surface.				
List of Supporting Documents: Location Map; Resolution; Agreement			Other Departments, Boards, Commissions or Agencies N/A	



City of Plano GIS Division  
July, 2015

# BNSF Right of Way Parker Road Crossing Renewal



**A Resolution of the City of Plano, Texas, approving a Crossing Surface Installation Agreement by and between the City of Plano and Burlington Northern Santa Fe (BNSF) Railroad; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.**

**WHEREAS,** City of Plano has a need to raise the railroad crossing at Parker Road to increase driver safety; and

**WHEREAS,** the Engineering Department has determined that the raising of the railroad tracks is the best possible option available; and

**WHEREAS,** upon consideration of the Agreement and all matters attendant and related thereto, the City Council is of the opinion that the Agreement should be approved, and that the City Manager or his designee shall be authorized to authorized to accept the proposal on behalf of the City of Plano.

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

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

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

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

**DULY PASSED AND APPROVED** this 24th day of August, 2015.

\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

\_\_\_\_\_  
Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Paige Mims, CITY ATTORNEY

**CROSSING SURFACE INSTALLATION AGREEMENT**  
**BNSF FORM 0108**

**BNSF RIGHT-OF-WAY  
PARKER ROAD  
Plano, Texas  
Denton County  
DOT NO. 675121M  
LS 1046, MP 693.40**

This Crossing Surface Installation Agreement (hereinafter called, this "Agreement") is entered into effective as of **August 24, 2015**, by and between the City of Plano, Texas (hereinafter called, "Agency") and The BNSF Railway Company (hereinafter called, the "Company").

WHEREAS, Company operates a freight transportation system by rail with operations throughout the United States and Canada; and

WHEREAS, Agency and Company desire to install a new concrete and rubber crossing surface and perform drainage work at **PARKER ROAD**;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Company Work.** The Company will install a concrete and rubber crossing surfaces for a width of 112 feet on the one track by replacing the track panels through the roadway, re-using/re-installing the existing 96-ft on concrete, and installing 16 feet of new concrete crossing panels. The new crossing surface will cover all vehicular driving lanes and the proposed sidewalk extension on the north side of **Parker Road**. The Company will perform all necessary track upgrades to accommodate the new crossing surfaces. The Company contact person to coordinate and schedule the work is Roadmaster W. Lee Miller at Office: 817-352-2548 or Cell Phone: 806-672-4561.

2. **Payment; Invoicing.** Upon execution of this Agreement by both parties hereto, Company will order materials and upon completion of installing the new concrete crossing surface will send Agency an invoice detailing the total amount owed by Agency for the new crossing surface. Agency agrees to pay Company a lump sum total cost of **fifty-six thousand and no/100 dollars (\$56,000)** for the new crossing surfaces (\$500/ft x 112ft).

3. **Maintenance of the Crossing Surface.** After installation of the new crossing surface is completed, the Company will maintain, at its own cost and expense, the crossing surface in a satisfactory manner. Notwithstanding the preceding sentence, the Company shall be entitled to receive any contribution toward the cost of such maintenance made available by reason of any existing or future laws, ordinances, regulations, orders, grants, or other means or sources.

4. **Vehicular Traffic during Installation.** The Agency shall provide, at its own cost and expense, all necessary barricades, lights or traffic control devices for detouring vehicular traffic at the **Parker Road** crossing during installation of the new crossing surface.

5. **Drainage.** The Agency agrees to allow the Company to drain water from the **Parker Road** crossing area into existing Agency storm sewers, if such storm sewers are available. Drain pipes and filter fabric necessary for such drainage will be furnished and installed by the Company.

6. **Roadway Surfacing Work.** The Agency agrees to furnish and place asphalt-stabilized

base under the track for the crossing surface renewal. The Agency agrees to also furnish and place asphalt on both roadway approaches to the new crossing surface at **Parker Road**. Agency further agrees that both new roadway approaches will be constructed level with the top of rail of the finished crossing surface. Future sidewalk extension/construction must be located to the right/field side of crossing signal foundation and provide a 5'-3" minimum horizontal clearance from center line of crossing signal foundation to the edge of sidewalk. Sidewalk must intersect track at close to perpendicular as practical. Sidewalk approaches must be level with top of rail for 17' minimum distance from the outside rail. Detectable Warnings must extend across full width of sidewalk and be 2' minimum depth and be located 12' minimum from outside rail on the west side and 2' minimum in advance of the counter-weight on the crossing signal on the east side.

7. **Term.** This Agreement begins on the effective date set forth above and remains in effect until completion of all work contemplated in this Agreement and Agency's payment of the amounts set forth in Section 2 above.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by its duly qualified and authorized officials as of the day and year first written above.

**COMPANY:**

**The BNSF Railway Company:**

By: \_\_\_\_\_  
Timothy J. Huya, Manager Public Projects

**AGENCY:**

**City of Plano, Texas**

By: \_\_\_\_\_  
Bruce D. Glasscock, City Manager

**ATTEST:**

\_\_\_\_\_  
Lisa C. Henderson, City Secretary

Approved as to form:

\_\_\_\_\_  
Paige Mims, City Attorney

All invoices for the project will be sent to:  
CITY OF PLANO  
Attn: B. Caleb Thornhill, Engineering CIP Manager  
1520 K Avenue, 2<sup>nd</sup> Floor, Suite 250  
Plano, Texas 75074  
Phone: 972-941-7152  
Email: Calebt@plano.gov



# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		8/24/15		
Department:		City Manager		
Department Head		Phyllis M. Jarrell, Special Projects		
Agenda Coordinator (include phone #): <b>M. Martinez - 7122</b>				
<b>CAPTION</b>				
<p>A Resolution of the City of Plano, Texas, approving a License Agreement by and between the City of Plano, Texas, and Last Line Pubs, LLC, a Texas Limited Liability Corporation, for use of a 545 square foot portion of property owned by the City of Plano and situated on the west side of the restaurant use located at 1004 E. 15th Street; authorizing the City Manager or his authorized designee to execute any necessary documents; and providing an effective date.</p>				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>2015-2016 thru 2025-2026</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
		<b>TOTALS</b>		
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	51,251	<b>51,251</b>
BALANCE	0	0	51,251	<b>51,251</b>
<b>FUND(S):    DOWNTOWN CENTER DEVELOPMENT FUND</b>				
<p><b>COMMENTS:</b> This item approves a license agreement that will permit the Fillmore Pub to establish a patio dining area on City of Plano property to the west of its main location in exchange for an annual payment of \$5,000.</p> <p>STRATEGIC PLAN GOAL: Establishing an agreement between the City of Plano and downtown merchants to allow for patio dining on City owned property relates to the City's goals of Exciting Urban Centers - Destination for Residents and Guests and Partnering for Community Benefit.</p>				
<b>SUMMARY OF ITEM</b>				
<p>The Fillmore Pub owner has requested to enter into a license agreement to construct a patio dining area located on public property on the west side of the restaurant. The space is presently used as a sidewalk; however, the reconstruction of the McCall Plaza will make it available for dining. The license agreement sets forth the terms and conditions and establishes an annual fee for use of the property.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Resolution, License Agreement				

**A Resolution of the City of Plano, Texas, approving a License Agreement by and between the City of Plano, Texas, and Last Line Pubs, LLC, a Texas Limited Liability Corporation, for use of a 545 square foot portion of property owned by the City of Plano and situated on the west side of the restaurant use located at 1004 E. 15<sup>th</sup> Street; authorizing the City Manager or his authorized designee to execute any necessary documents; and providing an effective date.**

**WHEREAS**, Last Line Pubs, LLC (hereinafter "Licensee") wishes to utilize a 545 square foot portion of property (hereinafter "Property") owned by the City of Plano and adjacent to its restaurant business at 1004 E. 15<sup>th</sup> Street for patio dining; and

**WHEREAS**, the City Council has been presented a License Agreement governing Licensee's usage of the Property, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and;

**WHEREAS**, the City Council is of the opinion that the terms and conditions thereof should be approved and that the City Manager, or his designee, shall be authorized to execute it on behalf of the City of Plano.

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

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

**Section II.** The City Manager, or his authorized designee, is hereby authorized to execute the License 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 License Agreement.

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

**DULY PASSED AND APPROVED** this the 24<sup>th</sup> day of August, 2015.

---

Harry LaRosiliere, MAYOR

ATTEST:

---

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

---

Paige Mims, CITY ATTORNEY

**LICENSE AGREEMENT**  
(1004 E. 15<sup>th</sup> Street)

**STATE OF TEXAS**           §  
  §           **KNOW ALL MEN BY THESE PRESENTS:**  
**COUNTY OF COLLIN**       §

**THIS LICENSE AGREEMENT** is made and entered into by and between the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, hereinafter called Licensor and **Last Line Pubs, LLC, a Texas Limited Liability Corporation**, hereinafter called Licensee. In consideration of the mutual covenants and agreements set forth herein, and other good and valuable consideration, Licensor does hereby grant to Licensee a revocable nonexclusive license to use an approximate 545 square foot area of the public sidewalk immediately adjacent to the west side of the Licensee's restaurant, located at 1004 E. 15<sup>th</sup> Street, Plano, Texas 75074, more particularly described by metes and bounds in Exhibit "A" which are attached hereto and made a part hereof for all intents and purposes (hereinafter "Premises").

This License is granted subject to the terms and conditions set out below:

1.     License Term. The term of this License shall continue in force for a period of 10 years, beginning on October 1, 2015 and may thereafter be renewed and extended for successive terms of 3 years subject to Licensor's written agreement to renew and extend the term. Licensee may take possession of the Premises prior to following written notice by the Licensor to the Licensee that the McCall Plaza adjacent to 1004 E. 15<sup>th</sup> Street is available to permit improvement as a patio dining area.
  
2.     Permitted Use. Licensee's use of the Premises is limited to patio dining—the serving of food and beverages in compliance with Licensee's Certificate of Occupancy, applicable zoning regulations, applicable City ordinances and permits and all State and Federal laws and regulations. All improvements to the Premises must be approved by the City Manager or his designee. In addition, the Licensee shall obtain all plan approvals required by the City's Zoning Ordinance and all other applicable City Ordinances. In no event shall Licensee obstruct or interfere with the public's use of any sidewalk or public right-of-way, except as specifically permitted by this License Agreement.
  
3.     Nonexclusive License. This License is nonexclusive and is subject to (i) any existing utility, drainage, or communication facility located in, under, or upon the Premises; (ii) to any existing license, easement or other similar interest in the Premises granted by Licensor to any individual, corporation or other entity, public or private; and (iii) to all other matters of record.

4. Superior Right. This License is subject and subordinate to the prior and continuing right of Licensor, its successors and assigns to use all of the public property for the public benefit. Licensor, for itself and other permitted users, reserves full rights, consistent with the rights herein granted, to construct, reconstruct, locate, relocate, maintain and operate existing and additional facilities upon, across, over and beneath the Premises.

5. Default and Termination. If either party fails to perform or observe any provision of this License, the non-defaulting party shall immediately notify the defaulting party in writing of the event or existence of any condition which would constitute a default. Such notice shall specify the nature and period of the existence thereof and what action, if any, the notifying party proposes to require with respect to curing the default. The defaulting party shall have thirty (30) days to cure after receiving written notice of default from the non-defaulting party. If a default shall continue after thirty (30) days' notice to cure the default, the non-defaulting party, may, at its option, terminate the License without the necessity of further notice to or demand upon the defaulting party. However, the non-defaulting party may, at its option, provide a written extension for additional time to cure if the defaulting party proceeds in good faith and with due diligence to remedy and correct the default, provided that the defaulting party has commenced to cure such default within thirty (30) days following notice. If such termination results from Licensee's default there shall be no prorated refund to Licensee of the unearned portion of the license fee for the then current term.

6. License Fee. Licensee shall pay Licensor the sum of **FIVE THOUSAND DOLLARS (\$5,000)** per year. The license fee will be prorated during 2015 based on the days the Premises is available to the Licensee. Thereafter, the entire license fee shall be due and payable on or before January 1st of each succeeding year beginning with January 1, 2016.

