

PLANO CITY COUNCIL

WILL CONVENE INTO EXECUTIVE SESSION AT 6:00 P.M. ON FEBRUARY 11, 2008, FOLLOWED BY PRELIMINARY OPEN MEETING IMMEDIATELY THEREAFTER, IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:

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

EXECUTIVE SESSION

- | | | | |
|------|---|-------------|---------|
| I. | Legal Advice | Wetherbee | 5 min. |
| A. | Respond to questions and receive legal advice on agenda items | | |
| II. | Real Estate | | |
| A. | Acquisition of Park Property | Gilliam | 10 min. |
| III. | Economic Development | Muehlenbeck | 15 min. |
| A. | Discuss a financial offer or other incentive to a business prospect to locate, stay, or expand in Plano and consider any commercial and financial information from the business prospect. | | |

PRELIMINARY OPEN MEETING

- | | | | |
|------|--|---------|---------|
| I. | Consideration and action resulting from Executive Session discussion: | Council | 5 min. |
| II. | Personnel Appointments
Community Relations Commission
Library Advisory Board
Senior Citizens Advisory Board | Council | 10 min. |
| III. | Council items for discussion/action on future agendas | Council | 5 min. |
| IV. | Consent and Regular Agenda | Council | 5 min. |

- | | | | |
|----|---|---------|--------|
| V. | Council Reports | Council | 5 min. |
| A. | Council May Receive Information, discuss and provide direction on the following reports: | | |
| B. | Council may receive reports from its other members who serve as liaisons to boards, commissions, and committees | | |

In accordance with the provisions of the Open Meetings Act, during Preliminary Open Meetings, agenda items will be discussed and votes may be taken where appropriate.

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



CITY COUNCIL

1520 AVENUE K

DATE: February 11, 2008

CALL TO ORDER: 7:00 p.m.

INVOCATION: Reverend Clint Kerley
Christ Church Plano

PLEDGE OF ALLEGIANCE: Cub Scout Pack 265
Huffman Elementary

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>THE MISSION OF THE CITY OF PLANO IS TO PROVIDE OUTSTANDING SERVICES AND FACILITIES, THROUGH COOPERATIVE EFFORTS WITH OUR CITIZENS THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p><u>PROCLAMATIONS & SPECIAL RECOGNITION</u></p> <p>Special Recognition: Plano Senior Citizens Center - Accreditation by the National Institute of Senior Centers</p> <p>Proclamation: Dental Health and Children's Dental Health Month</p> <p><u>CERTIFICATES OF APPRECIATION</u></p> <p><u>Senior Citizens Advisory Board</u> Mary Jane Ketcham</p> <p><u>BOARD AND COMMISSION REPORT</u></p> <p>Animal Shelter Advisory Board – Pylar Pinkson, Board Member & Brian Collins, Environmental Health Director</p> <p><u>COMMENTS OF PUBLIC INTEREST</u></p> <p><u>This portion of the meeting is to allow up to five (5) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.</u></p> <p><u>CONSENT AGENDA</u></p> <p><u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(a)	<p><u>Approval of Minutes</u></p> <p>January 28, 2008</p> <p><u>Approval of Expenditures</u></p> <p>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</p>	
(b)	<p>Bid No. 2008-30-B for the 2006-2007 Park and Trail Improvements, Project No. 5760, to Green Scaping in the amount of \$247,514. The project includes planting 245 trees and renovating irrigation systems at Arrowhead, Caddo, Hackberry and Westwood Parks.</p>	
(c)	<p>Bid No. 2008-47-B for Bluebonnet Trail Extension – Midway Road to Ohio Drive, Project No. 5535, to Irricon in the amount of \$1,669,269. The project is for the construction of hike and bike trail along Spring Creek Parkway from Midway Road to east of Windcrest Drive and from Preston Road to Ohio Drive.</p>	
(d)	<p>Bid No. 2008-57-B for the Coyote Creek and Parkwood Green Parks Construction Project to C. Green Scaping, LP in the amount of \$255,103. The project includes a 900 linear foot pedestrian trail along Woodway Lane in Coyote Creek Park and widening of Notre Dame Drive adjacent to Parkwood Green Park for 25 parking spaces with some sidewalk, landscaping, and irrigation included.</p>	
(e)	<p>RFP No. 2008-49-B for Compensation Study to Hay Group, Inc. in the amount of \$95,000.</p>	
	<p>Purchase from Existing Contract/Agreement: (Purchase of products/services through Cooperative Purchasing Interlocal Contract with another governmental/quasi-governmental agency or an additional purchase from current City of Plano annual purchase agreement).</p>	
(f)	<p>To authorize the purchase Terminal Box and Controls Upgrade at the Plano Municipal Center in the amount of \$86,619 from Johnson Controls, Inc., through Texas Multiple Award Schedule (TXMAS) contract, and authorizing the City Manager to execute all necessary documents. (TXMAS-6-840160)</p>	
(g)	<p>To approve the purchase of three New Holland Tractors with attachments in the amount of \$78,888 from Landmark Corporation through an existing contract/agreement with HGAC Cooperative Purchase Program and authorizing the City Manager to execute all necessary documents. (GR-01-08)</p>	
	<p>Approval of Change Order</p>	
(h)	<p>To McMahon Contracting, L.P., increasing the contract by \$200,091 for the 2006-2007 Residential Concrete Pavement Rehabilitation Project, Zones F3, F4, I6, & N2, Project No. 5833, Change Order No. 1, Bid No. 2007-186-B.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>Adoption of Resolutions</u></p> <p>(i) To authorize the City Manager to enter into an Joint Election Agreement with the Plano Independent School District, Frisco Independent School District and Collin County Community College District for the purpose of conducting a Joint Election on May 10, 2008; and providing an effective date</p> <p>(j) To approve receipt of a gift in the amount of \$20,000 from Plano Public Library Foundation for purchase of materials for Plano Public Library System for the Genealogy, Local History, Texana, and Archives Collection; and authorizing the City Manager to execute all necessary documents to receive the gift; and providing an effective date.</p> <p>(k) To approve receipt of a gift in the amount of \$50,000 from Collin County Genealogical Society, Inc. for purchase of materials for Plano Public Library System for the Genealogy, Local History, Texana, and Archives Collection; and authorizing the City Manager to execute all necessary documents to receive the gift; and providing an effective date.</p> <p>(l) To authorize receipt of a gift in the amount of \$50,000 from Collin County Genealogical Society, Inc. for naming the meeting room in the Genealogy, Local History, Texana, and Archives area located at Haggard Library, a facility of the Plano Public Library System, for Jeanette Bickley Bland (1929-2004); and providing an effective date.</p> <p>(m) To approve the terms and conditions of the Landscape Maintenance Agreement between the City of Plano, Texas, and the State of Texas; authorizing the City Manager to execute such Agreement; and providing an effective date.</p> <p>(n) To approve the terms and conditions of the Landscape Maintenance Agreement between the City of Plano, Texas, and the City of Frisco; authorizing the City Manager to execute such Agreement; and providing an effective date.</p> <p>(o) To amend Resolution No. 2002-9-25(R) establishing the Multi-Cultural Outreach Roundtable to expand the Mayor's ability to appoint Co-Chairs and to clarify the role of the Co-Chairs; and providing an effective date.</p> <p>(p) To appoint Bryan K. Gallerson and Jack M. Pepper to serve for two year terms as investigators as required by Section 2-104 of the Code of Conduct of the City of Plano; and providing an effective date.</p> <p>(q) To approve a process for evaluation of Municipal Setting Designation Applications submitted to the City of Plano; and providing an effective date.</p> <p><u>Adoption of Ordinances</u></p> <p>(r) To order an Election to be held on May 10, 2008 for the purpose of electing four (4) members of Council, Place No. 1 (District 1), Place No. 3 (District 3), Place No. 5, and Place No. 7, to the City Council to hold office for a period of three years; designating locations of polling places; ordering notices of election to be given as prescribed by law in connection with such election; and providing an effective date.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></p> <p><u>Public Hearing Items: Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The presiding officer may extend these times as deemed necessary.</u></p> <p><u>Non-Public Hearing Items: The Presiding Officer may permit limited public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order cards are received until the cumulative time is exhausted.</u></p> <p>(1) To authorize a Professional Services Contract with Gibbs Planning Group to provide retail consulting services for Downtown Plano, Parker Road Station and other areas in the DART Rail/K Avenue corridor, in an amount not to exceed \$40,000, and authorizing the City Manager to execute any and all documents necessary to effectuate the contract.</p> <p>(2) Public Hearing and Request of an Ordinance – To amend Section 21-205 of Article VI. Impact Fees, of Chapter 21. Utilities, of the City of Plano Code of Ordinances to limit the application of the ordinance to the issuance of all Building Permits for Capital Improvements on Preliminary Plats approved by the City of Plano on or before February 18, 2008 and cease collection of all fees on and after February 18, 2009; providing a severability clause, a repealing clause; and establishing an effective date.</p> <p>(3) Public Hearing and Request of an Ordinance – To amend the “Economic Development Element” of the Comprehensive Plan originally adopted by Resolution No. 86-11-22(R) providing procedures approving the utilization of said chapter as revised and amended by the appropriate personnel and departments of the City of Plano for the purpose of guiding future development within the City of Plano, Texas; and providing an effective date. Applicant: City of Plano</p> <p>(4) Public Hearing and an Ordinance as Requested in Zoning Case 2007-57 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 589 so as to allow the additional use of Day Care Center on 0.5± acre of land located 100± feet west of N Avenue, 370± feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Tabled 12/10/2007 & 1/14/2008. Applicant: University of Gymnastics</p> <p>(5) Public Hearing and Consideration of Ordinances Requested in Zoning Cases 2007-59, 2007-69 – 2007-73 all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(5a)	<p>Zoning Case 2007-59 – Request to rescind Specific Use Permit #195 for Private Club on one lot on 0.1± acre located 240± feet north of Park Boulevard, 740± feet west of Ohio Drive. Zoned Retail.</p>	
(5b)	<p>Zoning Case 2007-69 – Request to rescind Specific Use Permit #258 for Private Club on one lot on 0.1± acre located on the north side of Park Boulevard, 1,370± feet east of Preston Road. Zoned Retail.</p>	
(5c)	<p>Zoning Case 2007-70 – Request to rescind Specific Use Permit #260 for Private Club on one lot on 2.3± acres located on the north side of Plano Parkway, 200± feet east of U.S. Highway 75. Zoned Corridor Commercial.</p>	
(5d)	<p>Zoning Case 2007-71 – Request to rescind Specific Use Permit #264 for Private Club on one lot on 1.3± acres located on the east side of Preston Road, 550± feet north of Parker Road. Zoned Planned Development 184-Retail/Office-2.</p>	
(5e)	<p>Zoning Case 2007-72 – Request to rescind Specific Use Permit #274 for Private Club on one lot on 1.0± acre located 390± feet north of 15th Street, 755± feet west of U.S. Highway 75. Zoned Planned Development-474-Corridor Commercial.</p>	
(5f)	<p>Zoning Case 2007-73 – Request to rescind Specific Use Permit #305 for Private Club on one lot on 1.2± acres located on the west side of Preston Road, 670± feet south of Park Boulevard. Zoned Retail.</p> <p>All of the above locations are located within the City of Plano, Collin County, Texas, and the repeal of each ordinance will amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date.</p> <p>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A/Building Inspections Training Room are located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</p>	



Pat Evans
Mayor

Sally Magnuson
Mayor Pro Tem

Jean Callison
Deputy Mayor Pro Tem

Shep Stahei
Place 1

Scott Johnson
Place 2

Loretta Ellerbe
Place 3

Harry LaRosiliere
Place 5

Lee Dunlap
Place 8

Thomas H. Muehlenbeck
City Manager

February 6, 2008

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

Honorable Mayor and City Council:

We will begin our meeting Monday evening an hour later, at 6 p.m., due to the light agenda.

We will begin Executive Session with legal advice and discussion of one item of real estate. We will also discuss business prospects.

The Preliminary Open Meeting agenda will consist of several personnel appointments.

I look forward to seeing you on Monday at 6 p.m.

Sincerely yours,

Thomas H. Muehlenbeck
City Manager

THM/cp

MEMO

DATE: February 6, 2008

TO: Honorable Mayor and City Council
City Manager Muehlenbeck
City Secretary Zucco

FROM: Kristy Land, Assistant City Secretary



RE: Personnel Appointments – Executive & Worksession Meeting

The following appointments will be considered at the February 11, 2008 City Council Meeting.

Executive Meeting

No items to be discussed.

Worksession Meeting

Community Relations Commission –

- Interim Appointment
Expires 10/09
(Betty Monday Mahan
Resignation)

Library Advisory Board

- Interim Appointment
Expires 10/08
(Hilton Kong Resignation)

Senior Citizens Advisory Board –

- Interim Appointment
Expires 10/08
(Mary Jane Ketcham
Resignation)
- Chair

Discussion/Action Items for Future Council Agendas

2008

February 21 – District 1 Roundtable, Plano Centre, 7 p.m.

February 25

Mobility Report

DART Report

Comprehensive Monthly Financial Report

Zoning Case 2007-74 - Request to rezone 121.7± acres located on the south side of 14th Street, north side of the Cottonbelt Railroad, 978± feet east of Los Rios Boulevard, and 1,270± feet west of Park Vista Road from Research/Technology Center to Light Commercial.

Zoning Case 2007-75 - Request to rescind Specific Use Permit #309 for Private Club on one lot on 0.1± acre located 100± feet north of Plano Parkway, 550± feet west of Preston Road. Zoned Planned Development-457-Retail/General Office.

Zoning Case 2007-76 - Request to rescind Specific Use Permit #331 for Private Club on one lot on 2.0± acres located on the east side of U.S. Highway 75, 800± feet north of Parker Road. Zoned Corridor Commercial

Zoning Case 2007-77 - Request to rescind Specific Use Permit #334 for Private Club on one lot on 0.1± acre located 1,050± feet north of Plano Parkway and 800± feet east of Alma Drive. Zoned Corridor Commercial.

Zoning Case 2007-78 - Request to rescind Specific Use Permit #349 for Private Club on one lot on 0.1± acre located 75± feet north of Park Boulevard, 600± feet west of Ohio Drive. Zoned Retail.

Zoning Case 2007-79 - Request to rescind Specific Use Permit #356 for Private Club on one lot on 0.1± acre located 85± feet north of Park Boulevard, and 410± feet west of Coit Road. Zoned Retail.

Zoning Case 2007-80 - Request to rescind Specific Use Permit #362 for Private Club on one lot on 1.7± acres located on the east side of Dallas North Tollway, 1,150± feet south of Parker Road. Zoned Regional Employment.

Zoning Case 2007-81 - Request to rescind Specific Use Permit #364 for Private Club on one lot on 1.5± acres located on the south side of State Highway 121, 260± feet east of Preston Road. Zoned Regional Commercial.

Zoning Case 2007-82 - Request to rescind Specific Use Permit #365 for Private Club on one lot on 1.9± acres located on the east side of Dallas North Tollway, 1,230± feet south of Windhaven Parkway. Zoned Regional Employment.

Public Hearing: Zoning Case 2007-83 - Request for Specific Use Permit for Truck/Bus Leasing on one lot on 1.7± acres located at the southwest corner of U.S. Highway 75 and Chase Oaks Boulevard. Zoned Corridor Commercial.

***March 4**

Transportation Advisory Committee

March 8 – 12 – NLC Congressional Cities Conference

***March 25 – Council Candidate Briefing, 8:30 a.m., TRA**

Cultural Affairs Commission

Mobility Report

DART Report

Comprehensive Monthly Financial Report

3-Year Financial Forecast

March 26 – Management Team Meeting, TMC, 9:30 a.m.

April 2 – VIP Recognition Program, 7 p.m.

April 4 – Oak Point Park Nature Preserve Groundbreaking, 10 a.m.

April 12 – Live Green Expo, Plano Centre

April 14

Public Art Committee

April 28

Community Relations Commission

Mobility Report

DART Report

Comprehensive Monthly Financial Report

May 10 – Election Day

May 12

Heritage Commission

Law Enforcement Memorial Service, 1 p.m.

May 20 – Canvass Day

May 26 – Memorial Day – Memorial Day Observance, 8:30 a.m.

May 27

Planning and Zoning Commission

Mobility Report

DART Report
Comprehensive Monthly Financial Report

June 5 – District 3 Roundtable, PSA StarCenter, 7 p.m.

June 9
Transition and Revitalization Commission

June 21 – Runoff Election, if necessary

June 23
Board of Adjustment
Mobility Report
DART Report
Comprehensive Monthly Financial Report

June 25 – City Council Retreat

June 27 – 29 – TCMA Conference, Arlington, Texas

June 30 – Runoff Canvass, if necessary

July 4 – Independence Day

July 28
Building Standards Commission
Mobility Report
DART Report
Comprehensive Monthly Financial Report

***July 30**
Budget Council Meeting

August 11
Retirement Security Plan Committee

August 21 – District 4 Roundtable, PSA StarCenter, 7 p.m.

August 25
Parks and Recreation Planning Board
Mobility Report
DART Report
Comprehensive Monthly Financial Report

September 1 – Labor Day

September 8
Self Sufficiency Committee

September 19 – 24, ICMA Annual Conference, Richmond, VA

September 22

Plano Housing Authority
Mobility Report
DART Report
Comprehensive Monthly Financial Report

October 13

TIF, No 1 & 2

October 27

Youth Advisory Commission
Mobility Report
DART Report
Comprehensive Monthly Financial Report
October 29 – 31 – TML Annual Conference, San Antonio

November 10

November 11 – 15 – NLC Congress of Cities, Orlando, FL

November 20 – District 2 Roundtable, Tom Muehlenbeck Center, 7 p.m.

November 24

Mobility Report
DART Report
Comprehensive Monthly Financial Report

November 27 & 28 – Thanksgiving Holidays

December 8

December 18 – Employee Holiday Luncheon, Plano Centre, 11 a – 1 p

December 22

Mobility Report
DART Report
Comprehensive Monthly Financial Report

December 25 & 26 – Christmas & Winter Holidays



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	02/11/08	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager's Office	Initials	Date	
Department Head	Tom Muehlenbeck	Executive Director		
Dept Signature:		City Manager		
Agenda Coordinator (include phone #): Sharon Wright ext. 7107				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER				
CAPTION				
Special Recognition: Plano Senior Citizens Center - Accreditation by the National Institute of Senior Centers				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	2/11/08	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager's Office	Initials	Date	
Department Head	Tom Muehlenbeck	Executive Director		
Dept Signature:		City Manager	<i>[Signature]</i>	<i>1/31/08</i>
Agenda Coordinator (include phone #): Sharon Wright ext. 7107				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER				
CAPTION				
Proclamation: Dental Health and Children's Dental Health Month				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
January 28, 2008**

COUNCIL MEMBERS

Pat Evans, Mayor
Sally Magnuson, Mayor Pro Tem
Jean Callison, Deputy Mayor Pro Tem
Shep Stahel
Scott Johnson
Loretta Ellerbe
Harry LaRosiliere
Lee Dunlap

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
John Gilliam, First Assistant City Attorney
Diane Zucco, City Secretary

Mayor Evans called the meeting to order at 5:13 p.m., Monday, January 28, 2008, in Training Room A of the Municipal Center, 1520 K Avenue. All Council Members were present. Mayor Evans then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice and discuss Litigation, Section 551.071 and to discuss Economic Development, Section 551.087 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor Evans reconvened the meeting back into the Preliminary Open Meeting at 6:05 p.m. in the Council Chambers where the following matters were discussed:

Consideration and Action Resulting From Executive Session

No items were brought forward for consideration.

DART Report

No presentation was made.

Comprehensive Monthly Financial Report

Director of Finance McGrane advised the Council regarding the report for the month of December 2007, stating that the General and Water/Sewer funds are ahead of where they were last year and that expenditures are up slightly as well. He spoke to the Consumer Price Index being back on track, the decline in the unemployment rate, the rise in sales tax collection and the steadiness of the Solid Waste Account. Mr. McGrane spoke regarding the decline in single-family housing starts, absorption of homes within 90 days and the increase in values. He advised that existing single-family homes are staying on the market a bit longer but receiving close to their asking prices. Mr. McGrane spoke regarding the decline in the Hotel/Motel Occupancy Tax, the City's investment diversification and its yield exceeding benchmarks.

City Manager Muehlenbeck spoke regarding a bond sale scheduled for later in the evening and the City's maintenance of an "AAA" by all three rating companies. He spoke to the Council's adoption and maintenance of strong financial policies and the good job done by the Finance Department on reporting.

Mobility Report

Transportation Engineering Manager Neal provided an update on the Traffic Safety Program and the 2007-08 goals of being responsive to citizen requests, fostering safe traffic flow and pedestrian/bicycle safety, and fostering emergency services response and senior mobility. He spoke to receipt of information from the Council and citizens regarding traffic concerns and Staff's response. Mr. Neal spoke regarding consideration of red-light timing on signals east/west of U.S. 75, the reduction in broadside collisions by implementation of the redlight camera program and reduction in speed and volumes as a result of the implementation of traffic management devices. He spoke to review of each pedestrian crossing, features on traffic signals, ongoing work with the Parks Department regarding bicycle safety and work with the school district addressing pedestrian traffic. Mr. Neal spoke to Staff response related to operational complaints, design of traffic management devices with emergency operation vehicles in mind and his involvement in serious/fatal accident scenes. He spoke to the goal of providing low-cost and responsive transportation services to seniors and strategies including reimbursement and vouchers. He spoke to including specification of response times in Requests for Proposals related to vouchers. Mr. Neal responded to the Council regarding the low demand for taxi cabs in the outlying suburbs and regarding some locations in the City that did not qualify for traffic management devices due to low speeds or volumes. He further responded regarding a temporary location and plans to remove it or install a permanent device based on specifications. Mr. Neal advised that there has been an increase in collisions with bicycles. Mayor Evans complemented Staff on addressing issues including fuel consumption and Mr. Neal advised that a final report would be forth coming.

Council Items for Discussion/Action on Future Agendas

Mayor Evans requested a future item to address concerns related to the tethering of dogs in yards.

Consent and Regular Agendas

Council Member Dunlap requested that Consent Agenda Item “E,” Bid No 2008-58-B for construction of Intersection Improvements – Coit Road at Legacy Drive to Jim Bowman Construction Co., L.P. in the amount of \$661,992 be removed for individual consideration due to a possible conflict of interest.

Council Member Stahel advised that he would be stepping down on Regular Agenda Item “2,” an ordinance providing for the issuance and sale of City of Plano, Texas, Tax Notes, Series 2008 due to a possible conflict of interest.

Mayor Evans advised that she would be stepping down on Regular Agenda Item “3,” an ordinance providing for the issuance and sale of City of Plano, Texas, Municipal Drainage Utility System Revenue Bonds, Series 2008 due to a possible conflict of interest.

Staff requested that Consent Agenda Item “R,” a resolution to approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, the City of Allen, Texas and the City of Wylie, Texas providing terms and conditions for participation in a Communication Consulting Service for a Radio System Replacement/Upgrade Project be removed for revision.

Council Reports

Council Member Ellerbe advised that the City will be receiving an addition \$1.6 million from TxDOT to be used as matching funds for projects.

Nothing further was discussed. Mayor Evans adjourned the Preliminary Meeting at 6:36 p.m.

Pat Evans, Mayor

ATTEST

Diane Zucco, City Secretary

PLANO CITY COUNCIL

January 28, 2008

COUNCIL MEMBERS

Pat Evans, Mayor
Sally Magnuson, Mayor Pro Tem
Jean Callison, Deputy Mayor Pro Tem
Shep Stahel
Scott Johnson
Loretta L. Ellerbe
Harry LaRosiliere
Lee Dunlap

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
John Gilliam, First Assistant City Attorney
Diane Zucco, City Secretary

Mayor Evans convened the Council into the Regular Session on Monday, January 28, 2008, at 7:03 p.m. in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Dr. Leon Aduddell of First Baptist Church of Plano.

The Pledge of Allegiance was led by Douglas Community Seniors.

PROCLAMATIONS & SPECIAL RECOGNITION

Mayor Evans recognized Heart Awareness Month – February, 2008.

CERTIFICATES OF APPRECIATION

Mayor Pro Evans presented a Certificate of Appreciation to Hilton Kong of the Library Advisory Board.

BOARD AND COMMISSION REPORT

Recreation Superintendent Hall reviewed membership on the Board and spoke to a survey which provided direction. Ms. Hall advised that concerns to be addressed this year include the availability of affordable senior housing and the possibility of building or converting currently vacant structures. She spoke to addressing the methods by which seniors obtain their information by enhancing the City's website and including healthcare information through a collaborative effort between the board and the Geriatric Wellness Center. Ms. Hall spoke to the possibility of a mail-out for senior newsletters and regarding ways of obtaining address information. She spoke to follow up on the MP3 report related to senior transportation.

COMMENTS OF PUBLIC INTEREST

Jerry Zugasti, citizen of the City, stated concerns regarding enforcement by the Property Standards Division. City Manager Muehlenbeck advised that Staff would follow up and that it is not uncommon for utility companies to cut trees to accommodate power lines and to the responsibility of the property owner to maintain a height which allows vehicles to pass beneath the tree. Council Member Dunlap spoke to homeowner maintenance of areas between the sidewalks and street or along alleys.

CONSENT AGENDA

Upon the request of Council Member Dunlap, Consent Agenda Item "E" was removed for individual consideration due to a possible conflict of interest.

Staff requested Consent Agenda Item "R" to be removed for individual consideration to make revisions.

Council Member Stahel advised that he would be stepping down on Regular Agenda Item "2" due to a possible conflict of interest.

Mayor Evans advised that she would be stepping down on Regular Agenda Item "3" due to a possible conflict of interest.

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

Approval of Minutes [Consent Agenda Item (A)]

January 14, 2008

Approval of Expenditures

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

Bid No. 2008-23-B for Plano Centre Parking Lot Addition to Walls Enterprises in the amount of \$197,764. The bid is for construction of a reinforced concrete parking lot with 131 spaces, grading, a subsurface storm drainage, tree planting, and erosion control. [Consent Agenda Item (B)] (Exhibit "A")

Bid No 2008-9-B for the Plano Ridgeview Communications Shelter to GFRC Shelters in the amount of \$213,074. [Consent Agenda Item (C)] (Exhibit "B")

Bid No. 2008-26-B for Steel Signal Pole Assembly to ReliaPOLE Solutions, Inc. in the amount of \$91,770. This is for the purchase of steel signal pole assemblies to be installed at various City of Plano intersections. [Consent Agenda Item (D)] (Exhibit "C")

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

To approve and authorize a contract with La Terra Studio, Inc. to provide Landscape Architectural Services in conjunction with improvements for Legacy Trail from Preston Road to the TXU easement south of Tennyson Parkway, in an amount not to exceed \$189,420 and authorizing the City Manager to execute any and all documents necessary to effectuate the contract. [Consent Agenda Item (F)]

Purchase from Existing Contract/Agreement: (Purchase of products/services through Cooperative Purchasing Interlocal Contract with another governmental/quasi-governmental agency or an additional purchase from current City of Plano annual purchase agreement).

To approve the purchase of Radio System Infrastructure Replacement-RCC Consultants Inc. - Technical Contract to provide radio system assessment and design in the amount of \$505,383 and authorizing the City Manager to execute all necessary documents. Funds will be provided by 2008 sale of Certificates of Obligation/Tax Notes. This contract is an existing contract/agreement with Houston-Galveston Area Council, Houston, Texas and RCC Consultants, Inc. Houston, Texas. H-GAC #EN11-04. [Consent Agenda Item (G)]

To authorize the purchase of Plano Centre Roof Replacement in the amount of \$279,825 from Weatherproofing Technologies, Inc., Tremco, Inc., and its subsidiaries, through The Cooperative Purchasing Network (TCPN) contract, and authorizing the City Manager to execute all necessary documents. (TCPN Contract No. R4812) [Consent Agenda Item (H)]

To authorize the purchase of Carpet Replacement at the Schimelpfenig Library in the amount of \$115,070 from Gomez Floor Covering, Inc., through BuyBoard Cooperative Purchasing contract, and authorizing the City Manager to execute all necessary documents. (Buy Board Contract No. 241-06) [Consent Agenda Item (I)]

To approve the purchase of material testing services for Parkwood Boulevard Widening – Park Boulevard to Spring Creek Parkway, in the amount of \$68,914 from GME Consulting Services, Inc., through an existing contract/agreement (2008-16-D), and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (J)]

To approve the purchase of four Chevrolet One Ton Cab/Chassis with Dump Beds for the Equipment Services Division in the amount of \$139,620 from Caldwell Country Chevrolet through an existing contract/agreement with HGAC Cooperative Purchase Program and authorizing the City Manager to execute all necessary documents. (VE03-06) [Consent Agenda Item (K)]

To approve the purchase of fifteen Chevrolet Pick-Up Trucks for the Equipment Services Division in the amount of \$475,635 from Caldwell Country Chevrolet through an existing contract/agreement with HGAC Cooperative Purchase Program and authorizing the City Manager to execute all necessary documents. (VE03-06) [Consent Agenda Item (L)]

To approve the purchase of one Jacobsen Turbo Wide Area Mower for the Equipment Services Division in the amount of \$77,745 from Luber Bros. through an existing contract/agreement with Texas Association School BuyBoard Purchase Program, and authorizing the City Manager to execute all necessary documents. (#225-05) [Consent Agenda Item (M)]

Approval of Change Order

To Mario Sinacola & Sons Excavating, Inc., increasing the contract by \$48,375 for the Los Rios Boulevard – Phase 1 (Jupiter Road to Parker Road), Change Order No. 10. (Original Bid #B096-04). This change order is for additional work necessary to complete the street paving, storm sewer improvements, and water mains on the project and to process the final payment. [Consent Agenda Item (N)]

Adoption of Resolutions

Resolution No. 2008-1-12(R): To approve the terms and conditions of the Funding Agreement between the City of Plano, Texas, and Historic Downtown Plano Association whereby the City will provide funding in part for the 2008 Downtown at Sundown Event; authorizing the City Manager to execute such agreement; and providing an effective date. [Consent Agenda Item (O)]

Resolution No. 2008-1-13(R): To approve the terms and conditions of an Interlocal Agreement by and between the City of Plano and Collin County, Texas, providing for the widening of Headquarters Drive from Parkwood Drive to Preston Road; and authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (P)]

Resolution No. 2008-1-14(R): To approve the terms and conditions of a quote by and between the City of Plano and Motorola the sole source provider of Public Safety Communications Portable and Mobile Radio Communications; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (Q)]

Resolution No. 2008-1-15(R): To approve the terms and conditions of a Public Right-of-Way Use Agreement by and between the City of Plano, Texas and St. Elizabeth Ann Seton Parish to locate, place, attach, install, operate, and maintain a communications system consisting of conduit and fiber in certain specific portions of the public rights-of-way in the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (S)]

Adoption of Ordinances

Ordinance No. 2008-1-16(R): To approve a settlement agreement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "the Company") regarding the Company's Statement of Intent to change gas rates in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the Settlement Agreement and finding the rates to be set by the attached tariffs to be just and reasonable; adopting a savings clause; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this Ordinance to the Company and legal counsel; and providing an effective date. [Consent Agenda Item (T)]

END OF CONSENT AGENDA

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

Bid No 2008-58-B for construction of Intersection Improvements – Coit Road at Legacy Drive to Jim Bowman Construction Co., L.P. in the amount of \$661,992. The project will involve roadway widening to provide for double left turns at all intersection approaches along with additional dedicated right turn lanes for east and west bound traffic on Legacy Drive. [Consent Agenda Item (E)] (Exhibit “D”)

Upon a motion made by Council Member Stahel and seconded by Mayor Pro Tem Magnuson, the Council voted 7-0 to approve Bid No 2008-58-B for construction of Intersection Improvements – Coit Road at Legacy Drive to Jim Bowman Construction Co., L.P. in the amount of \$661,992.

Council Member Dunlap resumed his seat at the bench.

Resolution No. 2008-1-17(R): To approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, the City of Allen, Texas and the City of Wylie, Texas providing terms and conditions for participation in a Communication Consulting Service for a Radio System Replacement/Upgrade Project; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (R)]

First Assistant City Attorney Gilliam advised that Staff recommended approval of this item with amendment to *Article III Fees* including the addition of a clause (assessed funds to be paid from Allen’s portion of the Joint Radio Revenue Fund) to each sub-paragraph referencing payments to be made by the City of Allen.

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, the Council voted 8-0 to approve the terms and conditions of an Interlocal Cooperation Agreement by and between the City of Plano, Texas, the City of Allen, Texas and the City of Wylie, Texas providing terms and conditions for participation in a Communication Consulting Service for a Radio System Replacement/Upgrade Project; authorizing its execution by the City Manager; and providing an effective date and further to adopt Resolution No. 2008-1-17 (R) with amendments as stated.

Consideration and adoption of Ordinance No. 2008-1-18 providing for the issuance and sale of City of Plano, Texas, General Obligation Bonds, Series 2008; levying a tax in payment thereof; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto. [Regular Agenda Item (1)]

Director of Finance McGrane advised the Council that this ordinance would allow award of a bid for \$41,295,000 worth of General Obligation bonds and that these have maintained the AAA rating. He spoke to receipt of eleven bids and the lowest being Merrill Lynch at a true interest cost of 3.993085 percent.

Ordinance No. 2008-1-18 (Con't)

Upon a motion made by Mayor Pro Tem Magnuson and seconded by Council Member LaRosiliere, the Council voted 8-0 to the issuance and sale of City of Plano, Texas, General Obligation Bonds, Series 2008; levying a tax in payment thereof; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto; and further to adopt Ordinance 2008-1-18.

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

Consideration and adoption of Ordinance No. 2008-1-19 providing for the issuance and sale of City of Plano, Texas, Tax Notes, Series 2008; levying a tax in payment thereof; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto. [Regular Agenda Item (2)]

Director of Finance McGrane advised the Council that this ordinance would allow award of a bid for \$17,075,000 worth of tax notes and that these have maintained the AAA rating. He spoke to receipt of eleven bids with the lowest being from First Albany Securities at a true interest cost of 2.784714 percent.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Ellerbe, the Council voted 7-0 to the issuance and sale of City of Plano, Texas, Tax Notes, Series 2008; levying a tax in payment thereof; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto; and further to adopt Ordinance 2008-1-19.

Council Member Stahel resumed his seat at the bench.

Mayor Evans stepped down from the bench on the following item.

Consideration and adoption of Ordinance No. 2008-1-20 providing for the issuance and sale of City of Plano, Texas, Municipal Drainage Utility System Revenue Bonds, Series 2008; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto. [Regular Agenda Item (3)]

Director of Finance McGrane advised the Council that this ordinance would allow award of a bid for \$2,085,000 worth of drainage revenue bonds. He spoke to receipt of four bids with the lowest being from Wachovia Securities LLC. at a true interest cost of 4.171996 percent.

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Ellerbe, the Council voted 7-0 to the issuance and sale of City of Plano, Texas, Municipal Drainage Utility System Revenue Bonds, Series 2008; awarding the sale thereof; approving the official statement; and enacting other provisions relating thereto; and further to adopt Ordinance 2008-1-20.

Mayor Evans resumed her seat at the bench.

Public Hearing and adoption of Ordinance No. 2008-1-21 as Requested in Zoning Case 2007-66 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 590 so as to allow the additional use of an 80-foot Commercial Antenna Support Structure on 0.1± acre of land located at the southwest corner of 14th Street and Shiloh Road in the City of Plano, Collin County, Texas, presently zoned Light Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Plano Independent School District. [Regular Agenda Item (4)]

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

Mayor Evans opened the Public Hearing. Lisa Campbell, representing the Plano Independent School District, advised that the tower would allow for co-location and will be a height of 80 feet to allow signals to reach inside of homes and businesses. She spoke to it being a stealth design with all components contained and to an equipment shelter at the base of the pole and the rear of the building. She advised that TXU will not allow any new equipment to be located on their facilities and that this would allow for one or two more suppliers. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Stahel and seconded by Council Member Callison, Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 590 so as to allow the additional use of an 80-foot Commercial Antenna Support Structure on 0.1± acre of land located at the southwest corner of 14th Street and Shiloh Road in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-66; , presently zoned Light Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date, and further to adopt Ordinance 2008-1-21.

Public Hearing and adoption of Ordinance No. 2008-1-22 as Requested in Zoning Case 2007-67 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 591 so as to allow the additional use of Winery on 0.1± acre of land located at the northeast corner of Preston Road and McDermott Road in the City of Plano, Collin County, Texas, presently zoned Regional Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: D'Vine Wine. [Regular Agenda Item (5)]

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

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

Ordinance No. 2008-1-22 (Con't)

Upon a motion made by Council Member Ellerbe and seconded by Mayor Pro Tem Magnuson, Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 591 so as to allow the additional use of Winery on 0.1± acre of land located at the northeast corner of Preston Road and McDermott Road in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-67; presently zoned Regional Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance 2008-1-22.

