

PLANO CITY COUNCIL

WILL CONVENE INTO EXECUTIVE SESSION AT 5:00 P.M. AUGUST 12, 2002, AND 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 Purpose of Plano City Government is to facilitate an outstanding quality of life for residents at a reasonable cost in taxes and fees.

EXECUTIVE SESSION

- | | | | |
|-----|--|-----------|---------|
| I. | Legal Advice | Wetherbee | 5 min |
| | A. Respond to questions and receive legal advice on agenda items | | |
| II. | Real Estate | Turner | 10 min. |
| | A. Southwest Corner Coit and Plano Parkway | | |
| | B. Possible Acquisition in Vicinity of Parker Road Dart Station | | |

PRELIMINARY OPEN MEETING

- | | | | |
|------|---|-----------|---------|
| I. | Consideration and action resulting from executive session discussion: | Council | 5 min. |
| II. | Plano Performing Arts Committee Final Report | Van Maele | 15 min. |
| III. | DART Status Report | Pope | 10 min. |
| IV. | Discussion and Direction to the Planning and And Zoning Commission for a Review of the Research Technology Zoning District with Particular Emphasis on Dock Doors | Council | 10 min. |
| V. | Discussion and Direction to the Planning and Zoning Commission for a Review of the Residential Adjacency Requirements | Council | 10 min. |
| VI. | Council items for discussion/action on future agendas | Council | 5 min. |
| VII. | Consent, Statutory and Regular Agenda | Council | 5 min. |

- | | | | |
|-------|-----------------|---|--------|
| VIII. | 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: August 12, 2002

CALL TO ORDER: 7:00 p.m.

INVOCATION:

PLEDGE OF ALLEGIANCE:

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>MISSION STATEMENT: THE PURPOSE OF PLANO CITY GOVERNMENT IS TO FACILITATE AN OUTSTANDING QUALITY OF LIFE FOR RESIDENTS AT A REASONABLE COST IN TAXES AND FEES.</p> <p><u>PROCLAMATIONS AND SPECIAL RECOGNITION</u></p> <p>Fourth of July Parade Awards Presentation by Henry Gentry</p> <p><u>CERTIFICATES OF RECOGNITION</u></p> <p><u>Performing Arts Center Advisory Committee</u> John Van Maele, Chairman Sylvia Reid Jim Boswell Donald A. Jones George (Robbie) S. Robinson James N. Muns H. Wayne Hendrick Ben F. Thomas Alice Hobbs Charles R. Billings Carla Ford Rich Russell G. Coolik Larry Tucker Joan Biggerstaff Larry May Mark Fleischer Jim Wear</p> <p>GENERAL DISCUSSION</p> <p>In accordance with the Open Meeting Act, the City Council will hear comments of public interest, but any discussion shall be limited to placing the item on a future agenda for further consideration.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>Persons wishing to speak before the City Council should limit remarks to a total speaking time of five (5) minutes per speaker, with a maximum of 30 total minutes of testimony. At the discretion of the Mayor other time restraints may be directed depending on prevailing factors.</p> <p>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p>Receive City Manager’s response to comments of public interest made at a previous Council meeting. Council may discuss and provide direction on the following item(s):</p> <p>1. Presentation re Coyotes</p> <p>CONSENT AGENDA</p> <p><u>Any citizen may remove an item from the Consent Agenda for individual discussion, limited to a maximum of two (2) items and discussion time of three (3) minutes each.</u></p> <p>(a) Approval of Minutes:</p> <p>July 22, 2002 July 24, 2002 August 5, 2002</p> <p><u>Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following:</u></p> <p>(b) Bid No. B107-02 for Construction of a Trail Underpass at an existing drainage structure under Midway Road to connect the neighborhood east of Midway Road to Shady Brook Trail and Sunset Park in the amount of \$326,944. (Project No. 4762.1)</p> <p>(c) Bid No. C9911-0333 for Purchase of Playground Equipment for Jupiter Road Park Site and Cottonwood Creek Park Site in the amount of \$179,756.</p> <p>(d) Bid No. B111-02 for Neighborhood Parks, Restroom, and Trail Construction in the amount of \$726,173. This project includes replacement of restroom at Willowcreek Park, construction of sidewalk at Bob Woodruff Park, and construction of trail, shelter, practice ballfield, grading, drainage, landscaping, and irrigation at the Cottonwood Creek Park Site and at the Jupiter Road Park Site.</p> <p>(e) Bid No. B074-02 for construction of Intersection Improvements (Legacy Drive at S.H. 121, Legacy Drive at Dallas North Tollway, and 15th Street at Coit Road) in the amount of \$242,125.</p> <p>(f) Bid No. B101-02 for Information Services Electrical Upgrade in the amount of \$87,000.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>Adoption of Resolutions</u></p> <p>(g) To support the passage of enabling legislation for photographic red light enforcement in the 78th Texas Legislature; and providing for an effective date.</p> <p>(h) To ratify the terms and conditions of an interlocal cooperation agreement by and between the City of Plano, Texas, and the City of Allen, Texas, to provide automatic aid between the Plano and Allen Fire Departments; authorizing its execution by the City Manager; and providing an effective date.</p> <p>(i) To approve the assignment of that portion of the Tax Abatement Agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Lincoln Place, LLC and Sterling Software (Southern), Inc. to Triad Hospitals, Inc., as it relates to the personalty, approving an amendment to the tax abatement agreement to revise the value of personalty, the employment commitment, and notification information; and providing an effective date.</p> <p><u>Adoption of Ordinances</u></p> <p>(j) To change the name of McKenzie Lane, a dedicated street within the City of Plano, Collin County, Texas, to Cloverhaven Way; providing for a change in the official records to reflect such action; and providing an effective date.</p> <p><u>Award of Contracts</u></p> <p>(k) To authorize award of a contract to Affiliated Telephone Inc. to provide maintenance and ongoing support for the City’s telecommunication system for a term of five years in the estimated annual amount of \$135,242; and authorizing the City Manager to execute all necessary contract documents. CSP# C100-02</p> <p>(l) To authorize award of a contract to Cingular Wireless to provide wireless services for a 2-year term with three optional 1-year renewals at an estimated annual amount of \$280,000; and authorizing the City Manager to execute all necessary contract documents. CSP# C062-02.</p> <p>(m) To approve and authorize for the selection of Halff Associates, Inc. to provide Professional Engineering Services for an amount not to exceed \$123,947 in connection with the design of the Cassidy Drive Drainage Improvements and Landershire Lane Water Rehabilitation and authorizing the City Manager to execute all necessary documents to effectuate this contract.</p> <p>(n) To approve and authorize for the selection of Kasper/Graham & Associates, Inc. to provide Professional Engineering Services for an amount not to exceed \$318,335 in connection with the design of Los Rios Boulevard Extension Phase 1 (Parker Road to Jupiter Road) and authorizing the City Manager to execute all necessary documents to effectuate this contract.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>Approval of QISV</u></p> <p>(o) To approve the purchase of software support services from H.T.E. Inc., a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor’s list, in an amount of \$52,365; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. (QISV#1592486196400 / 68617)</p> <p>(p) To approve of expenditure in an amount of \$114,046 for an upgrade to the current UPS capability in the Information Services computer room to UPSI, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor’s list; and authorizing the City Manager to execute all documents necessary to effectuate the purchase.</p> <p><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></p> <p><u>The purpose of a Public Hearing is to receive input and information. The City Council is always open to public comment, but wishes to clarify that their focus is on the singularly presented position, and not on the assemblage. Eliminating the repetition of statements enables the City Council to more effectively consider all presentations.</u></p> <p><u>In order to be fair to all persons who have items on the agenda or interest in one or more of the items, the Council must impose time limitations on speakers in the Public Hearings. The applicants will limit their presentations to 15 minutes with a five (5) minute rebuttal time, if needed. All other speakers will be limited to a maximum of 30 total minutes of testimony, and three minutes per individual on any single issue. Other time restraints may be imposed at the discretion of the Mayor depending on other prevailing factors. Speakers will be notified by the City Secretary when speaking time has expired.</u></p> <p>(1) Vote on a proposal to consider an increase in total tax revenue.</p> <p>(2) Public Hearing to consider disbursement of grant funds awarded through the Local Law Enforcement Block Grants Program established under the 2002 Omnibus Appropriations Act (Pub. L. 107-116). This Grant provides the Police Department with \$160,066 towards the purchase of equipment resources.</p> <p>(3) Consideration of a resolution to authorize the City of Plano to participate in and receive funding through the Local Law Enforcement Block Grant Program established under the 2002 Omnibus Appropriations Act (Pub. L. 107-116) for the purpose of purchasing equipment resources for the Plano Police Department; authorizing the City Manager to execute any and all documents necessary to effectuate the action taken; and providing an effective date.</p> <p>(4) Presentation of final report of Tri-City Retail Study</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(5)	<p>Public Hearing and consideration of an ordinance as requested in Zoning Case 2002-31 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 22.2± acres on the north side of Parker Road, 1,480± feet east of Jupiter Road in the City of Plano, Collin County, Texas, from Agricultural to Single-Family-9; 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. Neighborhood #38. Applicants: Robert B. & Claire Wilkins, Jason & Cindy So, Community Unitarian Universalist Church of Plano & First United Methodist Church</p> <p><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Training Room A is located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></p>	