All annual license payments shall reference this License Agreement on the check and shall be paid to Licensor at the following address:

City of Plano, Texas  
Attention: Accounting Department  
P. O. Box 860279  
Plano, TX 75086-0358

Annual License payments unpaid for thirty (30) days after their due date shall bear interest at the rate of eighteen percent (18%) per annum.

7. Liability Insurance. During the license term Licensee shall maintain a policy of general liability insurance at Licensee's expense insuring Licensee against liability assumed by Licensee hereunder and insuring Licensee and Licensor against liability arising out of or in any way incident to ownership, use, occupancy or maintenance of the Premises made the subject of this License.

Such policy or policies shall also provide that the policy is primary and shall apply without regard to other policies separately carried. The initial amount of required insurance shall be at least \$1,000,000.00. Combined Single Limit for Personal Injury, Bodily Injury including death and Property Damage and shall be subject to periodic increases based upon inflation, recommendation of professional insurance advisors, and other relevant factors.

Licensors, its elected officials, officers, agents and employees must be named as an additional insured under all liability insurance policies required by this Agreement. All policies shall be endorsed to provide a waiver of subrogation in favor of the Licensor. All policies shall be endorsed to include the following provision: "It is agreed that this policy is not subject to cancellation, nonrenewal, material change, or reduction in coverage until ten (10) days prior written notice has been given to the City Manager of the City of Plano." The Insurance carrier must be authorized to do business in the State of Texas and the City prefers that the insurance company be rated B VII or better by AM Best rating. A certificate of insurance reflecting the required coverage shall be presented to Licensor prior to Licensor's approval and execution of this Agreement. Subsequent certificates of insurance shall be provided to Licensor whenever Licensee renews, changes or amends their insurance policies or upon request by Licensor.

**8. Indemnity. LICENSEE SHALL DEFEND, INDEMNIFY, PROTECT AND HOLD LICENSOR, ITS OFFICERS, DIRECTORS, PARENTS, SUBSIDIARIES, AFFILIATES, AGENTS, SERVANTS AND EMPLOYEES HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, EXPENSES (INCLUDING BUT NOT LIMITED TO ATTORNEY'S FEES), DEMANDS, JUDGMENTS AND CAUSES OF ACTION OF EVERY KIND AND CHARACTER, INCLUDING BUT NOT LIMITED TO CLAIMS IN CONTRACT, TORT, INCLUDING NEGLIGENCE, OR STRICT LIABILITY ARISING IN FAVOR OF ANY PERSON (INCLUDING BUT NOT LIMITED TO EMPLOYEES, SERVANTS, AGENTS, CUSTOMERS OR INVITEES OF LICENSEE) OR ENTITY FOR PERSONAL INJURY, BODILY INJURY, INCLUDING DEATH, OR DAMAGE TO PROPERTY WHETHER OR NOT ARISING FROM THE SOLE OR CONCURRENT NEGLIGENCE OR FAULT OF LICENSOR OR EMPLOYEES OR INDEPENDENT CONTRACTORS DIRECTLY RESPONSIBLE TO LICENSOR ARISING OUT OF, INCIDENT TO, OR IN ANY WAY CONNECTED WITH LICENSEE'S EXERCISE OF RIGHTS HEREIN GRANTED OR OBLIGATIONS PURSUANT THERETO, INCLUDING BUT NOT LIMITED TO SEPARATE OPERATIONS BEING PERFORMED ON THE PROPERTY OR ANY CONDITION OF THE PROPERTY.**

9. Compliance With Law. Licensee shall, at its own cost and expense, comply with all applicable laws, including but not limited to existing zoning ordinances, governmental rules and regulations enacted or promulgated by any governmental authority, and shall promptly execute and fulfill all orders and requirements imposed by such governmental authorities for the correction,

prevention and abatement of nuisances in or upon or connected with said premises because of Licensee's use thereof. Licensee shall also comply with all laws and regulations pertaining to hazardous waste, hazardous materials and the environment.

10. Condition Upon Termination. Upon termination of this Agreement, Licensee shall immediately vacate the subject premises, removing all improvements and personal property so as to return the Premises to the condition in which they existed prior to Licensee's occupation of the property. All personal property not removed at Licensor's request shall become Licensor's property at no cost or expense to Licensor.

11. Assignment and Subletting. This Agreement is personal to Licensee and may not be sold, transferred, assigned or sublet without prior written approval by an authorized representative of Licensor.

12. Lien on Property. During the period that this Agreement is in effect, Licensee shall take whatever steps are necessary to prevent any liens, including, but not limited to, mechanics liens and materialmen's liens, from attaching to Licensor's property. Licensee shall immediately pay such sums as may be necessary to discharge liens and encumbrances filed with respect to all or any portion of the Licensor's property resulting from the construction, maintenance or presence of any of Licensee's property.

13. Maintenance of Property. Licensee, at its own cost and expense, shall at all times during the term of this Agreement keep clean and maintain, or cause to be kept clean and maintained, the Premises and all property which may be placed on the Premises by Licensee with Licensor's consent, in a good state of appearance and repair. The Licensor reserves the right to make periodic inspections to insure that the Premises are being maintained and used as allowed by this License.

14. Notices. All written notices required under this License must be hand delivered or sent by certified mail, return receipt requested, and addressed to the proper party at the following addresses:

**LICENSOR**

City of Plano, Texas  
Attention: City Manager  
P. O. Box 860358  
Plano, TX 75086-0358

with copy to:

City of Plano, Texas  
Attention: City Attorney  
P. O. Box 860358  
Plano, TX 75086-0358

**LICENSEE**

Mr. Gabriel Whatley  
Last Line Pubs, LLC  
1004 E. 15<sup>th</sup> Street  
Plano, Texas 75074

Each party may change the address to which notices are to be sent by giving the other party notice, within ten (10) days, of the new address in the manner provided by this paragraph.

15. Prior Agreements. This Agreement constitutes the sole and only Agreement of the parties to the License and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this License.

16. Texas Law. This Agreement shall be construed under, and in accordance with, the laws of the State of Texas. Venue shall lie in Collin County, Texas.

17. Amendment. No amendment, modification, or alteration of the terms of this License shall be binding unless it is in writing, dated subsequent to this License, and duly executed by the parties to this License.

18. 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.

[THIS SPACE INTENTIONALLY LEFT BLANK]

**EXECUTED** as of the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

LICENSOR

**CITY OF PLANO, TEXAS**  
**a home-rule municipal corporation**

By:

\_\_\_\_\_  
Bruce D. Glasscock  
CITY MANAGER

LICENSEE

**Last Line Pubs, LLC**  
**a Texas Limited Liability Corporation**  
**dba The Fillmore Pub**

By:

\_\_\_\_\_  
Gabriel Whatley  
Manager

**ACKNOWLEDGMENTS**

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

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by **Bruce D. Glasscock**, City Manager of the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS           §  
  §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by **Gabriel Whatley**, Manager of **Last Line Pubs, LLC**, a Texas Limited Liability Corporation, on behalf of said corporation and partnership.

\_\_\_\_\_  
Notary Public, State of Texas

**EXHIBIT "A"**  
**Description of Area**

December 11, 2013

CITY OF PLANO, TEXAS  
PROPOSED McCALL PLAZA LEASE AREA

DESCRIPTION

BEING A 545 SQUARE FOOT PARCEL OF LAND IN THE JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213, COLLIN COUNTY, TEXAS, SAID PARCEL BEING OUT OF A TRACT OF LAND (TRACT B) AS DEEDED TO THE CITY OF PLANO AND RECORDED IN VOLUME 2348, PAGE 49 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, (DRCCT), AS SHOWN ON THE ATTACHED EXHIBIT A AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

IT IS THE INTENT TO DESCRIBE A GENERALLY "L" SHAPED PARCEL OF LAND BEING BOUNDED ON THE NORTH BY THE SOUTH LINE OF THE RIGHT OF WAY FOR 15<sup>TH</sup> STREET, BEING BOUNDED ON THE EAST BY THE EAST LINE OF SAID CITY OF PLANO TRACT B;

The POINT OF BEGINNING is the point of intersection of the east line of said City of Plano Tract B with the south line of the Right of Way for 15<sup>th</sup> Street, said point being the northwest corner of a tract of land as deeded to Metropolitan Mammoth Jack, LTD. and recorded in Volume 5827, Page 5269, DRCCT, and being the northwest corner of Block 14, Railroad Addition-Plano, an addition to the City of Plano as recorded in Cabinet W, Page 246, of the Plat Records of Collin County, Texas, said point being in the exterior wall of an existing building;

THENCE South 01°01'04" East, with the east line of said City of Plano tract and said Metropolitan Mammoth tract, a distance of 56.00 feet to a point;

THENCE South 89°42'46" West, departing said common line and crossing said City of Plano tract, a distance of 9.53 feet to an "X" cut in concrete set to mark the point, said point being near the center of an existing planter wall;

THENCE North 00°30'25" West, with said wall, a distance of 49.38 feet to an "X" cut in concrete set to mark the point;

THENCE South 88°58'56" West, with said wall, a distance of 4.26 feet to an "X" cut in concrete set to mark the point;

THENCE North 00°20'21" West, a distance of 6.25 feet to an "X" cut in concrete set to mark the point, said point being on the south line of the Right of Way for 15<sup>th</sup> Street;

THENCE North 87°53'56" East with said Right of Way line, a distance of 13.28 feet to the POINT OF BEGINNING, and containing 545 square feet of land.

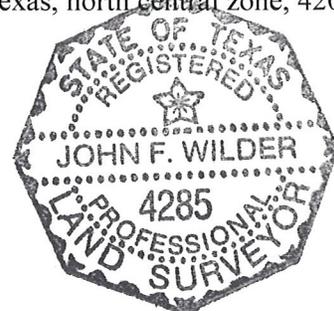
NOTE:

Bearings are based on state plane coordinates (NAD 83), for the State of Texas, north central zone, 4202

John F. Wilder, R.P.L.S.  
Texas Registration No. 4285,  
BW2 Engineers, Inc.

12-11-13

Date



SURVEY: JOSEPH KLEPPER SURVEY, ABSTRACT No. 213

LOCATION: PLANO, COLLIN COUNTY, TEXAS

PLAT OF EXHIBIT 'A': 545 S.F. LEASE AREA

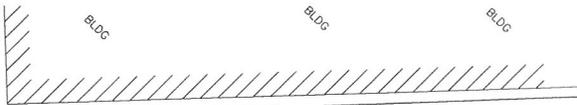
PROPOSED McCALL PLAZA  
LEASE AREA  
CITY OF PLANO, TEXAS

NOTE: THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CITY OF PLANO TRACT B - VOLUME 348, PG. 49

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L2	S 01°01'04" E	56.00'
L3	S 89°42'46" W	9.53'
L4	N 00°30'25" W	49.38'
L5	S 88°58'56" W	4.26'
L6	N 00°20'21" W	6.25'
L7	N 87°53'56" E	13.28'

o = "X" CUT SET



R.O.W.

15TH STREET

FIFTEENTH STREET  
(70' R.O.W.)

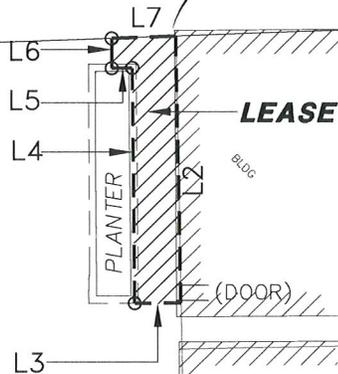
P.O.B.

R.O.W.

D.A.R.T.

TRACT B

OWNER:  
CITY OF PLANO  
VOL. 348, PG. 49  
D.R.C.C.T.



OWNER:  
METROPOLITAN MAMMOTH  
JACK, LTD.  
VOL. 5827, PG. 5269  
D.R.C.C.T.

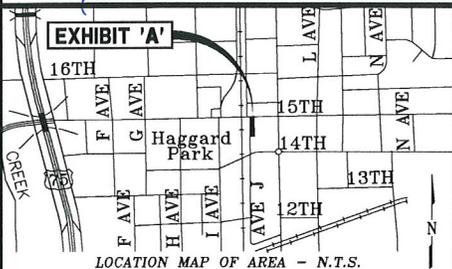
BLOCK 14  
RAILROAD ADDITION  
PLANO  
CAB. W, PG. 246  
P.R.C.C.T.