Public Hearing and adoption of Ordinance No. 2008-1-23 as Requested in Zoning Case 2007-68 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 592 so as to allow the additional use of Kennel (Indoor Pens) / Commercial Pet Sitting on 0.1± acre of land located at the southeast corner of Los Rios Boulevard and Park Boulevard in the City of Plano, Collin County, Texas, presently zoned General Office with Specific Use Permit No. 484 for Veterinary Clinic and Specific Use Permit No. 57 for restaurant; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: Park Boulevard Center Limited. [Regular Agenda Item (6)]

Director of Planning Jarrell advised the Council that the Planning and Zoning Commission recommended approval of the request as submitted and responded to Council Member Ellerbe regarding the location of parking relative to the fenced area.

Mayor Evans opened the Public Hearing. Applicant Michele Stewart requested approval and provided clarification regarding the use of outdoor space for walking animals who will be kept indoors the majority of their stay and regarding scheduled clean up of the facility. No one else spoke either for or against the request. The Public Hearing was closed.

Upon a motion made by Council Member Johnson and seconded by Council Member Callison, Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 592 so as to allow the additional use of Kennel (Indoor Pens) / Commercial Pet Sitting on 0.1± acre of land located at the southeast corner of Los Rios Boulevard and Park Boulevard in the City of Plano, Collin County, Texas, as recommended by the Planning and Zoning Commission and as requested in Zoning Case 2007-68; presently zoned General Office with Specific Use Permit No. 484 for Veterinary Clinic and Specific Use Permit No. 57 for restaurant; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance 2008-1-23.

Resolution No. 2008-1-24(R): To approve the terms and conditions of a Letter Agreement by and between Pinnacle AMS Development Company, LLC and the City of Plano; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (7)]

Executive Director Turner spoke regarding the proposed *Letter of Agreement* engaging the City and Pinnacle in a 90-120 day process to negotiate a development plan/agreement for redevelopment of a three-acre block bounded by the DART ROW, 14th Street, Avenue I and 15th Street. He advised that the project will entail 300,000 square feet, 200 apartments and 15,000 in retail development.

Rick Graff of Pinnacle provided background information on his company and spoke to addressing the needs of the community. He spoke to the working relationship Pinnacle has with the City in ownership of East Side Village I and II and to this parcel lending to downtown development.

Mr. Turner spoke to the goal of transforming the downtown area into an urban center and bringing in 1,000 new residential units within walking distance of the DART rail platform. He spoke to adding 50,000 square feet of retail, revitalization of existing businesses and the creation of an arts district. He advised that this is the beginning of the process in which negotiations would move forward toward a development plan and agreement to outline goals, responsibilities and exchange of considerations necessary to bring the project to fruition. Mr. Turner spoke to Pinnacle's dedication to engaging the public in the process and their payment of all costs related to design of the project during this time with the exception of a \$25,000 reimbursement for costs related to what will become public improvements dedicated back to the City. The Council spoke regarding Pinnacle's interest in the vision for downtown and Mr. Turner spoke to providing notices to area merchants and neighbors of upcoming meetings.

Upon a motion made by Council Member Stahel and seconded by Council Member Ellerbe, Council voted 8-0 approve the terms and conditions of a Letter Agreement by and between Pinnacle AMS Development Company, LLC and the City of Plano; authorizing its execution by the City Manager; and providing an effective date, and further to adopt Resolution No. 2008-1-24(R).

Public Hearing and Consideration of Ordinances Requested in Zoning Cases 2007-58, 2007-60 and 2007-62 through 2007-65 all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific User Permit for an additional use of a Private Club and the applicant is the City of Plano. [Regular Agenda Item (8)]

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

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

Zoning Cases 2007-58, 2007-60 and 2007-62 through 2007-65 (Con't)

Upon a motion made by Council Member LaRosiliere and seconded by Council Member Ellerbe, Council voted 8-0 to approve all Ordinances listed below which are limited to the repeal of certain Specific Use Permits for Private Clubs, as recommended by the Planning and Zoning Commission and as requested in applicable Zoning Cases.

Ordinance No. 2008-1-25 as requested in Zoning Case 2007-58 – To rescind Specific Use Permit #137 for a Private Club on one lot on 1.4+ acres located at the northeast corner of U.S. Highway 75 and Park Boulevard. Zoned Corridor Commercial. [Regular Agenda Item (8a)]

Ordinance No. 2008-1-26 as requested in Zoning Case 2007-60 – To rescind Specific Use Permit #206 for Private Club on one lot on 0.1± acre located at the southwest corner of U.S. Highway 75 and Enterprise Drive. Zoned Corridor Commercial. [Regular Agenda Item (8b)]

Ordinance No. 2008-1-27 as requested in Zoning Case 2007-62 – To rescind Specific Use Permit #212 for Private Club on one lot on 2.2± acres located at the northwest corner of Preston Road and Park Boulevard. Zoned Planned Development-68-Retail. [Regular Agenda Item (8c)]

Ordinance No. 2008-1-28 as requested in Zoning Case 2007-63 – To rescind Specific Use Permit #216 for Private Club on one lot on 2.3± acres located on the west side of U.S. Highway 75, 270± feet north of 15th Street. Zoned Planned Development-469-Corridor Commercial. [Regular Agenda Item (8d)]

Ordinance No. 2008-1-29 as requested in Zoning Case 2007-64 – To rescind Specific Use Permit #224 for Private Club on one lot on 2.1± acres located at the southwest corner of U.S. Highway 75 and 16th Street. Zoned Planned Development-469-Corridor Commercial. [Regular Agenda Item (8e)]

Ordinance No. 2008-1-30 as requested in Zoning Case 2007-65 – To rescind Specific Use Permit #257 for Private Club on one lot on 0.1± acre located on the east side of U.S. Highway 75, 230± feet south of 18th Street. Zoned Corridor Commercial. [Regular Agenda Item (8f)]

Director of Planning Jarrell advised the Council that no action should be taken since there was an error in the Public Hearing notice. She stated that the item will be notified again and come back before the Council at a later time.

Public Hearing and Consideration of a request to rescind Specific Use Permit #195 for Private Club on one lot on 0.1± acre located 240± feet north of Park Boulevard, 75± feet west of Ohio Drive. Zoned Retail. (Zoning Case 2007-59) Applicant: City of Plano. [Regular Agenda Item (9)]

Director of Planning Jarrell advised the Council that no action should be taken since there was an error in the Public Hearing notice. She stated that the item will be notified again and come back before the Council at a later time.

Public Hearing and Consideration of a request to rescind Specific Use Permit #207 for Private Club on one lot on 0.1± acre located on the east side of Preston Road, 1,370± feet north of Park Boulevard. Zoned Retail. (Zoning Case 2007-61) Applicant: City of Plano. [Regular Agenda Item (10)]

Director of Planning Jarrell advised the Council that no action should be taken since there was an error in the Public Hearing notice. She stated that the item will be notified again and come back before the Council at a later time.

There being no further discussion, Mayor Evans adjourned the meeting at 8:00 p.m.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, City Secretary



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 1/14/08		Reviewed by Legal <i>PM</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Parks and Recreation		Initials	Date	
Department Head	Don Wendell	Executive Director	<i>[Signature]</i>	<i>12/28/07</i>	
Dept Signature:	<i>Don Wendell</i>	City Manager	<i>[Signature]</i>	<i>12/28/07</i>	
Agenda Coordinator (include phone #): Susan Berger (7255)					

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

CAPTION

Award/Rejection of Bid/Proposal and Conditional Acceptance for Bid No. 2008-25-B for Cheyenne Park Improvements and Russell Creek Park Improvements to Dean Electric, Inc., dba Dean Construction in the amount of \$1,987,417.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	3,239,772	4,440,228	3,025,000	10,705,000
Encumbered/Expended Amount	-3,239,772	-468,378	0	-3,708,150
This Item	0	-1,987,417	0	-1,987,417
BALANCE	0	1,984,433	3,025,000	5,009,433

FUND(S): **PARK IMPROVEMENTS CIP & CAPITAL RESERVE**

COMMENTS: Funds are included in the 2007-08 Park Improvements CIP & Capital Reserve. This item, in the amount of \$1,984,417, will leave a current year balance of \$1,984,433 for the Athletic Field Improvements, Neighborhood Park Improvements and Athletic Fields Renovation projects.

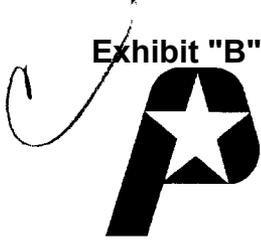
STRATEGIC PLAN GOAL: Park improvements and renovations relate to the City's Goal of "Premier City in Which to Live."

SUMMARY OF ITEM

Staff recommends that the bid received from Dean Electric, Inc. dba Dean Construction in the amount of \$1,987,417 be accepted as the lowest responsible bid conditioned upon timely execution of any necessary contract documents. This amount includes the base bid of \$1,912,835, Alternate 1 in the amount of \$14,770, and Alternate 2 in the amount of \$59,812

The bid includes renovations at Cheyenne and Russell Creek Parks. Cheyenne Park improvements include irrigation renovation, plaza paving, backstop and dugout renovation, bleacher shade structures, loop trail, benches, soccer goal storage area, renovation of the parking lot screen along Matterhorn Drive, resurfacing the existing asphalt parking lots, and a building for storage and the irrigation pump. Russell Creek Park improvements include irrigation renovation in the northwest corner of the park, concrete bleacher pads, and renovation of concrete cricket pitch/player bench pads.

The low bid is under the consultant's estimate of \$2,651,269 and the available project funding of \$2,200,000.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 01/14/08		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Engineering		Initials	Date	
Department Head	Upchurch		Executive Director	<i>[Signature]</i>	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	
Agenda Coordinator (include phone #):		Irene Pegues (7198)	Project No. 5734		
ACTION REQUESTED:					
<input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award of Bid for Bid No. 2008-21-B for Headquarters – Parkwood to Preston to McMahon Contracting, L.P., in the amount of \$681,307.40.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		38,292	961,708	0	1,000,000
Encumbered/Expended Amount		-38,292	-22,263	0	-60,555
This Item		0	-681,307	0	-681,307
BALANCE		0	258,138	0	258,138
FUND(S): STREET IMPROVEMENT CIP					
COMMENTS: Funds are included in the 2007-08 Street Improvement CIP. This item, in the amount of \$681,307, will leave a current year balance of \$258,138 for the Headquarters – Parkwood to Preston project. STRATEGIC PLAN GOAL: Additional street lanes and lights relate to the City's Goal of Safe, Efficient Travel.					
SUMMARY OF ITEM					
<p>Staff recommends award of base bid to McMahon Contracting, L.P., in the amount of \$681,307.40, be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents.</p> <p>The second vendor being recommended is JRJ Paving, L.P., in the amount of \$783,735.06.</p> <p>Engineer's estimate was \$1,130,000.00.</p> <p>The alternative bid not being awarded consists of a paving section of 10" pavement on prepared base in lieu of the City standard of 8" pavement on a lime treated base. The alternative was considered for ease of construction. The project consists of construction of additional street lanes and street lighting on Headquarters from Parkwood to Preston along with miscellaneous related construction.</p>					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Bid Summary		N/A			
Location Map					

d-1

**CITY OF PLANO
COUNCIL AGENDA ITEM**



CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 1/14/08		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Engineering	Initials	Date		
Department Head	Upchurch	Executive Director	<i>[Signature]</i> 1/14/08		
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i> 1/14/08		
Agenda Coordinator (include phone #): Irene Peques (7198)		Project No. 5635			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT					
<input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Award of Bid for Bid No. 2008-29-B for 15 th Street and Miscellaneous Drainage Improvements to RKM Utility Services, Inc., in the amount of \$1,384,706.10.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR: 2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	83,100	1,768,900	0	1,852,000	
Encumbered/Expended Amount	-83,100	-13,300	0	-96,400	
This Item	0	-1,384,706	0	-1,384,706	
BALANCE	0	370,894	0	370,894	
FUND(S): MUNICIPAL DRAINAGE CIP					
COMMENTS: Funds are included in the 2007-08 Municipal Drainage CIP. This item, in the amount of \$1,384,706, will leave a current year balance of \$370,894 for the 15 th Street Drainage project.					
STRATEGIC PLAN GOAL: Drainage construction relates to the City's Goal of Livable Neighborhoods and Urban Centers.					
SUMMARY OF ITEM					
Staff recommends bid of RKM Utility Services, Inc., in the amount of \$1,384,706.10 be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents.					
The second vendor being recommended is Jim Bowman Construction Co., L.P. in the amount of \$1,392,762.60. Five bids were received.					
Engineers' estimate was \$2,000,000.00					
The project consists of the installation of drainage pipe and inlet improvements on 15 th Street from Columbia Place to the system outfall into Spring Creek, with additional inlet installation on Columbia Place at 15 th Street and north of 15 th Street at Danube Lane and at Geneva Lane. Also included will be the installation of additional storm drain inlets on Alma Drive between Parker Road and Revere Circle and on Ohio Drive between Quincy Lane and Old Pond Drive.					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Bid Summary		N/A			
Location Map					



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	1/14/08		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Public Works Administration / Michael Rapplean		Initials	Date	
Department Head	Jimmy Foster		Executive Director	<i>[Signature]</i> 1-08-08	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 1/8/08	
Agenda Coordinator (include phone #): Margie Stephens (X4104)					

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

CAPTION

Award, Rejection of Bids/Proposals, Bid No. 2008-32 - B, 2007-08 Arterial Concrete Pavement Rehabilitation Project - Plano Parkway to Jim Bowman Construction Company, L.P., in the amount of \$464,900.00.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	2,982,520	3,517,480	2,300,000	8,800,000
Encumbered/Expended Amount	-2,982,520	-983,946	0	-3,966,466
This Item	0	-464,900	0	-464,900
BALANCE	0	2,068,634	2,300,000	4,368,634

FUND(S): CAPITAL RESERVE

COMMENTS: Funds are included in the 2007-08 Capital Reserve Fund. This item, in the amount of \$464,900, will leave a current year balance of \$2,068,634 for the Arterial Concrete Repair project.

STRATEGIC PLAN GOAL: Arterial concrete repair relates to the City's Goals of Safe, Efficient Travel and Premier City in which to live.

SUMMARY OF ITEM

Staff recommends the bid of Jim Bowman Construction Company, L.P., in the amount of \$464,900.00, be accepted as the lowest responsible bid for the project conditioned upon timely execution of all necessary documents.

This project involves the replacement of arterial street paving, curb and gutter, sidewalk repair and barrier free ramp construction on Plano Parkway between Dallas North Toll Road and Ohio Drive.

The secondary vendor being recommended is McMahon Contracting in the amount of \$525,210.00.

Engineer's estimate for this project is \$531,250.00.

List of Supporting Documents: Bid Tabulation Location Map	Other Departments, Boards, Commissions or Agencies
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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	2/11/08		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Parks and Recreation		Initials	Date	
Department Head	Don Wendell	Executive Director	<i>[Signature]</i>	2-1-08	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	2/1/08	
Agenda Coordinator (include phone #):		Susan Berger (7255)			

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

CAPTION

Award/rejection of Bid/Proposal for Bid No. 2008-30-B and Conditional Acceptance of best value Bid/Proposal for the 2006-2007 Park and Trail Improvements, Project No. 5760, to Green Scaping in the amount of \$247,514.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	327,333	1,908,667	975,000	3,211,000
Encumbered/Expended Amount	-327,333	-210,175	0	-537,508
This Item	0	-247,514	0	-247,514
BALANCE	0	1,450,978	975,000	2,425,978

FUND(S): **PARK IMPROVEMENT CIP & CAPITAL RESERVE**

COMMENTS: Funds are included in the 2007-08 Park Improvement CIP and Capital Reserve. This item, in the amount of \$247,514, will leave a current year balance of \$1,450,978 for the Neighborhood Park Improvements and Irrigation Renovations projects.

STRATEGIC PLAN GOAL: Park improvements and renovations relate to the City's Goal of "Premier City in Which to Live."

SUMMARY OF ITEM

Staff recommends that the bid received from Green Scaping in the amount of \$247,514 be accepted as the best value bid.

This project includes planting 245 trees and renovating the irrigation systems at Arrowhead, Caddo, Hackberry and Westwood Parks. The tree planting was not bid in 2006-007 due to drought conditions. The trail portion of this project will be bid separately.

In the event Green Scaping fails to execute contract documents, staff recommends award of contract to the next best value bidder, American Landscape Systems, in the amount of \$282,520.

The bid is within the consultant's estimate of \$325,000.



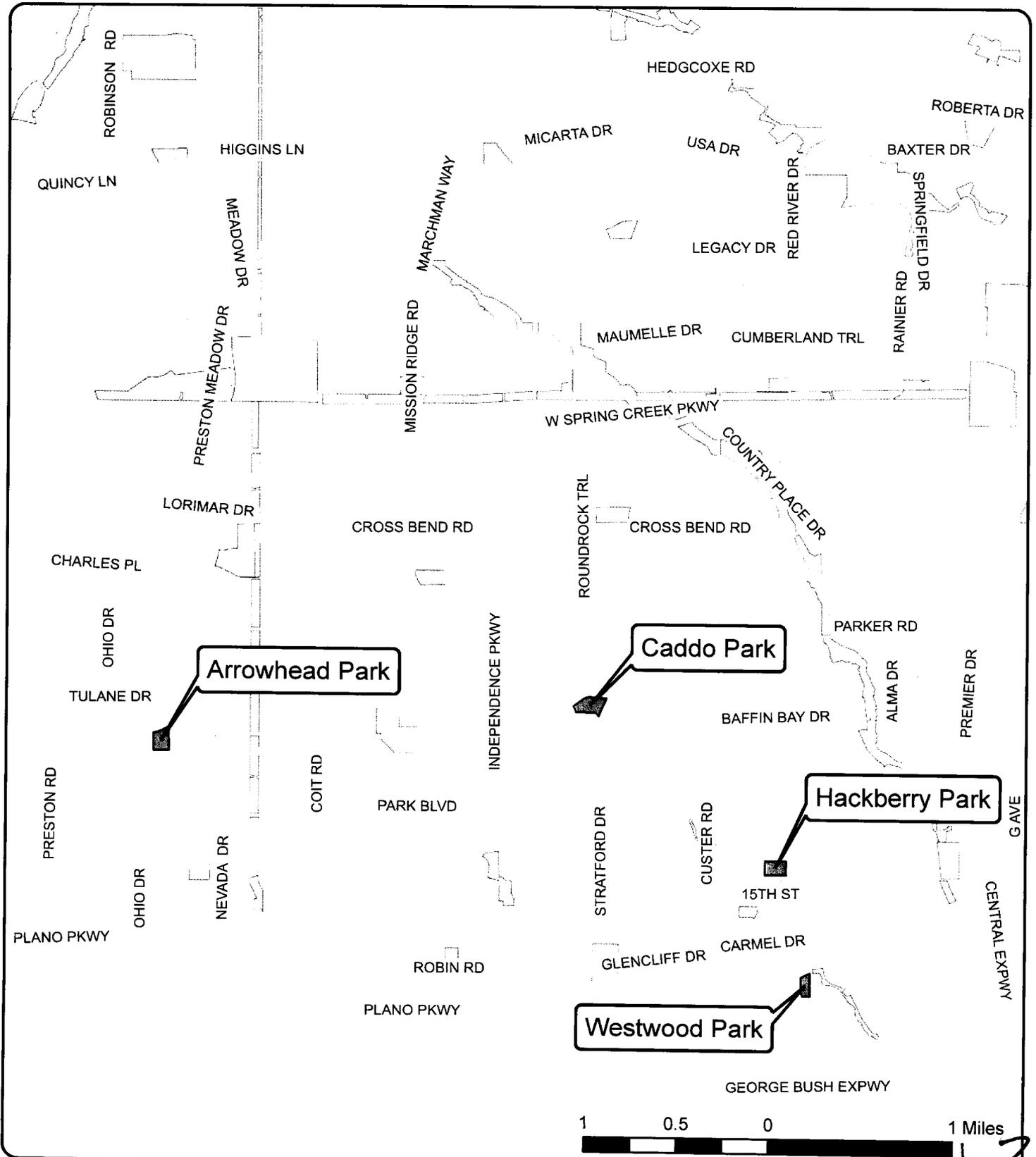
**CITY OF PLANO
COUNCIL AGENDA ITEM**

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

b-2



Location Map 2006-2007 Park and Trail Improvements



D-3

CITY OF PLANO

BID NO.: 2008-30-B

2006/2007 PARK AND TRAIL IMPROVEMENTS PROJECT NO. 5760

CORRECTED 01/28/08 CIP BEST VALUE BID TABULATION

Proposal opening Date/Time: Thursday, December 13, 2007 @ 3:30 pm (CST)

	<u>Total Weighted Score</u>	<u>Vendor Pricing</u>
Green Scaping	2.85	\$247,514.00
American Landscape Systems	2.5725	\$282,520.00
Irricon Construction	2.015	\$283,355.00
JDC Construction	1.3525	\$232,000.00
Cole Construction	1.25	\$186,118.00
<u>Vendor's Over Estimated Expenditure</u>		
Signature Contracting Services, LLC		\$387,560.30
Dyna-Mist		\$388,133.00

"CIP BEST VALUE BID TABULATION STATEMENT"

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

PURCHASING DIVISION
CITY OF PLANO TEXAS

b-4



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 2/11/08		Reviewed by Legal <i>jsb</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Parks and Recreation			Initials	Date
Department Head	Don Wendell		Executive Director	<i>[Signature]</i>	<i>2-1-08</i>
Dept Signature:	<i>Don Wendell</i>		City Manager	<i>[Signature]</i>	<i>2/1/08</i>
Agenda Coordinator (include phone #): Susan Berger (7255)					

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

CAPTION

Award/rejection of Bid/Proposal for Bid No. 2008-47-B and conditional acceptance of lowest responsible Bid/Proposal for Bluebonnet Trail Extension-Midway to Ohio, Project No. 5535, to Irricon in the amount of \$1,669,269.00.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	283,198	4,706,152	2,700,000	7,689,350
Encumbered/Expended Amount	-283,198	-484,374	0	-767,572
This Item	0	-1,669,269	0	-1,669,269
BALANCE	0	2,552,509	2,700,000	5,252,509

FUND(s): **PARK IMPROVEMENT CIP**

COMMENTS: Funds are included in the 2007-08 Park Improvement CIP. This item, in the amount of \$1,669,269, will leave a current year balance of \$1,669,269 for the Trail Connections and Legacy Trail projects.

STRATEGIC PLAN GOAL: Trail improvements and renovations relate to the City's Goal of "Premier City in Which to Live."

SUMMARY OF ITEM

Staff recommends that the bid received from Irricon, in the amount of \$1,669,269.00, be accepted as the lowest responsible bid.

The project is for the construction of hike and bike trail along Spring Creek Parkway from Midway to east of Windcrest Drive and from Preston Road to Ohio Drive. The section of trail between Ohio Drive and Windcrest Drive, which crosses Preston Road, will be bid at a later date.

In the event Irricon fails to execute contract documents, staff recommends award of contract to the second low bidder, Jay Davis Co., Inc., in the amount of \$1,808,000.00.

The bid is within the consultant's estimate of \$2,100,000.00.



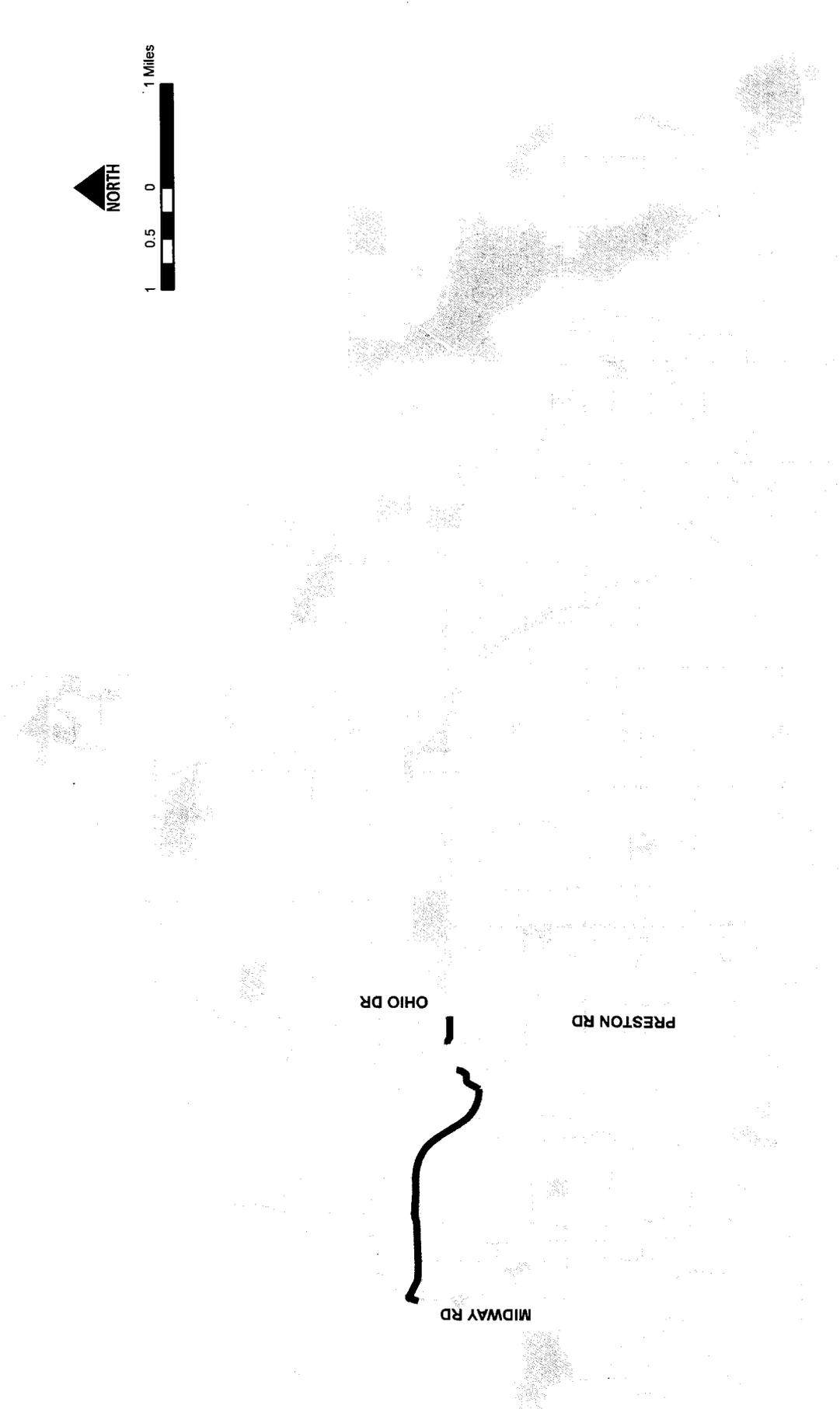
**CITY OF PLANO
COUNCIL AGENDA ITEM**

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

C-2

Location Map

Bluebonnet Trail Extension—Midway to Ohio



C-3

**CITY OF PLANO
BID TABULATION**

**BID NO.: 2008-47-B
BLUEBONNET TRAIL EXTENSION – MIDWAY TO OHIO
Project No. 5535**

Thursday, January 17, 2008 @ 3:00 PM (CST)

CONTRACTOR	BID BOND	TOTAL BASE
Irricon	Yes	\$1,669,269.00
JDC Construction	Yes	\$1,808,000.00
Fain	Yes	\$1,919,637.00

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

Sharron Mason

January 18, 2008

Sharron Mason, Buyer

Date

“BID TABULATION STATEMENT”

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

PURCHASING DIVISION
CITY OF PLANO TEXAS

C-4

**CITY OF PLANO
COUNCIL AGENDA ITEM**



CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 2/11/08		Reviewed by Legal <i>ms</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Parks and Recreation		Initials	Date	
Department Head	Don Wendell	Executive Director	<i>[Signature]</i>	2-4-08	
Dept Signature:	<i>Don Wendell</i>	City Manager	<i>[Signature]</i>	2-4-08	
Agenda Coordinator (include phone #): Susan Berger (7255)					

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

CAPTION

Award/rejection of Bid/Proposal for Bid No. 2008-57-B and conditional acceptance of lowest responsible Bid/Proposal to construct the Coyote Creek and Parkwood Green Parks Construction Project to C. Green Scaping, LP in the amount of \$255,102.88.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	123,405	1,332,595	550,000	2,006,000
Encumbered/Expended Amount	-123,405	-76,302	0	-199,707
This Item	0	-255,103	0	-255,103
BALANCE	0	1,001,190	550,000	1,551,190

FUND(s): **PARK IMPROVEMENT CIP**

COMMENTS: Funds are included in the 2007-08 Park Improvement CIP. This item, in the amount of \$255,103, will leave a current year balance of \$1,001,190 for the Neighborhood Park Improvements project.

STRATEGIC PLAN GOAL: Neighborhood park improvements relate to the City's Goal of "Premier City in Which to Live."

SUMMARY OF ITEM

Staff recommends that the bid received from C. Green Scaping, LP, in the amount of \$255,102.88, be accepted as the lowest responsible bid.

The project is for the Coyote Creek and Parkwood Green Parks construction project. This project will result in the widening of Notre Dame Drive adjacent to Parkwood Green Park for 25 parking spaces with some sidewalk, landscaping and irrigation included. The project also includes a 900 linear feet pedestrian trail along Woodway Lane in Coyote Creek Park.

In the event C. Green Scaping, LP fails to execute contract documents, staff recommends award of contract to the second low bidder, Cole Construction, Inc., in the amount of \$263,547.00.

The total cost for this project is within our estimated budget of \$267,523.71.

d-1



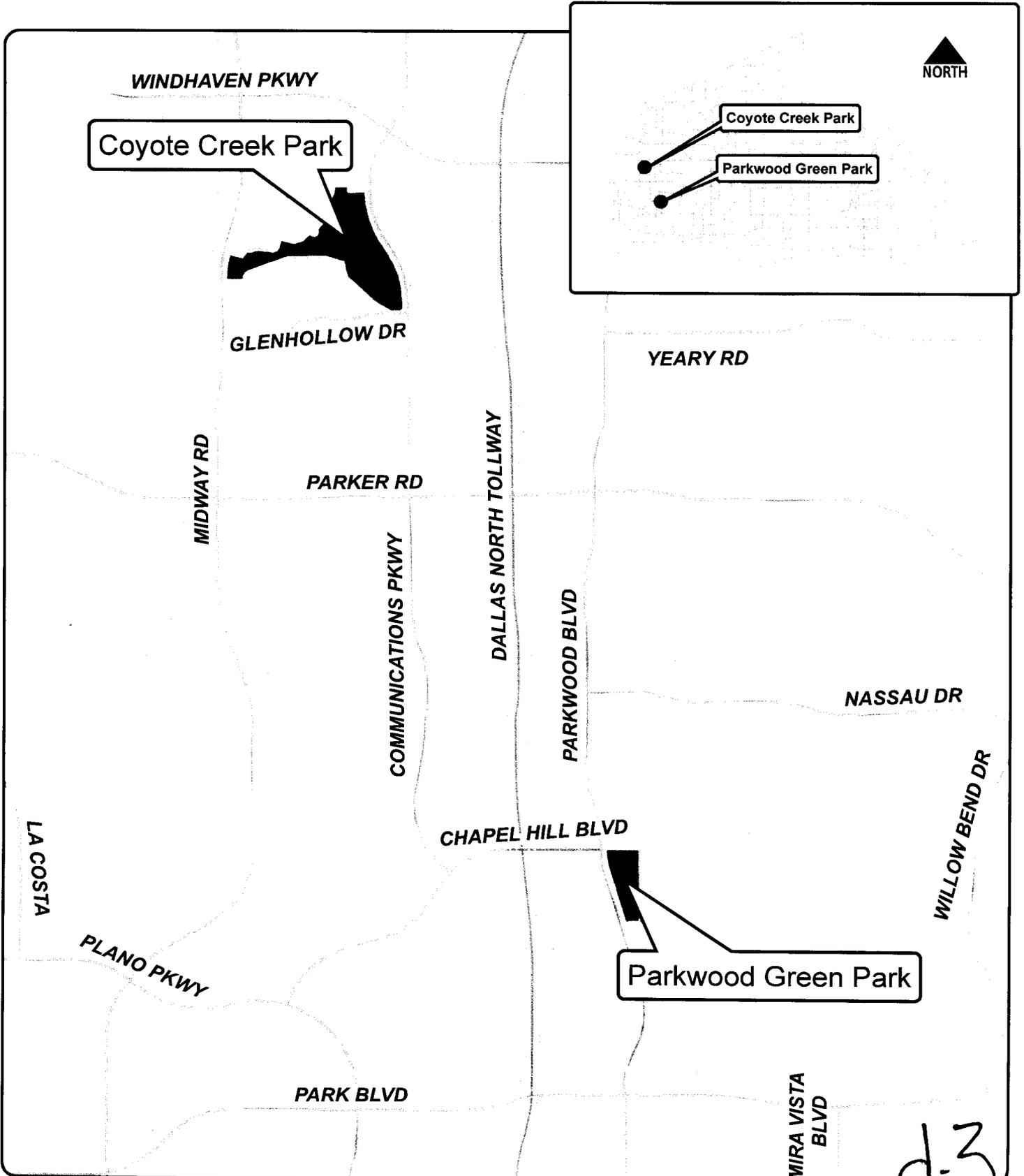
**CITY OF PLANO
COUNCIL AGENDA ITEM**

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

d-2

Location Map

Coyote Creek Park and Parkwood Green Park Construction Project



d-3

CITY OF PLANO
CIP BID NO.: 2008-57-B

COYOTE CREEK AND PARKWOOD GREEN PARK
CONSTRUCTION PROJECT
PROJECT NO. 5693
BID RECAP

Opening Date/Time: Monday, January 28, 2008 @ 3:00 PM (CST)

Responses Received:

C. Green Scaping, LP	\$255,102.88
Cole Construction, Inc.	\$263,547.00
Wall Enterprises	\$297,944.72
Texas Standard Construction	\$288,995.00
Reeves Construction Services, Inc.	\$310,126.00
Irricon	\$327,091.10
Patco Utilities, Inc.	\$350,833.04
Jonesplan of Texas, LLC	\$527,881.00

Non-Responsive

JDC Construction

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

Sharron Mason

January 30, 2008

Sharron Mason, Buyer

Date

SUBMISSION STATEMENT

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

PURCHASING DIVISION
CITY OF PLANO TEXAS

d-4



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	2/11/08	Reviewed by Legal <i>MS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Purchasing		Initials	Date
Department Head	Mike Ryan	Executive Director		
Dept Signature:	<i>Deane Calmer</i>	City Manager	<i>MS</i>	<i>2/11/08</i>
Agenda Coordinator (include phone #): January M. Cook X7376				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input checked="" type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Award/Rejection of Bid/Proposal for RFP No. 2008-49-B for Compensation Study to Hay Group, Inc. in the amount of \$95,000.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
FISCAL YEAR:				
Budget	0	250,000	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	-95,000	0	-95,000
BALANCE	0	155,000	0	155,000
FUND(S): GENERAL FUND				
COMMENTS: Funds are included in the FY 2007-08 adopted budget for the compensation program analysis and subsequent system updates for the City of Plano market-based compensation system. The balance of funds will be used for other contractual and professional related services.				
STRATEGIC PLAN GOAL: Compensation program analysis and subsequent system updates relate to the City's goal of "Service Excellence".				
SUMMARY OF ITEM				
Staff recommends proposal of Hay Group, Inc. in the amount of \$95,000 be accepted as the best proposal meeting specifications conditioned upon timely execution of any necessary contract documents. Hay Group, Inc. will conduct a thorough compensation program analysis and subsequent system updates for the City of Plano market-based compensation system.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Memo				
Recap				

Memorandum

To: January Cook, Sr. Buyer
From: LaShon Ross, HR Director
Date: January 28, 2008
Re: Recommendation of Award Memo

At the request of the Human Resources Department, Request for Proposals No. 2008-49-B was issued in December, 2007 to solicit vendors to complete a compensation study for the City of Plano. A total of five (5) proposals were received and reviewed by a committee of three (3) HR staff members.

The committee met on January 14, 2008 and determined that three (3) vendors would be considered further and that questions of clarification would be submitted to them (through Purchasing). These vendors were Evergreen Solutions, Hay Group, and Waters Consulting Group. After reviewing the responses, the committee completed and submitted evaluations to Purchasing and met on January 24, 2008 where it was determined that Hay Group was the selected vendor. Hay Group submitted a proposal for the amount of \$105,000, and the committee asked that Purchasing solicit a "Best and Final Offer" from them.