August 7, 2002

Mayor Pat Evans
City Council Members
1520 Avenue K
Plano, TX 75074

Honorable Mayor and Council:

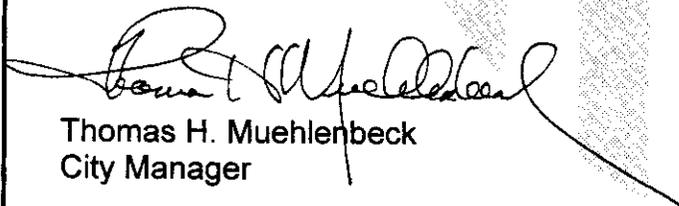
We will begin our meeting Monday evening at 5:00 p.m. in Executive Session. You have two real estate items to discuss during this time.

The Preliminary Open Meeting agenda consists of the final report from the Plano Performing Arts Committee. Robert Pope will present the DART report.

There are two discussion and direction items to the Planning and Zoning Commission: one for review of the Research Technology District and one for review of residential adjacency.

I look forward to seeing you Monday evening.

Sincerely yours,



Thomas H. Muehlenbeck
City Manager

THM/bn

Pat Evans
Mayor

Phil Dyer
Mayor Pro tem

Steve Stovall
Deputy Mayor Pro tem

Shep Stahel
Place 1

Scott Johnson
Place 2

Sally Magnuson
Place 4

Jim McGee
Place 7

Ken Lambert
Place 8

Thomas H. Muehlenbeck
City Manager

Preliminary Open Meeting Item II.

Final Report – Performing
Arts Committee – Van Maele

Ta

Preliminary Open Meeting Item III.

DART Report - Pope

IIIa

Preliminary Open Meeting Item IV.

Review of the Research
Technology Zoning District w/
Emphasis on Dock Doors -
Council

IVa

Preliminary Open Meeting Item V.

Review of the Residential
Adjacency
Council

IVa

**Discussion/Action Items for Future Council Agendas
(as of August 6, 2002)**

2002

Additional rescheduling of Council meetings may be necessary due to elections and the PISD calendar. These changes will be made as soon as the dates are confirmed.

August 8 – Board and Commission Applicant Reception – 6 – 7 p.m., Davis Library

August 10 – Council Budget Worksession

August 10 – Board and Commission Applicant Reception – 2 – 3 p.m., Municipal Center

August 14 – 16 Texas Transportation Summit - Irving

August 15 – City Council Heritage Farmstead Tour – 5:30 – 6:30 p.m.