*John F. Wilder 12.11.13*

JOHN F. WILDER, R.P.L.S. 4285

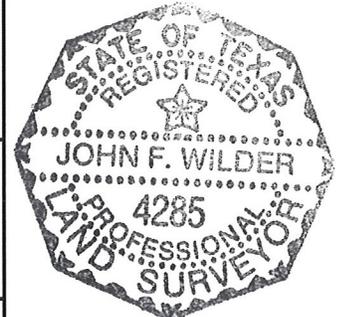
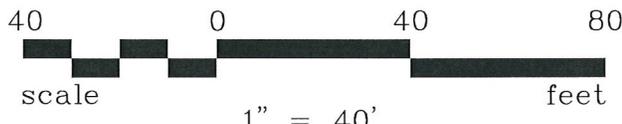
DATE

AREA: 545 S.F.



BW2 Engineers, Inc.

1919 S. Shiloh Road  
Suite 500, L.B. 27  
Garland, Texas 75042  
(972) 864-8200 (T) (972) 864-8220 (F)  
Firm Registration No. F-5290



BW2 JOB NO: 13-1617

DRAWN BY: BW2

DATE: NOV. 2013

CHECKED BY: BW2

J:\13-1617\DRAWINGS\EASEMENTS\ESMT01.DWG

PAGE 2 OF 2



# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		8/24/15			
Department:		City Manager			
Department Head		Frank Turner			
Agenda Coordinator (include phone #): <b>M. Martinez - 7122</b>					
<b>CAPTION</b>					
A Resolution of the City of Plano, Texas, authorizing the sale of approximately three acres of vacant land owned by the City and located on the south side of Summit Avenue, east of Matrix Drive; authorizing the City Manager or his authorized designee to execute any necessary documents; and providing an effective date.					
<b>FINANCIAL SUMMARY</b>					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>2015-2016</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
<b>FUND(S):    N/A</b>					
<b>COMMENTS:</b> This item authorizes the sale of approximately three acres of vacant land owned by the City of Plano. Proceeds from the sale will be reserved for redevelopment projects. <b>STRATEGIC PLAN GOAL:</b> Selling vacant land which the City of Plano has no plan to develop or use relates to the City's goal of a Financially Strong City with Service Excellence.					
<b>SUMMARY OF ITEM</b>					
The City has a contract with Aligned Data Centers (DFW), LLC to sell 3 acres of land located on the south side of Summit Avenue, east of Matrix Drive. The City acquired the property in 1986 and it was never developed. This item authorizes the sale of the parcel.					
List of Supporting Documents: Resolution, Legal Description, Map			Other Departments, Boards, Commissions or Agencies		

**A Resolution of the City of Plano, Texas, authorizing the sale of approximately three acres of vacant land owned by the City and located on the south side of Summit Avenue, east of Matrix Drive; authorizing the City Manager or his authorized designee to execute any necessary documents; and providing an effective date.**

**WHEREAS**, the City of Plano (“City”) owns certain real property, consisting of approximately three (3) acres, located on the south side of Summit Avenue, east of Matrix Drive, in the City of Plano, Texas (hereinafter “Property”) and more particularly described in the attached Exhibit “A”; and

**WHEREAS**, the City listed the Property pursuant to Texas Local Government Code Section 253.014 and an offer has been made by Aligned Data Centers (DFW), LLC, to purchase the Property based on an appraisal for fair market value; and

**WHEREAS**, the Property was originally acquired on October 14, 1986 and has remained vacant since that time; and

**WHEREAS**, it is in the best interest of the City and its taxpayers to place this Property in a productive use; and

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

**Section I.** The City Council hereby finds and determines that it is in the best interest of the City that the listed Property be sold to Aligned Data Centers (DFW), LLC.

**Section II.** The City Manager or his authorized designee is hereby authorized to execute and record all documents necessary to effectuate the conveyance of the Property as set forth above.

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

**DULY PASSED AND APPROVED** this the 24th day of August, 2015.

\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

\_\_\_\_\_  
Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Paige Mims, CITY ATTORNEY

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

Collin County Appraisal District Property Tax ID 1929961.

**BEING** a tract of land out of the William Beverly Survey, Abstract No. 135 and the J. B. Roundtree Survey, Abstract No. 759, Collin County, Texas, and being part of Block 11 and part of Block 6, "Central Plano Industrial Park, Phase 3", an addition to the City of Plano, as recorded in Volume C, Page 187, Collin County Map Records and being more particularly described as follows:

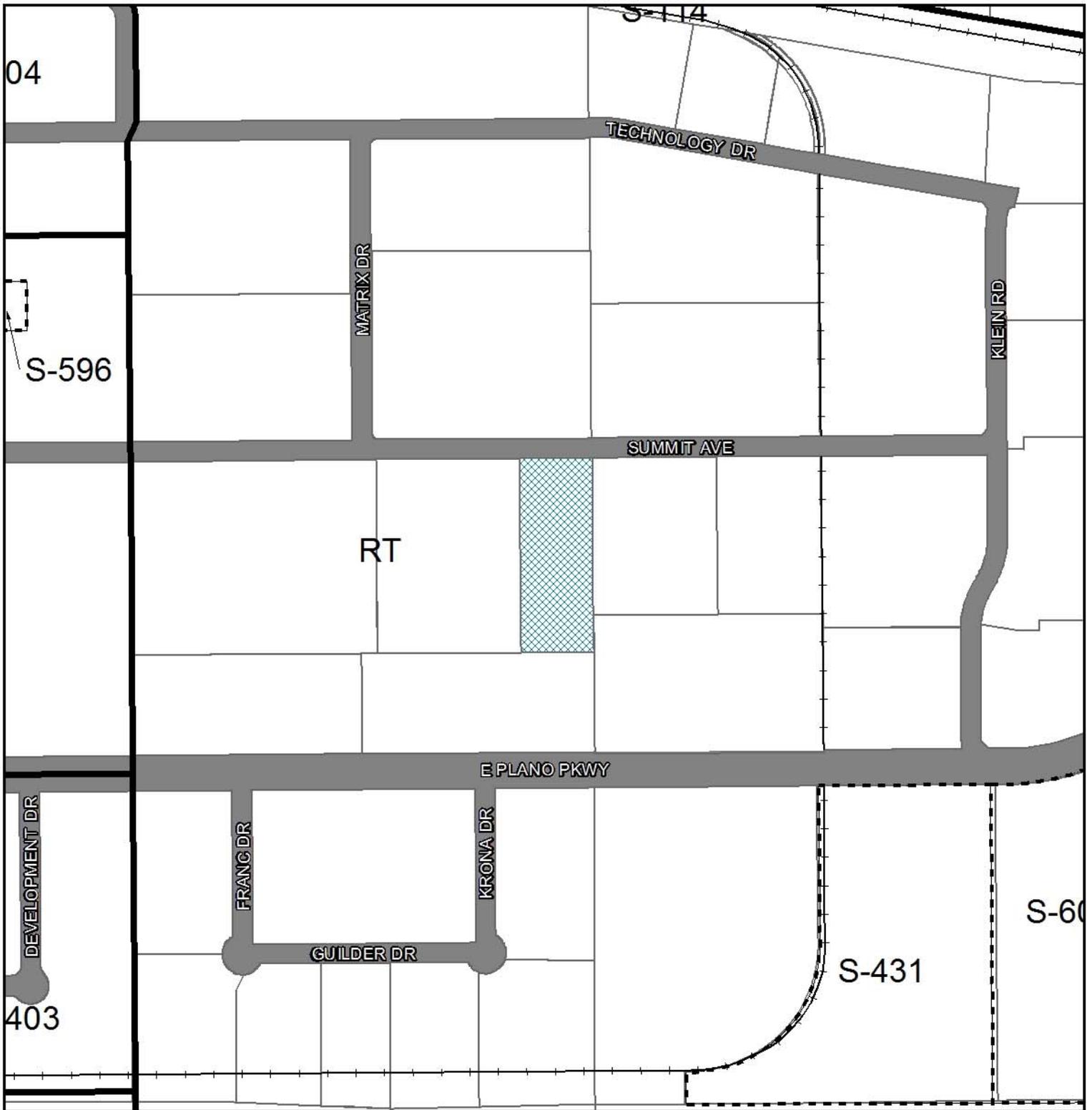
**BEGINNING** at a set 1 inch iron rod lying at on the south line of Summit Avenue (60 feet wide), said point being the northeast corner of said Block 11 and the northwest corner of Block 10, "Central Industrial Park, Phase 3", as recorded in Volume C, Page 187, Collin County Map Records;

**THENCE** South 0 degrees 12 minutes 30 seconds West, departing said south line, along the common line between Block 10 and Block 11, a distance of 589.23 feet to a set 1 inch iron rod for a corner;

**THENCE** North 89 degrees 47 minutes 30 seconds West, along the north line of a 10 foot utility easement in Volume C, Page 187, Collin County Map Records, a distance of 221.78 feet to a set 1 inch iron rod for a corner;

**THENCE** North 0 degrees 12 minutes 30 seconds East, a distance of 589.23 feet to a set 1 inch iron rod for a corner in the said South line of Summit Avenue;

**THENCE** South 89 degrees 47 minutes 30 seconds East, along the said south line, a distance of 221.78 feet to the **POINT OF BEGINNING AND CONTAINING** 130,679 square feet or 3.000 acres of land more or less.

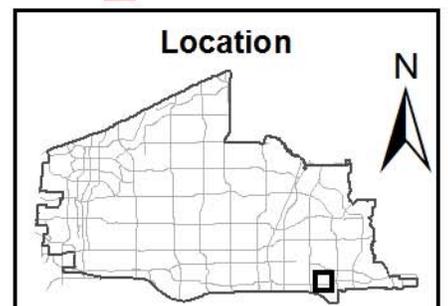


Item Submitted: Summit Avenue Property

Zoning: Research/Technology



Location



○ 200' Notification Buffer  
 ▨ Subject Property

— Zoning Boundary    - - - Specific Use Permit  
 - - - City Limits    ■ Right-of-Way

Source: City of Plano Planning Department

<b>CITY SECRETARY'S USE ONLY</b>	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular <input type="checkbox"/> Statutory

Council Meeting Date:	8/24/15
Department:	Engineering
Department Head	Jack Carr
Agenda Coordinator (include phone #):	<b>Kathleen Schonne X-7198</b>

**CAPTION**

An Ordinance of the City of Plano, Texas, amending Chapter 12, Motor Vehicles and Traffic, Article VI, Commercial Vehicles, Section 12-137, Streets Prohibited to Certain Vehicles, Subsection (a), Paragraph (1) of the Code of Ordinances of the City of Plano, Texas to revise the end points within which the operation of trucks or motorized vehicles with three axles or more, and with a payload weight in excess of two (2) tons is prohibited on 15<sup>th</sup> Street within the corporate limits of the City of Plano; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.

**FINANCIAL SUMMARY**

NOT APPLICABLE       OPERATING EXPENSE       REVENUE       CIP

FISCAL YEAR: <b>2014-15</b>	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
<b>BALANCE</b>	0	0	0	0

**FUND(s):      GENERAL FUND**

**COMMENTS:** This item will alter the amount of revenue received by traffic fines; however, at this time the additional amount to be collected is undeterminable.

**STRATEGIC PLAN GOAL:** Prohibiting large truck traffic on specific sections of Plano streets relates to the City's goals of a Financially Strong City with Service Excellence and Great Neighborhoods - 1<sup>st</sup> Choice to Live.