The proposal submitted by Hay Group was selected because it most closely matched requirements for the scope of work noted within the RFP. The company specifically addressed the City's needs and did not provide a "canned" approach to completing the compensation study. They also expressed themselves as being readily accessible and flexible in terms of providing an end-product that will meet our needs and can be used independent of the vendor's involvement. They also communicated that they have a wealth of available data (public and private) within their company and are experienced with incorporating private sector data for analysis within the public sector. Hay Group was responsive to the RFP and did not cloud the proposal with marketing opportunities for other products and/or patented processes available exclusively through their company.

We have reviewed the "Best and Final Offer" and are requesting that a contract be awarded to Hay Group for a cost not to exceed \$95,000. This contract will address the requirements listed within the RFP.

CONFIDENTIAL

e-2

CITY OF PLANO

Request for Proposal No. 2008-49-B RFP for Compensation Study

RECAP

Opening Date/Time: January 4, 2008 @ 3:00pm

Number of Vendors Notified: 1,157

Vendors Submitting "No Response"

None

Vendors Submitting Proposal

CDG Holding Company
Evergreen Solutions, LLC
Hay Group, Ink
Public Sector Personnel Consultants
The Waters Consulting Group, Inc.

Recommended Vendor

Hay Group, Inc. \$95,000

January M. Cook

January M. Cook, CPPB
Senior Buyer
Purchasing Division

February 1, 2008

Date

e-3



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 2/11/08		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Purchasing		Initials	Date	
Department Head	Mike Ryan		Executive Director		
Dept Signature:	<i>Dianna Wike</i>		City Manager		
Agenda Coordinator (include phone #):		Dianna Wike, Ext. 5512			

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

CAPTION

Purchase from Existing Contract/Agreement to authorize the purchase of Terminal Box and Controls Upgrade at the Plano Municipal Center in the amount of \$86,619.00 from Johnson Controls, Inc., through Texas Multiple Award Schedule (TXMAS) contract, and authorizing the City Manager or his designee to execute all necessary documents. (TXMAS-6-840160)

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	397,820	661,180	420,000	1,479,000
Encumbered/Expended Amount	-397,820	-314,147	0	-711,967
This Item	0	-86,619	0	-86,619
BALANCE	0	260,414	420,000	680,414

FUND(S): CAPITAL RESERVE

COMMENTS: Funds are included in the 2007-08 Capital Reserve Fund. This item, in the amount of \$86,619, will leave a current year balance of \$260,414 for the Municipal Center Project.

STRATEGIC PLAN GOAL: Municipal Center improvements relate to the City's Goals of Premier City in Which to Live and Service Excellence.

SUMMARY OF ITEM

Staff recommends purchase of Terminal Box and Controls Upgrade at Plano Municipal Center, from Johnson Controls, Inc., in the amount of \$86,619.00 conditioned upon timely execution of any necessary contract documents. The City is authorized to purchase from the State Contract list pursuant to Section 271 Subchapter D of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (TXMAS-6-840160)

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

MEMORANDUM

TO: Dianne Wike, Sr. Buyer
FROM: Richard Medlen
DATE: January 30, 2008
SUBJECT: MUNICIPAL CENTER TERMINAL BOX & CONTROLS UPGRADE

I am recommending the approval of the proposal from Johnson Controls, Inc. utilizing their TXMAS Contract Number TXMAS-6-840160 for the terminal box and controls upgrade at the Municipal Center in the amount of \$86,619.00. This will replace the existing pneumatic controls with more energy efficient direct digital controls. This project was budgeted in Capital Reserve account # 54424, and sufficient funds are available for the project. The Financial Summary Work Sheet will be provided by Melody Morgan.

Please contact me if you have any questions.

/rmt

cc: Alan Upchurch, City Engineer
Elizabeth Dorrance, Budget Analyst II
Bill Morris, Facilities Manager
Melody Morgan, CIP Budget Coordinator
Bruce Shaulis, Facilities Maint. Operation Supervisor

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**CITY OF PLANO
COUNCIL AGENDA ITEM**



CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 2/11/08		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Fleet & Equipment Services Division			Initials	Date
Department Head	Karl Henry	Jimmy Foster	Executive Director	<i>[Signature]</i>	2-4-08
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	2-4-08
Agenda Coordinator (include phone #): Linda M. Robinson x4180					

ACTION REQUESTED:

ORDINANCE
 RESOLUTION
 CHANGE ORDER
 AGREEMENT
 APPROVAL OF BID
 AWARD OF CONTRACT
 OTHER PURCHASE OFF EXISTING CONTRACT

CAPTION

Approval of the purchase of three New Holland Tractors with attachments in the amount of \$78,888.00 from Landmark Corporation through an existing contract/agreement with HGAC Cooperative Purchase Program and authorizing the City Manager or his designee to execute all necessary documents. (GR-01-08)

FINANCIAL SUMMARY

NOT APPLICABLE
 OPERATING EXPENSE
 REVENUE
 CIP

FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
07/08				
Budget	0	92,000	0	92,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-78,888	0	-78,888
BALANCE	0	13,112	0	13,112

FUND(S): GENERAL FUND (01)

COMMENTS: Funds are included in the FY 2007-08 adopted budget for the purchase of (3) New Holland Tractors with attachments. The remaining balance of funds will be used for other equipment and rolling stock purchases.

STRATEGIC PLAN GOAL: Replacement equipment purchase relate to the City's goal of "Service Excellence".

SUMMARY OF ITEM

Equipment Services requests the purchase of three (3) New Holland Tractors with attachments through the HGAC Cooperative Purchase Program awarded to Landmark Equipment Co. as follows: Two (2) new additions to the fleet for Dept. 642/Championship Youth Ballpark, Budgeted Amount \$72,000.00, Supplement #642001 and one (1) new addition to the fleet for Dept. 646/Natural resources, Budgeted Amount \$20,000.00, Supplement #646002. Part of the funds for Dept. 646 will come from GPS receiver and mapping software budget amount of \$14,000.00, Supplement #646002.

The City is authorized to purchase from a Local Cooperative Organization list pursuant to Section 271, Subchapter F of the Texas Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (GR01-08).

Total purchase price for all (3) Tractors is \$78,888.00.

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

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

Memo, Agenda, Vendor Quote Sheet, CRO

Memo, Agenda, Vendor Quote Sheet, CRO	

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MEMORANDUM

Date: January 28, 2008
To: Nancy Corwin, Buyer
From: Gloria Marlow, Technical Coordinator
Subject: Request to purchase three (3) New Holland Tractors with attachments (43A7) through the HGAC Cooperative Purchase Program, Contract GR01-08 awarded to Landmark Equipment Co. as follows:

<u>ITEM 1:</u>	Base Price:	\$21,600.00 x 2 =	\$43,200.00
	Published Options:	\$ 1,750.00 x 2 =	\$ 3,500.00
	Unpublished Options:	\$ 1,150.00 x 2 =	<u>\$ 2,300.00</u>
	PURCHASE PRICE:		\$49,000.00

Two (2) new additions for Dept 642/Championship Youth Ballpark, Budgeted Amount \$72,000.00; Supplement #642001.

<u>ITEM 2:</u>	Base Price:	\$21,600.00
	Published Options:	\$ 6,661.00
	Unpublished Options:	<u>\$ 1,627.00</u>
	PURCHASE PRICE:	\$29,888.00

TOTAL PURCHASE of 3 Units: \$78,888.00

One (1) new addition to the fleet for Dept 646/Natural Resources, budget amount of \$20,000.00; Supplement #646002. Part of the funds for Dept 646 will come from GPS receiver and mapping software budget amount of \$14,000.00, Supplement #646002.

Please reference CRO No. 369970.

Feel free to call me if you have any questions at extension 4185.

Cc: Jimmy Foster
Karl Henry
Reid Choate
Kevin Murray
Shellene Beach
Diane Palmer
Stephen Teiper

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CITY OF PLANO

01/25/08

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P.O. Number 369970 OC

Cost Center 071

Supplier LANDMARK EQUIPMENT INC
1351 SOUTH LOOP 12
IRVING TX 75060

Ship To CITY OF PLANO
FLEET & EQUIPMENT SERVICES DIVISION
4200 W PLANO PARKWAY
PLANO TX 75093

Ordered 01/25/08 Freight
Requested 01/25/08 Order Taken By
Delivery

Description	Ordered	UOM	Unit Price	Extended Price	Request Date
NEW HOLLAND TRACTORS W/ATTACH. TN70A (ITEM 1) REQUEST TO PURCHASE THREE (3) NEW HOLLAND TRACTORS WITH ATTACHMENTS (43A7) THROUGH THE HGAC COOPERATIVE PURCHASE PROGRAM. CONTRACT GR01-08. AWARDED TO LANDMARK EQUIPMENT. ITEM 1. TWO (2) NEW ADDITIONS FOR DEPT. 642/CHAMPIONSHIP YOUTH BALLPARK. BUDGETED AMOUNT \$75,000.00. SUPPLEMENT # 642001. CRO REQUESTED BY GLORIA MARLOW.	2	EA	21,600.0000	43,200.00	01/25/08
PUBLISHED OPTIONS GALAXY TURF TIRES	2	EA	1,205.0000	2,410.00	01/25/08
PUBLISHED OPTIONS SECOND REMOTE VALVE	2	EA	545.0000	1,090.00	01/25/08
UNPUBLISHED OPTIONS CANOPY	2	EA	400.0000	800.00	01/25/08
UNPUBLISHED OPTIONS THIRD REMOTE VALVE	2	EA	750.0000	1,500.00	01/25/08

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CITY OF PLANO

01/25/08

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OC

Description	Ordered	UOM	Unit Price	P.O. Number Extended Price	369970 Request Date
NEW HOLLAND TRACTORS W/ATTACH. TN70A (ITEM 2) ITEM 2. ONE (1) NEW ADDITION TO THE FLEET FOR DEPT. 646/NATURAL RESOURCES. BUDGET AMOUNT \$20,000.00. SUPPLEMENT # 646002. PART OF THE FUNDS FOR DEPT. 646 WILL COME FROM GPS RECEIVER AND MAPPING SOFTWARE BUDGET AMOUNT OF \$14,000.00. SUPPLEMENT # 646002.	1	EA	21,600.0000	21,600.00	01/25/08
PUBLISHED OPTIONS SECOND REMOTE VALVE 095	1	EA	545.0000	545.00	01/25/08
PUBLISHED OPTIONS 810 LOADER FRAME 810LMM/100	1	EA	2,420.0000	2,420.00	01/25/08
PUBLISHED OPTIONS 73" STANDARD BUCKET 201	1	EA	726.0000	726.00	01/25/08
PUBLISHED OPTIONS MID MOUNT CONTROL VALVE 107	1	EA	993.0000	993.00	01/25/08
PUBLISHED OPTIONS REAR MOUNT BRACKETS LOADER 185	1	EA	297.0000	297.00	01/25/08
PUBLISHED OPTIONS FRONT LOADER BRACKETS 110	1	EA	1,355.0000	1,355.00	01/25/08
PUBLISHED OPTIONS HOSE CONNECTION KIT 151	1	EA	325.0000	325.00	01/25/08
UNPUBLISHED OPTIONS CANOPY	1	EA	400.0000	400.00	01/25/08
UNPUBLISHED OPTIONS THIRD REMOTE VALVE	1	EA	750.0000	750.00	01/25/08

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CITY OF PLANO

01/25/08

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P.O. Number 369970 OC
Extended Price Request Date

Description	Ordered	UOM	Unit Price	Extended Price	Request Date
UNPUBLISHED OPTIONS FACTORY FREIGHT/DELIVERY	1	EA	477.0000	477.00	01/25/08

Total Order

78,888.00

TermNet 30 Days

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ITEM 2

HGACBuy	CONTRACT PRICING WORKSHEET	Contract No.:	GR01-08	Date Prepared:	JAN 8,2008
	For Standard Equipment Purchases				

This Form must be prepared by Contractor and given to End User. End User issues PO to Contractor, and MUST also fax a copy of PO, together with completed Pricing Worksheet, to H-GAC @ 713-993-4548. Please type or print legibly.

Buying Agency: CITY OF PLANO Contact Person: GLORIA MARLO RIED CHOATE Phone: 972-769-4185 972-769-4182 Fax: 972-7694259 Email:	Contractor: LANDMARK EQUIPMENT CO Prepared By: RAY WATKINS Phone: 972-579-9999 Fax: 972-579-7871 Email:
--	---

Product Code:	43A7	Description:	NEW HOLLAND TN70A STANDARD EQUIPMENT
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A. Product Item Base Unit Price Per Contractor's H-GAC Contract: \$21,600.00

B. Published Options - Itemize below - Attach additional sheet if necessary - Include Option Code in description if applicable
 (Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
SECOND REMOTE VALVE 095	\$545.00		
810 LOADER FRAME 810LMM/100	\$2,420.00		
73" STANDARD BUCKET 201	\$726.00		
MID MOUNT CONTROL VALVE 107	\$993.00		
REAR MOUNT BRACKETS LOADER 185	\$297.00		
FRONT LOADER BRACKETS 110	\$1,355.00		
HOSE CONNECTION KIT 151	\$325.00		
Subtotal From Additional Sheet(s):			
			Subtotal B: 6661

C. Unpublished Options - Itemize below - Attach additional sheet if necessary
 (Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
CANOPY	\$400.00		
THIRD REMOTE VALVE	\$750.00		
FACTORY FREIGHT/DELIVERY	\$477.00		
Subtotal From Additional Sheet(s):			
			Subtotal C: 1627

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction the percentage is: 6%

D. Total Cost before any other applicable Charges, Trade-Ins, Allowances, Discounts, Etc. (A+B+C)

Quantity Ordered:	1	X	Subtotal of A + B + C:	29888	=	Subtotal D:	29888
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E. Other Charges, Trade-Ins, Allowances, Discounts, Etc.

Description	Cost	Description	Cost
Subtotal E:			0

Delivery Date:	FACTORY ORDER	F. Total Purchase Price (D+E):	29888
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29,775.00

**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	2/11/08	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Public Works - Michael Rapplear	Initials	Date	
Department Head	Jimmy Foster	Executive Director	01/31/08	
Dept Signature:	<i>[Signature]</i>	City Manager	1/31/08	
Agenda Coordinator (include phone #):		Margie Stephens (4104)		

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

CAPTION

To McMahon Contracting, increasing the contract by \$200,091.40 for the 2006-2007 Residential Concrete Pavement Rehabilitation Project, Zones F3, F4, I6 & N2, Project No. 5833, Change Order No. 1, Bid No. 2007-186- B.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	2,720,123	5,761,877	4,000,000	12,482,000
Encumbered/Expended Amount	-2,720,123	-1,625,609	0	-4,345,732
This Item	0	-200,091	0	-200,091
BALANCE	0	3,936,177	4,000,000	7,936,177

FUND(S): CAPITAL RESERVE

COMMENTS: Funds are included in the 2007-08 Capital Reserve. This change order, in the amount of \$200,091, will leave a current year balance of \$3,936,177 for the Residential Street & Alley Replacement project.

STRATEGIC PLAN GOAL: Residential concrete replacement relates to the City's Goal of Safe, Efficient Travel.

SUMMARY OF ITEM

This change order is for additional concrete street pavement repairs in the project area. This area is the Industrial Park between K Ave and Jupiter Rd and North of Plano Parkway. As the Project progressed, repair areas became larger and new areas of deteriorated pavement were found in this project area. This change order will enable the contractor to complete pavement repairs in this area and the other areas included in the project.

These additional repairs are due to weather conditions and shrinkage/swelling of the base soil and its effects on the streets pavement in the Industrial area.

Staff recommends approval of Change Order No. 1. The total Contract will be \$1,027,581.40, which is a 24.18% increase of the original contract amount of \$827,490.00.

List of Supporting Documents:
Change Order No. 1

Other Departments, Boards, Commissions or Agencies

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CHANGE ORDER NO. 1

**2006-2007 RESIDENTIAL CONCRETE PAVEMENT REHABILITATION PROJECT
PROJECT NO. 5833
PURCHASE ORDER NO. 103354
CIP NO. 35-51118
BID NO. 2007-186-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 **MCMAHON CONTRACTING, L.P.** for the **2006-2007 RESIDENTIAL CONCRETE PAVEMENT REHABILITATION PROJECT, ZONE F3, F4, I6 & N2**, dated August 27, 2007.

B. DESCRIPTION OF CHANGE

The change order is for the repair of additional concrete pavement. As the project progressed in the Plano Parkway Industrial area, additional pavement was identified as needing repair in the project area that was not included with the original contract.

C. EFFECT OF CHANGE

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

ITEM NO.	ITEM DESCRIPTION	ORIGINAL QUANTITY	REVISED QUANTITY	UNIT	UNIT PRICE	AMOUNT OF CHANGE
100	Full Depth Saw Cut	12,800	14,200	LF	\$2.50	\$3,500.00
101	Butt Joint	12,800	14,200	LF	\$3.50	\$4,900.00
102	Header	3,700	4,175	LF	\$7.00	\$3,325.00
103	R/D Reinf. Concrete Pavement	5,700	8,748	SY	\$9.00	\$27,432.00
106	F/I Reinf. Concrete Pavement	5,700	8,748	SY	\$52.80	\$160,934.40
	TOTAL:					\$200,091.40

Original Contract Amount	\$ 827,490.00
Contract Amount (Including Previous Change Orders)	\$ 827,490.00
Amount, Change Order No. _____	\$ 200,091.40
Revised Contract Amount	\$ 1,027,581.40
Total Percent Increase Including Previous Change Orders	24.18%

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D. EFFECT OF CHANGE ON CONTRACT TIME

The work required under this change order will add 29 working day(s) to this project:

Original Contract Time	_____	120 working days
Amount (Including Previous Change Orders)	_____	120 working days
Amount, Change Order No. _____	_____	29 working days
Revised Contract Time	_____	149 working days
Total Percent Increase Including Previous Change Orders	_____	24.17%

E. AGREEMENT

By the signatures below, duly authorized agents of the City of Plano, Texas and McMahon Contracting, L.P., do hereby agree to append this Change Order No. 1 to the original contract between themselves, dated August 27, 2007.

OWNER: CITY OF PLANO

**CONTRACTOR:
 MCMAHON CONTRACTING, L.P.
 A TEXAS LIMITED PARTNERSHIP
 BY: JSM MANAGEMENT COMPANY,
 LLC, GENERAL PARTNER
 A TEXAS LIMITED PARTNERSHIP**

By: _____
(signature)

By: *Shawn McMahon* _____
(signature)
 SHAWN MCMAHON

Print Name: _____

Print Name: **SHAWN MCMAHON**

Print Title: _____

Print Title: **MANAGING PARTNER OF JSM MANAGEMENT COMPANY, LLC, GENERAL PARTNER OF MCMAHON CONTRACTING, L.P.**

Date: _____

Date: 1/17/2008

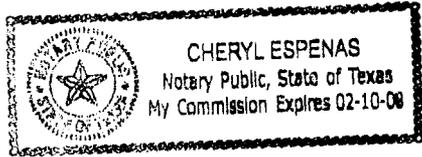
APPROVED AS TO FORM:

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ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 17th day of January, 2008, by **SHAWN MCMAHON, MANAGING PARTNER** of **JSM MANAGEMENT COMPANY, LLC, GENERAL PARTNER OF MCMAHON CONTRACT, L.P., a TEXAS LIMITED PARTNERSHIP**, on behalf of said partnership.



Cheryl Espenas
Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, 2008, by _____, _____ of the **City of Plano, Texas**, a Home-Rule Municipal Corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

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CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY			Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:		2/11/08	Reviewed by Legal <i>W</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	City Secretary			Initials	Date
Department Head	Djane Zucco		Executive Director		
Dept Signature:	<i>Djane Zucco</i>		City Manager	<i>JPA</i>	<i>2/5/08</i>
Agenda Coordinator (include phone #): Kristy Land - x5175					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR, TO ENTER INTO A JOINT ELECTION AGREEMENT WITH THE PLANO INDEPENDENT SCHOOL DISTRICT, FRISCO INDEPENDENT SCHOOL DISTRICT AND COLLIN COUNTY COMMUNITY COLLEGE DISTRICT FOR THE PURPOSE OF CONDUCTING A JOINT ELECTION ON MAY 10, 2008; AND PROVIDING AN EFFECTIVE DATE.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS	
Budget	0	0	0	0	
Encumbered/Expended Amount	0	0	0	0	
This Item	0	0	0	0	
BALANCE	0	0	0	0	
FUND(S):					
COMMENTS: FINANCIAL SUMMARY WILL BE PROVIDED ON THE AGENDA ITEM FOR THE CONTRACT WITH THE COUNTY ELETION'S ADMINISTRATOR.					
SUMMARY OF ITEM					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR, TO ENTER INTO A JOINT ELECTION AGREEMENT WITH THE PLANO INDEPENDENT SCHOOL DISTRICT, FRISCO INDEPENDENT SCHOOL DISTRICT AND COLLIN COUNTY COMMUNITY COLLEGE DISTRICT FOR THE PURPOSE OF CONDUCTING A JOINT ELECTION ON MAY 10, 2008; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Plano, the Plano Independent School District, the Frisco Independent School District and the Collin County Community College District have determined that, for the convenience of the citizens of Plano the General Election of the City and the General Elections of the School Districts and the College to be held on May 10, 2008, should be combined; and

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

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

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

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

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

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

DULY PASSED AND APPROVED THIS THE _____ DAY OF _____, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane Wetherbee, CITY ATTORNEY

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JOINT ELECTION AGREEMENT

The parties to this agreement are the City Council of the City of Plano (the City), the Board of Trustees of the Plano Independent School District (PISD) and the Board of Trustees of the Frisco Independent School District (FISD) known as the Schools and the Board of Trustees of the Collin County Community College District (the College), all of whom are governmental entities of the State of Texas, and are collectively referred to as "Parties", agree to holding a joint election and to allocate expenses for the joint election under the following terms and conditions:

The City, the Schools and the College do hereby agree, pursuant to the provisions of the Texas Election Code, to hold a joint election for the General Elections of the City, FISD and the College along with the General and anticipated Special Elections of the PISD to be held on Saturday, May 10, 2008 for the purposes of establishing the terms and conditions for sharing expenses associated with the elections to be held in May 2008, and any runoff election that may be required. Each of these parties will contract individually with the Collin County Elections Administrator (Election Administrator) to perform various duties and responsibilities on their behalf and to be charged expenses in accordance with the terms of this Agreement.

The parties shall divide the expenses for the election(s) as follows:

1. The parties shall divide equally the expenses for all Collin County **early voting** locations utilized by the City with the exception of the Preston Ridge Campus of Collin County Community College. The early voting expenses incurred at the Preston Ridge Campus site shall be divided equally between FISD and the College. FISD and College agree that City ballots will be included at the Preston Ridge Campus site.
2. City, PISD and College shall divide equally the **election day** expenses for Collin County voter polling locations located in the City. FISD shall also pay a pro rata share of expenses for three **election day** polling locations at Brinker Elementary School, Bethany Elementary School, and Robinson Middle School.
3. The City shall be solely responsible for **election day** expenses incurred at Christopher Parr Library.

Expenses. The term "expenses" includes polling location costs, election officials, supplies, ballots and any other and all necessary expenses for the election. Expenses unique to one entity shall be billed solely to that entity such as in the case of a runoff, recount, or other matter.

Tabulation and centralized costs shall be shared equally between the actual number of entities holding an election on May 10, 2008.

Each entity shall be solely responsible for its fees incurred under this Agreement. Any dispute regarding the expenses shall be resolved by the parties affected.

Cancellation of Election. An entity canceling an election pursuant to Section 2.053 of the Texas Election Code will not be liable for costs incurred by the Elections Administrator in conducting the remaining May 10, 2008, Joint Elections; however, the entity will be liable to Collin County Elections Administrator for the contract preparation fee of \$75.00 .

APPROVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS in its meeting held the _____ day of _____, 2008, and executed by its authorized representative.

By: _____
Thomas H. Muehlenbeck, City Manager

Attest: _____
Diane Zucco, City Secretary

Approved as to form: _____

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APPROVED BY THE TRUSTEES OF THE FRISCO INDEPENDENT SCHOOL DISTRICT in its meeting held the _____ day of _____, 2008, and executed by its authorized representative.

By: _____
Dr. Rick Reedy, Superintendent

Attest: _____
Buddy Minett, President
Board of Trustees

APPROVED BY THE TRUSTEES OF THE PLANO INDEPENDENT SCHOOL DISTRICT in its meeting held the _____ day of _____, 2008, and executed by its authorized representative.

By: _____
Dr. Douglas W. Otto, Superintendent

Attest: _____
Denise Gillespie, Executive
Assistant to the Superintendent

APPROVED BY THE TRUSTEES OF THE COLLIN COUNTY COMMUNITY COLLEGE DISTRICT in its meeting held the _____ day of _____, 2008, and executed by its authorized representative.

By: _____
Dr. Cary A. Israel, President

Attest: _____
Brenda Kihl, Elections Secretary

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CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Council Meeting Date:	2/11/08	Reviewed by Legal ^{دس}	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Library Administration			Date	
Department Head	Joyce Baumbach <i>JB</i>	Executive Director	<i>01-29-08</i>		
Dept Signature:		City Manager	<i>1/30/08</i>		
Agenda Coordinator (include phone #): Mary Ann Dunnivant (Ext. 4208)					
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Approving receipt of a gift in the amount of \$20,000 from Plano Public Library Foundation for purchase of materials for Plano Public Library System for the Genealogy, Local History, Texana, and Archives Collection; and authorizing the City Manager or his designee to execute all necessary documents to receive the gift; and providing an effective date.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	07/08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	20,000	0	20,000
BALANCE		0	20,000	0	20,000
FUND(S): GENERAL FUND (01)					
COMMENTS: Approval of this item will add \$20,000 of additional revenue for the benefit and enhancement of the Genealogy, Local History, Texana, and Archives Collection of the Plano Public Library System.					
STRATEGIC PLAN GOAL: The receipt of the gift from the Plano Public Library Foundation relates to the City's goal of Premier City in Which to Live.					
SUMMARY OF ITEM					
This request is made for approval of a receipt of a gift in the amount of \$20,000 made to the Plano Public Library System from the Plano Public Library Foundation for the benefit and enhancement of the Genealogy, Local History, Texana, and Archives collection of the Plano Public Library System.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		

J-1
REV 08/98

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING RECEIPT OF A GIFT IN THE AMOUNT OF \$20,000 FROM PLANO PUBLIC LIBRARY FOUNDATION FOR PURCHASE OF MATERIALS FOR PLANO PUBLIC LIBRARY SYSTEM FOR THE GENEALOGY, LOCAL HISTORY, TEXANA, AND ARCHIVES COLLECTION; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS TO RECEIVE THE GIFT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Plano Public Library System has received a gift in the amount of \$20,000 from the Plano Public Library Foundation for purchase of materials for the Genealogy, Local History, Texana, and Archives Collection; and

WHEREAS, the City Council of the City of Plano, Texas, finds that the public's best interest is served by authorizing receipt of the monies from the Plano Public Library Foundation for purchase of materials for the Genealogy, Local History, Texana, and Archives Collection; and

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF PLANO, TEXAS, RESOLVES THAT:

Section I. The Plano Public Library System has approval to accept the \$20,000 gift from the Plano Public Library Foundation for purchase of materials for the Genealogy, Local History, Texana, and Archives Collection. The City Manager or his designee shall execute all necessary documents for receipt of the gift.

Section II. The monies from the gift shall fund the general benefit and enhancement of the Plano Public Library System.

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

Duly passed and approved this the ____ day of _____, 2008.

Pat Evans, MAYOR

ATTEST:

APPROVED AS TO FORM:

J-2

Diane Zucco, City Secretary

Diane C. Wetherbee, City Attorney

**CITY OF PLANO
COUNCIL AGENDA ITEM**



CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	2/11/08	Reviewed by Legal <i>WJ</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Library Administration	Initials	Date	
Department Head	Joyce Baumbach <i>JB</i>	Executive Director	<i>JP</i>	01.29.08
Dept Signature:		City Manager	<i>RCR</i>	1/30/08
Agenda Coordinator (include phone #):		Mary Ann Dunnivant (Ext. 4208)		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Approving receipt of a gift in the amount of \$50,000 from Collin County Genealogical Society, Inc. for purchase of materials for Plano Public Library System for the Genealogy, Local History, Texana, and Archives Collection; and authorizing the City Manager or his designee to execute all necessary documents to receive the gift; and providing an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	07/08	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	50,000	0
BALANCE		0	50,000	0
FUND(S): GENERAL FUND (01)				
COMMENTS: Approval of this item will add \$50,000 of additional revenue for the benefit and enhancement of the Genealogy, Local History, Texana, and Archives Collection of the Plano Public Library System.				
STRATEGIC PLAN GOAL: The receipt of the gift from the Collin County Genealogical Society, Inc. relates to the City's goal of Premier City in Which to Live.				
SUMMARY OF ITEM				
This request is made for approval of a receipt of a gift in the amount of \$50,000 made to the Plano Public Library System from the Collin County Genealogical Society, Inc. for the benefit and enhancement of the Genealogy, Local History, Texana, and Archives collection of the Plano Public Library System.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
1. Letter from Collin County Genealogical Society, Inc., dated January 11, 2008				

K-1



COLLIN COUNTY GENEALOGICAL SOCIETY, INC.

P.O. Box 865052

PLANO, TEXAS 75086-5052

January 11, 2008

Joyce Baumbach, Library Director
Library Administration
2501 Coit Road
Plano, TX. 75075

Dear Joyce:

In consideration of the \$50,000 already given to the library and an additional \$50,000 when the measure is approved, we the Collin County Genealogical Society would like to request that the Genealogy meeting room be named in honor of Jeanette Bickley Bland, 1929-2004 who gave so much of her time and energy to the efforts for genealogy in the Plano Public Library System. Our only other request is that the \$100,000 be used for Genealogy materials.

Sincerely,

A handwritten signature in cursive script that reads "Paula Perkins".

Paula Perkins, President

A handwritten signature in cursive script that reads "Gwen Neumann".

Gwen Neumann, Treasurer

K-2

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING RECEIPT OF A GIFT IN THE AMOUNT OF \$50,000 FROM COLLIN COUNTY GENEALOGICAL SOCIETY, INC. FOR PURCHASE OF MATERIALS FOR PLANO PUBLIC LIBRARY SYSTEM FOR THE GENEALOGY, LOCAL HISTORY, TEXANA, AND ARCHIVES COLLECTION; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS TO RECEIVE THE GIFT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Plano Public Library System has received a gift in the amount of \$50,000 from the Collin County Genealogical Society, Inc. for purchase of materials for the Genealogy, Local History, Texana, and Archives Collection (See Exhibit "A"); and

WHEREAS, the City Council of the City of Plano, Texas, finds that the public's best interest is served by authorizing receipt of the monies from the Collin County Genealogical Society, Inc. for purchase of materials for the Genealogy, Local History, Texana, and Archives Collection; and

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF PLANO, TEXAS, RESOLVES THAT:

Section I. The Plano Public Library System has approval to accept the \$50,000 gift from the Collin County Genealogical Society, Inc. for purchase of materials for the Genealogy, Local History, Texana, and Archives Collection. The City Manager or his designee shall execute all necessary documents for receipt of the gift.

Section II. The monies from the gift shall fund the general benefit and enhancement of the Plano Public Library System consistent with the terms of the donation.

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

Duly passed and approved this the ____ day of _____, 2008.

Pat Evans, MAYOR

ATTEST:

APPROVED AS TO FORM:

Diane Zucco, City Secretary

Diane C. Wetherbee, City Attorney

K-3



COLLIN COUNTY GENEALOGICAL SOCIETY, INC.

P.O. Box 865052
PLANO, TEXAS 75086-5052

January 11, 2008

Joyce Baumbach, Library Director
Library Administration
2501 Coit Road
Plano, TX. 75075

Dear Joyce:

In consideration of the \$50,000 already given to the library and an additional \$50,000 when the measure is approved, we the Collin County Genealogical Society would like to request that the Genealogy meeting room be named in honor of Jeanette Bickley Bland, 1929-2004 who gave so much of her time and energy to the efforts for genealogy in the Plano Public Library System. Our only other request is that the \$100,000 be used for Genealogy materials.

Sincerely,

A handwritten signature in cursive script that reads "Paula Perkins".

Paula Perkins, President

A handwritten signature in cursive script that reads "Gwen Neumann".

Gwen Neumann, Treasurer

K-4



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 2/11/08		Reviewed by Legal <i>MS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Library Administration			Initials	Date
Department Head	Joyce Baumbach <i>JB</i>	Executive Director	<i>MS</i> <i>MS</i>		01-29-08 1/30/08
Dept Signature:		City Manager			
Agenda Coordinator (include phone #):		Mary Ann Dunnivant (Ext. 4208)			
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					
CAPTION					
Authorizing receipt of a gift in the amount of \$50,000 from Collin County Genealogical Society, Inc. for naming the meeting room in the Genealogy, Local History, Texana, and Archives area located at Haggard Library, a facility of the Plano Public Library System, for Jeanette Bickley Bland (1929-2004); and providing an effective date.					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	07/08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	50,000	0	50,000
BALANCE		0	50,000	0	50,000
FUND(S): GENERAL FUND (01)					
COMMENTS: Approval of this item will add \$50,000 of additional revenue for the benefit and enhancement of the Genealogy, Local History, Texana, and Archives Collection of the Plano Public Library System.					
STRATEGIC PLAN GOAL: The receipt of the gift from the Collin County Genealogical Society, Inc. relates to the City's goal of Premier City in Which to Live.					
SUMMARY OF ITEM					
The request is made for authorizing receipt of a gift in the amount of \$50,000 from Collin County Genealogical Society, Inc. for naming of the meeting room of the Genealogy, Local History, Texana, and Archives area located at Haggard Library, a facility of Plano Public Library System, for Jeanette Bickley Bland (1929-2004), a Plano Public Library System genealogy supporter and volunteer for over 20 years. Ms. Bland died in 2004.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
1. Letter from Collin County Genealogical Society, Inc., Inc. dated January 11, 2008.					



COLLIN COUNTY GENEALOGICAL SOCIETY, INC.
P.O. Box 865052
PLANO, TEXAS 75086-5052

January 11, 2008

Joyce Baumbach, Library Director
Library Administration
2501 Coit Road
Plano, TX. 75075

Dear Joyce:

In consideration of the \$50,000 already given to the library and an additional \$50,000 when the measure is approved, we the Collin County Genealogical Society would like to request that the Genealogy meeting room be named in honor of Jeanette Bickley Bland, 1929-2004 who gave so much of her time and energy to the efforts for genealogy in the Plano Public Library System. Our only other request is that the \$100,000 be used for Genealogy materials.

Sincerely,

Paula Perkins, President

Gwen Neumann, Treasurer

L-2

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AUTHORIZING RECEIPT OF A GIFT IN THE AMOUNT OF \$50,000 FROM COLLIN COUNTY GENEALOGICAL SOCIETY, INC. FOR NAMING THE MEETING ROOM IN THE GENEALOGY, LOCAL HISTORY, TEXANA, AND ARCHIVES AREA LOCATED AT HAGGARD LIBRARY, A FACILITY OF THE PLANO PUBLIC LIBRARY SYSTEM, FOR JEANETTE BICKLEY BLAND (1929-2004); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Plano, Texas desires has received a gift in the amount of \$50,000 from the Collin County Genealogical Society, Inc. for naming the meeting room in the Genealogy, Local History, Texana, and Archives area located at Haggard Library, a facility of the Plano Public Library System, for Jeanette Bickley Bland (1929-2004) (See Exhibit "A"); and

WHEREAS, the City Council of the City of Plano is desirous of authorizing receipt of a gift in the amount of \$50,000 from the Collin County Genealogical Society, Inc., Inc. for naming the meeting room in the Genealogy, Local History, Texana, and Archives Area located at Haggard Library, a facility of the Plano Public Library System, for Jeanette Bickley Bland (1929-2004),;

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

Section I. The City Council of the City of Plano hereby authorizes receipt of a gift in the amount of \$50,000 from the Collin County Genealogical Society, Inc. for naming the meeting room in the Genealogy, Local History, Texana, and Archives area located at Haggard Library, a facility of the Plano Public Library System, for Jeanette Bickley Bland (1929-2004).

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

DULY PASSED AND APPROVED this the _____ day of _____, 2008.

Pat Evans, MAYOR

ATTEST:

APPROVED AS TO FORM:

Diane Zucco, CITY SECRETARY

Diane Wetherbee, CITY ATTORNEY

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COLLIN COUNTY GENEALOGICAL SOCIETY, INC.

P.O. Box 865052
PLANO, TEXAS 75086-5052

January 11, 2008

Joyce Baumbach, Library Director
Library Administration
2501 Coit Road
Plano, TX. 75075

Dear Joyce:

In consideration of the \$50,000 already given to the library and an additional \$50,000 when the measure is approved, we the Collin County Genealogical Society would like to request that the Genealogy meeting room be named in honor of Jeanette Bickley Bland, 1929-2004 who gave so much of her time and energy to the efforts for genealogy in the Plano Public Library System. Our only other request is that the \$100,000 be used for Genealogy materials.