**SUMMARY OF ITEM**

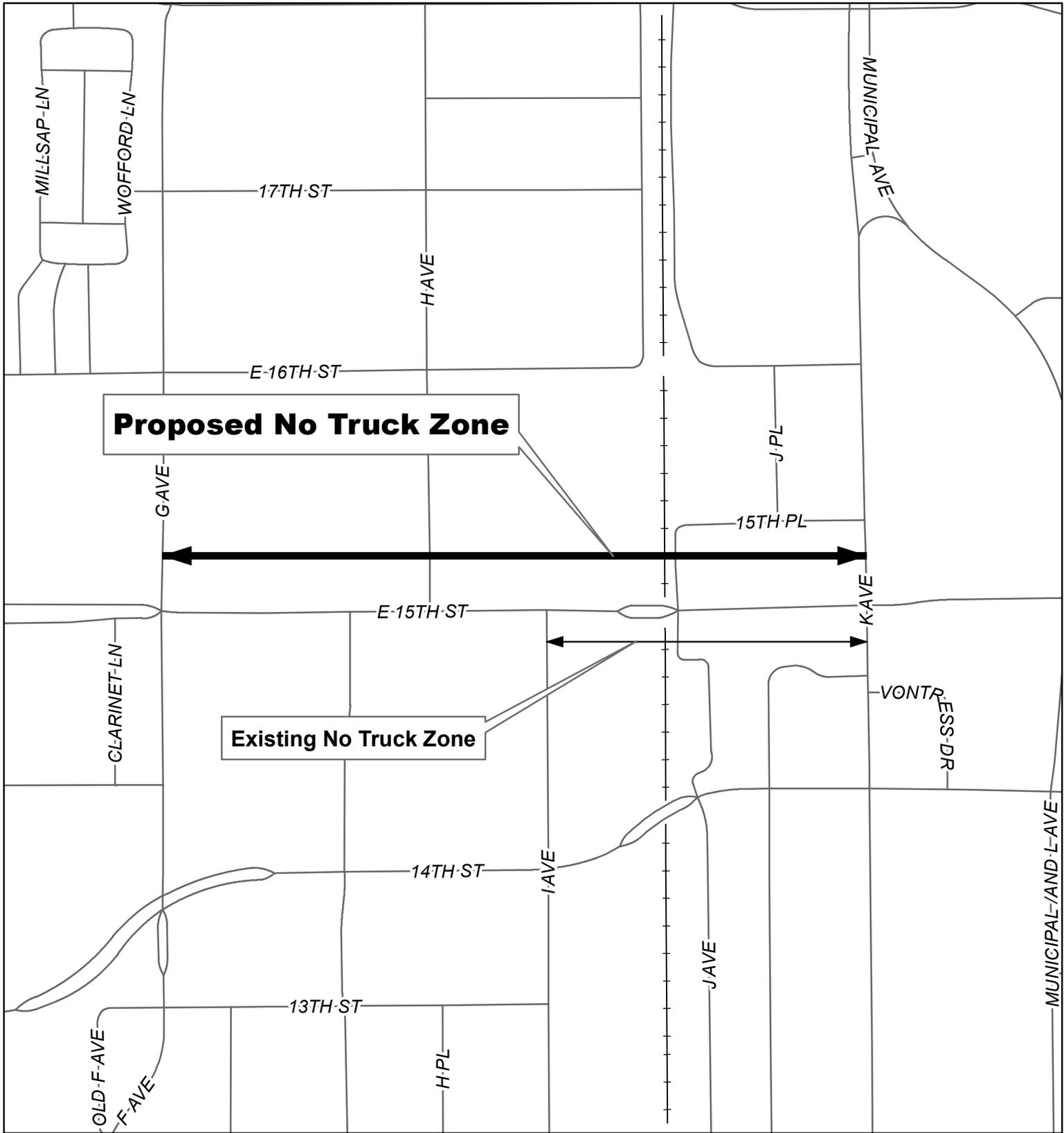
Prior to November 2008, trucks exceeding two tons and with more than three axles were prohibited from traveling on 15<sup>th</sup> Street between G Avenue and K Avenue. In November 2008, City Council adopted Ordinance 2008-11-27 prohibiting trucks exceeding two tons and three axles from traveling on 15<sup>th</sup> Street between I Avenue and K Avenue. This ordinance allowed trucks to use the concrete pavement section of 15<sup>th</sup> Street west of I Avenue with the intent that the brick pavement section of 15<sup>th</sup> Street would remain protected from their heavier wheel loads.

What has occurred, however, is that longer commercial vehicles have had difficulty making the right turn from eastbound 15<sup>th</sup> Street to southbound I Avenue due to the geometry of the intersection and construction activity in the area. In addition, it has been difficult to provide adequate signage of the prohibition at I Avenue in optimal viewing locations for vehicle drivers – again, due to the geometry of the street and the adjacent streetscape environment. The result has been eastbound commercial vehicles traveling through the brick pavement section of 15<sup>th</sup> Street where they are prohibited.

Staff proposes to reinstate the truck prohibition between G Avenue and K Avenue.

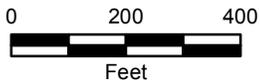
<https://www.google.com/maps/place/K+Ave+%26+E+15th+St,+Plano,+TX+75074/@33.0196707,-96.6972613,19z/data=!4m2!3m1!1s0x864c191baf7c52bb:0xffa3bd612ec3ba48>

List of Supporting Documents: Location Map, Ordinance	Other Departments, Boards, Commissions or Agencies N/A
--	---



**Proposed No Truck Zone**

**Existing No Truck Zone**



City of Plano GIS Division  
August, 2015

## 15th Street No Truck Zone Proposed Limits

### Project Location



**An Ordinance of the City of Plano, Texas, amending Chapter 12, Motor Vehicles and Traffic, Article VI, Commercial Vehicles, Section 12-137, Streets Prohibited to Certain Vehicles, Subsection (a), Paragraph (1) of the Code of Ordinances of the City of Plano, Texas to revise the end points within which the operation of trucks or motorized vehicles with three axles or more, and with a payload weight in excess of two (2) tons is prohibited on 15<sup>th</sup> Street within the corporate limits of the City of Plano; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.**

**WHEREAS**, the City Council of the City of Plano finds it necessary to prohibit trucks and other large vehicles from certain streets specified herein, including the Downtown Plano area, within the City Limits of the City of Plano; and

**WHEREAS**, upon review of the traffic patterns and streets, the Transportation Engineering Division recommends revising the existing truck prohibition on certain streets in order to encourage a more proportional routing of truck traffic through the City; and

**WHEREAS**, the prohibition of trucks and other large vehicles is recommended based on current and foreseeable conditions for the specified streets.

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

**Section I.** The City Council hereby amends Chapter 12, *Motor Vehicles and Traffic*, Article VI, Commercial Vehicles, Section 12-137, Streets Prohibited to Certain Vehicles, Subsection (a), Paragraph (1) of the Code of Ordinances of the City of Plano, Texas to read as follows:

“15<sup>th</sup> Street between G Avenue and K Avenue”.

**Section II.** The Traffic Engineer of Plano is hereby authorized to cause placement of traffic-control signs at each approach to the portion of the roadway described in Section I above, and such signs shall give notice to all persons of the prohibition against trucks and other vehicles described in this section operating over or upon the roadway set out in Section I.

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

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

**Section V.** Any violation of the provisions or terms of this Ordinance by any person, firm, or corporation shall be a misdemeanor offense and shall be subject to a fine not to exceed TWO HUNDRED AND NO/100 DOLLARS (\$200.00) for each offense. Each and every violation shall be deemed to constitute a separate offense.

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

**Section VII.** This Ordinance shall become effective immediately from and after its passage and publication as required by law and after all necessary signs have been installed.

**DULY PASSED AND APPROVED** this 24th day of August, 2015.

\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

\_\_\_\_\_  
Lisa C. Henderson, CITY SECRETARY

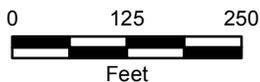
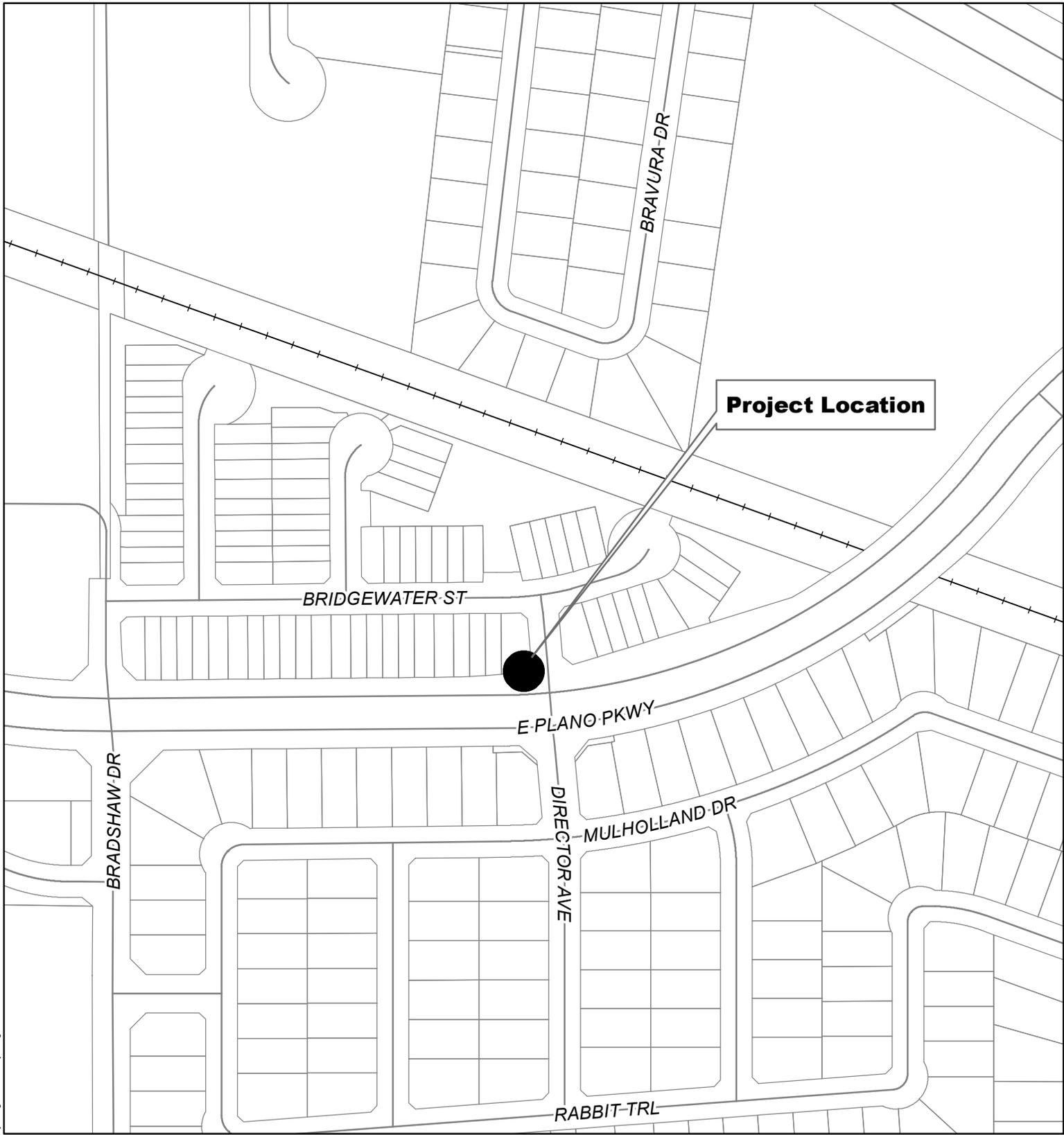
APPROVED AS TO FORM:

\_\_\_\_\_  
Paige Mims, CITY ATTORNEY



# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	8/24/15			
Department:	Engineering			
Department Head	Jack Carr			
Project	Parkway Heights Phase 3 #6049-3			
Agenda Coordinator (include phone #):	<b>Kathleen Schonke X-7198</b>			
<b>CAPTION</b>				
<p>An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a portion of that certain Right-of-Way for Director Avenue (a 50 ft. Right-of-Way) and Plano Parkway (a variable width Right-of-Way), subject to retaining a Visibility, Access, and Wall Maintenance Easement, recorded in Cabinet 2013, Page 355 of the Plat Records of Collin County, Texas and being situated in the G.H. Pegues Survey, Abstract No. 700, which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such Right-of-Way to the abutting property owner, CBJeni Berkshire Place, LLC, to the extent of its interest; authorizing the City Manager or his authorized designee, to execute any documents deemed necessary; and providing an effective date.</p>				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2014-15</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
BALANCE	0	0	0	<b>0</b>
FUND(s): <b>N/A</b>				
<b>COMMENTS:</b> This item has no financial impact.  STRATEGIC PLAN GOAL: Abandoning all right, title and interest of the City to this Right-of-Way relates to the City's Goals of Financially Strong City with Service Excellence and Strong Local Economy.				
<b>SUMMARY OF ITEM</b>				
<p>The Right-of-Way area requested to be abandoned was originally dedicated as additional Right-of-Way for Plano Parkway since it was an area where a Visibility, Access and Maintenance Easement was required. The additional dedication caused the required 25' building setback to encroach further into the residential lots decreasing the buildable area of each lot. The abandoned Right-of-Way will be replatted with the required Visibility, Access and Wall Maintenance Easement in lieu of the Right-of-Way. The abandonment of this Right-of-Way will provide sufficient distance from the proposed adjusted Right-of-Way line on Plano Parkway to allow construction on the residential lots.</p> <p><a href="https://www.google.com/maps/@33.0074545,-96.6450266,19z/data=!3m1!1e3">https://www.google.com/maps/@33.0074545,-96.6450266,19z/data=!3m1!1e3</a></p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Location Map; Ordinance Petition for Abandonment		N/A		



City of Plano GIS Division  
August, 2015

## Parkway Heights Phase 3 Project No. 6049-3

### Project Location



**An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a portion of that certain Right-of-Way for Director Avenue (a 50 ft. Right-of-Way) and Plano Parkway (a variable width Right-of-Way), subject to retaining a Visibility, Access, and Wall Maintenance Easement, recorded in Cabinet 2013, Page 355 of the Plat Records of Collin County, Texas and being situated in the G.H. Pegues Survey, Abstract No. 700, which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such Right-of-Way to the abutting property owner, CBJeni Berkshire Place, LLC, to the extent of its interest; authorizing the City Manager or his authorized designee, to execute any documents deemed necessary; and providing an effective date.**

**WHEREAS**, the City Council of the City of Plano has been requested to abandon all right, title and interest of the City in and to a portion of that certain Right-of-Way for Director Avenue (a 50 ft. Right-of-Way and Plano Parkway (a variable width Right-of-Way), (hereinafter called "Right-of-Way"), subject to retaining a Visibility, Access, and Wall Maintenance Easement, recorded in Cabinet 2013, Page 355 of the Plat Records of Collin County, Texas being situated in the G.H. Pegues Survey, Abstract No. 700 which is located within the City limits of Plano, Collin County, Texas, and which is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

**WHEREAS**, the Property Owner has filed with the City a Petition for Abandonment, a copy of which is attached hereto as Exhibit "B" and made a part hereof by reference; and

**WHEREAS**, the Engineering Department has determined that there will be no detrimental effect on the City if the Right-of-Way is abandoned and quitclaimed to the abutting Property Owner; and has advised that the Right-of-Way should be abandoned;

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

**Section I.** All the right, title and interest of the City of Plano, Texas, in and to the Right-of-Way is hereby abandoned, and all right, title and interest of the City in and to the Right-of-Way, subject to retaining a Visibility, Access, and Wall Maintenance Easement, is hereby quitclaimed to the abutting Property Owner in accordance with its respective interest. A certified copy of this Ordinance may be recorded in the Collin County Land Records to reflect this abandonment and quitclaim. The City Manager or his authorized designee, is hereby authorized to execute on behalf of the City of Plano, Texas, any instruments necessary to complete the abandonment and quitclaim of the Right-of-Way by the City of Plano.

**Section II.** The abandonment and quitclaim is without prejudice to any and all improvements, facilities, equipment or lines of any public utility, municipal or otherwise, if any, which are presently located within any portion of the Right-of-Way. Any such utility shall have the continued right to locate, maintain, repair, reconstruct, preserve or relocate improvements, facilities, equipment or lines in such portion of the Right-of-Way.

**Section III.** The City Council hereby finds and determines that the abandonment of the Right-of-Way is in the public interest of the City of Plano, Texas, and its citizens, and will inure to the benefit of the public generally.

**Section IV.** This Ordinance shall become effective immediately upon its passage as set forth below.

**DULY PASSED AND APPROVED** this the 24<sup>th</sup> day of August, 2015.

\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

\_\_\_\_\_  
Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Paige Mims, CITY ATTORNEY

## EXHIBIT "B"

### PETITION FOR ABANDONMENT

[For Right-of-Way Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting DIRECTOR AVE. & PLANO PARKWAY (hereinafter called "Right-of-Way"), more particularly described by metes and bounds in the field note description attached hereto and incorporated herein as **Exhibit "A"** do hereby request that the City of Plano, Texas (called "City") abandon the Right-of-Way.

1. The Owners are requesting the abandonment of the Right-of-Way for the following reasons:

To provide sufficient setback (25 ft.) from the proposed adjusted right-of-way line of Plano Parkway to allow construction on owner's lots to meet City code(s).

2. The following public interest will be served as a result of the abandonment:

Owner will provide in return the required Visibility, Access, and Maintenance (VAM) Easement, to include a Wall Maintenance Easement, as required by City code(s).

3. Unless the City determines that this abandonment is exempt from payment of fair market value, the Owners agree to pay to the City the fair market value of the Right-of-Way as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the cost of the appraisal and other costs incident to the abandonment (called "Costs") The Price and Costs shall be paid to the City prior to the abandonment. Should the Plano City Council decide not to abandon the Right-of-Way, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.
4. ~~If the Owners are providing a replacement right-of-way for the Right-of-Way requested to be abandoned herein, Owners will attach a metes and bounds description or plat identifying the replacement right-of-way and attach same to this Petition as Exhibit "B".~~
5. The Owners hereby represent and affirm to the City that no other property owner, lessee, tenant or easement or license holder uses the Right-of-Way to access or to serve their property.
6. **The Owners further agree to release, defend, indemnify and hold the City, its officers, agents and employees harmless from and against any and all claims, losses, demands, suits, judgments and costs, including reasonable**

**and necessary attorney's fees and expenses, arising out of, related to or resulting from the abandonment and closing of the Right-of-Way by City.**

7. The Owners understand and agree that the abandonment is in the sole discretion of the Plano City Council. The Owners also understand and agree that the Right-of-Way will be abandoned to them in proportion to their abutting ownership. The abutting ownership will be determined by the number of linear feet of frontage adjacent to the Right-of-Way owned by each property owner. Based on the foregoing, the Owners hereby represent and affirm that they have searched the public land records and determined that the abutting ownership is in the following proportions:  

---

---

8. ~~Owners shall also prepare a map or drawing showing the Right-of-Way to be abandoned along with a designation of all abutting property owners. This map or drawing shall be attached hereto and incorporated herein as Exhibit "C".~~
9. ~~Abutting property owners have signed letters indicating This description shall be attached hereto and incorporated herein as Exhibit "D".~~

[Reminder of page blank]

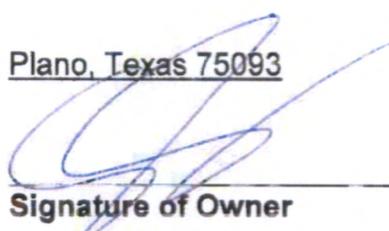
10. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

Steve Schermerhorn  
**for CBJeni Berkshire Place, LLC**

2805 Dallas Parkway Suite 400

Plano, Texas 75093

Dated: 8/4/15

  
\_\_\_\_\_  
**Signature of Owner**

**Contact Person for Property Owners:**

**Name:**

Stephen Schermerhorn

**Phone No:**

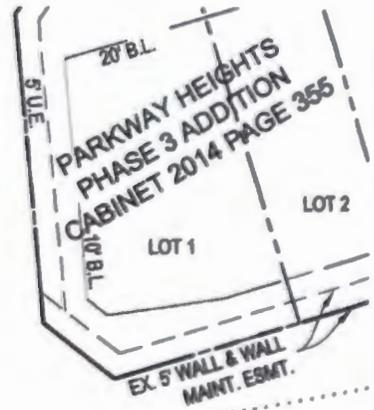
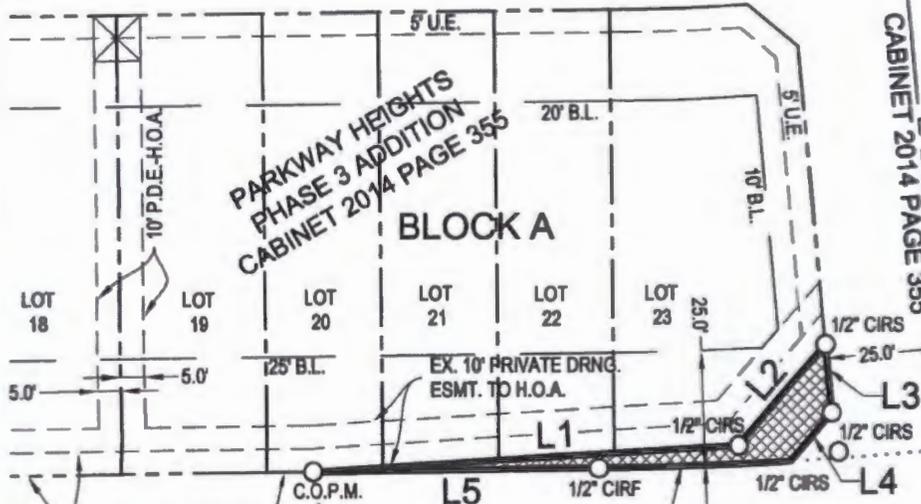
469-573-6706

CURVE TABLE					
Cv. #	DELTA	RADIUS	LENGTH	CH. L	CH. B
C1	2°32'22"	945.00'	41.89'	41.88'	S88°09'28"W

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N86°37'37"E	92.37'
L2	N40°54'41"E	29.14'
L3	S05°13'11"E	15.00'
L4	S40°40'57"W	13.92'
L5	S89°25'39"W	61.73'

BRIDGEWATER STREET  
(50' right-of-way)  
CABINET 2014 PAGE 355

DIRECTOR AVE.  
(50' ROW)  
CABINET 2014 PAGE 355



PLANO PARKWAY  
VOLUME 5596, PAGE 1362, D.R.C.C.T.  
(110' right-of-way)

**POINT OF BEGINNING**

EX. 5' WALL & WALL MAINT. ESMT.  
N89°25'39"E  
9.96'

**LEGEND:**  
CIRCS 1/2" IRON ROD w/ RED PLASTIC CAP STAMPED "W.A.I." SET  
CIRF CAPPED IRON ROD FOUND  
C.O.P.M. CITY OF PLANO MONUMENT FOUND  
H.O.A. HOME OWNERS ASSOCIATION

RIGHT-OF-WAY TO BE ABANDONED



0' 20' 40'  
Scale 1"=40'

PARKWAY HEIGHTS ADDITION PHASE 1  
CC #20120410010000760

**Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6780 HILLCREST PLAZA DRIVE, SUITE 325 DALLAS, TEXAS 75230  
(972) 490-7000 (972) 490-7000 FAX



EXHIBIT A  
RIGHT-OF-WAY ABANDONMENT  
0.011 ACRE TRACT

CBJENI BERKSHIRE PLACE, LLC  
2805 DALLAS PKWY. SUITE 400  
PLANO, TEXAS 75093

**SHEET 1 OF 2**

Scale: 1" = 40'  
Date: 08.04.15  
Dwg. File: 45820-ROW Abandonment 20150804  
Project No.: 45820