Sincerely,

A handwritten signature in cursive script that reads "Paula Perkins".

Paula Perkins, President

A handwritten signature in cursive script that reads "Gwen Neumann".

Gwen Neumann, Treasurer

6-4

C



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	2/11/08	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Parks and Recreation		Initials	Date
Department Head	Don Wendell	Executive Director	<i>[Signature]</i>	2-1-08
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	2/1/08
Agenda Coordinator (include phone #): Susan Berger (7255)				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Approving the terms and conditions of the Landscape Maintenance Agreement between the City of Plano, Texas, and the State of Texas; authorizing the City Manager, or, in his absence an Executive Director, to execute such Agreement; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2007-08	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
The State of Texas has installed landscaping at the intersection of State Highway 121 ('121') and Preston Road ('Preston'). The landscape on the south side of 121 is in Plano and the north half is in Frisco. Each city will maintain the landscape within their respective corporate limits as identified in this Landscape Maintenance Agreement with the State. The purpose of this agreement is to allow two cities to maintain the area at a higher level of maintenance than would be provided by the State. The landscape is an important entry feature for each city. Frisco is signing the same agreement.				
A subsequent agenda item will authorize execution of an Interlocal Agreement with Frisco to jointly maintain the landscape with a consistent schedule at the same level.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
TxDOT Landscape Maintenance Agreement				

m-1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE LANDSCAPE MAINTENANCE AGREEMENT BETWEEN THE CITY OF PLANO, TEXAS, AND THE STATE OF TEXAS; AUTHORIZING THE CITY MANAGER, OR, IN HIS ABSENCE AN EXECUTIVE DIRECTOR, TO EXECUTE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter into agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

WHEREAS, Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter into agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

WHEREAS, the City Council desires to enter into an Agreement with the State of Texas which agreement is attached hereto by reference as Exhibit "A".

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

Section I. The City Council, after reviewing the terms and conditions of the Landscape Maintenance Agreement ("Exhibit A") hereby approves the Agreement which render services that are beneficial to the public and serve a valid public purpose.

Section II. The City Manager, or in his absence an Executive Director, is hereby authorized to execute such Agreement on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Agreement, and to act in behalf of the City with regard to its terms and conditions.

m-2

RESOLUTION NO. _____

Page 2

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

DULY PASSED AND APPROVED this the day of _____
_____, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

m-3



LANDSCAPE MAINTENANCE AGREEMENT

THE STATE OF TEXAS

THE COUNTY OF TRAVIS

This AGREEMENT made this _____ day of _____, 2007⁸, by and between the State of Texas, hereinafter referred to as the "State", and the City of Plano, Collin County, Texas, acting by and through its duly authorized officers, hereinafter called the "City".

WITNESSETH

WHEREAS, Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter into agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

WHEREAS, Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter into agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

WHEREAS, the State and the City have entered into a Municipal Maintenance Agreement dated September 12, 1994, **the provisions of which are incorporated herein by reference**, and wherein the City has agreed to retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the department; and

WHEREAS, the State has existing and proposed landscape improvements, such as, but not limited to, the installation of tree, shrub, and turf plantings, irrigation systems, and other aesthetic elements for areas within the right of way of state highway routes within the City as shown on Attachment "A"; and

WHEREAS, the State will provide such landscape improvements, provided that the City agrees to be responsible for all required maintenance of the landscape improvements.

m-4

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, it is agreed as follows:

Contract Period

This Agreement becomes effective upon the date of final execution by the State, and shall remain in effect until terminated or modified as hereinafter provided.

Coverage

This agreement prescribes the responsibilities of the State and the City relating to the installation and maintenance of landscape elements on state highways, as defined in the Municipal Maintenance Agreement, and described and graphically shown as "State Maintained and Operated" in that agreement.

Amendment

The parties agree that this agreement may be amended. Such amendments, to be effective, must be in writing and signed by both parties.

State's Responsibilities

The State shall install landscape elements including but not limited to trees, shrubs, grasses, sidewalks, irrigation systems, and hardscape features through its employees or duly appointed agents.

City's Responsibilities

The City may install landscape elements including but not limited to trees, shrubs, grasses, sidewalks, irrigation systems, and hardscape features through its employees or duly appointed agents. Any installations shall be performed in accordance with Texas Department of Transportation specifications and standards, and must be approved by the State in writing prior to any work being performed.

The City shall maintain all landscape elements within the limits of the right of way including all median and island areas but excluding paved areas intended for vehicular travel. Landscape maintenance shall include but not be limited to plant maintenance, plant replacement, mowing and trimming, hardscape element maintenance, and irrigation system operation and maintenance. All landscape elements must be maintained in a functional and aesthetically pleasing condition.

m-5

TERMINATION

It is understood and agreed between the parties hereto that should either party fail to properly fulfill its obligations as herein outlined, the other party may terminate this agreement upon thirty days written notice. Additionally, this agreement may be terminated by mutual agreement and consent of both parties.

Should the City terminate this agreement, as prescribed here above, the City shall, at the option of the State, reimburse any reasonable costs incurred by the State.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures, the City of Plano, on the _____ day of _____, 2008, and the Texas Department of Transportation on the _____ day of _____, 2008.

**ATTEST:
CITY OF PLANO**

THE STATE OF TEXAS

By: _____

(Title of Signing Official)

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, and the established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

APPROVED AS TO FORM:

By: _____

District Engineer
Dallas District



Diane C. Wetherbee, CITY ATTORNEY

Attachments

m-6

The Attachment to the Landscape Maintenance Agreement by and between
the State of Texas and the City of Plano
is available in the Parks and Recreation Department
during business hours

m-7

C



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 2/11/08		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Parks and Recreation			Initials
Department Head	Don Wendell	Executive Director	Date	
Dept Signature:	<i>Don Wendell</i>	City Manager	<i>[Signature]</i>	<i>2-1-08</i>
Agenda Coordinator (include phone #):		Susan Berger (7255)		

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

CAPTION

Approving the terms and conditions of the Landscape Maintenance Agreement between the City of Plano, Texas, and the City of Frisco; authorizing the City Manager, or, in his absence an Executive Director, to execute such Agreement; and providing an effective date.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2007-08	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(S):

COMMENTS:

SUMMARY OF ITEM

A previous agenda item authorized the execution of a Landscape Maintenance Agreement with the State of Texas for Plano to maintain their respective half of improvements in State right-of-way at the intersection of State Highway 121 and Preston Road. This Interlocal Agreement between Frisco and Plano establishes the terms and conditions by which each city will participate in the joint maintenance of the landscape.

This agreement provides for the maintenance program to be accomplished all at the same time on a consistent schedule and level. Each city will pay for their half of the costs.

An agenda item on a future City Council meeting will award a contract for the maintenance of the improvements after the City of Frisco authorizes execution of this Interlocal Agreement.

List of Supporting Documents: Interlocal Agreement	Other Departments, Boards, Commissions or Agencies
---	--

RESOLUTION NO. _____

A RESOLUTION OF THE CITY PLANO, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE LANDSCAPE MAINTENANCE AGREEMENT BETWEEN THE CITY OF PLANO, TEXAS, AND THE CITY OF FRISCO, TEXAS; AUTHORIZING THE CITY MANAGER, OR, IN HIS ABSENCE AN EXECUTIVE DIRECTOR, TO EXECUTE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter into agreements with the State of Texas to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

WHEREAS, Section 221.002 of the Transportation Code authorizes the State of Texas, at its discretion, to enter into agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

WHEREAS, Plano and the State have entered into a Landscape Maintenance Agreement, dated _____, in which the State agreed to provide landscape improvements at the intersection of State Highway 121 and Preston Road with Plano agreeing to be responsible for all required maintenance of those Improvements within its city limits; and

WHEREAS, Frisco and the State have entered into a Landscape Maintenance Agreement, dated _____, in which the State agreed to provide landscape improvements at the intersection of State Highway 121 and Preston Road with Frisco agreeing to be responsible for all required maintenance of those Improvements within its city limits; and

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

WHEREAS, the Cities of Plano and Frisco wish to enter into an agreement ("Agreement") attached hereto as Exhibit "A" by which Plano will maintain all State landscape improvements at the intersection of State

N2

Highway 121 and Preston Road and Frisco will reimburse Plano for its share of the maintenance expenses pursuant to its terms and conditoin.

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

Section I. The City Council, after reviewing the terms and conditions of the Landscape Maintenance Agreement attached hereto as Exhibit "A", hereby approves the Agreement which render services that are beneficial to the public and serve a valid public purpose.

Section II. The City Manager, or in his absence an Executive Director, is hereby authorized to execute such Agreement on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Agreement, and to act in behalf of the City with regard to its terms and conditions.

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

DULY PASSED AND APPROVED this the _____ day of _____, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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**INTERLOCAL AGREEMENT BY AND BETWEEN
THE CITY OF PLANO, TEXAS AND THE CITY OF FRISCO, TEXAS
FOR LANDSCAPE MAINTENANCE AT OR NEAR
STATE HIGHWAY 121 AND PRESTON ROAD**

THIS AGREEMENT is made and entered by and between the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, hereinafter referred to as "Plano", and the **CITY OF FRISCO, TEXAS**, a home-rule municipal corporation, hereinafter referred to as "Frisco". This Agreement establishes the terms and conditions by which each city will participate in the joint maintenance of the landscape, agree as follows:

**I.
TERM**

This Agreement shall begin on _____, 2008 and conclude on _____, 2008. This Agreement shall be renewed annually unless either party notifies the other of its intent to terminate this Agreement in writing upon 60 days notice.

**II.
ROLES AND GENERAL RESPONSIBILITIES OF THE PARTIES**

1. The parties agree that Plano shall maintain all Improvements within the limits of the right-of-way described in Exhibit "A" and its attachments including all median and island areas but excluding paved areas intended for vehicular travel. Landscape maintenance shall include but not be limited to plant maintenance, plant replacement, mowing and trimming, hardscape element maintenance, and irrigation system operation and maintenance. All landscape elements must be maintained in a functional and aesthetically pleasing condition. Any landscaping not installed pursuant to the contract attached hereto as Exhibit "A" shall remain the responsibility of the party installing the improvement. The parties understand and agree that any deviations or modifications in the terms of the Agreement may be authorized from time to time, but said authorization must be made in writing.

2. Plano shall designate a program liaison that will manage program details and coordinate with Frisco's designated liaison on Plano's maintenance activities within Frisco's corporate limits as necessary.

**III.
CONSIDERATION**

1. In consideration for providing the maintenance services as specified in Exhibit "A" and Paragraph II. 1 above, Frisco shall pay Plano one half of all reasonable costs incurred by Plano but in no event shall payments exceed Seventy-five Thousand Dollars (\$75,000) per year. Plano shall submit to Frisco monthly itemized invoices of all

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expense incurred by Plano during the prior thirty (30) day period. Payments are due within thirty (30) days after receipt.

2. All costs incurred by either party as a result of its obligations under this Agreement shall be paid from current revenues legally available to each party respectively.

**IV.
TERMINATION**

Either party may terminate this Agreement at any time without cause or penalty by giving sixty (60) days advance written notice. Frisco shall pay 50% of all costs incurred by Plano pursuant to this Agreement through the effective date of termination.

**V.
RELEASE AND HOLD HARMLESS**

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

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

**VI.
NOTICE**

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

City of Frisco Representative:
[insert name, title and address]

City of Plano Representative:
Matt Simmons, Field Services Supervisor
Parks and Recreation
City of Plano
P.O. Box 860358
Plano, TX 75086-0358

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VII.
AUTHORITY TO SIGN/CITY COUNCIL AUTHORIZATION

The undersigned officer and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto. Plano has executed this Agreement pursuant to duly authorized action of the Plano City Council on _____, 2008. Frisco has executed this Agreement pursuant to duly authorized action of the Frisco City Council on _____, 2008. Each of the parties shall provide written documentation evidencing the grant of approval by its respective governing body.

VIII.
SEVERABILITY

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

IX.
VENUE

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

X.
INTERPRETATION OF AGREEMENT

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

XI.
REMEDIES

No right or remedy granted herein or reserved to the parties is exclusive of any right or remedy granted by law or equity; but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Agreement may be waived

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without the express written consent of the parties. It is further agreed that one (1) or more instances of forbearance by either party in the exercise of its respective rights under this Agreement shall in no way constitute a waiver thereof.

**XII.
SUCCESSORS AND ASSIGNS**

The parties each bind themselves, their respective successors, executors, administrators and assigns to the other party to this contract. Neither party will assign, sublet, subcontract or transfer any interest in this Agreement without the prior written consent of the other party. No assignment, delegation of duties or subcontract under this Agreement will be effective without the written consent of both parties.

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

CITY OF FRISCO, TEXAS

Date: _____

By: _____

CITY OF PLANO, TEXAS

Date: _____

By: _____
Thomas H. Muehlenbeck
CITY MANAGER

APPROVED AS TO FORM

Diane C. Wetherbee, CITY ATTORNEY

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ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, 2008, by _____, _____ for the **CITY OF FRISCO, TEXAS.**

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, 2008, by **THOMAS H. MUEHLENBECK**, City Manager, of the **CITY OF PLANO, TEXAS**, a Home-Rule Municipal Corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

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EXHIBIT "A"

[Insert Landscape Maintenance Agreement]

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CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	2/11/08		Reviewed by Legal <i>ew</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Department:	City Council		Initials	Date
Department Head			Executive Director	
Dept Signature:			City Manager	<i>[Signature]</i> 2/5/08
Agenda Coordinator (include phone #): Lynne Jones - 7109				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AMENDING RESOLUTION NO. 2002-9-25(R) ESTABLISHING THE MULTI-CULTURAL OUTREACH ROUNDTABLE TO EXPAND THE MAYOR'S ABILITY TO APPOINT CO-CHAIRS AND TO CLARIFY THE ROLE OF THE CO-CHAIRS; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
The City Council established the Multi-Cultural Outreach Roundtable in September 2002 to assist in meeting the needs and desires of the community and to enable persons from the City's diverse cultures to be active participants in the governance process. This Resolution amends the original Resolution to expand the Mayor's ability to appoint Co-Chairs and to clarify the role of the Co-Chairs.				
List of Supporting Documents: n/a		Other Departments, Boards, Commissions or Agencies n/a		

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, TO ESTABLISH A MULTI-CULTURAL OUTREACH ROUNDTABLE; SETTING FORTH THE PURPOSE OF THE ROUNDTABLE; APPOINTMENT OF A CHAIR AND ESTABLISHMENT OF DUTIES; PROVIDING FOR OPEN MEMBERSHIP TO THE ROUNDTABLE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Plano finds that Plano is composed of many persons who are from diverse race and ethnic cultures and this diversity is an integral part of our City's heritage and vision for the future; and

WHEREAS, the City Council finds that in order to understand the needs and desires of our diverse citizenry, that understanding requires a concerted effort to become more knowledgeable of the entire community's needs as they are represented through these diverse cultures; and

WHEREAS, the City Council desires to establish a multi-cultural outreach roundtable ("Roundtable") whose task it will be to ascertain the needs and desires of the community as can be met by local government as well as to enable persons from these diverse cultures to be active participants in our governance process; and

WHEREAS, the Roundtable should be flexible in size and scope so as to accommodate the number of persons who wish to participate and provide ideas to recommend to the City Council.

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

Section I. The City Council hereby establishes the Multi-Cultural Outreach Roundtable ("Roundtable"). The purpose of this Roundtable is to seek input and make recommendations to the City Council on methods, practices, programs, and other means by which the City of Plano can effectively serve the entire community and meet the objectives of local government. These recommendations may include, but are not limited to, making suggestions on how to more effectively increase citizen participation in City activities, improve understanding of the public governance process, and adapt or add City programs or services that will promote community inclusiveness.

~~_____ In addition to the Mayor, two Council Members shall attend the Roundtable meetings on a rotating basis until all Council Members have attended a Roundtable meeting.~~

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The Mayor shall appoint a Chair and ~~a~~ up to four (4) Co-Chairs to the Roundtable. The Chair's duties are to run the meeting, ensure that an accurate record is kept of the meeting, and be primarily responsible for the reports made to the City Council. The Co-Chairs shall assist the Chair as needed and any one of the Co-Chairs may fulfill all the obligations of the Chair in his or her absence. ~~Other than the Council representatives, The Chair and Co-Chairs, the Roundtable shall have no fixed membership, and~~ The Chair shall allow all those who wish to serve participate on the Roundtable an opportunity to do so. Other than the Chair and Co-Chairs, the members of the Roundtable are not required to apply for membership through the City, but must be residents of the City.

The Roundtable shall meet no less frequently than each quarter and provide reports to the City Council of its progress and recommendations. The meetings of the Roundtable shall be open to the public at all times and the meetings shall be conducted in accordance with Resolution No. 96-9-33.

The City Manager shall be responsible for assigning staff support as appropriate.

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

DULY PASSED AND APPROVED this the ____ day of _____, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AMENDING RESOLUTION NO. 2002-9-25(R) ESTABLISHING THE MULTI-CULTURAL OUTREACH ROUNDTABLE TO EXPAND THE MAYOR'S ABILITY TO APPOINT CO-CHAIRS AND TO CLARIFY THE ROLE OF THE CO-CHAIRS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Plano finds that Plano is composed of many persons who are from diverse race and ethnic cultures and this diversity is an integral part of our City's heritage and vision for the future; and

WHEREAS, the City Council finds that in order to understand the needs and desires of our diverse citizenry, that understanding requires a concerted effort to become more knowledgeable of the entire community's needs as they are represented through these diverse cultures; and

WHEREAS, The City Council passed Resolution No. 2002-9-25(R) on September 23, 2002 establishing the Multi-Cultural Outreach Roundtable to ascertain the needs and desires of the community as can be met by local government as well as to enable persons from the City's diverse cultures to be active participants in our governance process; and

WHEREAS, the Council desires to expand the Mayor's ability to appoint Co-Chairs to the Roundtable and to clarify the role of the Co-Chairs of the Roundtable.

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

Section I. The City Council hereby re-establishes the Multi-Cultural Outreach Roundtable ("Roundtable"). The purpose of this Roundtable is to seek input and make recommendations to the City Council on methods, practices, programs, and other means by which the City of Plano can effectively serve the entire community and meet the objectives of local government. These recommendations may include, but are not limited to, making suggestions on how to more effectively increase citizen participation in City activities, improve understanding of the public governance process, and adapt or add City programs or services that will promote community inclusiveness.

The Mayor shall appoint a Chair and up to four (4) Co-Chairs to the Roundtable. The Chair's duties are to run the meeting, ensure that an accurate record is kept of the meeting, and be primarily responsible for the reports made to the City Council. The Co-Chairs shall assist the Chair as needed, and any one of the Co-Chairs may fulfill the obligations of the Chair in his or her absence.

The Chair and Co-Chairs shall have no fixed membership. The Chair shall allow all those who wish to participate on the Roundtable an opportunity to do so. Other than the Chair and Co-Chairs, the members of the Roundtable are not required to apply for membership through the City, but must be residents of the City.

The Roundtable shall meet no less frequently than each quarter and provide reports to the City Council of its progress and recommendations. The meetings of the Roundtable shall be open to the public at all times and the meetings shall be conducted in accordance with Resolution No. 96-9-33.

The City Manager shall be responsible for assigning staff support as appropriate.

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

DULY PASSED AND APPROVED this the ____ day of _____, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Council Meeting Date: 2/11/08		Reviewed by Legal <i>DW</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date
Department Head	Diane C. Wetherbee		Executive Director	
Dept Signature:	<i>D. Wetherbee</i>		City Manager <i>[Signature]</i>	
Agenda Coordinator (include phone #): Lynne Jones -7109				
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, appointing Bryan K. Gallerson and Jack M. Pepper to serve for two year terms as investigators as required by Section 2-104 of the Code of Conduct of the City of Plano; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
This Resolution provides for the appointment of two attorneys to serve as investigators in determining violations of the Code of Conduct of the City of Plano as required by Section 2-104 of the Code of Ordinances. The City Code of Conduct requires 4 independent attorneys be appointed so that they are available to serve as investigators when required for code of conduct violations. Two attorneys are appointed for a two year term every other year, and this Resolution will reappoint them for an additional two year term.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
n/a		n/a		

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPOINTING BRYAN K. GALLERSON AND JACK M. PEPPER TO SERVE FOR TWO YEAR TERMS AS INVESTIGATORS AS REQUIRED BY SECTION 2-104 OF THE CODE OF CONDUCT OF THE CITY OF PLANO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Sec. 2-104 of the Code of Ordinances, the City Council shall appoint attorneys to serve as investigators in determining violations of the Code of Conduct of the City of Plano by a Councilmember; and

WHEREAS, Bryan K. Gallerson and Jack M. Pepper have agreed to serve as investigators for a two year period from February, 2008 to February, 2010.

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

Section I. Bryan K. Gallerson and Jack M. Pepper are hereby appointed by the City Council to serve as investigators in determining violations of the Code of Conduct of the City of Plano by a Councilmember.

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

DULY PASSED AND APPROVED this the ____ day of _____, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	2/11/08	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering		Initials	Date
Department Head	Alan J. Upchurch	Executive Director	<i>[Signature]</i>	2/5/08
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	2/5/08
Agenda Coordinator (include phone #):		Irene Pegues (7198) <i>[Signature]</i>		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
Approving a process for evaluation of Municipal Setting Designation Applications submitted to the City of Plano; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
The attached resolution approves a process for the evaluation of Municipal Setting Designation Application. Attached to the resolution is the application and instructions. The fee for the application is \$5000, and the applicant will reimburse for associated costs.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
N/A		N/A		

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING A PROCESS FOR EVALUATION OF MUNICIPAL SETTING DESIGNATION APPLICATIONS SUBMITTED TO THE CITY OF PLANO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Commission on Environmental Quality will not approve an Municipal Setting Designation (MSD) unless the city council of the municipality in which the property is located supports the application; and

WHEREAS, the City Council considers it appropriate to establish a process by which applications submitted to the city for an MSD can be properly evaluated; and

WHEREAS, the City Council has been presented a proposed Instructions and Application Form to be used by applicants seeking approval of a MSD from the City of Plano, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Instructions and Application"); and,

WHEREAS, upon full review and consideration of the Instructions and Application, and all matters attendant and related thereto, the City Council is of the opinion that the Instructions and Application Form or a substantially similar form should be approved for use in processing MSD applications.

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

Section I. The Instructions and Application Form or a substantially similar form, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, is hereby in all things approved for use in processing municipal setting designation applications in the City of Plano, Texas.

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

DULY PASSED AND APPROVED this the ____ day of _____, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

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**APPLICATION FOR APPROVAL OF
MUNICIPAL SETTING DESIGNATION**

INSTRUCTIONS

Municipal setting designations (MSDs) may be certified by the executive director of the Texas Commission on Environmental Quality (TCEQ) pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W. The state may not certify an MSD unless the city council of the municipality in which it is located supports the application by resolution and prohibits the potable use of designated groundwater by ordinance (or by restrictive covenant enforceable by the municipality). The City of Plano's Municipal Settings Designation program prohibits the potable use of designated groundwater within the area of the MSD by ordinance. The following application with terms and conditions, governs the process for seeking an MSD ordinance for property located in Plano.

One original signed application form **with attachments** and two copies (three total application sets) must be submitted to the City Engineer of the City of Plano along with an application fee of \$5,000 (check payable to the City of Plano). The application must be certified and signed by an authorized representative of the applicant. This means that if the applicant is a corporation, the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, including legal counsel is the authorized signatory. If the applicant is a partnership or sole proprietorship, a general partner or proprietor, respectively, is the authorized signatory. Applications must be mailed or delivered in person (either by applicant or courier). Faxed applications are not permitted.

To submit an application, address it to:

Municipal Setting Designation Ordinance Application
City of Plano
Attn: Alan Upchurch, City Engineer
1520 Avenue K
Plano, Texas 75035

The City will notify applicant within 30 calendar days of receiving the application if there are any discrepancies in the application and/or any City interests that may potentially be impacted by the proposed MSD ordinance. After the City determines that the application is complete, it will schedule both a public meeting and a public hearing. If the City determines that the application is incomplete it will return the application to the applicant, noting the deficiencies in writing. The applicant will have 30 days from the date of the deficiency letter to correct the deficiencies and resubmit the application. If the applicant fails to submit a corrected application within the allotted time, the application shall be deemed to be withdrawn and the application fee forfeited.

The City of Plano will send notice of the public meeting and public hearing by regular mail to all owners of real property lying not more than 2,640 feet from the boundary of the property for which the MSD ordinance is sought, as the ownership appears in the last approved city tax roll. Additionally, the City will publish notice in the City's newspaper of record, post notice at city hall, and post notice on the site. A copy of the application will be on file in the City Engineer's Office. In addition to the application fee, the applicant shall reimburse the City for all cost of mailing notices and publication costs incurred by the City in processing this application.

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Applicants are solely responsible for complying with the notice requirements contained in Texas Health and Safety Code §361.805. The TCEQ notice requirements are independent of the City of Plano's Municipal Setting Designation program. Notice to persons listed in Texas Health and Safety Code §361.805 may be provided before or after an application is submitted to the City of Plano. Applicants are encouraged to contact the TCEQ for guidance on notice content, delivery methods, and proof of notice requirements.

The purpose of a public meeting is for the applicant to provide information to the public about MSDs and the application, and to obtain input on the application prior to a formal hearing before the City Council. The applicant or applicant's representative, and the licensed professional engineer or licensed professional geoscientist who signed and sealed the application, or a licensed professional engineer or licensed professional geoscientist who is familiar with the application, must appear at the public meeting and the public hearing. If the required persons fail to appear at the public meeting, the City Engineer may elect to reschedule the meeting with all costs associated with the delay to be paid by the applicant or the City Engineer may deem the application withdrawn and the application fee forfeited.

The public hearing will be conducted during a City Council meeting. The applicant or applicant's representative, and the licensed professional engineer or licensed professional geoscientist who signed and sealed the application, or a licensed professional engineer or licensed professional geoscientist who is familiar with the application, must appear at the public hearing and present the request for a municipal setting designation approval. If the required persons fail to appear at the hearing, the City Council may elect to table the hearing to a future date with all costs associated with the delay to be paid by the applicant or the Council may deem the application withdrawn and the application fee forfeited.

In order to approve an application, the City Council will consider a resolution supporting the application to the TCEQ. If the resolution is approved, the City Council will enact an ordinance prohibiting the potable use of designated groundwater from beneath the property (the ordinance must include a metes and bounds description of the property to which the ordinance applies; a listing of the contaminants; and a statement that the ordinance is necessary because the contaminant concentrations exceed potable water standards). Council may include other reasonable restrictions on the use of groundwater beneath the property within the MSD ordinance. The City will file a certified copy of the ordinance in the county deed records, and will provide applicant with a copy of both the resolution and the ordinance when it becomes available.

Within 30 days of issuance by the TCEQ, the applicant must provide the City Engineer a copy of the MSD Certificate and the Certificate of Completion under the Voluntary Cleanup Program or other documentation issued for the property by the TCEQ showing that response actions have been completed.

Inquires about a pending application should be submitted to:

1520 Avenue K
Plano, Texas 75035
Telephone: _____
Email: _____

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DEFINTIIONS

(1) APPLICATION means the application submitted to the city for a municipal setting designation ordinance.

(2) CHEMICAL OF CONCERN means any contaminant that has the potential to adversely affect ecological or human receptors due to its concentration, distribution, or mode of toxicity.

(3) CRITICAL PROTECTIVE CONCENTRATION LEVEL means the lowest protective concentration level for a chemical of concern within groundwater determined from all applicable human exposure pathways.

(4) DESIGNATED GROUNDWATER means groundwater that will be or is prohibited from use as potable water by a municipal setting designation ordinance.

(5) DESIGNATED PROPERTY means the property that will be or is subject to a municipal setting designation ordinance. The designated property may cover several platted lots or tracts of land.

(6) GROUNDWATER means water below the surface of the earth.

(7) INGESTION PROTECTIVE CONCENTRATION LEVEL means the protective concentration level for human ingestion for contaminants of concern in groundwater established by the TCEQ under the Texas Risk Reduction Program.

(8) INGESTION PROTECTIVE CONCENTRATION LEVEL EXCEEDENCE ZONE means the area where concentrations of contaminants of concern from sources on or migrating from or through the designated property are greater than the ingestion protective concentration level in groundwater.

(9) MUNICIPAL SETTING DESIGNATION means a TCEQ designation authorized by Subchapter W, "Municipal Setting Designations," of Chapter 361, "Solid Waste Disposal," of the Texas Health and Safety Code.

(10) MUNICIPAL SETTING DESIGNATION ORDINANCE means an ordinance adopted by the City of Plano to restrict the potable use of designated groundwater.

(11) NON-INGESTION PROTECTIVE CONCENTRATION LEVEL means the protective concentration level for dermal contact or inhalation for

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contaminants of concern in groundwater established by the TCEQ under the Texas Risk Reduction Program.

(12) NON-INGESTION PROTECTIVE CONCENTRATION LEVEL EXCEEDENCE ZONE means the area where concentrations of contaminants of concern from sources on or migrating from or through the designated property are greater than the non-ingestion protective concentration level in groundwater.

(13) POTABLE WATER means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes.

(14) PROTECTIVE CONCENTRATION LEVEL means the non-site-specific concentration of a chemical of concern that the TCEQ has determined can remain within groundwater and not result in a level that exceeds the applicable human health risk-based exposure limit or ecological protective concentration level at the point of exposure for an exposure pathway.

(15) RESPONSE ACTION shall have the meaning prescribed in Subchapter W, "Municipal Setting Designations," of Chapter 361, "Solid Waste Disposal Act," of the Texas Health and Safety Code.

(16) TCEQ means the Texas Commission on Environmental Quality.

(17) TO THE EXTENT KNOWN means information known by an applicant or applicant's agent after review of all public and private records and other information sources available in the exercise of reasonable due diligence.

9-6

City of Plano Municipal Setting Designation Application Form

January 2008

9-7

Application for Municipal Setting Designation Ordinance

1. APPLICANT INFORMATION

Applicant's name: _____

Address: _____
(street) (city) (state) (ZIP)

Type of Organization:

___ Corporation ___ Partnership ___ Sole Proprietor ___ Individual

___ Local Government ___ Other: _____

Interest in Property: _____

Name of Contact: _____

Title: _____

Address: _____
(street) (city) (state) (ZIP)

Telephone: _____ Fax: _____

Email: _____

2. DESIGNATED PROPERTY INFORMATION

Property name: _____

Property size: _____

Property address: _____

Attach a general description of the current use, and, to the extent known, the anticipated uses, of the designated property and properties within 500 feet of the designated property.

3. CURRENT OWNER OF DESIGNATED PROPERTY (if different from applicant)

Owner: _____

Owner Address: _____
(street) (city) (state) (ZIP)

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- 9. **Attach** a table displaying the following information for each COC detected in groundwater, *to the extent known*.
 - (a) the highest detected concentration level, the INGESTION PROTECTIVE CONCENTRATION LEVEL, and the NON-INGESTION PROTECTIVE CONCENTRATION LEVEL, all expressed as mg/L units;
 - (b) the CRITICAL PROTECTIVE CONCENTRATION LEVEL without the municipal setting designation, highlighting any exceedences; and
 - (c) the CRITICAL PROTECTIVE CONCENTRATION LEVEL with the municipal setting designation, highlighting any exceedences.

- 10. The applicant must furnish the following statement signed and sealed by a licensed professional engineer or licensed professional geoscientist authorized to practice in the state of Texas with expertise in environmental remediation:

To the best of my knowledge and believe, based upon a review of all public and private records and other information sources available to me in the exercise of reasonable due diligence, the opinions stated and conclusions made in this application are supported by such information, and the technical and scientific information submitted with the application is true, accurate, and complete. Based on such review, the chemicals of concern from the sources on the designated property or migrating from or through the designated property more likely than not (do exceed) or (do not exceed) a NON-INGESTION PROTECTIVE CONCENTRATION LEVEL on property beyond the downgradient boundaries of the designated property.

- 11. If known, identify all persons responsible for the contamination of the groundwater:
- 12. **Posted Notice.** By submitting this application, you agree to allow the City access to the site for the purpose of posting notice of the application, as required by the ordinance. If the site is fenced, signs will be attached to the fence. If it is not fenced, signs will be attached to posts set in the ground. If applicant is not the current property owner, a letter signed by the owner and consenting to the City's access for this purpose must be attached to the application. The City reserves the right to post signs both ways.

Please check one:

The site is fenced. Indicate type and location: _____

The site is not fenced.

- 13. **Attach** a survey and metes and bounds legal description of the proposed Municipal Setting Designation Ordinance certified by a registered professional surveyor registered by the Texas Board of Professional Surveying. The survey and legal description should include all property owned by the City of Plano that is immediately adjacent to the designated property.
- 14. **Include** an application fee of \$5,000.00 (make checks payable to the City of Plano).

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CERTIFICATION

By signing below, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in a manner designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If the property for which the Municipal Setting Designation Ordinance is sought (or portions thereof) is in a remediation program administered by the Texas Commission on Environmental Quality (TCEQ), I certify that the applicant will complete all site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code to the satisfaction of the TCEQ within a reasonable period of time following TCEQ certification of a Municipal Setting Designation for the designated property.

I have reviewed and understand the Application for Approval of Municipal Setting Designation Instructions attached to this form, including the terms and conditions for participation in the City of Plano Municipal Setting Designation process. Furthermore, I understand that the City of Plano's acceptance of the application and application fee does not guarantee that the Municipal Setting Designation will be granted, that the application fee is non-refundable and that the Plano City Council has, in its sole discretion, the final authority to grant or deny this application.

Signed this _____ day of _____, 200_.

Signature of Authorized Representative: _____

Printed or Typed Name: _____

Title: _____

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CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	2/11/08	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	City Secretary	Initials	Date	
Department Head	Diane Zucco	Executive Director		
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	<i>4/5/08</i>
Agenda Coordinator (include phone #):		Kristy Land - x5175		
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, ORDERING AN ELECTION TO BE HELD ON MAY 10, 2008 FOR THE PURPOSE OF ELECTING FOUR (4) MEMBERS OF COUNCIL, PLACE NO. 1 (DISTRICT 1), PLACE NO. 3 (DISTRICT 3), PLACE NO. 5, AND PLACE NO. 7, TO THE CITY COUNCIL TO HOLD OFFICE FOR A PERIOD OF THREE YEARS; DESIGNATING LOCATIONS OF POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): FISCAL IMPACT WILL BE PLACED ON THE AGENDA WITH RESOLUTION AUTHORIZING A CONTRACT WITH THE COLLIN COUNTY ELECTION ADMINISTRATOR.				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, ORDERING AN ELECTION TO BE HELD ON MAY 10, 2008 FOR THE PURPOSE OF ELECTING FOUR (4) MEMBERS OF COUNCIL, PLACE NO. 1 (DISTRICT 1), PLACE NO. 3 (DISTRICT 3), PLACE NO. 5, AND PLACE NO. 7, TO THE CITY COUNCIL TO HOLD OFFICE FOR A PERIOD OF THREE YEARS; DESIGNATING LOCATIONS OF POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.

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

Section I. A General Election be and is hereby ordered to be held on Saturday, May 10, 2008, for the purpose of electing four (4) City Council Members to fill the following expiring terms on the Plano City Council: Place No. 1 (District 1), Place No. 3 (District 3), Place No. 5 and Place No. 7, each such term being for a period of three (3) years.

Section II. The filing deadline for candidates for Place No. 1 (District 1), Place No. 3 (District 3), Place No. 5 and Place No. 7 shall be March 10, 2008.

Section III. The polling places and the county election precincts whose qualified voters shall cast ballots at such locations in the City of Plano for the 2008 General Election are as follows:

COLLIN COUNTY ELECTION PRECINCTS	POLLING PLACE
52, 61, 68, 103 and 141;	Armstrong Middle School 3805 Timberline Drive, Plano, TX 75074
34, 107, 119, 121, 135 and 139	Bethany Elementary School 2418 Micarta Drive, Plano, TX 75025
23, 46, 47, 50, 51, 152 and 158	Bowman Middle School 2501 Jupiter Road, Plano, TX 75074
90, 109, 116, 123 and 137	Brinker Elementary School 3800 John Clark Parkway, Plano, TX 75093
21, 54, 62 and 66	Carpenter Middle School 1501 Cross Bend Road, Plano, TX 75023
15, 19, 53, 65, 70 and 71	Haggard Middle School 2401 Westside Drive, Plano, TX 75075
58, 77 and 91	Hendrick Middle School 7400 Red River Drive, Plano, TX 75025
31, 32, 63 and 76	Hughston Elementary School 2601 Cross Bend Road, Plano, TX 75023
14, 81, 86, 89, 108, 112 and 124	Robinson Middle School 6701 Preston Meadow Drive, Plano, TX 75024
64 and 69	Schimelpfenig Middle School 2400 Maumelle Drive, Plano, TX 75023

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28, 75, 105 and 143	Shepton High School 5505 Plano Parkway, Plano, TX 75093
39 and 85	Thomas Elementary School 6537 Blue Ridge Trail, Plano, TX 75023
26, 49, 67, 72 and 138	Wilson Middle School 1001 Custer Road, Plano, TX 75075
DENTON COUNTY ELECTION PRECINCTS	POLLING PLACE
226	Christopher A. Parr Library 6200 Windhaven Parkway, Plano, TX 75093

Polling places on May 10, 2008 shall be open from 7:00 a.m. until 7:00 p.m.