**EXHIBIT "A"**  
**RIGHT-OF-WAY ABANDONMENT DESCRIPTION**

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

BEING a tract of land situated in the G.H. Pegues Survey, Abstract No. 700, City of Plano, Collin County, Texas, being a portion right-of-way for Director Avenue (a 50 ft. right-of-way) and of Plano Parkway (a variable width right-of-way) per the final plat recorded of Parkway Heights Phase 3 Addition to the City of Plano as recorded in Cabinet 2014 Page 355, Plat Records, Collin County, Texas, (P.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a City of Plano monument found on the north right-of-way line of said Plano Parkway, said point being on the south line of Lot 20 Block A of said Parkway Heights Phase 3 Addition, said point being North 89 deg 25 min 39 sec East a distance of 9.96 feet from the southwest corner of said Lot 20 Block A;

THENCE North 86 deg 37 min 37 sec East, departing said right-of-way line, along the south lines of Lots 20-23 Block A of said Parkway Heights Phase 3 Addition, for a distance of 92.37 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner at the south end of a corner clip at the intersection of the existing west right-of-way line of said Director Ave. with the existing north right-of-way line of said Plano Parkway per said Parkway Heights Phase 3 Addition final plat;

THENCE North 40 deg 54 min 41 sec East, continuing along the south line of said Lot 23 Block A, and along said corner clip, for a distance of 29.14 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner at the north end of said corner clip and on the west right-of-way line of said Director Ave.,

THENCE South 05 deg 13 min 11 sec East, for a distance of 15.00 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner;

THENCE South 40 deg 40 min 57 sec West, for a distance of 13.92 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner at a point 110 feet north of and perpendicular to the south right-of-way line of said Plano Parkway; said point being the beginning of a circular curve to the right having a central angle of 02 deg 32 min 22 sec, a radius of 945.00 feet, and a chord which bears South 88 deg 09 min 28 sec West for 41.88 feet;

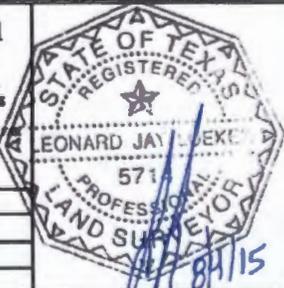
THENCE along said circular curve, said curve being 110 foot north of and parallel to the south right-of-way line of said Plano Parkway, for an arc length of 41.88 feet to a 1/2 inch iron rod with plastic cap found for corner;

THENCE South 89 deg 25 min 39 sec West, continuing along said line 110 foot north of and parallel to the south right-of-way line of said Plano Parkway, for a distance of 61.73 feet to the POINT OF BEGINNING.

Containing within these metes and bounds 0.011 Acres or 459 sq. ft. of land, more or less.

**BASIS OF BEARING:**

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 31st day of July, 2013, utilizing a G.P.S. bearing related to the City of Plano Geodetic Monuments Station S2 (GPS point #219) and Station Q2 (GPS point #123), along the Southwesterly right-of-way line of D.A.R.T. right-of-way line.

 <p><b>Winkelmann &amp; Associates, Inc.</b></p> <p>CONSULTING CIVIL ENGINEERS ■ SURVEYORS</p> <p>8700 HILLCREST PLAZA DRIVE, SUITE 425 DALLAS, TEXAS 75238</p> <p>Texas Engineers Registration No. 89 (872) 490-7000 Firm Registration License No. 1006800 Expires 12-31-14 (872) 490-7000 COPYRIGHT © 2014 Winkelmann &amp; Associates, Inc.</p>		<p>EXHIBIT A</p> <p>RIGHT-OF-WAY ABANDONMENT</p> <p>0.011 ACRE TRACT</p>	<p><b>SHEET</b></p> <p><b>2</b></p> <p><b>OF</b></p> <p><b>2</b></p>
		<p>CBJENI BERKSHIRE PLACE, LLC</p> <p>2805 DALLAS PKWY. SUITE 400</p> <p>PLANO, TEXAS 75093</p>	
<p>Scale :</p> <p>Date : 08.04.15</p> <p>Dwg. File : 45820-ROW Abandonment 20150804</p> <p>Project No. : 45820</p>			



# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		8/24/15		
Department:		Budget & Research		
Department Head		Karen Rhodes-Whitley		
Agenda Coordinator (include phone #): <b>Anita Bell, 7194</b>				
<b>CAPTION</b>				
A Public Hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 7.30 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code).				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>2015-16</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
		<b>TOTALS</b>		
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
<b>FUND(S):</b> <b>N/A</b>				
<b>COMMENTS:</b> This is the first of two required public hearings on the proposed tax revenue increase. The second public hearing will be held on September 2, 2015 at 5:00 p.m. The City of Plano tax rate is proposed to remain at \$.4886 per \$100 of taxable value.				
<b>SUMMARY OF ITEM</b>				
First public hearing on the proposed tax revenue increase.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
ag 213 first public hearing tax increase				



# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		August 24, 2015		
Department:	Planning			
Department Head	Christina Day			
Agenda Coordinator (include phone #): <b>Tammy Stuckey, ext 7156</b>				
<b>CAPTION</b>				
Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's denial of Zoning Case 2015-11 - Request to rezone 14.5± acres located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road from Research/Technology Center to Planned Development-Research/Technology Center in order to allow Office-Showroom/Warehouse with modified development standards. Zoned Research/Technology Center/190 Tollway/Plano Parkway Overlay District. Applicant: Industrial Developments International, LLC (IDI Gazeley). Tabled June 22, 2015 and July 27, 2015.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>2014-15</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
		<b>TOTALS</b>		
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
<b>FUND(s):    N/A</b>				
<b>COMMENTS:</b> This item has no immediate financial impact. <b>STRATEGIC PLAN GOAL:</b> Hearing an appeal of a Planning & Zoning Commission decision relates to the City's goal of a Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
At its May 18, 2015 meeting, the Planning & Zoning Commission denied this request by a vote of 6-1. The applicant has appealed the Commission's denial. A super majority, or 6 of the 8 City Council members, is required for approval of the request. The associated concept plan has also been appealed and is included as a separate agenda item. The City Council tabled this item at the June 22, 2015 and July 27, 2015 meetings.				
List of Supporting Documents: Letter of Appeal from Applicant First Vice Chair Report P&Z Follow-up Memo Staff Report Locator Map Aerial Map Zoning Exhibit Concept Plan			Other Departments, Boards, Commissions or Agencies Planning & Zoning Commission	

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**IDI Gazeley**  
Brookfield Logistics Properties

RECEIVED

MAY 26 2015

PLANNING DEPT.

May 26, 2015

Erica Marohnic, ACIP  
Senior Planner  
City of Plano  
1520 Avenue K – 2<sup>nd</sup> Floor  
Suite 250  
Plano, Texas 75074

RE: P&Z Zoning Petition and Concept Plan decision

Erica,

By way of this letter, IDI Gazeley does hereby appeal both the P&Z's decision regarding our Zoning Petition as well as P&Z's decision regarding our concept plan. Please place our case on the immediate upcoming City Council meeting agenda.

Enclosed is \$110 fee plus the \$5 fee per property owner notice for the 15 property owners that were notified.

Please let us know what further steps, if any, that we need to make to appeal both decisions made by P&Z.

Thank you for your time and consideration.



**Doug Johnson**

IDI | SVP and Regional Managing Director

.....  
DIRECT 972.560.7001 FAX 972.560.7007  
5420 LBJ Freeway, Suite 1275 Dallas, TX 75240

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RECOMMENDATION OF THE PLANNING & ZONING COMMISSION

**ZONING CASE 2015-11 AND CONCEPT PLAN**

MAY 18, 2015

FIRST VICE CHAIRMAN'S REPORT

**Agenda Item No. 9A – Public Hearing**

**Zoning Case 2015-11** – Request to rezone 14.5 acres located on the south side of Plano Parkway, 1,950 +- feet west of Shiloh Road, from Research/Technology Center to Planned Development-Research/Technology Center in order to allow Office-Showroom/Warehouse with modified development standards.

**Applicant:** Industrial Developments International, LLC (IDI Gazeley)

**Staff Recommendation:** Staff recommended denial of the zoning change.

**Commission Action:** After hearing from the Applicant and one speaker for the request and two speakers against the request, some discussion was held by the commission prior to a motion to deny the requested zoning change being made by First Vice Chair Barbera and seconded by Second Vice Chair Hilburn. The motion was approved with a vote of 6-1. Commissioner O'Hanlon voted against the motion.

Comments made in support of the motion to deny included:

- The RT district should be preserved to continue to bring high paying, well educated jobs to East Plano.

**Additional Comments:** On a motion made by Second Vice Chair Hilburn and seconded by First Vice Chair Barbera, the Concept plan associated with Zoning Case 2015-11 was denied as well, by a 5-2 vote. Chairman Bender and Commissioner O'Hanlon voted against the motion.

Respectfully Submitted,



M. Nathan Barbera  
First Vice Chair  
City of Plano Planning & Zoning Commission

**DATE:** May 19, 2015  
**TO:** Applicants with Items before the Planning & Zoning Commission  
**FROM:** Doug Bender, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of May 18, 2015

**AGENDA ITEM NO. 9A - PUBLIC HEARING  
ZONING CASE 2015-11  
APPLICANT: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, LLC (IDI  
GAZELEY)**

Request to rezone 14.5± acres located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road **from** Research/Technology Center **to** Planned Development-Research/Technology Center in order to allow Office-Showroom/Warehouse with modified development standards. Zoned Research/Technology Center/190 Tollway/Plano Parkway Overlay District.

**APPROVED:** \_\_\_\_\_ **DENIED:** 6-1 **TABLED:** \_\_\_\_\_

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

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

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

**STIPULATIONS:**

Denied. The commissioner voting in opposition to the motion did not state a reason for his opposition.

EMks

xc: David Seaman, Industrial Developments International, LLC  
Edward W. Eckart, Goodwin and Marshall, Inc.

<https://www.google.com/maps/@33.0057683,-96.672131,18z/data=!3m1!1e3>

CITY OF PLANO  
PLANNING & ZONING COMMISSION

May 18, 2015

**Agenda Item No. 9A**

**Public Hearing:** Zoning Case 2015-11

**Applicant:** Industrial Developments International, LLC (IDI Gazeley)

---

**DESCRIPTION:**

Request to rezone 14.5± acres located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road **from** Research/Technology Center **to** Planned Development-Research/Technology Center in order to allow Office-Showroom/Warehouse with modified development standards. Zoned Research/Technology Center/190 Tollway/Plano Parkway Overlay District.

**HISTORY:**

A recent rezoning request from Research/Technology Center to Planned Development-Research/Technology Center for the subject property was considered by the Planning & Zoning Commission on January 20, 2015. The request included stipulations for additional square footage specific to the office/showroom-warehouse use, additional loading spaces or berths, no screening of loading or trash collection areas from adjacent properties, and an increased building height. The Commission voted to deny the request, (8-0). The applicant subsequently appealed the Commission's denial to the City Council. City Council considered the appeal on March 17, 2015 and failed to garner a supermajority, thus both motions to approve and deny failed, (4-4).

**REMARKS:**

The applicant is requesting to rezone 14.5± acres located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road from Research/Technology Center to Planned Development-Research/Technology Center. The Research/Technology Center (RT) zoning district is intended to create a low density, employment center consisting of office, research and development facilities, and limited assembly options. RT districts should generally accommodate several users in a campus environment.

The subject property is currently undeveloped. The requested zoning is Planned Development-Research/Technology Center to allow for Office-Showroom/Warehouse with modified development standards. A Planned Development (PD) district provides the ability to amend use, height, setback, and other development standards at the time

of zoning to promote innovative design and better development controls appropriate to both off- and onsite conditions.

Office-Showroom/Warehouse is defined as an establishment that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted.

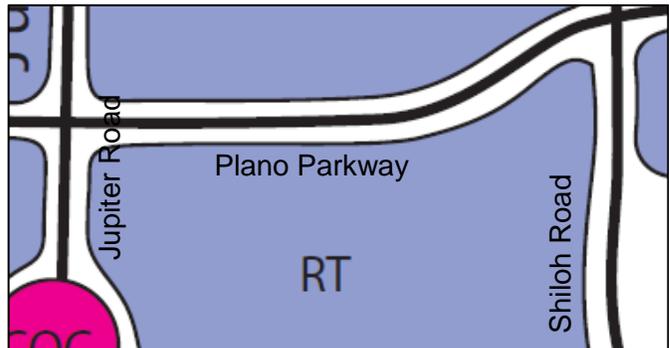
A concept plan, Central Plano Industrial Park Phase 3, Block 24, Lot 1R, accompanies this rezoning request as Agenda Item 9B.