Section IV. Votes for said election shall be cast utilizing touch-screen devices with Diebold's ACCUVOTE TS R6v.4.6.4 direct recording devices (DRE's) for early voting and election day and optical-scan ballots with Diebold's ACCUVOTE OS ROM v.2.0.12 for early voting by mail.

Section V. Early voting by personal appearance for the above-designated election shall be conducted at the following locations on the following dates and times:

April 28, 2008 through April 30, 2008	8:00 a.m. – 5:00 p.m.
May 1, 2008	8:00 a.m. – 7:00 p.m.
May 2, 2008 and May 3, 2008	8:00 a.m. – 5:00 p.m.
May 5, 2008 and May 6, 2008	7:00 a.m. – 7:00 p.m.

Main Early Voting Location		
Collin County Elections Department	2010 Redbud Boulevard Suite 102	McKinney, TX 75069
Branch Early Voting Locations		
Carpenter Park Recreation Center	6701 Coit Road	Plano, TX 75024
Collin County Community College - Preston Ridge Campus (Temporary Location)	9700 Wade Boulevard	Frisco, TX 75035
Collin County Community College - Spring Creek Campus	2800 E. Spring Creek Parkway	Plano, TX 75074
Haggard Library	2501 Coit Road	Plano, TX 75075
Harrington Library	1501 18 th Street	Plano, TX 75074
Parr Library	6200 Windhaven Parkway	Plano, TX 75093
Plano Independent School District Administration Center	2700 West 15 th Street	Plano, TX 75075

Applications for ballots by mail shall be mailed to:

Sharon Rowe, Elections Administrator
Collin County Elections Department
2010 Redbud Boulevard
Suite 102
McKinney, TX 75069

Applications for ballots by mail must be received no later than the close of business on Friday, May 2, 2008.

Section VI. The recommendations of the City, the School District(s), and the College will be the accepted guidelines of four (4) clerks to be secured to work in each polling place. The presiding election judge of each polling place, however, will use his/her discretion to determine when additional manpower is needed during peak voting hours.

Section VII. The City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of this election.

Section VIII. This ordinance shall become effective immediately upon its passage.

Duly passed and approved this the _____ day of _____, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane Wetherbee, CITY ATTORNEY

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget <i>CS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	2/11/08		Reviewed by Legal <i>AM</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Planning		Initials	Date	
Department Head	P. Jarrell		Executive Director	<i>[Signature]</i> 2/11/08	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 02.04.08	
Agenda Coordinator (include phone #):	L. Trotter - 7156				

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

CAPTION

To authorize a Professional Services contract with Gibbs Planning Group to provide retail consulting services for Downtown Plano, Parker Road Station and other areas in the DART rail/K Avenue corridor, in an amount not to exceed \$40,000, and authorizing the City Manager or his designee to execute any and all documents necessary to effectuate the contract.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2007-2008	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	70,250	0	70,250
Encumbered/Expended Amount	0	-9,850	0	-9,850
This Item	0	-40,000	0	-40,000
BALANCE	0	20,400	0	20,400

FUND(S): FUNDS ARE INCLUDED IN THE 2007-2008 NON-DEPARTMENTAL BUDGET. THIS ITEM, IN THE AMOUNT OF \$40,000, WILL LEAVE A CURRENT YEAR BALANCE OF \$20,400 FOR OTHER CONTRACTUAL PROFESSIONAL SERVICES.

COMMENTS: Consulting services for the Downtown area relate to the City's goals of Premier City in Which to Live and Diverse Business Center.

SUMMARY OF ITEM

The attached proposal outlines consulting services for two items related to retail development in Downtown Plano, the Parker Road Station area, and the Brownfields Trust property on 10th Street. The consultant will conduct a 2-day workshop for property owners, merchants, City Council and city staff, including an evening presentation for the public on trends in urban retail development. The second part of the contract is a retail market study, including an analysis of market area demographics and existing retail offerings, concluding with recommendations on the size and type of additional retail development that could be supported.

List of Supporting Documents: Gibbs Planning Group Scope of Services	Other Departments, Boards, Commissions or Agencies
---	--

GIBBS
PLANNING
GROUP

24 January 2008

Frank Turner
Executive Director, City of Plano
P.O. Box 860358
Plano, Texas 75086-0358

Dear Mr. Turner:

On behalf of Gibbs Planning Group, Inc. (GPG), I am pleased to respond to your request for retail consulting services for the city of Plano's Historic Downtown, the Parker Road Station area and the southern Brownfield site (located on 10th Street). Based upon my understanding of your needs, I propose the following scope of services and schedule:

Task One: 2 Day Workshop

Pre-Visit

- GPG will prepare and review market demographic data of the targeted Plano locations.
- GPG will review planning and development documents sent by the city.
- GPG will participate in one (1) conference call from our Michigan offices with Plano staff.

Pre-Workshop

- GPG will arrive on the evening before Day One of the workshop.

Day 1:

- GPG will tour the targeted Plano locations with City staff.
- GPG will meet with various property and business owners at your offices or at their businesses.
- GPG will meet with City staff and/or elected officials to review recent plans and actions, and to discuss issues and opportunities for the downtown business district.
- GPG will make a 1-2 hour presentation on "New Trends in Urban Retail Development" and outline general observations and recommendations for the Plano business district.

Day 2

- GPG will meet with City staff in the morning to discuss issues and GPG's general observations and suggestions to enhance the business district.
- GPG will depart Plano at 2:00 p.m.

Post-Workshop

GPG will prepare a 2-3 page written and illustrated summary of our observations and recommendations from the above 2 day workshop.

1-2

Task Two: Retail Market Study

GPG shall conduct a market analysis of your sites to allow you and your team to gain an understanding of the types and sizes of retail businesses that are likely to be supportable during the next five (5) years. During this study GPG will collect demographic data, including household income and consumer expenditure potential by retail category for the estimated primary and secondary trade areas of your Historic Downtown, Parker Road Station area and 10th Street southern Brownfield sites.

In addition, GPG shall collect demographic data, household income, consumer expenditure potential by retail category, education levels, percentage of various employment types, age, projected growth, etc.

As a part of this study, GPG will comb the site's region, visiting most shopping centers and retailers. The assessment will include evaluation of the stores' quality, service and merchandise to seek out potential voids or over-supply of a particular good or service.

The final product of this task shall be a fifteen to twenty (15-20) page written and illustrated summary of the relevant population and demographic characteristics of the trade area, including the socio-economic characteristics and buying patterns of the population. This report will include a letter of qualitative opinion as to whether or not retail development is supportable in the study area and what size and types of retailers would most likely be supportable. This study will also estimate annual sales for each supportable retail category.

This step includes one (1) trip to Plano to present GPG's findings to City staff and elected officials. GPG shall also provide a list of potential retail and entertainment businesses that could be tenants at your site.

Proposed Professional Fees

GPG's proposed total fees for the above retail consulting services and workshop participation are **\$40,000**, which includes direct reimbursement for travel, lodging and document reproduction expenses. The City will provide GPG with ground transportation to and from the airport and in Plano. GPG shall be available for additional services as authorized by you on an hourly or per diem basis as outlined below:

Principal: \$400.00/hr.	\$4,500.00 per diem
Associate: 110.00/hr.	1,500.00 per diem

In addition to the above hourly fees for services, costs for document reproduction, travel and lodging shall be billed at direct cost.

Limits of Scope of Services:

The services described and provided by (GPG) in this agreement are for services only and should not be used as the sole basis of land purchases, consulting, sales,

1.3

development, financing, leasing, design, planning or construction. In addition, the following items are not included in this proposal: Environmental Analysis for toxic or contaminated site conditions, Architectural Design, Engineering or Real Estate brokerage services.

Conditions of Agreement:

- a. GPG will begin services as described by this proposal upon receipt of a non-refundable retainer (see below). This retainer will be deducted from the final invoice for services completed by this proposal.
- b. This proposal will be valid for 30 days from today's date.
- c. GPG's responsibilities for any damages or losses resulting from the services completed pursuant to this agreement shall be limited to \$1,000.00.

If you agree with the terms, fees and conditions of this proposal please sign below and return an original copy with a \$10,000.00 retainer check made out to GIBBS PLANNING GROUP, INC., so that we may begin assisting you in the near future.

Sincerely,
GIBBS PLANNING GROUP, INC.



Robert J. Gibbs
President

.....
Signature

Date

.....
Title

.....
Representing

1.4



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date:	2/11/08		Reviewed by Legal <i>av</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Planning		Initials	Date	
Department Head	Phyllis Jarrell		Executive Director	<i>[Signature]</i> 2/11/08	
Dept Signature:	<i>P. Jarrell</i>		City Manager	<i>[Signature]</i> 2/9/08	
Agenda Coordinator (include phone #): Lynn Trotter, ext. 7156					

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

CAPTION

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING SECTION 21-205 OF ARTICLE VI. IMPACT FEES, OF CHAPTER 21. UTILITIES, OF THE CITY OF PLANO CODE OF ORDINANCES TO LIMIT THE APPLICATION OF THE ORDINANCE TO THE ISSUANCE OF ALL BUILDING PERMITS FOR CAPITAL IMPROVEMENTS ON PRELIMINARY PLATS APPROVED BY THE CITY OF PLANO ON OR BEFORE FEBRUARY 18, 2008 AND CEASE COLLECTION OF ALL FEES ON AND AFTER FEBRUARY 18, 2009; PROVIDING A SEVERABILITY CLAUSE, A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2007-2008	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(s):

COMMENTS: The 2007-08 Water & Sewer Rate Model includes Impact Fees assumptions at existing rates.

SUMMARY OF ITEM

This item requires a public hearing in accordance with state laws regarding Impact Fees. With 95% of the utility infrastructure in place and less than 20% of the land in the city remaining for future development, it is recommended that the City of Plano phase out the Water and Wastewater Impact Fee program. The proposed ordinance provides for the continued collection of Impact Fees until February 18, 2009 from building permits for projects on currently platted lots and those included in preliminary plats approved by the City of Plano on or before February 18, 2008. Impact Fees will not be collected from building permits for projects on lots included in preliminary plats approved by the City of Plano after February 18, 2008. The one year phasing out of the program would allow the city to collect approximately \$620,000 from a portion of the remaining 1,960 single-family platted lots yet to be developed. This revenue could be used to retire debt incurred from bonds that financed new water and sewer facilities to serve development projects. Please refer to the memorandum to Thomas Muehlenbeck and Frank Turner dated February 1, 2008 for more information on the Impact Fee Program and the Planning & Zoning Commission recommendation acting in the capacity as the Capital



**CITY OF PLANO
COUNCIL AGENDA ITEM**

Improvements Advisory Committee.

List of Supporting Documents:

Memo to Thomas Muehlenbeck and Frank Tuner
DART Member Cities Impact Fee Participation
Survey
2003 Impact Fee Collection Schedule

Other Departments, Boards, Commissions or Agencies

2.2

MEMORANDUM

Date: February 1, 2008

To: Thomas H. Muehlenbeck, City Manager
Frank F. Turner, Executive Director for Development

From: Stephen M. Sims, Senior Planner

Subject: Impact Fee Program

The following request is a follow-up on the City Council's directive to staff on October 22 to pursue the discontinuation of the City of Plano's Water and Wastewater Impact Fees. We respectfully request the opportunity to ask the City Council to consider phasing out the City of Plano's Water and Wastewater Impact Fee Program during a public hearing at the **February 11, 2008** regular meeting for the following reasons:

1. The City is nearing completion of its basic infrastructure system and the impact fees cannot be applied to repair and replacement.
2. A major portion of Plano's future residential development will occur on small infill tracts with fewer lots and greater per unit investment by developers. Impact fees will be passed on to homebuyers in the form of higher housing costs at a time when we should create more housing opportunities, particularly for the local workforce.
3. The lack of impact fees could add to Plano's incentive package when competing with cities for business and residential development. As a DART member city, Plano lacks the ability to apply sales tax revenues to economic development like competing cities to the north. Seven of the 13 DART member cities do not have impact fees. (An attachment to this report provides a table with this information.)

Please note that terminating the Water and Wastewater Impact Fee program would **not** change the status of the **Neighborhood Park Fee Program**. It was established under a different state statute and can continue to function regardless of any action taken by the City Council on the Impact Fee Program.

Plano's Impact Fee Program was initiated in 1990 in accordance with Chapter 395 of the Texas Local Government Code. Chapter 395 was adopted by the Texas Legislature in 1989 to establish a formal process for cities to follow before requiring developers to participate in the infrastructure costs. Since that time, Plano has collected \$45.2 million in water and wastewater impact fees. Plano has typically applied a cost recovery rate of 50-55% of the maximum fee. The maximum per unit fee results from a periodic update of the city's land use assumptions and capital improvements plan (CIP) from which the costs of providing for new growth are estimated (A fee schedule is included as an attachment to this report.) Plano's current fee schedule will need updating after February 24, 2008 if the City Council chooses to continue the program.

Although updates are required every five years, the CIP is based on a 10-year growth period. In less than five years, Plano has already collected \$9.4 million (81%) of the \$11.6 million projected for the ten year period from 2003-2013. Plano's Impact Fee Fund

currently contains approximately \$2.8 million of which \$686,000 is committed to debt service for the 2007-2008 fiscal year budget. The remainder will be used for debt service in the future until all funds are expended. All funds must be applied to the installation of new infrastructure or the retirement of debt incurred to finance projects contained in the CIP. Any excess funds not spent as proposed in the CIP must be returned to developers. Reimbursement for this purpose has not been necessary in the past.

Over the past 18 years of substantial growth, the City of Plano has used its impact fee program to provide for reasonable sharing of infrastructure costs with developers and new property owners. Approximately 5060 acres (11%) of Plano's developable land is unplatted and 9500 acres (20%) is yet to be developed. As growth levels off and Plano's attention turns to redevelopment and revitalization, impact fees will play a lesser role in meeting the City's infrastructure requirements. Instead, we need to shift our efforts to encouraging new development, redevelopment and infill development to expand and stabilize the tax base. Reducing development costs by eliminating one of the fees imposed on developers should be strongly considered.

The Impact Fee Program would be phased out over a time period of one year. The proposed ordinance provides for the continued collection of Impact Fees until February 18, 2009 from building permits for projects on currently platted lots and those included in preliminary plats approved by the City of Plano on or before February 18, 2008. Impact Fees will not be collected from building permits for projects on lots included in preliminary plats approved by the City of Plano after February 18, 2008. As a result, it is not necessary to update the land use assumptions, capital improvement plan and impact fees. This would allow time for the city to collect approximately \$620,000 from a portion of the remaining 1,960 single-family platted lots yet to be developed. This money could be used to retire debt incurred from bonds that financed new water and sewer facilities to serve development projects.

The Planning & Zoning Commission, acting as the Capital Improvements Advisory Committee recommended that the Impact Fee Program be discontinued on November 5, 2008. A presentation was made to the Plano Homeowners Council and information was sent out to the Dallas Area Homebuilders Association and the Plano Developers Council. No official response was received from these organizations.

Attachment: DART Member Cities Impact Fee Participation Survey
2003 Impact Fee Collection Schedule

CC: Tom Muehlenbeck, City Manager
Frank Turner, Executive Director of Development Services
Rod Hogan, Executive Director for Public Services
John Gillam, First Assistant City Attorney
Phyllis Jarrell, Director of Planning
Alan Upchurch, City Engineer
Jeff Zimmerman, Planning and Information Manager

2.4

DART Member Cities Impact Fee Participation Survey

DART Member City	Use of Impact Fees
Addison	No
Carrollton	Yes
Cockrell Hill	Yes
Dallas	No
Farmers Branch	No
Garland	Yes
Glenn Heights	Yes
Highland Park	No
Irving	No
Plano	Yes
Richardson	No
Rowlett	Yes
University Park	No
Total	Yes – 6 (46%) No – 7 (54%)

Survey conducted by the City of Plano Planning Department in October 2007

Exhibit 3 from Ordinance No. 2003-2-32

**SCHEDULE 2
COLLECTION SCHEDULE FOR
WATER AND WASTEWATER FACILITIES**

METER SIZE	WATER	WASTEWATER	TOTAL
¾ Inch Meter	\$912	\$329	\$1,241
1 Inch Meter	\$1,550	\$559	\$2,109
1 ½ Inch Meter	\$3,648	\$1,316	\$4,964
2 Inch Meter	\$4,833	\$1,743	\$6,576
3 Inch Meter	\$9,757	\$3,519	\$13,276
4 Inch Meter	\$15,229	\$5,493	\$20,722
6 Inch Meter	\$30,366	\$10,952	\$41,318
8 Inch Meter	\$48,604	\$17,530	\$66,134
10 Inch Meter	\$69,943	\$25,227	\$95,170

2-6

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING SECTION 21-205 OF ARTICLE VI. IMPACT FEES, OF CHAPTER 21. UTILITIES, OF THE CITY OF PLANO CODE OF ORDINANCES TO LIMIT THE APPLICATION OF THE ORDINANCE TO THE ISSUANCE OF ALL BUILDING PERMITS FOR CAPITAL IMPROVEMENTS ON PRELIMINARY PLATS APPROVED BY THE CITY OF PLANO ON OR BEFORE FEBRUARY 18, 2008 AND CEASE COLLECTION OF ALL FEES ON AND AFTER FEBRUARY 18, 2009; PROVIDING A SEVERABILITY CLAUSE, A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on May 29, 1990, the City Council approved Ordinance No. 90-5-36 as codified in Article VI, Chapter 21 of the City of Plano Code of Ordinances providing for the assessment of impact fees for water facilities or waste water facilities imposed on new development by the city to generate revenue to fund or recoup the costs of capital improvements or facility expansion made necessary by such new development; and

WHEREAS, the City Council finds that the goals and purposes for which Ordinance No. 90-5-36, as amended, was adopted have been accomplished and that it is now in the best interest of the citizens of Plano to discontinue the collection of impact fees for any preliminary plat approved by the City of Plano after February 18, 2008;

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

Section I. The City Council hereby amends Article VI. Impact Fees, of Chapter 21. Utilities, section 21-205 of the City of Plano Code of Ordinances by limiting the ordinance to building permits or other development applications, of the City of Plano Code of Ordinances; as follows:

“Section 21-205 Applicability.

The provisions of this article apply to all development within the corporate boundaries of the (delete “city”) (add “City of Plano”) and its extraterritorial jurisdiction which lies within the service area for each category of capital improvement (deleted sentence “The provisions of this article apply uniformly within each service area”) (add statement “for which a preliminary plat was approved on or before February 18, 2008. The collection of all fees under this article shall cease on February 18, 2009.”)

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

Section 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 effect.

Section IV. The amendment or repeal of any ordinance or part of ordinances affected by the enactment of this ordinance shall not be construed as abandoning any

action now pending under or by virtue of such ordinance or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

Section V. This ordinance shall become effective on passage and approval thereof.

DULY PASSED AND APPROVED ___day of _____, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

2-8

DATE: January 23, 2008
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission 
SUBJECT: Results of Planning & Zoning Commission Meeting of January 22, 2008

**AGENDA ITEM NO. 6 - PUBLIC HEARING
COMPREHENSIVE PLAN REVISION
APPLICANT: CITY OF PLANO**

Request to amend the Economic Development Element of the Comprehensive Plan.

APPROVED: 6-0 **DENIED:** **TABLED:**

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: February 11, 2008 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

SS/dw

CITY OF PLANO
PLANNING & ZONING COMMISSION

January 22, 2008

Agenda Item No. 6

Public Hearing: Comprehensive Plan Revision

Applicant: City of Plano

DESCRIPTION:

Request to amend the Economic Development Element of the Comprehensive Plan.

REMARKS:

Purpose

The Economic Development Element provides a framework of objectives and strategies to guide efforts to expand and enhance the local economy. Since the element was last updated in 2001, it is important that the document reflects current trends and issues.

Text Changes

The Economic Development Element has been reformatted to match the current Comprehensive Plan. The key factors and issues along with corresponding objectives and strategies have been organized around the three themes of the Comprehensive Plan: Livable City, City of Organized Development and City in Transition. The objectives indicate the City's expectations regarding the challenges and opportunities presented under "Key Factors". The strategies provide direction for achieving those objectives. (Note that some strategies may apply to more than one objective while some objectives may have more than one applicable strategy.) A "Critical Issues" subsection has been added to the element to highlight issues that require attention and consideration at this time.

Other changes for the 2008 update include:

- Increased focus on the process for addressing long term economic development challenges. Current trends and issues that impact economic development are identified and presented in the text;
- Increased emphasis on the relationship between economic development, land use, transportation, housing, and other planning considerations;

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- Preservation of land for future economic development opportunities;
- Guidance for consideration of mixed use development plans with a residential component within major employment areas and expressway corridors has been provided;
- The impact of changing demographics on economic development activities and the composition of Plano's workforce; and
- Increased emphasis on the provision of a diverse local economy to withstand downturns in segments of the marketplace.

The Plano Economic Development Board staff has been involved with the update process since the project began. They are aware of the content within the document.

No current text with strikeouts has been provided for comparison with the 2007 update. All of the text in the 2007 update is new and there is no cross reference to the current element.

RECOMMENDATION:

Recommended for approval as submitted.

COMPREHENSIVE PLAN ECONOMIC DEVELOPMENT

INTRODUCTION

Purpose

The Economic Development Element of the Comprehensive Plan provides a general guide for decision makers regarding Plano's future economic growth. It is intended to define the role of economic development in the comprehensive planning process and its relationship to other elements of the Plan.

Critical Issues

Three critical issues currently impact economic development in Plano:

- Maintaining a diverse and expanding economy;
- Linking critical resources to business needs; and
- Preservation of land for future economic development opportunities

Economic diversity is important for the financial strength and security of a city, county or region. There are many different types of businesses found in Plano. However, the City's economy should have enough diversity to withstand a downturn in one of the business sectors.

Another leading factor for economic success is to ensure that major businesses in Plano have the critical resources they need to operate successfully. These resources include a capable workforce, education and training providers specializing in skills desired by the company, affordable housing nearby for employees, along with supportive services and suppliers.

Plano still has vacant land for future development. Most of this land is zoned for non-residential uses. The demand for housing in Plano remains strong and there is pressure to rezone nonresidential land to allow for more residential development. However, rezoning land to meet the immediate demand for housing may not be appropriate for long-term economic viability.

MAJOR THEMES

The Economic Development Element describes the City of Plano in terms of three major themes: Livable City, City of Organized Development, and City in Transition. This element includes a description of factors relating to each of the themes, objectives and strategies defining the City's overall approach to economic development.

Theme I – Livable City

One of the factors that contribute to Plano's excellent quality of life is the wide range of economic opportunities. The City of Plano is a major employment center in the North Dallas area of the Metroplex region. The North Central Texas Council of Governments estimates almost 130,000 people are employed within the City. The Livable City section

will explore the various employment sectors found within Plano along with attributes that contribute to the City as a place good for business.

Theme II – City of Organized Development

This section examines the relationship between Plano's land use pattern and the local economy. The current and future business composition of Plano's major economic development areas is examined. This section also reviews public efforts to address the needs of the local businesses and expand the local economy

Theme III – City in Transition

Plano has changed tremendously during the last 50 years, increasing in population from just over 2,100 people in 1950 to over 260,000 in 2008. Though population growth is slowing, Plano continues to evolve as a community. The City's population is becoming older and more diverse. As Plano approaches full residential development, there is considerable land available for commercial development. However, continuing regional population growth is creating pressure to rezone nonresidential land for housing. Balancing the immediate demand for developable land with the need to accommodate long-term economic growth will be vital to Plano's future.

THEME I – LIVABLE CITY

Economic Opportunities

Plano is a part of the Dallas-Fort Worth Metroplex, a region known for its strong economy. The numerous employment opportunities found in the Metroplex attract people to the region from all over the world. The overall Dallas-Fort Worth economy is diverse; however, some sectors of the region's economy are concentrated in specific areas of the Metroplex. Plano is located in the North Dallas part of the region where the primary economic sectors include information technology, telecommunications, software development, financial services, professional services, medical services, and retail.

Plano has a wide variety of businesses ranging from small companies to headquarters of major Fortune 500 corporations. Plano's economy is currently experiencing its most significant growth in the medical and financial fields. The "spin-off" potential from the development and expansion of large medical and financial facilities represents a major opportunity for strengthening the local economy.

There are numerous retail centers in Plano, ranging from regional malls to neighborhood retail centers at the intersections of major thoroughfares in the residential areas of the City. Government and education are very important sectors of Plano's economy as well. The two largest government and education employers are the City of Plano and the Plano Independent School District (PISD). The City of Plano has more than 2,600 employees and provides numerous municipal services. PISD educates over 54,000 students and employs almost 7,000 people.

The business sector contributes to a strong tax base for the City including millions of dollars annually in sales tax revenues. The tax base makes it possible for municipal government to provide a wide variety of services at low cost to Plano residents and businesses.

Location of Plano

Plano's location within the strong business climate of the Dallas-Fort Worth Metroplex contributes to the economic vitality of the City. The City is close to employment and cultural opportunities in Dallas and the high growth communities of Collin County to the north. Plano is connected to the Metroplex region and nation by a variety of transportation options. U.S. Highway 75 travels from the heart of downtown Dallas northward into Oklahoma. The President George Bush Turnpike and State Highway 121 provide access for Plano residents to the Dallas-Fort Worth (DFW) International Airport. The Dallas North Tollway is another link for Plano; connecting the City with Frisco and Prosper to the north and the Galleria, Love Field, and downtown Dallas to the south.

In addition to the commercial airline operations at DFW and Love Field, the Addison Airport and the Collin County Regional Airport are located less than 30 minutes from Plano and accommodate corporate jet service. The City has mass transit links to local and regional destinations and employment centers through bus and light rail services operated by Dallas Area Rapid Transit (DART).

Educational Opportunities

Quality educational opportunities available to Plano residents are another important attribute for economic strength in the City. Access to high quality educational opportunities is a major factor in attracting businesses composed of technical and professional workers. Plano is served by three public school districts. Most students attend PISD. Over 2,500 Plano school age children that live along the State Highway 121 corridor attend the Frisco ISD and a small number are within the Lewisville ISD service area in the western section of the City in Denton County.

There are several higher education opportunities in and near Plano. They include the University of Texas at Dallas (UTD), Southern Methodist University (SMU) and Collin College. UTD is a public institution offering under graduate and graduate degree programs and is located across the President George Bush Turnpike in Richardson. UTD has 14,000 students and is a recognized research university through its long association with Texas Instruments. SMU has a campus in the Legacy area. It offers working professionals degree programs in business and a Masters degree in digital media and video game design. Collin College, with almost 45,000 students, offers continuing education, vocational training, and the first two years of university courses at two campuses in Plano. Collin College also provides cost-effective continuing education for adults already in the work force. This is particularly important due to a fast changing global economy and its impact on the skill requirements of employees.

Objectives for Theme I – Livable City

- **Objective A.1** Provide a diverse economy able to withstand periodic downturns in various sectors.
- **Objective A.2** Ensure a variety of transportation options for Plano residents with access to employment opportunities within the region.
- **Objective A.3** Maintain quality education opportunities for Plano residents.

Strategies for Theme I – Livable City

- **Strategy A.1** Identify and monitor employment opportunities within Plano.
- **Strategy A.2** Identify growing and emerging industries and compare their needs to Plano's attributes and focus recruitment efforts accordingly.
- **Strategy A.3** Continue to work with transportation providers such as DART, Texas Department of Transportation, and North Texas Tollway Authority to provide transportation options and access to Plano.
- **Strategy A.4** Meet regularly with colleges, universities, and the public school districts to discuss employment trends and the development of programs to improve and enhance job skills of local residents.

THEME II – CITY OF ORGANIZED DEVELOPMENT

Land Use Considerations

Transportation Corridors

Most of Plano's economic activities take place along the major transportation corridors and within the two employment centers. Research/Technology Center is the Land Use Plan designation for southeast Plano where President George Bush Turnpike enters the City. Freeway Commercial is the land use recommendation along the U.S. Highway 75 corridor. The Major Corridor Commercial designation is found along the President George Bush Turnpike once it travels west of U.S. Highway 75 and along State Highway 121. The intent of the Research Technology Center recommendation is to promote office, research development, backoffice and light manufacturing facilities in southeast Plano. The Major Corridor and Freeway Commercial designations call for office, supporting retail uses, and major regional retail centers such as shopping malls.

Existing Commercial Areas

Legacy

Legacy is a corporate business park located in northwest Plano near the intersection of the Dallas North Tollway and Legacy Drive. It is primarily comprised of large campus headquarters for several major corporations. Legacy Town Center is a successful mixed use development located in the heart of Legacy. Retail, restaurants, offices, entertainment uses, a hotel, and over 1,400 multifamily units and 120 for-sale townhouse units can be found in Legacy Town Center. Legacy Town Center is expanding northward from Legacy Drive towards Headquarters Drive and the State Highway 121 corridor. Granite Park, is a major office/retail development located immediately north of Legacy on State Highway 121 and the Dallas North Tollway that includes both single and multi-tenant facilities. The North Central Texas Council of Governments estimates that nearly 40,000 people worked in the Legacy/Granite Park area in 2005 (latest year estimates were available).

Research/Technology Crossroads District

The Research/Technology Center District (RT) is located in southeast Plano. The area is bound by 14th Street (F.M. 544) on the north, Rowlett Creek to the east, Renner Road

and President George Bush Turnpike on the south and extends westward past Jupiter Road. Businesses in the RT district employ almost 14,000 people (NCTCOG – 2005 estimate).

The RT district was established in 1998 to create a unified development approach for 1,100 acres of land in southeastern Plano. The land originally was primarily zoned Light Industrial (LI). LI not only permits manufacturing and industrial uses, but it includes a broad range of activities such as warehousing, automotive, heavy commercial, and retail uses. The RT district was intended to create a cohesive employment center of primarily manufacturing and office uses in proximity to the Bush Turnpike corridor. Boundary adjustments and modifications to the allowed uses within the district are presently under consideration to ensure that the Crossroads maintains consistency with market and development conditions.

Dallas North Tollway Corridor

The Tollway corridor passes through a variety of land uses. Superstores, a regional mall, offices, entertainment establishments, and retail stores and shops are located along the expressway. An estimated 12,500 people are employed in businesses within the corridor south of Windhaven Parkway (NCTCOG – 2005 estimate). The Tollway passes through the heart of the Legacy area. Some of Plano's prime undeveloped land is found along the Tollway as well. The long range land use recommendations and zoning map propose nonresidential uses, and the corridor should be preserved for future economic development opportunities.

President George Bush Turnpike/Plano Parkway Corridor

This corridor follows along Plano's southern boundary. Office/warehouses, technology research, and development companies and manufacturing uses with railroad siding access to the Cottonbelt Railroad are found at the eastern end of the corridor. Collin Creek Mall and a variety of restaurants and retail uses are located in the northwest quadrant of the interchange with U.S. Highway 75. As the Turnpike travels west towards Preston Road, the land uses transition to lower-density corporate campuses, manufacturing operations, and retail uses. The NCTCOG estimated 15,000 employees worked in businesses in this section of the Turnpike in 2005.

The largest amount of undeveloped land is located between the Turnpike and Plano Parkway, where the zoning allows office, limited retail, and industrial uses. The intent for this section of the corridor between Alma Drive and Coit Road was the development of high-intensity office buildings. To date, market demand has not supported the planned uses for this location along the corridor. From Ohio Drive westward towards the Dallas North Tollway, the Turnpike borders the Kansas City Southern Railroad, leaving no room for development adjacent to the expressway. In addition, there are no frontage roads west of Coit Road. Baylor Medical Center, restaurants, offices, automobile dealerships, and multifamily residential are found along the Plano Parkway corridor from Coit Road to the Tollway.

U.S. Highway 75 Corridor

U.S. Highway 75 is an expressway that connects Plano to downtown Dallas. Unlike the Tollway and Turnpike which are regional expressways, U.S. Highway 75 is a national highway. The highway travels north beyond the Dallas area towards Tulsa and Kansas City and intersects Interstates 40 and 44 providing access to the northern and eastern regions of the United States.

The Land Use Plan recommendations and the zoning allow for a variety of retail and office uses along U. S. Highway 75. Collin Creek Mall and Downtown Plano are located near the southern entry into the City. Entertainment uses, retail big box developments, offices, restaurants, and hotels also combine to form a high-activity area corridor that employs over 17,000 people (NCTCOG – 2005 estimate). The retail competition for prime locations along U.S. Highway 75 is very strong. Several restaurants have recently relocated from older facilities near the 15th Street/Park Boulevard section of the corridor to larger, more modern facilities along the expressway between Parker Road and Spring Creek Parkway.

State Highway 121 Corridor

State Highway 121 is the northern boundary of the City of Plano from Spring Creek Parkway to Custer Road. The highway provides access from Plano to Fort Worth and the DFW International Airport to the west along with McKinney and U.S. Highway 75 to the east. The corridor is in transition from a two lane highway to a six lane tollway with three lane service roads in each direction. At this time, the service roads are in place with interchanges at the Dallas North Tollway, Preston Road, and Custer Road.

Most of the land in Plano along State Highway 121 is undeveloped with a few exceptions. There are retail centers at intersections with Preston Road and Coit Road. The rest of the Plano side of the roadway remains unimproved as land owners await the construction of the main lanes. As a result, only 2,300 people had jobs along the corridor as of 2005. Most of the land is zoned to allow for retail and office development with a 1,200 foot setback guideline recommended for residential development in the Housing Element. Despite the recommended setback, there has been considerable interest in residential development within the corridor. Sometimes natural and manmade barriers like creeks and roadways make it necessary to deviate from the 1,200 foot guidelines to avoid creating odd-shaped tracts of land that are difficult to develop. Otherwise, residential intrusions into the corridor should be avoided to accommodate future economic development opportunities.

Economic Development Activities

Expanding and enhancing the local economy is primarily the responsibility of the Plano Economic Development Board (PEDB). Its mission is to:

- Identify and recruit businesses that will broaden and diversify the tax base;
- Create quality employment opportunities;
- Provide for a vibrant economy; and
- Promote a pro-business environment.

The PEDB staff, under direction from the Board of Trustees, implements a plan of work to accomplish its mission. The plan of work has three main programs: Outreach & Recruitment, Retention & Expansion, and Marketing & Redevelopment.

PEDB's staff conducts outreach and recruitment efforts both domestically and globally to company executives, site selectors, and the real estate community. To update its marketing efforts, PEDB is refining its "brand" and revising other marketing materials. PEDB reaches the real estate community with participation in events such as CoreNet for corporate facilities managers and North Texas Commercial Association of Realtors for commercial real estate brokers. PEDB is also active in regional marketing initiatives

with participation in the four-city coalition of Collin County (Allen, Frisco, McKinney, and Plano) and the DFW Marketing team.

Incentives play an important role in attracting and retaining companies. Many of Plano's neighboring cities participate in the 4 A/B program, a state economic development sales tax that provides funding for large economic incentives. Although the State of Texas allows cities to increase local sales taxes to fund economic development activities, it also "caps" the total percentage of the sales tax rate. Plano is not able to participate in the 4 A/B program because it has reached the cap due to membership in DART. This is a common situation for cities across Texas that participate in regional transit authorities and creates a disadvantage when competing with cities that are not members of transit organizations.

However, another Texas local government statute, Chapter 380 from the Texas Local Government Code, allows for cities to use money for economic development from other funding sources. The City passed a small property tax increase in 2006 that provides an incentive fund for economic development. The fund has greatly increased the PEDB's competitiveness for recruitment and retention projects.

Although Chapter 380 provides cities an alternative incentive option, sales taxes would be a more effective funding source as property taxes are an additional business cost. So far, efforts to amend state law to give member cities of regional transit authorities the opportunity to apply sales taxes to economic development activities have been unsuccessful. Plano and other cities belonging to transit authorities should continue pursuing legislative changes in this regard.

As Plano matures, Business Retention and Expansion (BRE) will become increasingly important. Building relationships with executives and brokers helps PEDB identify companies that are expanding in Plano or are likely to relocate. PEDB also operates programs that facilitate interaction between business leaders and public officials.