### **Surrounding Land Use and Zoning**

The property to the north, across Plano Parkway, is zoned RT and is developed as general office. To the east, is light-intensity manufacturing zoned RT. To the south is vacant property zoned RT and a multifamily residential development zoned Planned Development-207-Retail (PD-207-R). To the west, is a general office building zoned RT.

### **Conformance to the Comprehensive Plan**

**Future Land Use Plan** - The Future Land Use Plan designates this property as Research/Technology Center (RT). The RT area provides for low-density office, research and development facilities, and limited assembly operations. This area is intended to accommodate multiple users in a campus environment. Warehousing is planned to serve a supporting role in the RT area. Warehousing should generally be an accessory use to limited assembly operation and office/showroom facilities.



Due to the limitations on warehouse uses, this request is not in conformance with the future land use plan.

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

**Traffic Impact Analysis (TIA)** - A TIA is not required for this rezoning request.

**Public Safety Response Time** - Based upon existing personnel, equipment, and facilities, fire emergency response times will be sufficient to serve the site.

## **Proposed Planned Development Stipulations:**

The requested zoning is Planned Development-Research/Technology Center. There are 2 primary parts to this request: land use and building design standards.

**Land Use** - The applicant is proposing to retain RT as the base zoning district with the additional use of office-showroom/warehouse at a scale not permitted by-right.

**Design Standards** - The requested design standards are intended to add flexibility for design of the building.

Restrictions:

The permitted uses and standards shall be in accordance with the Research/Technology Center (RT) zoning district unless otherwise specified herein.

Office-Showroom/Warehouse is a permitted use subject to the following standards:

1. Maximum Loading Spaces or Berths: 15
2. An office-showroom/warehouse use is permitted only when the first floor of the building housing said uses does not exceed 150,000 square feet of gross floor area.

## **ISSUES:**

### **Background**

The RT district was established in 1998. The intent of the district is to create a low density employment center, which focuses on office and research uses and limits assembly and warehouse operations. The district has been amended several times since its inception, most recently in 2011. At that time, staff reviewed the ordinance language in order to identify if any regulations were overly burdensome and limited future development opportunities. As a part of this review, staff had discussions with the Commission, Council, and stakeholders within the district. Through these discussions, staff determined that the existing limitations on dock doors, gross floor area for office-showroom/warehouse uses and other regulations were critical to the intent and character of the RT district and should not be changed.

### **Requested Stipulations**

The applicant is requesting 2 modifications to the RT district language:

1. Increasing the maximum loading spaces from 12 to 15, and
2. Increasing the building size for office-showroom/warehouse uses from 100,000 square feet to 150,000 square feet.

The purpose of a PD is to, “promote innovative design and better development controls.” The applicant has not provided a compelling rationale for the requested modifications that justify the use of a PD. The requested stipulations are intended to gain flexibility for future development. The RT district is specific in its intent to limit warehouse operations and loading spaces. The subject property is large, and can physically accommodate development which complies with the existing RT regulations. Staff believes that the existing restrictions are necessary in order to promote uses and standards consistent with the Comprehensive Plan designation of RT and development that has occurred previously in the district.

Furthermore, the requested stipulations are not consistent with the direction received in 2011 from the Commission and Council regarding the intent of development within the RT district. If the existing regulations are overly burdensome, staff recommends the Commission perform a review the RT regulations, and if necessary, call a public hearing in order to make changes to the district that would benefit all properties.

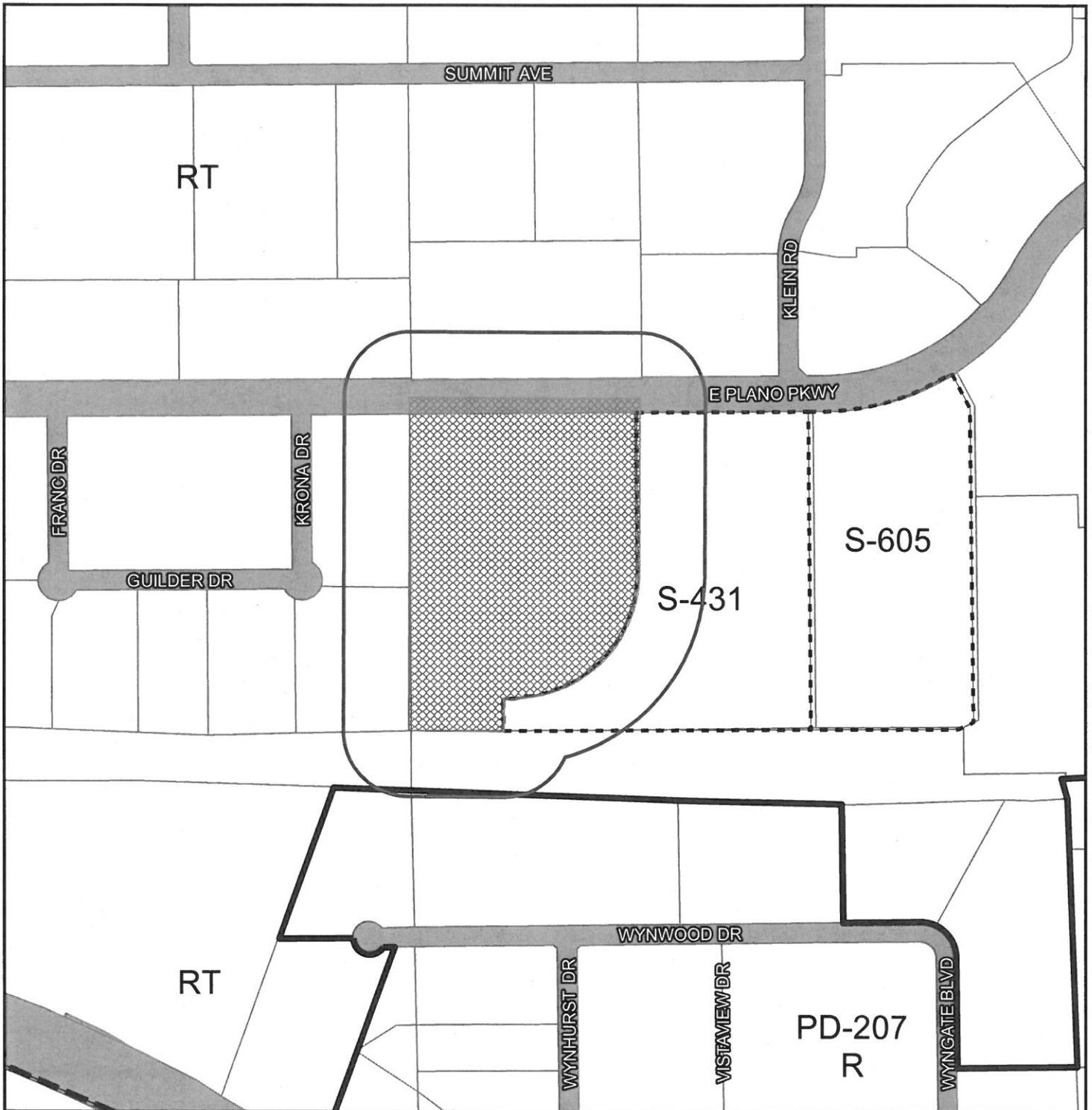
Lastly, the city has other zoning districts which provide greater flexibility for office-showroom/warehouse uses, without the specific restrictions on height, screening or loading areas that are present in RT including Light Commercial (LC), Commercial Employment (CE), Central Business-1 (CB-1), Light Industrial-1 (LI-1), Light Industrial-2 (LI-2), Regional Employment (RE), Regional Commercial (RC) and Corridor Commercial (CC).

**SUMMARY:**

The applicant is requesting to rezone 14.5± acres located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road from Research/Technology Center to Planned Development-Research/Technology Center to allow office-showroom/warehouse as a permitted use with modified development standards. The requested modifications are not consistent with the RT designation as defined by the Comprehensive Plan. The proposed stipulations are also not consistent with direction from the Commission and Council regarding the intent of the district. Furthermore, the site is large enough to provide for development flexibility which would comply with the existing regulations. For these reasons, staff recommends denial of the zoning request.

**RECOMMENDATION:**

Recommend for denial.

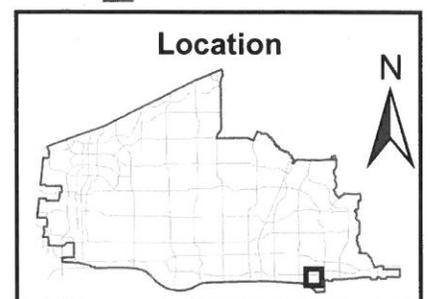


Zoning Case #: 2015-11

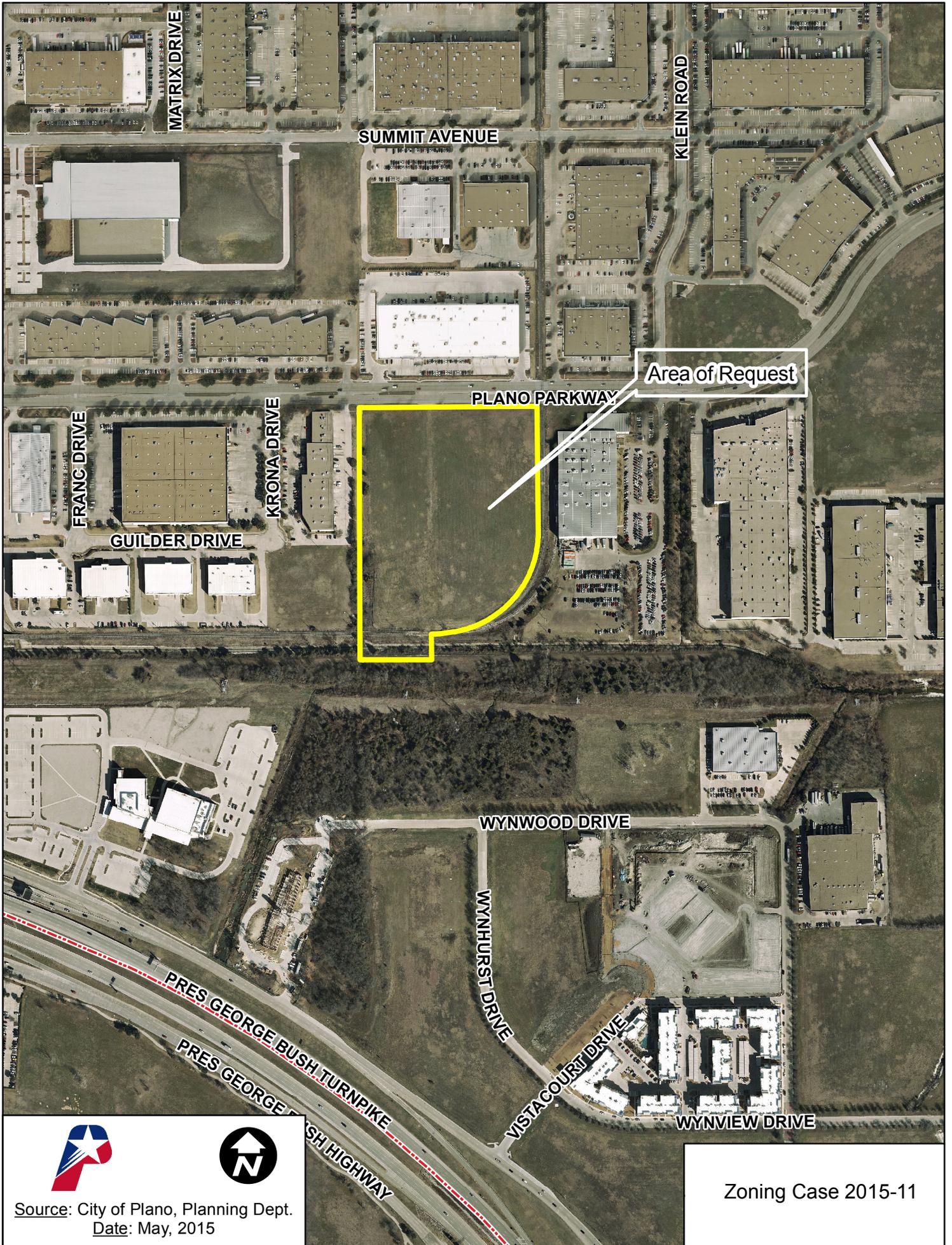
Existing Zoning: Research/Technology Center (RT)/190 Tollway/Plano Parkway Overlay District