PEDB devotes considerable attention to recruiting businesses to Plano's Research/Technology Center district (RT) and surrounding industrial areas, stimulating redevelopment of aging retail centers and marketing to technology companies. PEDB networks with the broker community to communicate the assets of the area and to recruit prospective companies. It is also active in trade shows targeting existing technologies such as electronics and semiconductor as well as emerging technologies such as nanotechnology. The PEDB also works closely with SMU's Guildhall to build a digital media industry cluster in Plano.

As neighboring cities grow and develop new shopping centers, retail has become a focus. The PEDB is active in the International Council of Shopping Centers (ICSC), attends retail trade shows and works with property owners to protect Plano's retail base. The PEDB continues to support retailers and local businesses to help find suitable redevelopment opportunities for underperforming and vacant retail centers. Plano also has a retail incentive program which uses Tax Increment Financing (TIF) zones for downtown and the Shops at Willow Bend. City Council also can approve the use of Chapter 380 funds to provide infrastructure for major projects.

Land Use and Economic Issues

Preservation of Land for Future Economic Development

Over 20% (9,500 acres) of land in Plano is undeveloped. Almost 70% of this land is zoned for commercial uses such as office and retail, and most of the land is located along the major expressway corridors and within the City's employment centers. As mentioned under the Critical Issues subchapter, the demand for housing is still quite strong in Plano, and there is pressure from the development community to rezone land to allow for additional residential development. Some areas zoned for nonresidential uses may be appropriate for housing and should be considered for residential development. However, rezoning requests must be carefully examined to ensure that proposed locations are suitable for residential development and that Plano's economic viability is not being jeopardized in order to accommodate short-term demand. The availability of undeveloped "greenfield" sites is vital to encourage expansion and relocation of businesses. Therefore, the City should preserve land along the expressway corridors and in the employment centers for future economic development opportunities.

Mixed Use Development

Development projects that include both residential and commercial uses are generally inappropriate for the four major expressway corridors and the two major employment centers in Plano. Exceptions may be appropriate for urban center projects such as Legacy Town Center that fully integrate a variety of uses into a pedestrian-oriented environment. The Urban Centers Study defines urban centers as "a form of development that integrates the components of modern life – housing, workplace, shopping, and recreation – into compact pedestrian oriented neighborhoods." Structures within urban centers should be flexible to adapt to changing uses over time. The study was adopted by the City Council in 2006 and provides specific recommendations for design and development of major mixed use projects. It recommends a minimum of 50 acres to adequately incorporate residential, employment, retail, and entertainment uses into a functional neighborhood environment.

It is generally recommended that mixed use projects proposed for these areas conform to the minimum development size. Smaller projects do not typically include enough households to provide viable support to the other uses in the development. In some cases, proposed projects may actually be "multi-use" instead of "mixed use." They do not integrate residential uses within the same buildings or blocks. In these cases residential and commercial uses may be part of the same site or project area, but they are physically and functionally separated from each other. Cross access may link the two uses, but the individual parts of the development are largely self reliant entities.

Residential development in major expressway corridors or employment centers would be classified as "Alternative Neighborhood Settings" because they are different from the typical Plano neighborhood. These typical neighborhoods include approximately one square mile bounded by major, local thoroughfares with schools and park sites in the center and consist primarily of low-density residential subdivisions. Part B of the Infill Housing Policy Statement 4.0 provides guidance regarding residential development in alternative neighborhood formats. The policy statement and the Urban Centers Study should be referenced when evaluating requests for residential development within locations that are generally reserved for economic development.

Overabundance of Retail Zoning

Most intersections of major thoroughfares have retail zoning and development on all four corners. Developments at these intersections comprise the majority of Plano's 19 million square feet of retail space (2007 Costar) and amounts to over 76.3 square feet per person, almost three times the regional figure.

The overabundance of retail development and changing market trends are creating difficulties. Some retail centers have empty storefronts and anchors. Some big box users have moved their stores to locations along regional expressways leaving large empty buildings behind. The Weitzman Group estimates that approximately 10% of the City's retail space is vacant.

The overabundance of Retail zoning and development led to Plano forming a partnership with the cities of Carrollton and Richardson to study underperforming retail sites and develop near- and long-term recommendations. The study was completed in 2003 and named "Tri-City Retail Study." In response to the study, Plano has broadened the uses allowed in Retail zoning and has been cautious in approving additional retail zoning requests.

Objectives for Theme II – City of Organized Development

- **Objective B.1** Ensure remaining undeveloped land is used to support the long-term economic viability of the community, including the preservation of major corridors and business parks for economic development.
- **Objective B.2** Retain and support Plano's businesses.
- **Objective B.3** Attract new businesses that promote job growth and contribute to the city's tax base.

Strategies for Theme II – City of Organized Development

- **Strategy B.1** Identify and market undeveloped land along major transportation corridors and within major business parks for nonresidential development.
- **Strategy B.2** When proposed, residential and a combination of mixed uses should be organized and designed in a mixed use format as recommended in the Urban Centers Study. The proposal should also comply with the guidelines set forth in Part B of the Infill Housing Policy Statement 4.0.
- **Strategy B.3** Residential components should be clearly integrated with uses within a mixed use development proposal. The proposal should comply with the guidelines set forth in the Infill Housing Policy Statement 4.0, Part B.
- **Strategy B.4** Stay informed on the latest business practices and development trends, compare them to current conditions in Plano, and adjust marketing approaches and applicable ordinances as needed.

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- **Strategy B.5** Maintain a close relationship with Plano's businesses. Identify challenges and opportunities that they are facing and explore options that will accommodate expansion and retention.
- **Strategies B.6** Actively recruit new businesses to Plano that could provide services to existing companies and utilize talents of present workforce.
- **Strategy B.7** Continue to explore additional funding sources for economic development including changes to state laws related to sales taxes.

THEME III – CITY IN TRANSITION

Changing Demographics

Plano's population is aging and becoming more diverse. The 2005 American Community Survey results from the U.S. Census Bureau stated that Plano's over-65 population has grown to include over 16,000 people, a 50% increase since the 2000 Census. The City's Asian and Hispanic populations have increased by 80% and 33% respectively since the 2000 Census. The Asian community now comprises over 40,500 people, 16% of Plano's population as compared with 29,800 Hispanics at 12%.

Retirement for many older Plano residents may actually mark the beginning of a new career. Some may even start new businesses using pensions and Social Security as financial "safety nets" until the business is successful. Technology will allow many of these people to operate their business from home. This activity may cause a shift of the perception of residential areas as a place for business as single-family properties may serve two purposes. The diversification of Plano's population is beginning to create opportunities for ethnic-oriented retail operations. Some underperforming shopping centers have already taken advantage of this market opportunity. It will be necessary for Plano's business community to continue to explore opportunities resulting from changing demographics and adapt accordingly.

Workforce Composition

The numbers of people in Plano employed in management, professional, and technical occupations has grown tremendously over the last 20 years. Workers in these occupations have increased by 132 % from 1990 to 2006. They comprise almost half of all employed people in Plano. Much of this has to do with the strong corporate presence in the City and the growing health care sector. The high percentage of professionals in Plano has contributed to 53% of adults having a college degree, more than double the percentage for the United States.

Growth in sales and office occupations has been strong at 49% since 1990. However, the share of jobs in this sector has been decreasing. In 2006, sales and office occupations comprised 29.2% of all jobs. Manufacturing and transportation occupations saw a decrease in percentage and numbers from the 1990 Census. The number of people employed in these occupations had declined further by 8.7% in 2006.

The greatest job growth in Plano was among those service occupations such as retail, hospitality, and restaurants. Many of these jobs within service occupations require semi skilled labor or people with few skills and pay lower wages with few if any benefits. The

number of employees within service occupations increased by 180% from 1990 to 2006. This is probably due to the tremendous population growth of Plano and nearby cities during the past 16 years and the increased demand for retail services and goods.

Economic Diversity

A diverse economy is vital to the economic health of a city, region, state, or nation. A diverse economy enables a region to overcome downturns in an economic sector. Creating economic diversity is challenging. Similar businesses and related support services tend to cluster in the same general areas to create economies of scale and a common resource base. This is often a necessary business practice and should not be discouraged; however, recruitment efforts must be continually reviewed and evaluated to ensure that they remain broadly focused.

Though Plano seems to have a higher concentration of professional jobs than the nation and region, it is important to remember that the City's economy is not isolated; it is a smaller part of the Dallas-Fort Worth Metroplex. The distribution of jobs by occupation in the Metroplex mirrors that of the nation, meaning that the region's economy is diverse. However, it might be beneficial for Plano to consider seeking the guidance of a professional economist to help study economic diversity within the City. The last downturn between 2001 and 2004 was difficult for Plano as property values decreased, many residents were out of work, and revenues fell for municipalities.

An aging population in Plano and the North Texas region should stimulate growth in health care services within the City for many years. There has been an increase in the construction of long term care and independent living facilities during the last four years. However, opportunities for more construction are limited due to land availability. Even with over 1,500 new senior housing units permitted that could accommodate up to 3,000 people, there still appears to be a major gap between the demand for senior housing in Plano and available facilities as the City's over-65 population is estimated to reach 40,000 people by 2020. The real opportunity exists for businesses with services geared towards helping seniors age in place. Services such as transportation, nutrition, nursing care, and home maintenance will be needed. There are some private and public organizations that provide these services today, but keeping pace with demand will be a challenge.

Business Needs

Plano's workforce is diverse; however, PEDB has identified the need for electrical and mechanical engineers and technical support staff for financial service industries. Other occupations may face similar shortages due to retirement as well. The City should work with businesses through PEDB to develop innovative ideas to match employees with employers who need their skills.

Businesses coming to Plano seek affordable housing for their employees and good transportation access to and from their facilities. Affordable housing in Plano is in short supply. Many homes that are affordable are older and require maintenance and updating to meet current standards desired by prospective home buyers. New home buyers may have to choose between an older home in need of updating in Plano and an affordable new home with desired amenities 20 or 30 miles away. Such commutes cut down on productivity as people spend a couple of hours traveling from home to work.

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Commuting costs also affect employee salaries. Rising fuel costs for long distance commuting will become a major challenge for commuters in the near future.

Economic Future

Plano's economic future is bright due to its location in the Dallas-Fort Worth Metroplex and its transportation options, along with a well educated and highly trained workforce. One of the biggest economic engines for the future will be innovative businesses that spur entrepreneurship. Businesses that meet a specific service niche or "untapped" demand will have greater success. Plano's highly educated population represents great potential for new business creation. There have been many spin-offs of businesses started by people who used to be employed with major technology companies in the area. Home-based businesses are likely to increase as well. The number of people working at home in Plano has tripled since the 1990 Census.

Innovative businesses may need assistance to grow and thrive. It will be important for support structures to be in place – ranging from business advice and financial resources to access to technological innovations required to share information, promote products, and conduct financial transactions. Fiber optic connections are available for most homes and businesses in Plano, but it will be essential to continue to provide the latest in communications connections to help the local economy keep pace with cities and regions.

Objectives for Theme III – City in Transition

- **Objective C.1** Adapt economic development efforts to changing regional and local demographics.
- **Objective C.2** Provide for a balance between employment opportunities and the skill sets and capabilities of the local workforce.
- **Objective C.3** Provide for a diversified local economy that can withstand downturns in individual market sectors.
- **Objective C.4** Develop knowledge and understanding of the resources required by local businesses.
- **Objective C.5** Attract new businesses that encourage job growth and will make significant contributions to Plano's tax base.
- **Objective C.6** Promote the formation and long-term success of new business opportunities.

Strategies for Theme III – City in Transition

- **Strategy C.1** Study Plano's resident population and monitor changing demographic trends and their potential impacts on market opportunities and workforce requirements.

- **Strategy C.2** Work with local businesses to determine their employment needs and when appropriate develop initiatives to address shortages.
- **Strategy C.3** Regularly compare the capabilities of the local workforce with the changing requirements of local business; identify gaps; and work with local education agencies to provide training as needed.
- **Strategy C.4** Conduct a study of the local economy to measure its diversity, identify its strengths and weaknesses, and develop approaches to enhance Plano's business composition.
- **Strategy C.5** Explore the possibility of creating employer-assisted housing program partnerships with local businesses to expand housing opportunities for employees within Plano.
- **Strategy C.6** Develop a clearinghouse for information on local organizations that provide support of small businesses in Plano.
- **Strategy C.7** Identify and evaluate local approaches to support the formation and development of new businesses that could become major contributors to the local economy. Determine what gaps exist in the current system of resources designed to help small businesses capitalize on innovation and market potential and consider ways to address those gaps at the local level.

MEMORANDUM

Date: January 28, 2008
To: Honorable Mayor Pat Evans and City Council
From: Steve Sims, Senior Planner
Subject: 2001 Economic Development text

Attached for your information is the April 2001 version of the Economic Development Element text. There are no strikethroughs of the 2001 document as there is no direct correlation with the 2008 update. The 2008 Economic Development Element under consideration for the February 11 public hearing has been reorganized to match the present format of the Comprehensive Plan. The focus of the document has changed from a general survey of current conditions and programs to examine long term challenges regarding land use and economic development issues.

Attachment: April 2001 Economic Development text

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City of Plano

COMPREHENSIVE PLAN

ECONOMIC DEVELOPMENT

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INTRODUCTION

The Economic Development Element of the Comprehensive Plan provides a general framework of policies and recommendations to guide the community's future economic growth. It is intended to define the role of economic development in the comprehensive planning process and its relationship to other elements of the Plan. Specific strategies and programs should be developed to accomplish the objectives and policies outlined in this element. A summary of the major economic development concepts is listed below.

MAJOR CONCEPTS

Economic Center

During the twentieth century, Plano transformed from a small farming town to bedroom community to a city balanced with residential, service, and employment opportunities. Plano has become a major economic center within the Dallas/Fort Worth Metroplex and is a major source of employment for surrounding communities, as well. Major areas of intense economic activity center in are Legacy business park, the Dallas North Tollway corridor, State Highway 121 corridor, Central Expressway corridor, the President George Bush Turnpike corridor (including Plano Parkway), and the Research/Technology District. Although Plano is nearing maturity, these business centers still offer major opportunities for new development.

Responsive to Business Trends

Plano's economic success depends on its ability to respond to changes in business trends. In particular, the significant changes presented by technological advances represent opportunities to attract new businesses and

expand existing operations. New methods of conducting business must be identified and incorporated into the way in which the city provides service(s) to the existing business community and market Plano to prospective companies Plano markets itself and serves the business community.

Livable City Concept

The quality of life, including the availability of employers and a strong workforce, directly relates to the "Livable City" concept. As of 1999, 35 percent of the land zoned for non-residential use is still unplatted and only 45 percent of this area has been developed. This leaves a major portion of the City still available for business development and expansion. As the City matures, the focus of economic development may shift into that of retention, expansion and redevelopment. Maintaining a strong business environment in the City will allow for a sustainable quality of life for Plano residents. By providing attractive employment opportunities within Plano, the citizens will benefit by shorter work trips and a greater convenience of goods and services close to both work and home. Quality of life issues such as housing, schools, and leisure time activities contribute to a city's attractiveness to the business community. In turn, the ability to find employment opportunities is important to residents. Plano is a community that stresses quality of life issues and provides a wide range of opportunities for those who choose to live and/or work here.

CONDITIONS / TRENDS / ISSUES

Plano is impacted by both regional and local factors. A variety of economic, social, political, technological and geographic aspects are discussed in this section. Additionally, the section presents a review of economic development activities within Plano and of regional economic trends. This section describes Plano's economy, and assesses strengths, weaknesses, and opportunities, and threats. Given this background, the administrative and organizational framework of current economic development functions is described. Other issues covered include the role of land development and the importance of public infrastructure, support services, facilities and training.

Regional Economic Profile

The Dallas/Fort Worth Metroplex ranks as one of the most productive areas in the United States, according to the Sprint Business Survey. The Metroplex is also the tenth largest retail market in the country. Over 6,000 companies have their corporate headquarters located in this area. There are currently four foreign trade zones, no personal or corporate income tax, no state property tax and a list of financial incentives that make this region a popular location for a wide variety of business activities.

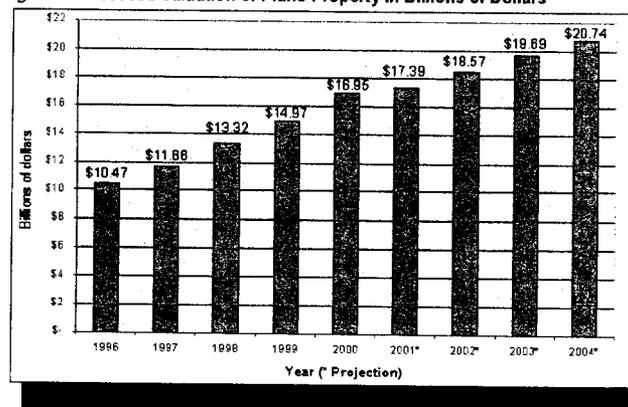
The Metroplex has a work force of nearly 1.9 million people. Most of its residents are employed in service and retail sectors. They represent 30.9 percent and 24.3 percent of total employment respectively. Almost one quarter of a million people are employed in high-tech businesses in the area. The Dallas metropolitan area ranks second in the nation as a high-tech center. In fact, half of high-tech jobs in Texas are located in the Dallas/Forth Worth area. Major exports of the region include electric machinery and equipment; nuclear machinery; aircraft, spacecraft and parts; scientific and measuring instruments; and chemical products.

Local Economic Profile

The transformation of Plano from a rural farming center to an emerging economic development center is the result of several historical factors which continue to shape the City's economic structure. Major growth was initially spurred by the completion of Central Expressway, which provided easy access to downtown Dallas and other employment centers. The availability of developable land and the existence of an excellent school system (Plano Independent School District) made Plano ideal for residential growth. The growth of high technology businesses and "spin-off" companies in northern Dallas and Richardson further fueled the growth of Plano's residential neighborhoods. Land availability, accessibility, and its well-educated workforce made Plano an attractive business location. Major firms established headquarters in Plano in the 1980's, a trend which is continuing today.

A number of facts point to the growing significance of economic development and its impact on Plano's quality of life. Thirty-five percent (35%) of Plano's assessed property value is derived from non-residential property. A strong local economy and continued growth has led to a growing tax base (see Figure 1). Sales tax revenues comprise more than 50% of the City's tax revenues. Plano's employers provide jobs to nearly 100,000 persons.

Figure 1: Assessed Valuation of Plano Property in Billions of Dollars



As evidenced by Table 1, Plano's economy is strongly tied to technology oriented businesses. Suppliers have located in proximity to the com-

panies they serve, adding more employment opportunities for local residents. Table 1 provides evidence that Plano's economy is also diverse. Small businesses in a variety of fields are also a significant part of Plano's workforce. With the increased opportunities for telecommuting, more and more local residents will work out of their homes.

of Plano's workforce falls into categories such as "professional" and "managerial", businesses still require employees who can work for moderate pay, particularly in service and retail operations. Affordable housing and accessibility will continue to be significant factors in the success of these business fields.

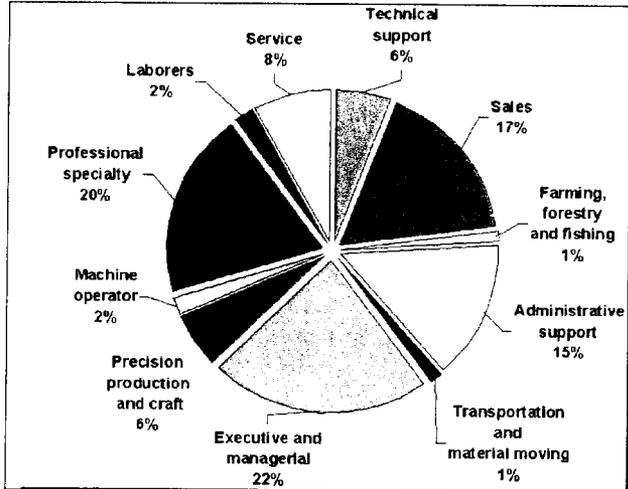
Figures 2 and 3 display occupations of Plano residents and occupations of those who work within the city. Although a significant portion

Table 1: Major Employers in Plano*

150 to 999 Employees	1000+ Employees
Adams Golf Inc	Alcatel USA
Cinemark USA	Countrywide Home Loans Inc
Citizens Communications	Dallas Morning News
Compaq	Dr Pepper/Seven up Inc
Disctronics Texas Inc	EDS
Fujitsu Network Services	Ericsson Inc
MetaSolv Software Inc	Frito-Lay Inc
Lacerte Software	JCPenney Company
Luminator	JCPenney Direct Marketing Services
Metromedia Restaurant Group	Medical Center of Plano
Renter's Choice Inc	Perot Systems Corporation
SASIB Bakery North America	City of Plano
Summit Acceptance Corporation	Plano Independent School District
Presbyterian Hospital of Plano	

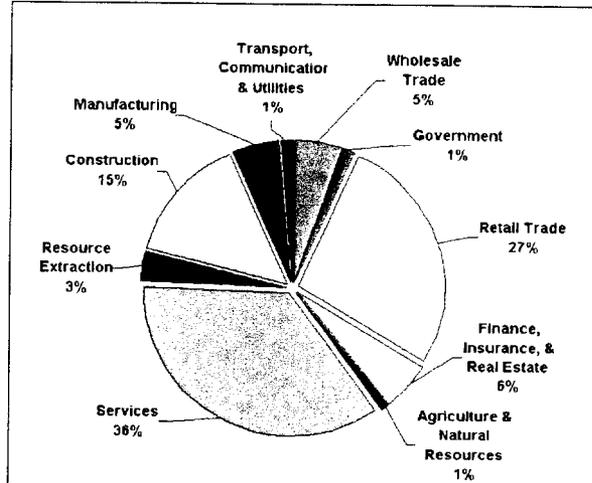
* The above represents a sampling of major employers.

Figure 2: Plano Residents By Occupation



Source: Greater Dallas Chamber

Figure 3: Plano Employment Sectors



Source: Greater Dallas Chamber

Development patterns

Plano's system of local and regional thoroughfares significantly impacts land development. Four existing and/or planned regional expressways (U.S. 75, the Dallas North Tollway, President George Bush Turnpike (S.H. 190) and S.H. 121) provide or will provide opportunities for economic development because of high visibility and regional access. As noted in Figure 4, these regional thoroughfares connect Plano with other major Metroplex cities and key destinations such as airports, economic centers, and major residential areas. These highways also establish major corridors for regional retail, service, office and manufacturing uses. The regional transportation system is supported by a local system of six-lane divided thoroughfares in a grid pattern. This system, in turn, creates a series of one-square mile (approximate) neighborhoods, consisting of single family homes on the interior, and multi-family, retail, and service uses on the exterior.

Three principal exceptions to this general pattern are the Legacy business park in northwest Plano, the Research/Technology (RT) District in southeast Plano, and the Business/Government (BG) District in downtown Plano. These three areas each provide unique business and employ-

ment opportunities. Legacy provides opportunities for corporate campus and mixed-use urban development in its core. The RT District is directed toward light manufacturing and office uses in high technology sectors. The BG District encompasses Plano's original business district. It provides for preservation, revitalization, and redevelopment in a mixed-use, pedestrian setting.

The RT and BG districts were addressed along with other issues in the final report of the East Plano Development Task Force in 1997. This document, "10 Big Ideas for Eastern Plano," provides recommendations for stimulating investment and re-investment in older areas of the community. Implementation of the Task Force's recommendations is part of an ongoing process to address Plano's transition from a growing to a maturing city.

Accessibility

Plano's ability to meet the needs of businesses and residents will depend on the continued development of its transportation system. This includes its thoroughfare system and other forms of transportation. It also includes connections to major transportation centers like D/FW International Airport and Love Field.

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The Dallas Area Rapid Transit Authority (DART) provides public transportation in Plano. In addition to area bus service, DART operates one of the nation's newest light rail systems with approximately 20 miles of light rail currently in place. By 2003, Plano will be connected to DART's light rail system.

D/FW International Airport is just 30 minutes away, providing easy access to any part of the world. With over 2,000 flights daily, D/FW ranks as one of the busiest airports in the world. Major U.S. cities are accessible within three hours by air travel. A supporting cast of other airports includes Addison Airport, McKinney Airport and Dallas Love Field, a central hub for regional business and commuter

travel. Plano should work with surrounding communities to determine the feasibility of establishing a secondary airport, providing corporate jet and commuter service. A future rail connection to DFW airport should also be evaluated. As development in Plano and surrounding communities continues, connections to employment centers will become increasingly important.

Demographics

Population/Employment

Plano's population grew slowly from 1,304 persons in 1900 to 3,695 persons by 1960.

Figure 4: Plano in the Metroplex

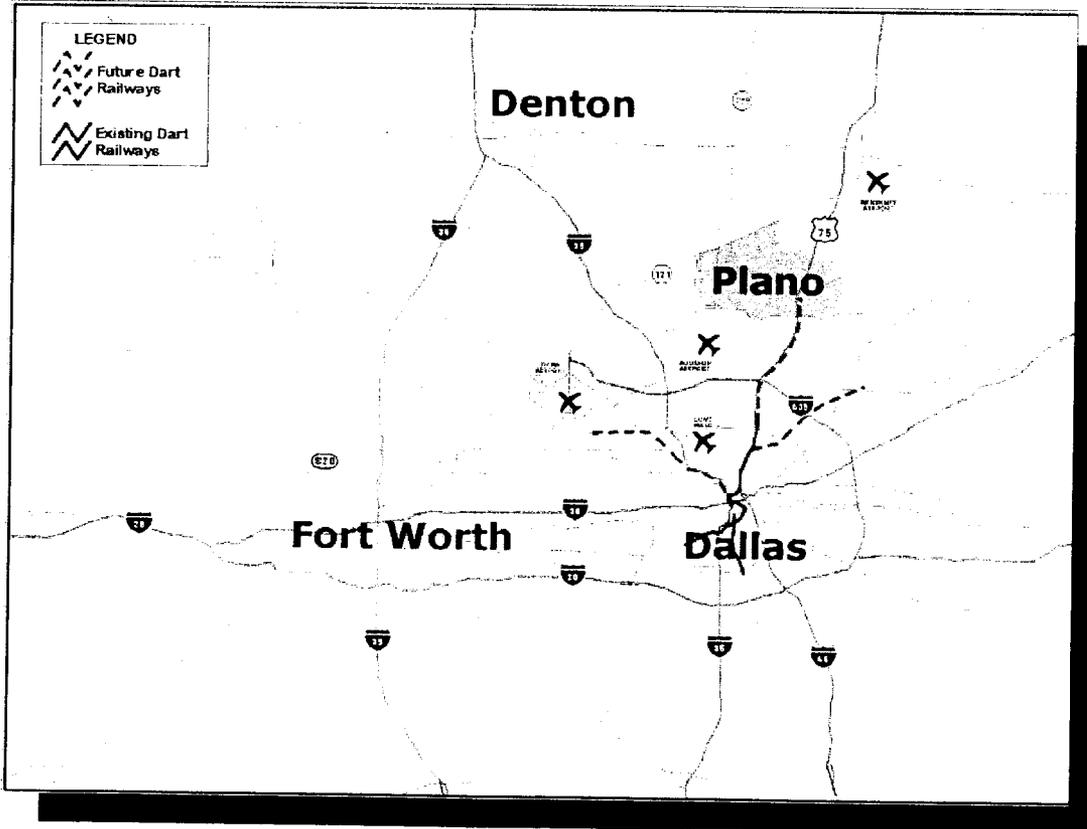


Table 2: Plano Population 1960 - 2000

Year	Population	Dwellings	Population Change
1960	3,695	1,217	-
1970	17,872	6,144	14,177
1980	72,331	24,259	54,459
1990	128,713	47,386	56,382
1995	167,070	62,684	38,357
2000	222,030	86,828 *	54,960

Source: U.S. Census, Development Report City of Plano, 1998 NCTCOG, and staff estimates.

* Dwelling unit data was not part of the information released by the Census Bureau at the time of publication. This figure is based on estimates developed by the City of Plano.

Since then, Plano's population has increased rapidly as shown in Table 2. Plano is the fourth largest city in the Dallas/Fort Worth Metroplex area and is listed as one of the fastest growing cities in the country by the U.S. Census Bureau.

The population indicated for the year 2000 is the number being reported by the Census Bureau for the 2000 Census. As more information becomes available, projections and estimates for future years will be completed.

Plano's employment has grown an average of more than 4000 jobs per year since 1980. The total

Table 3: Plano Employment 1980-2010

Year	Employment	Change
1980	14,400	-
1990	57,846	43,446
1995	71,550	13,704
2000	100,000	28,450
2005	121,500	21,500
2010	145,000	23,500

Source: U.S. Census, North Central Texas COG, staff estimates.

growth during that time period is 85,600. Plano's 2000 employment is estimated at 100,000. Of this, 72,625 (73%) are considered to be in "regional employment". These jobs are located along the major transportation corridors and in the Legacy and Research/Technology areas. Between 2000 and 2010, regional employment is expected

to grow by approximately 45,000 jobs. Locally based employment is generated by the demand of nearby neighborhoods. Local employment should increase by 1,000 for a 2010 total employment estimate of 145,000. Significant employment growth is expected in all the intensity areas, with the exception of US. 75, which is primarily developed.

Plano is becoming a net importer of labor as non-residential development increases and residential development slows. This means that more persons will commute to Plano daily to work than those who commute from Plano to other cities.

Organizational Framework

The organizational framework to delegate economic development responsibilities was authorized and implemented in 1985 when the Plano Economic Development Board (PEDB) was formed. PEDB, a non-profit organization, has a professional staff that has assumed the supervisory role for Plano's economic development program. A formal Board of Trustees comprised of 18 voting and 5 ex-officio members oversees the operations and associated activities of this program.

The Board of Trustees, structured as a policy making body, is comprised of the following members: City Council representatives, City Manager,

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Plano Independent School District (PISD) Superintendent, PISD Board Member, Collin County Community College District (CCCCD) Trustee, CCCCCD President, Collin County Commissioner's Court representative, Plano Chamber of Commerce Chairman, Plano Chamber of Commerce President, representative of the Plano Developer's Council, and a minimum of five (5) and no more than twelve (12) at-large members selected from the community.

Housing

The ability to provide a variety of housing opportunities for those who will work in Plano is critical. Plano's residential land is more than 90% developed. The undeveloped property is expected to yield approximately 7400 single-family homes and 3700 apartment units. After residential development is completed, Plano businesses will rely heavily on surrounding communities to provide housing for employees. They will also rely heavily on an effective transportation system (as noted in the "Accessibility" section) to facilitate access to and from places of work. Plano's ability to work effectively with surrounding communities, TxDOT, the North Texas Turnpike Authority, DART, and others, is necessary to ensure that Plano businesses can draw from an adequate workforce.

Education

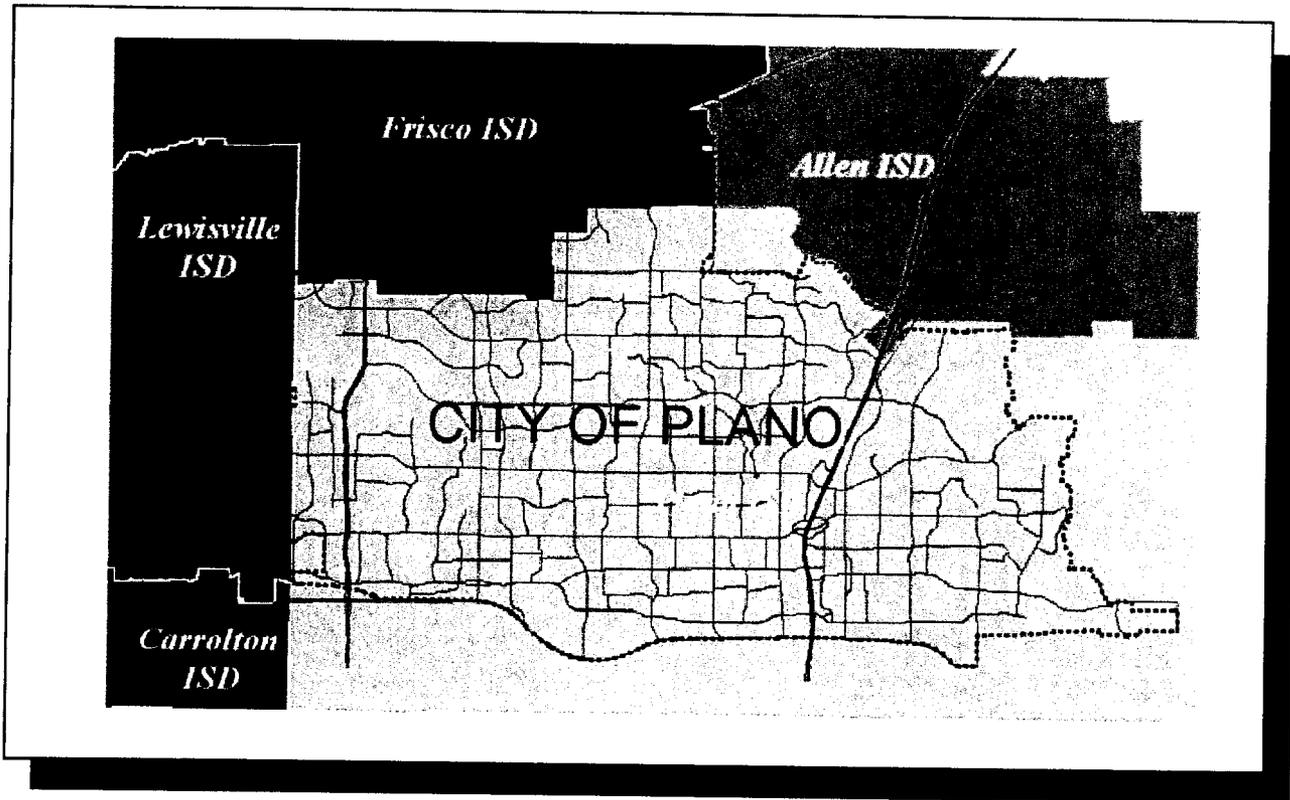
Plano Independent School District (PISD) serves the vast majority of Plano's citizenry. Highly recognized for its academic achievements and its superior facilities, PISD has been and continues to be a major factor in the City's growth and the local economy. The City and PISD have forged cooperative partnerships over the years that have increased educational opportunities, improved the efficiency and effectiveness of school and City programs, and provided economic incentives.

There are several continuing education opportunities in Plano, including the Master of Liberal Arts program, the Master of Business Administration program, executive and management development courses in business, advanced computer education courses, and the Center for Global Leadership, helping to prepare area companies for global success. Meeting the educational needs of the business community, Collin County Community College District (CCCCD) brings the classroom to the office. CCCC offers more than 100 certificates and degrees at six locations. The college offers customized training programs for businesses. CCCCCD has recently partnered with the University of North Texas and the University of Texas at Dallas to offer direct transfers of credit toward a bachelor's degree for CCCCCD students. Southern Methodist University has established a 48,000 square foot campus in Plano, "SMU in Legacy". Courses at the campus are designed to meet the needs of individuals and companies in Plano and far north Dallas. The Graduate School of the University of Dallas has established a campus in Plano where courses are offered toward master's degrees in both Management and Business Administration.

Public Support Services

The City of Plano provides a wide range of public services and facilities to meet business as well as residential requirements. Plano's Fire Department has a "Class 1" rating from the Insurance Services Office, Inc. This rating means that Plano businesses and residents pay the lowest insurance premiums possible. The Police Department offers crime prevention programs to Plano businesses. The City's Parks and Recreation program is a three-time recipient of the prestigious National Gold Medal Award for Excellence in Parks and Recreation Management. Plano Centre offers outstanding facilities for training, retreats, conventions, and trade shows.

Figure 5: Plano and Surrounding Independent School Districts



OBJECTIVES AND POLICIES

Organizational Environment

OBJECTIVE 1.100 Develop an organizational structure that provides a positive business environment.

POLICY 1.101 Using PEDB as the focal point, encourage a high degree of cooperation among all participants in promoting commerce in the community.

POLICY 1.102 Work specifically with the City of Plano, Plano Independent School District, Collin County Community College District, Collin County, Plano Chamber of Commerce and other interested parties to develop organized programs and activities for economic growth.

POLICY 1.103 Develop an integrated database to assist businesses in locating pertinent demo-

graphic and development information.

Outreach/Business Recruitment

OBJECTIVE 2.100 Strengthen and broaden the community's economy and quality of life through a comprehensive outreach/business recruitment program.

POLICY 2.101 Identify and recruit businesses that are consistent with Plano's attributes and characteristics.

POLICY 2.102 Identify and recruit businesses that will diversify Plano's tax base and reduce cyclical market impacts.

POLICY 2.103 Identify and recruit businesses that increase job opportunities for residents.

POLICY 2.104 Actively involve community leaders in the business recruitment process.

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Business Retention and Expansion

OBJECTIVE 3.100 Provide for a vibrant economy through a proactive business retention and expansion program that encourages local companies to grow and expand their presence in Plano.

POLICY 3.101 Develop and implement a business retention program designed to identify and help solve problems that Plano companies are experiencing.