Proposed Zoning: Planned Development-Research/Technology Center (PD-RT) to allow office - showroom/warehouse with modified development standards

- 200' Notification Buffer
- Subject Property
- Zoning Boundary
- City Limits
- Specific Use Permit
- Right-of-Way



Source: City of Plano Planning Department



Area of Request



Source: City of Plano, Planning Dept.  
Date: May, 2015

Zoning Case 2015-11







# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		August 24, 2015		
Department:		Planning		
Department Head		Christina Day		
Agenda Coordinator (include phone #): <b>Tammy Stuckey, ext 7156</b>				
<b>CAPTION</b>				
Consideration of an Appeal of the Planning & Zoning Commission's denial of the concept plan for Central Plano Industrial Park, Phase 3, Block 24, Lot 1R - Office-showroom/warehouse on one lot on 13.7± acres located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road. Zoned Research/Technology Center/190 Tollway/Plano Parkway Overlay District. Applicant: Industrial Developments International, LLC (IDI Gazeley) Tabled June 22, 2015 and July 27, 2015.				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>2014-2015</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
		<b>TOTALS</b>		
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
<b>FUND(S):    N/A</b>				
<b>COMMENTS:</b> This item has no immediate financial impact.				
STRATEGIC PLAN GOAL: Hearing an appeal of a Planning & Zoning Commission decision relates to the City's goal of a Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
At its May 18, 2015 meeting, the Planning & Zoning Commission denied this request by a vote of 5-2. The applicant has appealed the Commission's denial. A simple majority, or 5 of the 8 City Council members, is required for approval of the request. The associated zoning case, 2015-11, has also been appealed and is included as a separate agenda item. The City Council tabled this item at the June 22, 2015 and July 27, 2015 meetings.				
List of Supporting Documents: Letter of Appeal from Applicant First Vice Chair Report P&Z Follow-up Memo Staff Report Locator Map Concept Plan			Other Departments, Boards, Commissions or Agencies Planning & Zoning Commission	

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Dallas, TX 75240

Tel 972.560.7000  
Fax 972.560.7007  
www.brookfieldlogisticsproperties.com

**IDI Gazeley**  
Brookfield Logistics Properties

RECEIVED

MAY 26 2015

PLANNING DEPT.

May 26, 2015

Erica Marohnic, ACIP  
Senior Planner  
City of Plano  
1520 Avenue K – 2<sup>nd</sup> Floor  
Suite 250  
Plano, Texas 75074

RE: P&Z Zoning Petition and Concept Plan decision

Erica,

By way of this letter, IDI Gazeley does hereby appeal both the P&Z's decision regarding our Zoning Petition as well as P&Z's decision regarding our concept plan. Please place our case on the immediate upcoming City Council meeting agenda.

Enclosed is \$110 fee plus the \$5 fee per property owner notice for the 15 property owners that were notified.

Please let us know what further steps, if any, that we need to make to appeal both decisions made by P&Z.

Thank you for your time and consideration.



**Doug Johnson**

IDI | SVP and Regional Managing Director

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DIRECT 972.560.7001 FAX 972.560.7007  
5420 LBJ Freeway, Suite 1275 Dallas, TX 75240

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RECOMMENDATION OF THE PLANNING & ZONING COMMISSION

**ZONING CASE 2015-11 AND CONCEPT PLAN**

MAY 18, 2015

FIRST VICE CHAIRMAN'S REPORT

**Agenda Item No. 9A – Public Hearing**

**Zoning Case 2015-11** – Request to rezone 14.5 acres located on the south side of Plano Parkway, 1,950 +- feet west of Shiloh Road, from Research/Technology Center to Planned Development-Research/Technology Center in order to allow Office-Showroom/Warehouse with modified development standards.

**Applicant:** Industrial Developments International, LLC (IDI Gazeley)

**Staff Recommendation:** Staff recommended denial of the zoning change.

**Commission Action:** After hearing from the Applicant and one speaker for the request and two speakers against the request, some discussion was held by the commission prior to a motion to deny the requested zoning change being made by First Vice Chair Barbera and seconded by Second Vice Chair Hilburn. The motion was approved with a vote of 6-1. Commissioner O'Hanlon voted against the motion.

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**Additional Comments:** On a motion made by Second Vice Chair Hilburn and seconded by First Vice Chair Barbera, the Concept plan associated with Zoning Case 2015-11 was denied as well, by a 5-2 vote. Chairman Bender and Commissioner O'Hanlon voted against the motion.

Respectfully Submitted,



M. Nathan Barbera  
First Vice Chair  
City of Plano Planning & Zoning Commission

**DATE:** May 19, 2015  
**TO:** Applicants with Items before the Planning & Zoning Commission  
**FROM:** Doug Bender, Chairman, Planning & Zoning Commission  
**SUBJECT:** Results of Planning & Zoning Commission Meeting of May 18, 2015

**AGENDA ITEM NO. 9B - PUBLIC HEARING - CONCEPT PLAN  
CENTRAL PLANO INDUSTRIAL PARK PHASE 3, BLOCK 24, LOT 1R  
APPLICANT: INDUSTRIAL DEVELOPMENTS INTERNATIONAL, LLC (IDI  
GAZELEY)**

Office-showroom/warehouse on one lot on 13.7± acres located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road. Zoned Research/Technology Center/190 Tollway/Plano Parkway Overlay District. Neighborhood #68.

**APPROVED:** \_\_\_\_\_ **DENIED:** 5-2 **TABLED:** \_\_\_\_\_

**STIPULATIONS:**

Denied. The commissioners voting in opposition to the motion did not state a reason for their opposition.

EM/ks

xc: David Seaman, Industrial Developments International, LLC  
Eddie Eckart, Goodwin & Marshall, Inc.

CITY OF PLANO  
PLANNING & ZONING COMMISSION

May 18, 2015

**Agenda Item No. 9B**

**Concept Plan:** Central Plano Industrial Park Phase 3, Block 24, Lot 1R

**Applicant:** Industrial Developments International, LLC (IDI Gazeley)

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**DESCRIPTION:**

Office-showroom/warehouse on one lot on 13.7± acres located on the south side of Plano Parkway, 1,950± feet west of Shiloh Road. Zoned Research/Technology Center/190 Tollway/Plano Parkway Overlay District. Neighborhood #68.

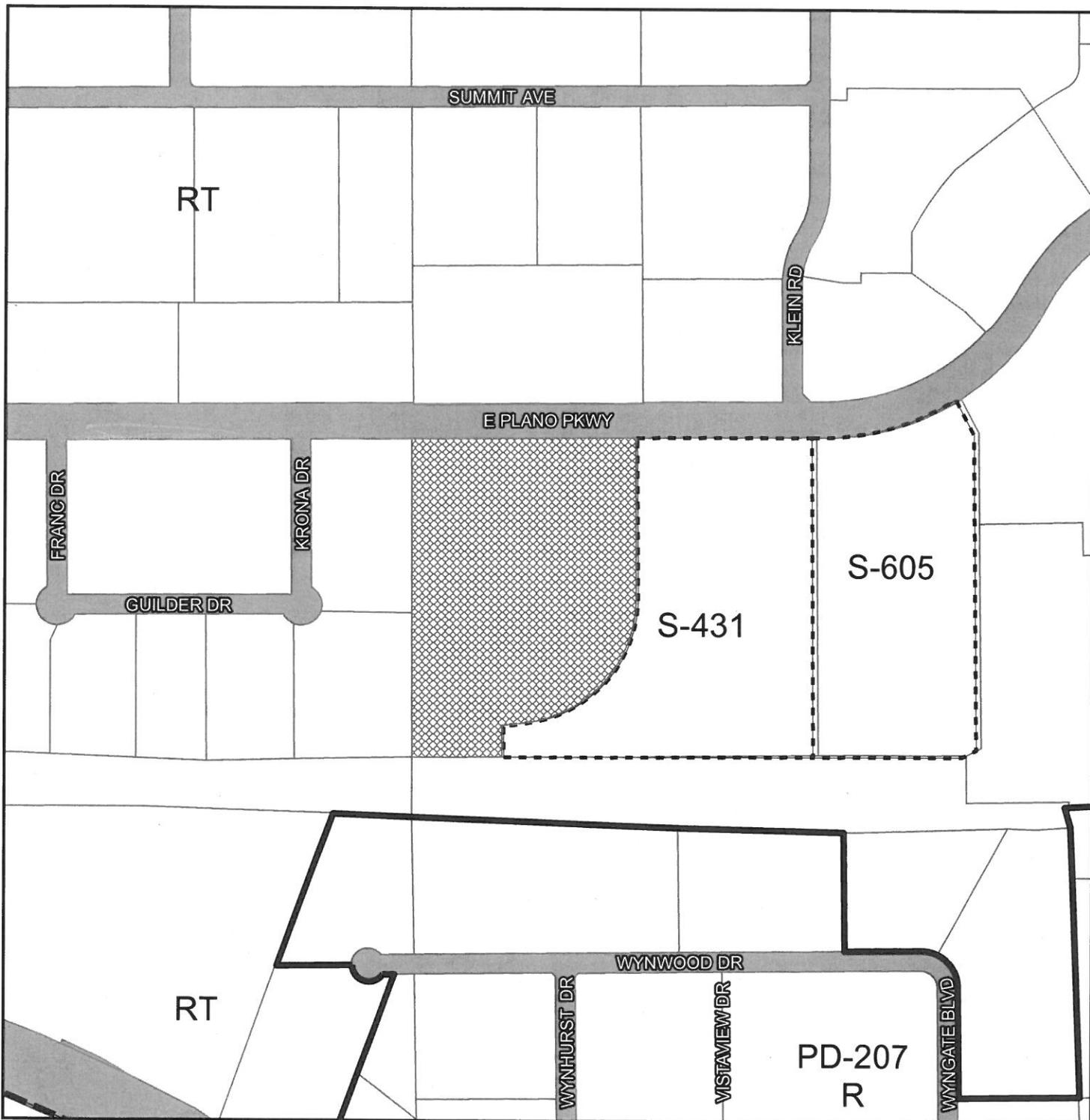
**REMARKS:**

This concept plan is associated with Zoning Case 2015-11 and is contingent upon approval of the zoning case. The purpose for the concept plan is to show the proposed office-showroom/warehouse development and related site improvements. The concept plan complies with the stipulations as requested by Zoning Case 2015-11.

Due to staff's recommendation for denial of the companion case, Zoning Case 2015-11, staff recommends denial of the proposed concept plan.

**RECOMMENDATION:**

Recommended for denial.

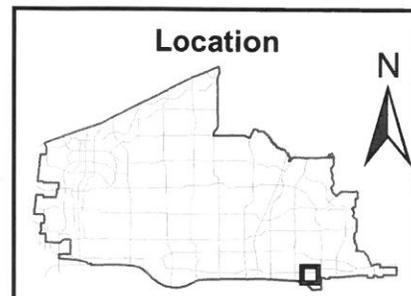


Item Submitted: CONCEPT PLAN

Title: CENTRAL PLANO INDUSTRIAL PARK, PHASE 3  
BLOCK 24, LOT 1R

Zoning: RESEARCH/TECHNOLOGY CENTER/  
190 TOLLWAY/PLANO PARKWAY OVERLAY DISTRICT

- 200' Notification Buffer
- ▨ Subject Property
- Zoning Boundary
- - - Specific Use Permit
- - - City Limits
- Right-of-Way



Source: City of Plano Planning Department