POLICY 3.102 Conduct a program that identifies and encourages expansion opportunities for existing Plano firms.

POLICY 3.103 Continually evaluate and modify the program to meet new demands presented as the city reaches maturity in residential and commercial/industrial spaces.

Redevelopment and Marketing

OBJECTIVE 4.100 Enhance the local economy through a redevelopment program that focuses on stimulating new investment in targeted geographic areas.

POLICY 4.101 Regularly monitor the impact of market and technological trends on the existing property inventory.

POLICY 4.102 Stimulate conservation, restoration and redevelopment of areas throughout the city as required.

POLICY 4.103 Develop initiatives to stimulate conservation, restoration and redevelopment of older commercial properties.

Workforce Development and Training

OBJECTIVE 5.100 Increase the availability of adequately educated and trained personnel to meet the growing and diversified labor needs of

the business community.

POLICY 5.101 Work closely with local businesses to determine the strengths and weaknesses of the local labor market.

POLICY 5.102 Collaborate with the Collin County Community College District and other educational entities on opportunities to improve the skills, training and education of the Plano workforce.

POLICY 5.103 Develop a system that links potential employees with businesses, established or developing, in Plano.

Land Development and Redevelopment

OBJECTIVE 6.100 Ensure continued economic growth by supporting development patterns that promote economic development, a strong employment base, and a range of residential opportunities.

POLICY 6.101 Maintain development standards that will promote long-term investment and reinvestment in both residential and non-residential properties.

POLICY 6.102 Regularly monitor and refine zoning regulations, building codes, and related requirements to ensure that they are adaptable to changing technologies while providing for safe and secure working and living conditions.

POLICY 6.103 Maintain land use and zoning patterns that effectively integrate residential, employment and service uses while providing for accessibility and transition between uses.

POLICY 6.104 Maintain regulations that will permit the effective redevelopment of properties that are not readily adapted to changing technological and market conditions while ensuring their compatibility with existing development.

POLICY 6.105 Maintain a transportation system that effectively integrates traditional and alternative transportation systems to complement and facilitate Plano's economic success

6. Continue cooperative efforts with the City and the City Centre Association to continue the development/redevelopment of downtown Plano and the surrounding area. Also identify other business centers where reinvestment is needed and work with the property owners to improve their facilities.

RECOMMENDATIONS

1. Develop and implement a pro-active marketing program with promotional materials and a web site to illustrate the comparative advantages of Plano for prospective businesses. The web site should include demographics and related information to help prospective businesses with market analyses.
2. Enhance PEDB's Business Retention & Expansion program that encourages existing businesses to stay in Plano. Monitor existing businesses through interviews and other methods to enhance Plano's ability to meet the needs of the local economy.
3. Continue to collaborate with other local groups and organizations such as the Plano Chamber of Commerce, the Plano Convention and Visitors Bureau, the Collin County Community College District (CCCCD), and school districts to comprehensively address issues and opportunities impacting the local economy. Where appropriate, form "recruitment teams" to work directly with businesses when making locational decisions.
4. Maintain a networking program with the real estate brokerage and development community to reinforce Plano's standing as the optimal city for relocation and expansion and to improve the availability of information on corporate activity.
5. Continue to implement the Economic Development related tasks of the "Ten Big Ideas", such as attracting a community health facility for eastern Plano, promoting the Research/Technology District, installing streetscape improvements in the district, attracting high technology related businesses to the district, and developing a commercial revitalization program.

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING THE "ECONOMIC DEVELOPMENT ELEMENT" OF THE COMPREHENSIVE PLAN ORIGINALLY ADOPTED BY RESOLUTION NO. 86-11-22(R) PROVIDING PROCEDURES APPROVING THE UTILIZATION OF SAID CHAPTER AS REVISED AND AMENDED BY THE APPROPRIATE PERSONNEL AND DEPARTMENTS OF THE CITY OF PLANO FOR THE PURPOSE OF GUIDING FUTURE DEVELOPMENT WITHIN THE CITY OF PLANO, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Comprehensive Plan of the City of Plano provides for updating the Economic Development Element of the Comprehensive Plan as needed; and

WHEREAS, the Economic Development Element was last updated on March 3, 2001, (Ordinance No. 2001-3-8); and

WHEREAS, the Planning & Zoning Commission has reviewed the updated Economic Development Element to the Comprehensive Plan during the course of several work sessions; the Commission made certain modifications and approved the update during a public hearing held on January 22, 2008; and

WHEREAS, City Council has provided an opportunity for public review and input on the proposed update to the Comprehensive Plan, and after receipt of the same wishes to approve the update to the Comprehensive Plan as a tool to provide guidance regarding economic development issues ; and

WHEREAS, the City Council held a public hearing on February 11, 2008, open to all persons wishing to comment on the proposed chapter update; and

WHEREAS, the City Council, having been presented the proposed chapter update, upon full review and consideration thereof, and all matters attendant and related thereto, is of the opinion that the updated Economic Development Element of the Comprehensive Plan should be approved, adopted and utilized by the City of Plano;

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

Section I. The updated Economic Development Element, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interest of the City of Plano and its citizens, are hereby approved and adopted.

Section II. The Comprehensive Plan provides a general framework of objectives and strategies for the long range development of the City. It provides a basis

for establishing requirements for the development and redevelopment of public and private property, including land uses, streets, and public facilities.

Section III. Development regulations and their application should be generally consistent with the Comprehensive Plan as they relate to overall city standards and specific area or project requirements. In determining whether or not a regulation or its application is consistent with the Comprehensive Plan, the City Council, the Planning & Zoning Commission, or other City body should consider:

1. The Comprehensive Plan in its entirety;
2. Immediate or near-term constraints affecting the timing or phasing of development or redevelopment of a property in accordance with the plan;
3. The existing and planned capacities of public infrastructure and facilities serving a given site or location; and
4. Unanticipated changes in conditions or new information occurring since the last update of the plan or one of its elements.

Section IV. This Comprehensive Plan does not constitute zoning regulations nor does it establish zoning district boundaries. In addition, adoption of the plan as attached does not require the City to rezone property or amend development standards.

Section V. The Comprehensive Plan does not obligate the City to expend funds on any of the recommendations for possible activities, projects or studies.

Section VI. The City Council may amend the Comprehensive Plan following a public hearing held before the City Council and receipt of a report and recommendation of the Planning & Zoning Commission pertaining to the amendment. The Planning & Zoning Commission shall conduct a public hearing before making its report and recommendation to the City Council. Notice of a public hearing pertaining to consideration of an amendment to the Comprehensive Plan shall be given in a newspaper of general circulation not less than ten days prior to the hearing.

Section VII. City staff is permitted to add to or modify the literary and exhibit contents of the amended Land Use Element with such materials as graphs, tables, indexes, maps, background materials, additional policy statements, etc., so long as they are consistent with the policies and recommendations of the Comprehensive Plan, without the need for further City Council approval.

Section VIII. This ordinance shall become effective immediately from and after its passage.

3-30

DULY PASSED AND APPROVED THIS 11TH DAY OF FEBRUARY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	2/11/08		Reviewed by Legal <i>PM</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Planning		Initials	Date	
Department Head	Phyllis M. Jarrell		<i>[Signature]</i>	2/4/08	
Dept Signature:	<i>P. Jarrell</i>		Executive Director	<i>[Signature]</i>	
Agenda Coordinator (include phone #):		Lynn Trotter, ext. 7156	City Manager	<i>[Signature]</i>	2/6/08

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

CAPTION

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE FOR ZONING CASE 2007-57. AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, GRANTING SPECIFIC USE PERMIT NO. 589 SO AS TO ALLOW THE ADDITIONAL USE OF DAY CARE CENTER ON 0.5± ACRE OF LAND OUT OF THE JAMES BEVERLY SURVEY, ABSTRACT NO. 120, LOCATED 100± FEET WEST OF N AVENUE, 370± FEET SOUTH OF PLANO PARKWAY IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, PRESENTLY ZONED LIGHT INDUSTRIAL-1; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE. TABLED 12/10/2007 AND 1/14/2008.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

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

FUND(s):

COMMENTS:

SUMMARY OF ITEM

At the applicant's request, this item was tabled to the February 11, 2008, City Council meeting.

List of Supporting Documents:

- Ordinance
- Staff Write Up
- Follow Up

Other Departments, Boards, Commissions or Agencies
Planning & Zoning Commission

DATE: November 20, 2007
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission 
SUBJECT: Results of Planning & Zoning Commission Meeting of November 19, 2007

**AGENDA ITEM NO. 8 - PUBLIC HEARING
ZONING CASE 2007-57
APPLICANT: UNIVERSITY OF GYMNASTICS**

Request for Specific Use Permit for Day Care Center on 0.5± acre located 100± feet west of N Avenue, 370± feet south of Plano Parkway. Zoned Light Industrial-1.

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

P & Z waived the requirement for outdoor play space.

Recommended for approval as follows:

1. Day care shall be provided for less than four hours per day for an individual person. However, the day care facility may operate multiple sessions of four hours or less in length.
2. The day care center must be operated in conjunction with the gymnastics facility.

FOR CITY COUNCIL MEETING OF: December 10, 2007 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dw

xc: Randy Haefli, Randall Management LLC
Mark White, Icon Architects Inc.
Dayna Deprospero, University of Gymnastics

4-2

CITY OF PLANO
PLANNING & ZONING COMMISSION

November 19, 2007

Agenda Item No. 8

Public Hearing: Zoning Case 2007-57

Applicant: University of Gymnastics

DESCRIPTION:

Request for Specific Use Permit for Day Care center on 0.5± acre located 100± feet west of N Avenue, 370± feet south of Plano Parkway. Zoned Light Industrial-1.

REMARKS:

The requested zoning is a Specific Use Permit (SUP) for Day Care Center that is to operate in conjunction with a gymnastics facility. A day care center is defined as a facility providing care, training, education, custody, treatment, or supervision for 13 or more children for less than 24 hours per day. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

The proposed day care center is in a multi-occupant building with direct access to the exterior of the building. The applicant operates an existing daycare in a similar location nearby. Children attending the day care center will have access to 7,780 square feet of indoor and 5,500 square feet of outdoor play space. The applicant feels the large indoor play area provides adequate play space for the children and is therefore requesting a waiver to the outdoor play space requirement. It has direct access to the outdoor play space which is immediately adjacent to the building. The Zoning Ordinance requires that day care centers provide outdoor play space; however, the Planning & Zoning Commission may waive the requirement for outdoor play space if care is provided for less than four hours per day. The applicant plans to operate a "drop-in" day care and will not offer care for more than four hours.

The maximum number of students allowed at any time is 200. The day care meets the required parking, loading and unloading area requirements. It is also not within 300 feet of gasoline pumps or underground storage tanks.

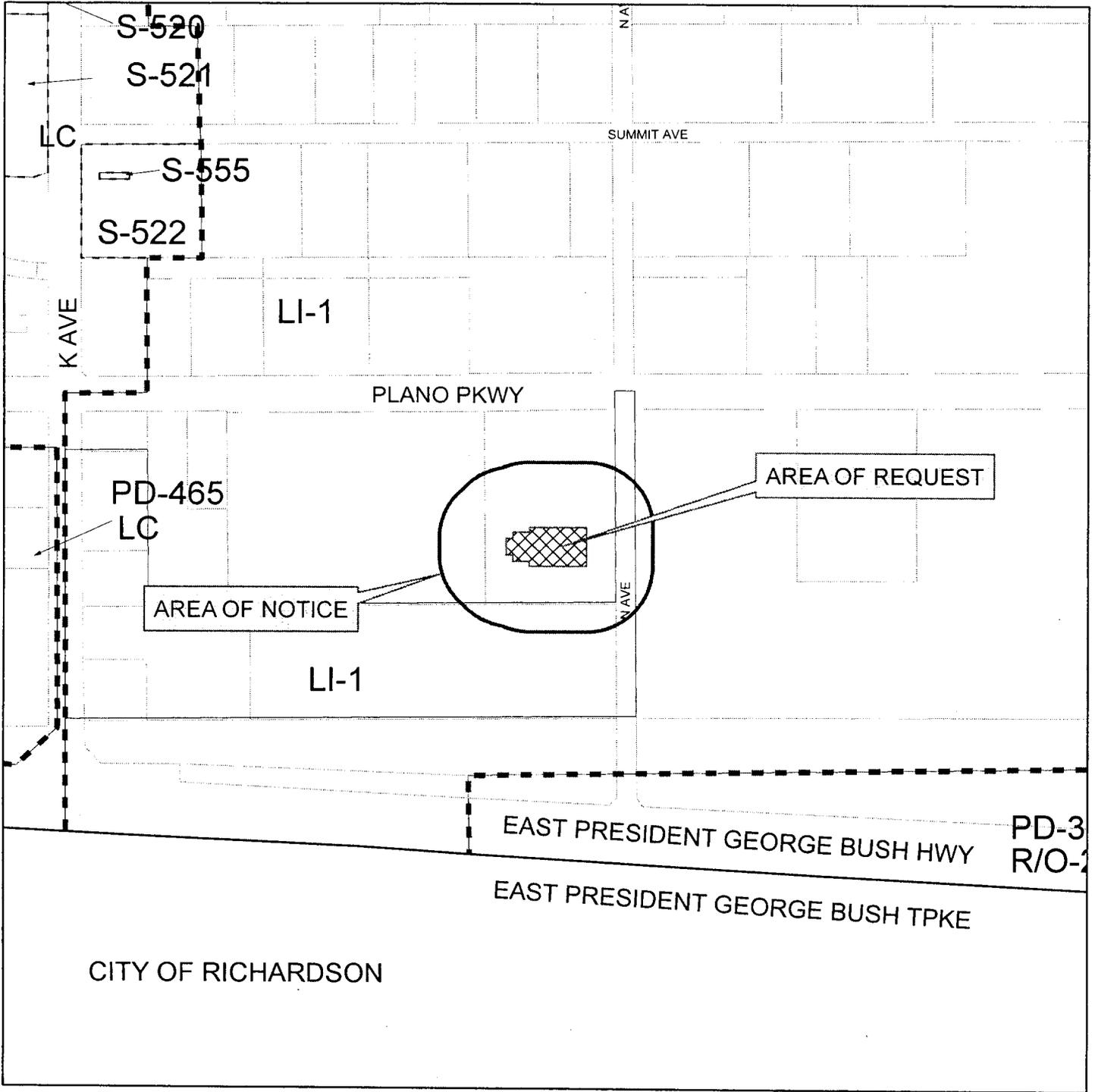
4-3

RECOMMENDATIONS:

Recommended for approval subject to:

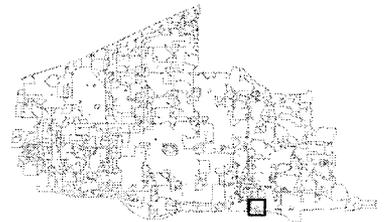
1. P & Z waiving the requirement for outdoor play space;
2. Day care shall be provided for less than four hours per day for an individual person. However, the day care facility may operate multiple sessions of four hours or less in length.
3. The day care center must be operated in conjunction with the gymnastics facility.

4-4



Zoning Case #: 2007-57

Existing Zoning: LIGHT INDUSTRIAL-1



○ 200' Notification Buffer



45

ORDINANCE NO. _____
(Zoning Case 2007-57)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, GRANTING SPECIFIC USE PERMIT NO 589 SO AS TO ALLOW THE ADDITIONAL USE OF DAY CARE CENTER ON 0.5± ACRE OF LAND OUT OF THE JAMES BEVERLY SURVEY, ABSTRACT NO. 120, LOCATED 100± FEET WEST OF N AVENUE, 370± FEET SOUTH OF PLANO PARKWAY IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, PRESENTLY ZONED LIGHT INDUSTRIAL-1; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 10th day of December, 2007, for the purpose of considering granting Specific Use Permit No. 589 for the additional use of Day Care Center on 0.5± acre of land out of the James Beverly Survey, Abstract No. 120, located 100± feet west of N Avenue, 370± feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 11th day of February, 2008; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 589 for the additional use of Day Care Center on 0.5± acre of land out of the James Beverly Survey, Abstract No. 120, located 100± feet west of N Avenue, 370± feet south of Plano Parkway in the City of Plano, Collin County, Texas, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

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

4-7

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

Section I. The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 589, allowing the additional use of Day Care Center on 0.5± acre of land out of the James Beverly Survey, Abstract No. 120, located 100± feet west of N Avenue, 370± feet south of Plano Parkway in the City of Plano, Collin County, Texas, presently zoned Light Industrial-1, said property being more fully described on the legal description in Exhibit "A" attached hereto.

Section II. The change granted in Section I is granted subject to:

1. Day care shall be provided for less than four hours per day for an individual person. However, the day care facility may operate multiple sessions of four hours or less in length.
2. The day care center must be operated in conjunction with the gymnastics facility.

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

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

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

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

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

4-8

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

PASSED AND APPROVED THIS THE 11TH DAY OF FEBRUARY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a tract of land situated in the James Beverly Survey, Abstract Number 120, Collin County, Texas, and being part of Lot 2, Block A, as shown on the Conveyance Plat of Luminator Addition, an addition to the City of Plano, Collin County, Texas, as recorded in Cabinet O, Page 482, Plat Records, Collin County, Texas, also being part of that tract of land described in deed to Randall Industrial, L.P., as recorded in Volume 5618, Page 2487, Deed Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at a point for the southeast corner of the building located on the aforementioned Lot 2, Block A, Luminator Addition;

THENCE Northerly, along the Easterly edge of said building, a distance of 55.18 feet to the POINT OF BEGINNING of the herein described tract;

THENCE Westerly, departing said Easterly edge of building, a distance of 171.16 feet to a point on the Westerly edge of said building;

THENCE Northerly, along said Westerly edge of building, a distance of 15.00 feet to a point for a corner;

THENCE Westerly, a distance of 50.00 feet to a point for corner;

THENCE Northerly, a distance of 20.00 feet to a point for corner;

THENCE Westerly, a distance of 20.00 feet to a point for corner;

THENCE Northerly, a distance of 50.00 feet to a point for corner;

THENCE Easterly, a distance of 20.00 feet to a point for corner;

THENCE Northerly a distance of 20.00 feet to a point for corner;

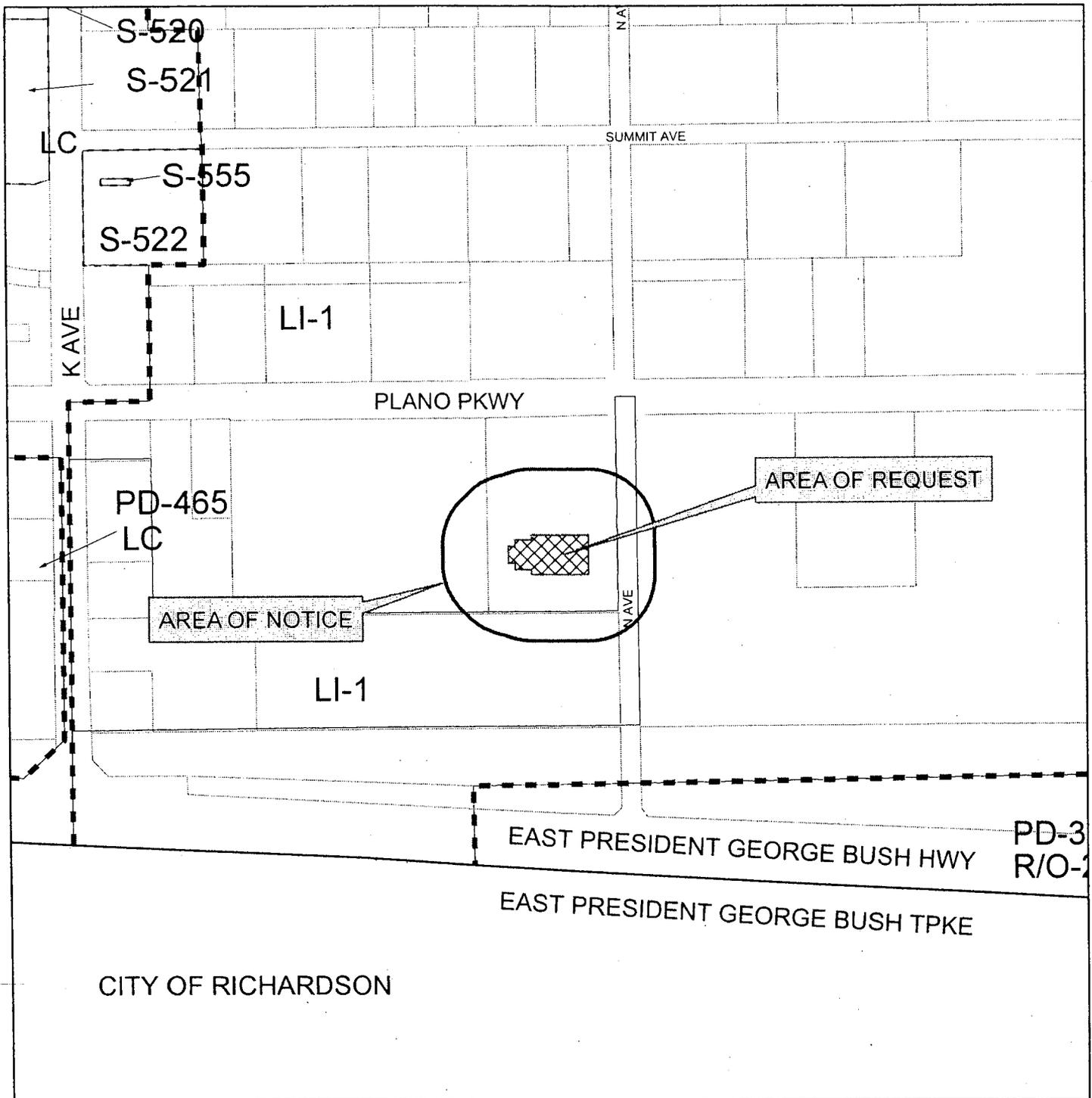
THENCE Easterly, a distance of 50.00 feet to a point for corner on said Westerly edge of building;

THENCE Northerly, along said edge of building, a distance of 15.00 feet to a point for corner;

THENCE Easterly, a distance of 171.60 feet, to a point for corner; on the Easterly edge of building;

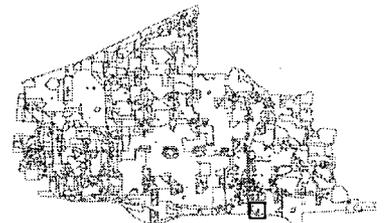
THENCE Southerly, along the Easterly edge of building, a distance of 120.00 feet to the POINT OF BEGINNING and CONTAINING 26,040 square feet of land, more or less.

4-10



Zoning Case #: 2007-57

Existing Zoning: LIGHT INDUSTRIAL-1



○ 200' Notification Buffer

411

(5) Public Hearing and Consideration of Ordinances Requested in Zoning Cases 2007-59, 2007-69 – 2007-73 all of which are limited to the repeal of certain Specific Use Permits for Private Clubs. The following ordinances are proposed to be repealed which, if approved, will result in the rescission of the Specific Use Permit for an additional use of a Private Club and the applicant is the City of Plano.

- (5a) **Zoning Case 2007-59** – Request to rescind Specific Use Permit #195 for Private Club on one lot on 0.1± acre located 240± feet north of Park Boulevard, 740± feet west of Ohio Drive. Zoned Retail.
- (5b) **Zoning Case 2007-69** – Request to rescind Specific Use Permit #258 for Private Club on one lot on 0.1± acre located on the north side of Park Boulevard, 1,370± feet east of Preston Road. Zoned Retail.
- (5c) **Zoning Case 2007-70** – Request to rescind Specific Use Permit #260 for Private Club on one lot on 2.3± acres located on the north side of Plano Parkway, 200± feet east of U.S. Highway 75. Zoned Corridor Commercial.
- (5d) **Zoning Case 2007-71** – Request to rescind Specific Use Permit #264 for Private Club on one lot on 1.3± acres located on the east side of Preston Road, 550± feet north of Parker Road. Zoned Planned Development 184-Retail/Office-2.
- (5e) **Zoning Case 2007-72** – Request to rescind Specific Use Permit #274 for Private Club on one lot on 1.0± acre located 390± feet north of 15th Street, 755± feet west of U.S. Highway 75. Zoned Planned Development-474-Corridor Commercial.
- (5f) **Zoning Case 2007-73** – Request to rescind Specific Use Permit #305 for Private Club on one lot on 1.2± acres located on the west side of Preston Road, 670± feet south of Park Boulevard. Zoned Retail.

All of the above locations are located within the City of Plano, Collin County, Texas, and the repeal of each ordinance will amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to reflect such action; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date.



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	2/11/08	Reviewed by Legal <i>pc</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Planning		Initials	Date
Department Head	Phyllis M. Jarrell	Executive Director	<i>[Signature]</i>	<i>2/4/08</i>
Dept Signature:	<i>P. Jarrell</i>	City Manager	<i>[Signature]</i>	<i>P/6/08</i>
Agenda Coordinator (include phone #):		Lynn Trotter, ext. 7156		
ACTION REQUESTED: <input checked="" type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input checked="" type="checkbox"/> OTHER PUBLIC HEARING				
CAPTION				
PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE FOR ZONING CASE 2007-59. AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 92-5-29; THEREBY RESCINDING SPECIFIC USE PERMIT NO. 195 FOR THE ADDITIONAL USE OF PRIVATE CLUB ON ONE LOT ON 0.1± ACRE OF LAND OUT OF THE T.S. COTTON SURVEY, ABSTRACT NO. 202, LOCATED 240± FEET NORTH OF PARK BOULEVARD, 740± WEST OF OHIO DRIVE IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
Due to a notification error, this, item was rescheduled to the February 11, 2008, City Council meeting.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Ordinance		Planning & Zoning Commission		
Staff Write Up				
Follow Up				

DATE: January 29, 2008
TO: Applicants with Items before City Council
FROM: Tom Elgin, Development Review Manager
SUBJECT: Results of City Council Meeting of January 28, 2008

**PUBLIC HEARING
ZONING CASE 2007-59
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #195 for Private Club on one lot on 0.1± acre located 240± feet north of Park Boulevard, 740± feet west of Ohio Drive. Zoned Retail.

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

STIPULATIONS:

Due to an error in the public notification, City Council took no action on this item.

PUBLIC HEARING - ORDINANCE

EH/dw

xc: Richard Matkin, PISD
Cliff Bormann, Assistant Building Official

5a-2
Z:PAC/01/28-08-CC

CITY OF PLANO
PLANNING & ZONING COMMISSION

January 7, 2008

Agenda Item No. 9B

Public Hearing: Zoning Case 2007-59

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #195 for Private Club on one lot on 0.1± acre located 240± feet north of Park Boulevard, 740± feet west of Ohio Drive. Zoned Retail.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #195 for Private Club. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

Prior to the May 2005 election, a restaurant in Plano desiring to serve alcoholic beverages had to obtain SUP approval for a Private Club from the City of Plano and had to obtain a Private Club Permit from the Texas Alcoholic Beverage Commission (TABC). The election gave restaurants another option to serve alcoholic beverages by acquiring a Mixed Beverage Permit (with a Food and Beverage Certificate) directly from TABC. With the Mixed Beverage Permit, an SUP is no longer necessary.

Joe's Pizza restaurant operates with a Mixed Beverage Permit from TABC. Therefore, for "housekeeping" purposes, staff recommends that the Private Club SUP be rescinded since the SUP is not necessary for the restaurant to sell alcoholic beverages. Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

Recommended for approval as submitted.

5a-3

ORDINANCE NO. _____
(Zoning Case 2007-59)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 92-5-29; THEREBY RESCINDING SPECIFIC USE PERMIT NO. 195 FOR THE ADDITIONAL USE OF PRIVATE CLUB ON ONE LOT ON 0.1± ACRE OF LAND OUT OF THE T.S. COTTON SURVEY, ABSTRACT NO. 202, LOCATED 240± FEET NORTH OF PARK BOULEVARD, 740± WEST OF OHIO DRIVE IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 11th day of February, 2008, for the purpose of considering rescinding Specific Use Permit No. 195 for the additional use of Private Club on one lot on 0.1± acre of land out of the T.S. Cotton Survey, Abstract No. 202, located 240± feet north of Park Boulevard, 740± feet west of Ohio Drive in the City of Plano, Collin County, Texas; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 11th day of February, 2008; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Ordinance Specific Use Permit No. 195 for the additional use of Private Club would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

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

5a-4

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

Section I. Ordinance No. 92-5-29, duly passed and approved by the City Council of the City of Plano, Texas, on May 26, 1992, granting Specific Use Permit No. 195 for the additional use of Private Club on one lot on 0.1± acre of land out of the T.S. Cotton Survey, Abstract No. 202, located 240± feet north of Park Boulevard, 740± feet west of Ohio Drive in the City of Plano, Collin County, Texas, presently zoned Retail with Specific Use Permit No. 195 for Private Club, more fully described on Exhibit "A", attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 195 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

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

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

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

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

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

PASSED AND APPROVED THIS THE 11TH DAY OF FEBRUARY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

5a-6

EXHIBIT "A"
LEGAL DESCRIPTION

SITUATED in the State of Texas, County of Collin, and City of Plano, being part of the T.S. Cotton Survey, Abstract No. 202, being part of Lot 1, Block 1 of Berkley Square, an addition to the City of Plano, as recorded in Volume F, Page 330 of the Collin County Map Records, said premises being more particularly described as follows:

COMMENCING for reference at the southwest corner of said addition, said corner being in the north right-of-way line of Park Boulevard (120 feet right-of-way);

THENCE with the south line of said addition and the north right-of-way line of Park Boulevard, South, $89^{\circ} 25' 00''$ East, 432.95 feet to a point therein;

THENCE North, $00^{\circ} 31' 44''$ East, 185.32 feet to the POINT OF BEGINNING and the southwest corner of the premises herein described;

THENCE with the west line of said premises, North, $00^{\circ} 31' 44''$ East, 63.03 feet to the northwest corner of said premises;

THENCE with the north line of said premises, South, $89^{\circ} 28' 16''$ East, 26.15 feet to a point therein;

THENCE with a northeast line of said premises, South, $44^{\circ} 28' 16''$ East, 8.27 feet to its northeast corner;

THENCE with the east line of said premises, South, $00^{\circ} 31' 44''$ West, 57.18 feet to its southeast corner;

THENCE with the south line of said premises, North, $89^{\circ} 28' 16''$ West, 32.00 feet to the PLACE OF BEGINNING and CONTAINING 2,000 square feet or 0.046 acre of land.

DATE: January 23, 2008
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission 
SUBJECT: Results of Planning & Zoning Commission Meeting of January 22, 2008

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2007-69
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #258 for Private Club on one lot on 0.1± acre located on the north side of Park Boulevard, 1,370± feet east of Preston Road. Zoned Retail.

APPROVED: 6-0 **DENIED:** _____ **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:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: February 11, 2008 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dw

CITY OF PLANO
PLANNING & ZONING COMMISSION

January 22, 2008

Agenda Item No. 7A

Public Hearing: Zoning Case 2007-69

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #258 for Private Club on one lot on 0.1± acre located on the north side of Park Boulevard, 1,370± feet east of Preston Road. Zoned Retail.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #258 for Private Club. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

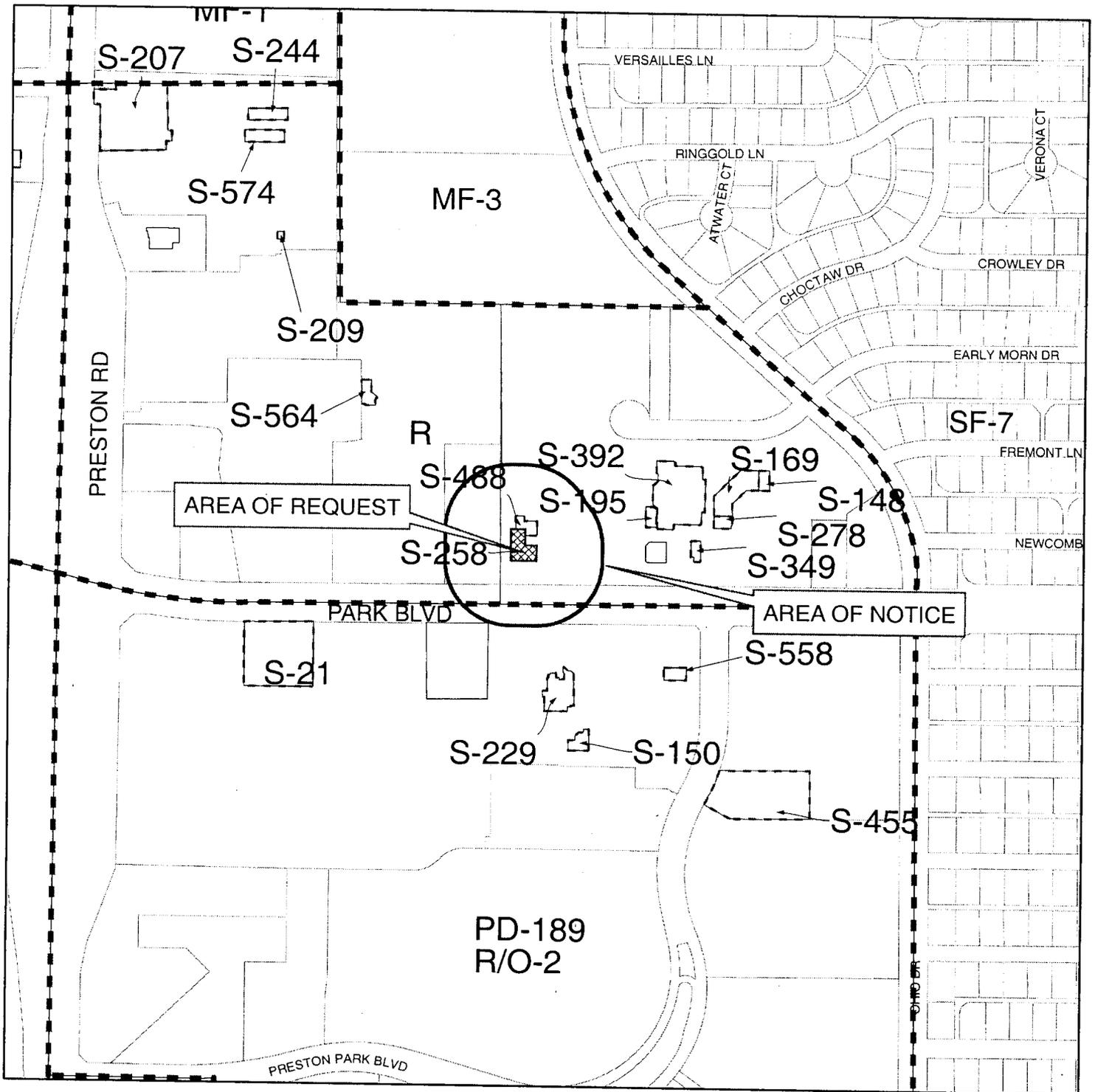
Prior to the May 2005 election, a restaurant in Plano desiring to serve alcoholic beverages had to obtain SUP approval for a Private Club from the City of Plano and had to obtain a Private Club Permit from the Texas Alcoholic Beverage Commission (TABC). The election gave restaurants another option to serve alcoholic beverages by acquiring a Mixed Beverage Permit (with a Food and Beverage Certificate) directly from TABC. With the Mixed Beverage Permit, an SUP is no longer necessary.

Blue Goose restaurant operates with a Mixed Beverage Permit from TABC. Therefore, for "housekeeping" purposes, staff recommends that the Private Club SUP be rescinded since the SUP is not necessary for the restaurant to sell alcoholic beverages. Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

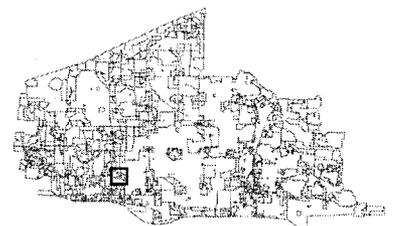
Recommended for approval as submitted.

5b2



Zoning Case #: 2007-69

Existing Zoning: RETAIL w/SPECIFIC USE PERMIT #258/
PRESTON ROAD OVERLAY DISTRICT



○ 200' Notification Buffer

5b3

ORDINANCE NO. _____
(Zoning Case 2007-69)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 97-7-27; THEREBY RESCINDING SPECIFIC USE PERMIT NO. 258 FOR THE ADDITIONAL USE OF PRIVATE CLUB ON ONE LOT ON 0.1± ACRE OF LAND OUT OF THE G. KENNEDY SURVEY, ABSTRACT NO. 499, LOCATED ON THE NORTH SIDE OF PARK BOULEVARD, 1,370± FEET EAST OF PRESTON ROAD IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 11th day of February, 2008, for the purpose of considering rescinding Specific Use Permit No. 258 for the additional use of Private Club on one lot on 0.1± acre of land out of the G. Kennedy Survey, Abstract No. 499, located on the north side of Park Boulevard, 1,370± feet east of Preston Road in the City of Plano, Collin County, Texas; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 11th day of February, 2008; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Ordinance Specific Use Permit No. 258 for the additional use of Private Club would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

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

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

Section I. Ordinance No. 97-7-27, duly passed and approved by the City Council of the City of Plano, Texas, on July 28, 1997, granting Specific Use Permit No. 258 for the additional use of Private Club on one lot on 0.1± acre of land out of land out of the G. Kennedy Survey, Abstract No. 499, located on the north side of Park Boulevard, 1,370± feet east of Preston Road in the City of Plano, Collin County, Texas, presently zoned Retail, more fully described on Exhibit "A", attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 258 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

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

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

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

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

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

PASSED AND APPROVED THIS THE 11TH DAY OF FEBRUARY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

5b-6
ZC ORD ZC 2007-69 (EH)

EXHIBIT "A"
LEGAL DESCRIPTION

BEING 5,900 square feet of restaurant lease space, owned by Rand Development Corporation, leased to Blue Goose Cantina, located in the G. Kennedy Survey, Abstract No. 499, Lot 1, Block A, Berkeley Square, an addition to the City of Plano, Texas, as recorded in Volume F, Page 330, Plat Records of Collin County, Texas and being more fully described by metes and bounds as follows:

BEGINNING at the Southwest corner of said lease space, said point being North 18° 57' 40" East, a distance of 79.29 feet from the Southwest corner of said Lot 1, Block A, Berkeley Square;

THENCE following the column lines of said lease space, the following:

North 00° 35' 00" East, a distance of 98.00 feet;
South 89° 25' 00" East, a distance of 43.13 feet;
South 00° 35' 00" West, a distance of 50.00 feet;
South 89° 25' 00" East, a distance of 34.88 feet;
South 00° 35' 00" West, a distance of 48.00 feet;
North 89° 25' 00" West, a distance of 78.00 feet to the POINT OF BEGINNING.

DATE: January 23, 2008
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission 
SUBJECT: Results of Planning & Zoning Commission Meeting of January 22, 2008

**AGENDA ITEM NO. 7B - PUBLIC HEARING
ZONING CASE 2007-70
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #260 for Private Club on one lot on 2.3± acres located on the north side of Plano Parkway, 200± feet east of U.S. Highway 75. Zoned Corridor Commercial.

APPROVED: 6-0 **DENIED:** _____ **TABLED:** _____

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

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

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

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: February 11, 2008 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dw

CITY OF PLANO
PLANNING & ZONING COMMISSION

January 22, 2008

Agenda Item No. 7B

Public Hearing: Zoning Case 2007-70

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #260 for Private Club on one lot on 2.3± acres located on the north side of Plano Parkway, 200± feet east of U.S. Highway 75. Zoned Corridor Commercial.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #260 for Private Club. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

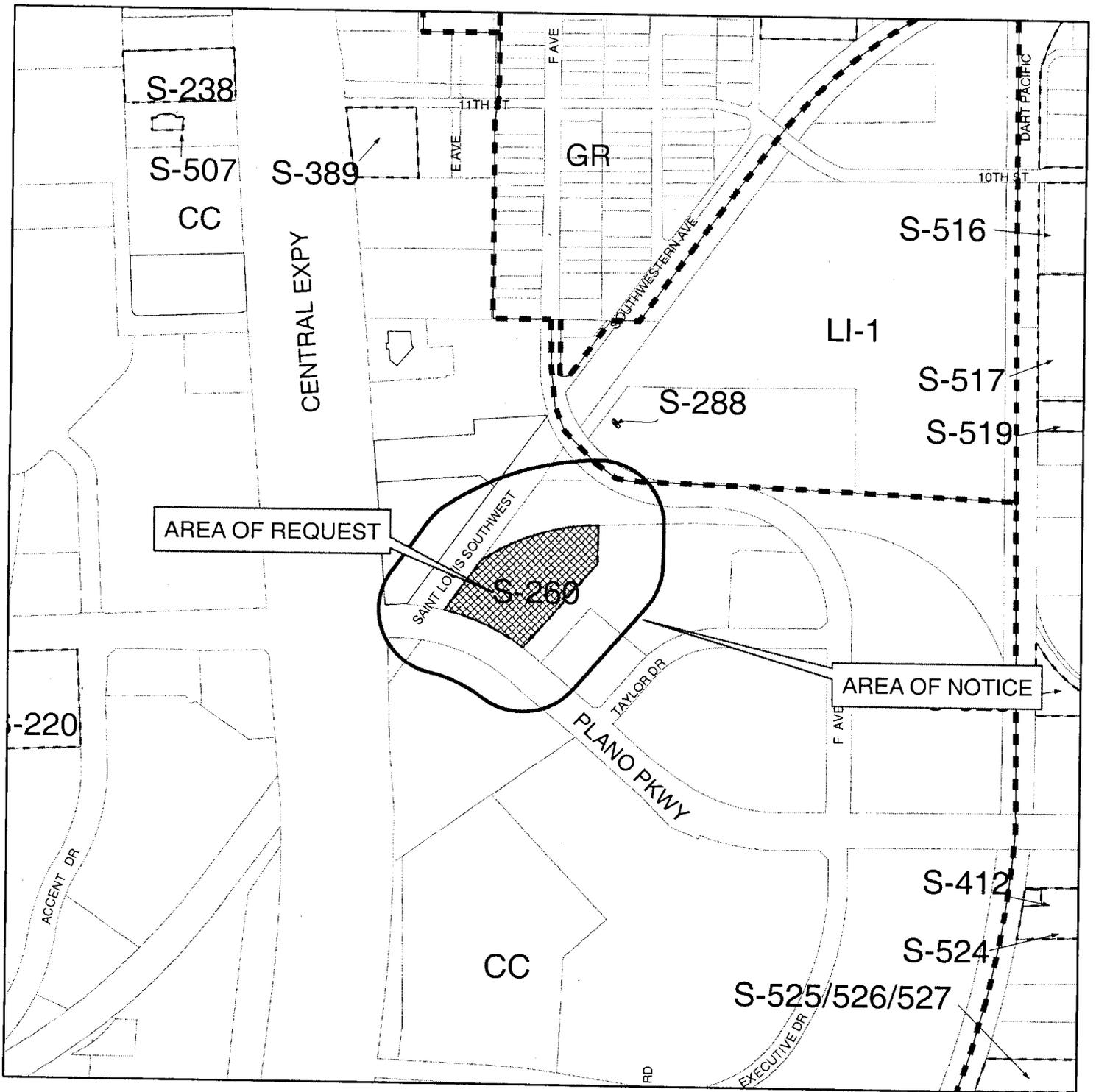
Prior to the May 2005 election, a restaurant in Plano desiring to serve alcoholic beverages had to obtain SUP approval for a Private Club from the City of Plano and had to obtain a Private Club Permit from the Texas Alcoholic Beverage Commission (TABC). The election gave restaurants another option to serve alcoholic beverages by acquiring a Mixed Beverage Permit (with a Food and Beverage Certificate) directly from TABC. With the Mixed Beverage Permit, an SUP is no longer necessary.

Love and War in Texas restaurant operates with a Mixed Beverage Permit from TABC. Therefore, for "housekeeping" purposes, staff recommends that the Private Club SUP be rescinded since the SUP is not necessary for the restaurant to sell alcoholic beverages. Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

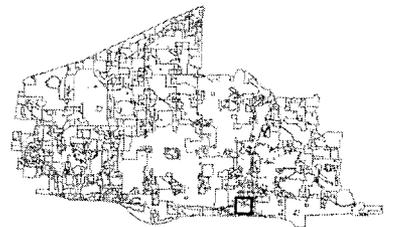
Recommended for approval as submitted.

5c-2



Zoning Case #: 2007-70

Existing Zoning: CORRIDOR COMMERCIAL w/SPECIFIC USE PERMIT #260/
190 TOLLWAY/PLANO PARKWAY OVERLAY DISTRICT



○ 200' Notification Buffer

50-3

ORDINANCE NO. _____
(Zoning Case 2007-70)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 94-6-30; THEREBY RESCINDING SPECIFIC USE PERMIT NO. 260 FOR THE ADDITIONAL USE OF PRIVATE CLUB ON ONE LOT ON 2.3± ACRES OF LAND OUT OF THE S. KLEPPER SURVEY, ABSTRACT NO. 756, LOCATED ON THE NORTH SIDE OF PLANO PARKWAY, 200± FEET EAST OF U.S. HIGHWAY 75 IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 11th day of February, 2008, for the purpose of considering rescinding Specific Use Permit No. 260 for the additional use of Private Club on one lot on 2.3± acres of land out of the S. Klepper Survey, Abstract No. 756, located on the north side of Plano Parkway, 200± east of U.S. Highway 75 in the City of Plano, Collin County, Texas; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 11th day of February, 2008; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Ordinance Specific Use Permit No. 260 for the additional use of Private Club would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

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

504

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

Section I. Ordinance No. 94-6-30, duly passed and approved by the City Council of the City of Plano, Texas, on June 27, 1994, granting Specific Use Permit No. 260 for the additional use of Private Club on one lot on 2.3± acres of land out of the S. Klepper Survey, Abstract No. 756, located on the north side of Plano Parkway, 200± feet east of U.S. Highway 75 in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial, more fully described on Exhibit "A", attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 260 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

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

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

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

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

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

PASSED AND APPROVED THIS THE 11TH DAY OF FEBRUARY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

506
Z:\ORD\ZC2007-70 (EH)

ORDINANCE NO. _____ (ZC 2007-70)

Exhibit A - Page 1 of 1

EXHIBIT "A"
LEGAL DESCRIPTION

BEING 2.3± acres of land out of the S. Klepper Survey, Abstract No. 756, Sportstown Addition, Block 1, Lot 1, as recorded in Cabinet H, Page 756, of the Plat Records of Collin County, Texas.

5c-7

DATE: January 23, 2008
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission 
SUBJECT: Results of Planning & Zoning Commission Meeting of January 22, 2008

**AGENDA ITEM NO. 7C - PUBLIC HEARING
ZONING CASE 2007-71
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #264 for Private Club on one lot on 1.3± acres located on the east side of Preston Road, 550± feet north of Parker Road. Zoned Planned Development 184-Retail/Office-2.

APPROVED: 6-0 **DENIED:** _____ **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:

Recommended for approval as submitted.

TMF/dw

CITY OF PLANO
PLANNING & ZONING COMMISSION

January 22, 2008

Agenda Item No. 7C

Public Hearing: Zoning Case 2007-71

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #264 for Private Club on one lot on 1.3± acres located on the east side of Preston Road, 550± feet north of Parker Road. Zoned Planned Development 184-Retail/Office-2.

REMARKS:

This is a city initiated zoning request to rescind Specific Use Permit #264 (SUP #264) for Private Club. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

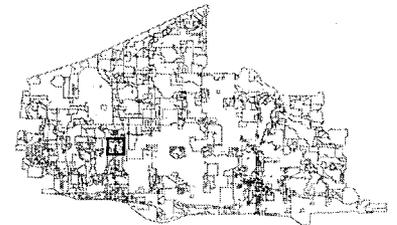
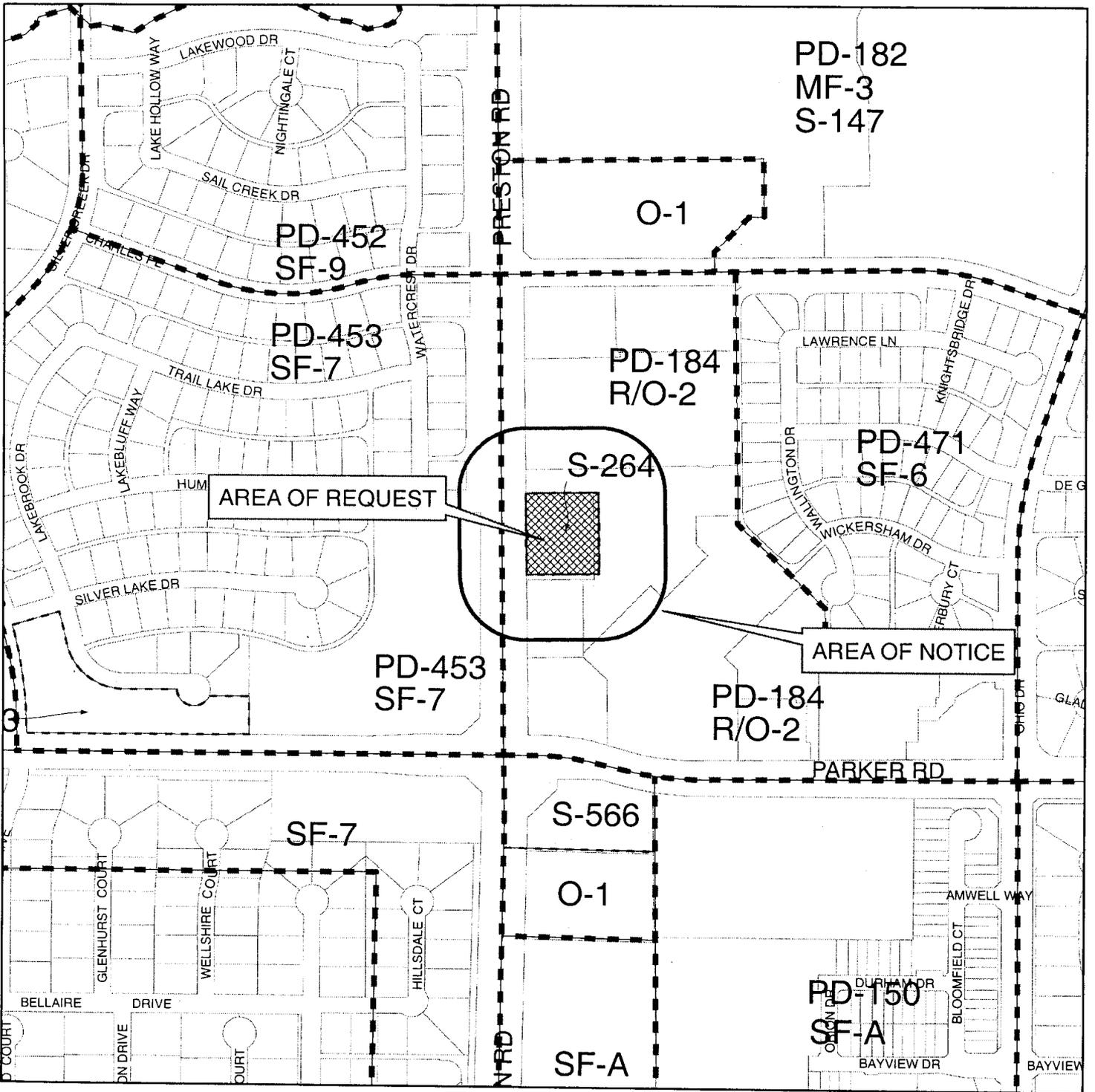
Prior to the May 2005 election, a restaurant in Plano desiring to serve alcoholic beverages had to obtain SUP approval for a Private Club from the City of Plano and had to obtain a Private Club Permit from the Texas Alcoholic Beverage Commission (TABC). The election gave restaurants another option to serve alcoholic beverages by acquiring a Mixed Beverage Permit (with a Food and Beverage Certificate) directly from TABC. With the Mixed Beverage Permit, an SUP is no longer necessary.

Kirby's Steakhouse operates with a Mixed Beverage Permit from TABC. Therefore, for "housekeeping" purposes, staff recommends that the Private Club SUP be rescinded since the SUP is not necessary for the restaurant to sell alcoholic beverages. Staff has not received a response from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

Recommended for approval as submitted.

5d-2



Zoning Case #: 2007-71

Existing Zoning: PLANNED DEVELOPMENT-184-RETAIL/GENERAL OFFICE
 w/SPECIFIC USE PERMIT #264/
 PRESTON ROAD OVERLAY DISTRICT

○ 200' Notification Buffer



5d-3

ORDINANCE NO. _____
(Zoning Case 2007-71)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 96-7-25; THEREBY RESCINDING SPECIFIC USE PERMIT NO. 264 FOR THE ADDITIONAL USE OF PRIVATE CLUB ON ONE LOT ON 1.3± ACRES OF LAND OUT OF THE ROBERT BENEFIELD SURVEY, ABSTRACT NO. 99, LOCATED ON THE EAST SIDE OF PRESTON ROAD, 550± FEET NORTH OF PARKER ROAD IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 11th day of February, 2008, for the purpose of considering rescinding Specific Use Permit No. 264 for the additional use of Private Club on one lot on 1.3± acres of land out of the Robert Benefield Survey, Abstract No. 99, located on the east side of Preston Road, 550± feet north of Parker Road in the City of Plano, Collin County, Texas; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 11th day of February, 2008; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Specific Use Permit No. 264 for the additional use of Private Club would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

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

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

Section I. Ordinance No. 96-7-25, duly passed and approved by the City Council of the City of Plano, Texas, on July 22, 1996, granting Specific Use Permit No. 264 for the additional use of Private Club on one lot on 1.3± acres of land out of the Robert Benefield Survey, Abstract No. 99, located on the east side of Preston Road, 550± feet north of Parker Road in the City of Plano, Collin County, Texas, presently zoned Planned Development 184-Retail/Office-2, more fully described on Exhibit "A", attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 264 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

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

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

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

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

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

PASSED AND APPROVED THIS THE 11TH DAY OF FEBRUARY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

5d-6

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a 1.293 acre tract of land situated in the Robert Benefield Survey, Abstract No. 99, City of Plano, Collin County, Texas, and being a portion of that certain tract of land known as Lot 1, Block A of a conveyance plat of Preston Parker Center Number 2, City of Plano, Collin County, Texas, recorded on January 29, 1993, in Volume H, Page 554 of the map records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at the most Easterly corner of a corner cut-off line at the point of intersection of the East right-of-way of Preston Road (State Highway 289) (a 120-foot wide right-of-way at this point) with the South right-of-way of Charles Place (an 85-foot right-of-way);

THENCE South $00^{\circ} 44' 27''$ East, 618.95 feet along said East right-of-way line to the point of beginning of the tract herein described;

THENCE North $89^{\circ} 18' 51''$ East, 215.00 feet;

THENCE South $00^{\circ} 44' 27''$ East, 261.97 feet;

THENCE South $89^{\circ} 18' 51''$ West, 215.00 feet to said East right-of-way lines;

THENCE North $00^{\circ} 44' 27''$ West, 261.97 feet to the POINT OF BEGINNING and CONTAINING 1.293 acres or 56,324 square feet of land, more or less.

DATE: January 23, 2008
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission 
SUBJECT: Results of Planning & Zoning Commission Meeting of January 22, 2008

**AGENDA ITEM NO. 7D - PUBLIC HEARING
ZONING CASE 2007-72
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #274 for Private Club on one lot on 1.0± acre located 390± feet north of 15th Street, 755± feet west of U.S. Highway 75. Zoned Planned Development-474-Corridor Commercial.

APPROVED: 6-0 **DENIED:** _____ **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:

Recommended for approval as submitted.

BT/dw

CITY OF PLANO
PLANNING & ZONING COMMISSION

January 22, 2008

Agenda Item No. 7D

Public Hearing: Zoning Case 2007-72

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #274 for Private Club on one lot on 1.0± acre located 390± feet north of 15th Street, 755± feet west of U.S. Highway 75. Zoned Planned Development-474-Corridor Commercial.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #274 for Private Club. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

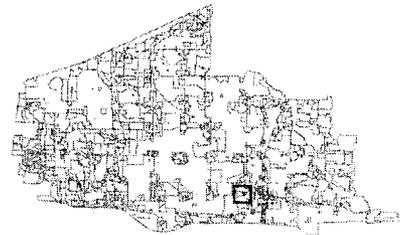
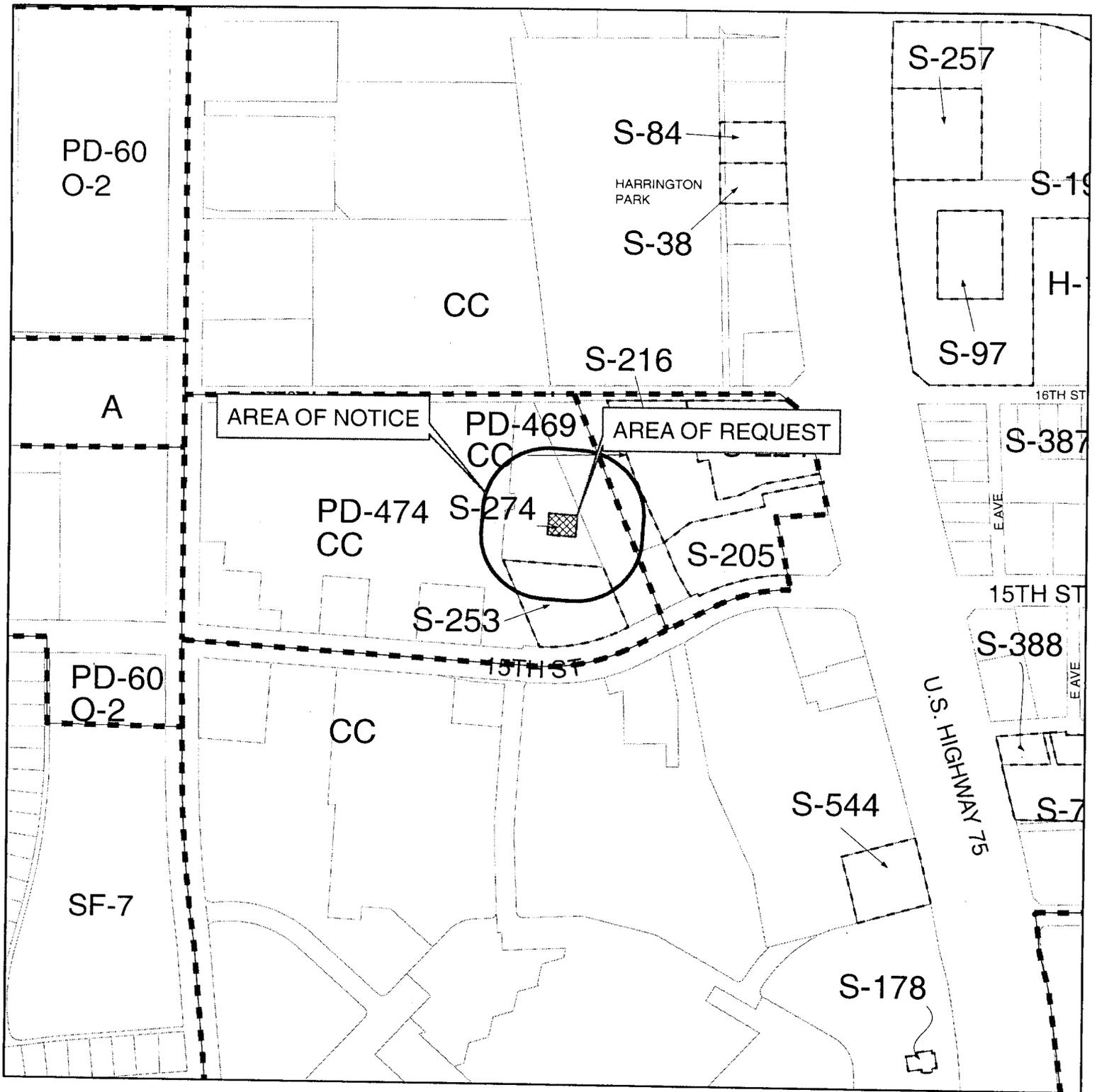
Prior to the May 2005 election, a restaurant in Plano desiring to serve alcoholic beverages had to obtain SUP approval for Private Club from the City of Plano and had to obtain a Private Club Permit from the Texas Alcoholic Beverage Commission (TABC). The election gave restaurants another option to serve alcoholic beverages by acquiring a Mixed Beverage Permit (with a Food and Beverage Certificate) directly from TABC. With the Mixed Beverage Permit, an SUP is no longer necessary.

Black-Eyed Pea restaurant operates with a Mixed Beverage Permit from TABC. Therefore, for "housekeeping" purposes, staff recommends that the Private Club SUP be rescinded since the SUP is not necessary for the restaurant to sell alcoholic beverages. Staff has not received any responses from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

Recommended for approval as submitted.

5e-2



Zoning Case #: 2007-72

Existing Zoning: PLANNED DEVELOPMENT-474-CORRIDOR COMMERCIAL
w/SPECIFIC USE PERMIT #274

○ 200' Notification Buffer



5e-3

ORDINANCE NO. _____
(Zoning Case 2007-72)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 94-12-10; THEREBY RESCINDING SPECIFIC USE PERMIT NO. 274 FOR THE ADDITIONAL USE OF PRIVATE CLUB ON ONE LOT ON 1.0± ACRE OF LAND OUT OF THE J. KLEPPER SURVEY, ABSTRACT NO. 213, LOCATED 390± FEET NORTH OF 15TH STREET, 755± FEET WEST OF U.S. HIGHWAY 75 IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 11th day of February, 2008, for the purpose of considering rescinding Specific Use Permit No. 274 for the additional use of Private Club on one lot on 1.0± acre of land out of the J. Klepper Survey, Abstract No. 213, located 390± feet north of 15th Street, 755± feet west of U.S. Highway 75 in the City of Plano, Collin County, Texas; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 11th day of February, 2008; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Ordinance Specific Use Permit No. 274 for the additional use of Private Club would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

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

504

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

Section I. Ordinance No. 94-12-10, duly passed and approved by the City Council of the City of Plano, Texas, on December 12, 1994, granting Specific Use Permit No. 274 for the additional use of Private Club on one lot on 1.0± acre of land out of the J. Klepper Survey, Abstract No. 213, located 390± feet north of 15th Street, 755± feet west of U.S. Highway 75 in the City of Plano, Collin County, Texas, presently zoned Planned Development-474-Corridor Commercial, more fully described on Exhibit "A", attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 274 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

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

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

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

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

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

PASSED AND APPROVED THIS THE 11TH DAY OF FEBRUARY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

5e-6

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a 1.0 acre tract of land situated in the J. Klepper Survey, Abstract No. 213 and also being part of Lot 6, Block A of the Creekwalk Village Addition, an addition to the City of Plano, Texas, Collin County, Texas, as recorded in Cabinet I, Page 66 and 67 of the Deed Records of Collin County, Texas, said property being more particularly described as follows:

COMMENCING at a City of Plano monument, said monument being at the Northeast corner of said Lot 6 and also being in the South right-of-way line of 16th Street (a 50-foot right-of-way);

THENCE South $22^{\circ} 05' 23''$ East, a distance of 351.05 feet following the East line of Lot 6 to the point of beginning;

THENCE South $22^{\circ} 05' 23''$ East, a distance of 200.38 feet following the East line of Lot 6 to a point;

THENCE North $85^{\circ} 35' 23''$ West, a distance of 303.59 feet following the South line of Lot 6 to a point;

THENCE North $22^{\circ} 05' 23''$ West, a distance of 9.07 feet following the West line of Lot 6 to a point;

THENCE North $04^{\circ} 24' 37''$ East, a distance of 149.45 feet following the West line of Lot 6 to a point;

THENCE South $85^{\circ} 35' 23''$ East, a distance of 105.59 feet to a point;

THENCE North $04^{\circ} 40' 45''$ East, a distance of 22.28 feet to a point;

THENCE South $85^{\circ} 19' 15''$ East, a distance of 112.54 feet to the POINT OF BEGINNING and CONTAINING 44,866 square feet of land.

DATE: January 23, 2008
TO: Honorable Mayor & City Council
FROM: James Duggan, Chairman, Planning & Zoning Commission ~~TE~~
SUBJECT: Results of Planning & Zoning Commission Meeting of January 22, 2008

**AGENDA ITEM NO. 7E - PUBLIC HEARING
ZONING CASE 2007-73
APPLICANT: CITY OF PLANO**

Request to rescind Specific Use Permit #305 for Private Club on one lot on 1.2± acres located on the west side of Preston Road, 670± feet south of Park Boulevard. Zoned Retail.

APPROVED: 6-0 **DENIED:** _____ **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:

Recommended for approval as submitted.

BT/dw

CITY OF PLANO
PLANNING & ZONING COMMISSION

January 22, 2008

Agenda Item No. 7E

Public Hearing: Zoning Case 2007-73

Applicant: City of Plano

DESCRIPTION:

Request to rescind Specific Use Permit #305 for Private Club on one lot on 1.2± acres located on the west side of Preston Road, 670± feet south of Park Boulevard. Zoned Retail.

REMARKS:

This is a city-initiated zoning request to rescind Specific Use Permit (SUP) #305 for Private Club. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

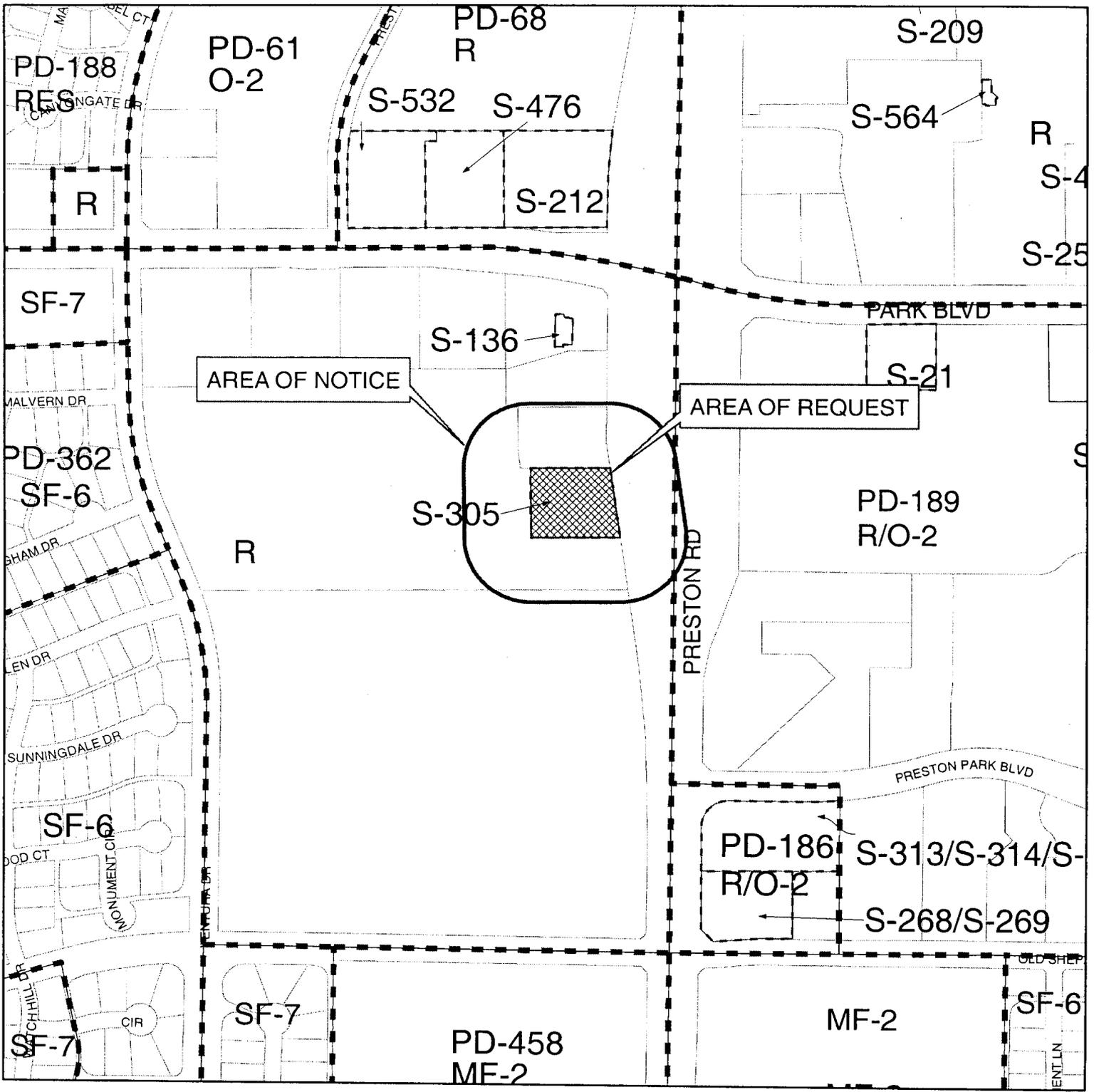
Prior to the May 2005 election, a restaurant in Plano desiring to serve alcoholic beverages had to obtain SUP approval for Private Club from the City of Plano and had to obtain a Private Club Permit from the Texas Alcoholic Beverage Commission (TABC). The election gave restaurants another option to serve alcoholic beverages by acquiring a Mixed Beverage Permit (with a Food and Beverage Certificate) directly from TABC. With the Mixed Beverage Permit, an SUP is no longer necessary.

Black-Eyed Pea restaurant operates with a Mixed Beverage Permit from TABC. Therefore, for "housekeeping" purposes, staff recommends that the Private Club SUP be rescinded since the SUP is not necessary for the restaurant to sell alcoholic beverages. Staff has not received any responses from the property owner as to whether or not they concur with the removal of the SUP.

RECOMMENDATION:

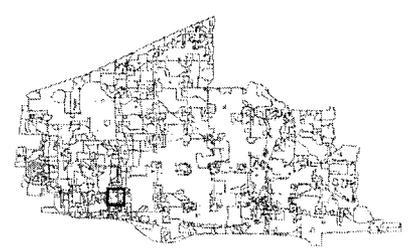
Recommended for approval as submitted.

5f-2



Zoning Case #: 2007-73

Existing Zoning: RETAIL w/SPECIFIC USE PERMIT #305/
PRESTON ROAD OVERLAY DISTRICT



○ 200' Notification Buffer
54-3

ORDINANCE NO. _____
(Zoning Case 2007-73)

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 95-9-21; THEREBY RESCINDING SPECIFIC USE PERMIT NO. 305 FOR THE ADDITIONAL USE OF PRIVATE CLUB ON ONE LOT ON 1.2± ACRES OF LAND OUT OF LEWIS WETSEL SURVEY, ABSTRACT NO. 971, LOCATED ON THE WEST SIDE OF PRESTON ROAD, 670± FEET SOUTH OF PARK BOULEVARD IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2006-4-24, AS HERETOFORE AMENDED, TO REFLECT SUCH ACTION; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 11th day of February, 2008, for the purpose of considering rescinding Specific Use Permit No. 305 for the additional use of Private Club on one lot on 1.2± acres of land out of the Lewis Wetsel Survey, Abstract No. 971, located on the west side of Preston Road, 670± feet south of Park Boulevard in the City of Plano, Collin County, Texas; and

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

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 11th day of February, 2008; and

WHEREAS, the City Council is of the opinion and finds that the rescinding of Ordinance Specific Use Permit No. 305 for the additional use of Private Club would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

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

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ZORDZC2007-73 (BT)

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

Section I. Ordinance No. 95-9-21, duly passed and approved by the City Council of the City of Plano, Texas, on September 11, 1995, granting Specific Use Permit No. 305 for the additional use of Private Club on one lot on 1.2± acres of land out of out of the Lewis Wetsel Survey, Abstract No. 971, located on the west side of Preston Road, 670± feet south of Park Boulevard in the City of Plano, Collin County, Texas, presently zoned Retail, more fully described on Exhibit "A", attached hereto, is hereby repealed in its entirety. Consequently, Specific Use Permit No. 305 is hereby rescinded.

Section II. It is hereby directed that the Comprehensive Zoning Ordinance, No. 2006-4-24, as heretofore amended, be revised and amended (which is retained in electronic record format), to reflect the action and zoning classification established by this Ordinance.

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

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

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

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

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

PASSED AND APPROVED THIS THE 11TH DAY OF FEBRUARY, 2008.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

5f-6

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a 1.240 acre tract of land out of the Lewis Wetsel Survey, Abstract No. 971, Lot 1R, Block 1, Walton Park Square Addition, an addition to the City of Plano, according to the plat recorded in Cabinet I, Slide 662-63, Plat Records, Collin County, Texas, and being a portion of a 25.427 acre tract of land conveyed to Wal-Mart Stores, Inc. and recorded in Clerk's File No. 930016206, Land Records, Collin County, Texas, said 1.240 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron pin found at the Southeast corner of Lot 8, Block 1, said point being the Northeast corner of the 1.240 acre tract and also being the West right-of-way line of Preston Road.

THENCE South 07° 55' 17" East along said West right-of-way line, a distance of 216.30 feet to a point;

THENCE South 89° 47' 26" West, a distance of 266.57 feet to a point;

THENCE North 00° 12' 34" West, a distance of 214.34 feet to a point on the South line of said Lot 8, Block 1;

THENCE North 89° 47' 26" East, along the South line of said Lot 8, Block 1, a distance of 237.54 feet to the POINT OF BEGINNING and CONTAINING 54,024 square feet or 1.240 acres of land.