District 4 Neighborhood Roundtable – 7 – 9 p.m., Parkway Service Center

August 17 – Council Budget Worksession

August 26

Spotlight on Information Services

Public Hearing on Tax Rate

Mobility Report

Comprehensive Monthly Financial Report

August 28 – City/PISD Retreat – 11:30 a.m. – 5:00 p.m. – Plano Station

September 2 – Labor Day Holiday

September 3 (moved from September 2 due to Labor Day holiday)

Spotlight on Public Safety Communications

Joint Planning & Zoning Meeting

September 9

DART Status Report

Mobility Report

Council Adopts Operating Budget, CIP and Sets Tax Rate

September 23

Comprehensive Monthly Financial Report

September 29 – October 2 – International City Management Association - Philadelphia

October 7

Spotlight on Finance

October 14

DART Status Report

Mobility Report

Presentation by Solid Waste Department re Composting Business Plan

TML – October 16 – 19 – Fort Worth

October 28

Spotlight on Convention and Visitors Bureau

Comprehensive Monthly Financial Report

October 29 – Joint Elected Officials Meeting – 6:30 p.m. – 9:00 p.m. – Courtyard Theater

November 4

Spotlight on Building Inspection

November 11

DART Status Report

Mobility Report

November 14 – District 2 Neighborhood Roundtable Meeting – 7:00 – 9:00 p.m.

Plano Sports Authority – Stars Center – 6500 Preston Meadows Drive

November 25

Comprehensive Monthly Financial Report

November 28/29 – Thanksgiving Holidays

December 2

Spotlight on Intergovernmental Relations
Joint Planning & Zoning Meeting

December 3 – 7 National League of Cities – Salt Lake City

December 9

DART Status Report
Mobility Report

December 16 (moved from December 23 due to Christmas holiday)

Comprehensive Monthly Financial Report

December 24/25 Winter and Christmas Holidays

2003

*May 29, 30, 31 – 2003 Innovations Group National Conference, Plano
Doubletree Hotel*



**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:	8/12/02	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	City Manager	Initials	Date	
Department Head	Tom Muehlenbeck	Executive Director		
Dept Signature:		City Manager	<i>[Signature]</i>	<i>8/12/02</i>
Agenda Coordinator (include phone #):		S. Tawwater X7107		
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 PRESENTATION				
CAPTION				
Fourth of July Parade Awards Presentation by Henry Gentry				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING**

July 22, 2002

COUNCIL MEMBERS

Pat Evans, Mayor
Phil Dyer, Mayor Pro tem
Steve Stovall, Deputy Mayor Pro tem
Shep Stahel
Scott Johnson
Sally Magnuson
Jim McGee
Ken Lambert

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Elaine Bealke, City Secretary

Mayor Evans called the meeting to order at 5:00 p.m., Monday, July 22, 2002 in the Council Chambers of the Plano Municipal Center, 1520 K Avenue. Council Member Stahel assumed the bench at 5:01 p.m. Mayor Pro tem Dyer was not present during the first item but did assume the bench at 5:12 p.m. All Council Members were present.

PRELIMINARY OPEN MEETING

Discussion and Direction Regarding Naming Plaza North of Municipal Center

Mayor Evans spoke to naming the plaza area north of the Municipal Center, and spoke to available sketches outlining the area. A recommendation was made by Council Member Lambert and Deputy Mayor Pro tem Stovall to name this plaza the "Jim Biggerstaff Plaza." By consensus the Council concurred that a resolution be brought back to the Council to name the plaza area north of the Municipal Center the Jim Biggerstaff Plaza.

Mayor Evans advised at 5:02 p.m. that the Council will recess and convene the meeting into Executive Session in Training Room A in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, to receive Legal Advice, Section 551.071; to discuss matters of Personnel, Section 551.074 and to discuss Real Estate, Section 551.072 for which a certified agenda will be kept in the office of the City

Secretary for a period of two years. Mayor Evans advised that the Council will reconvene back into open session in the Council Chambers at the conclusion of Executive Session to resume the Preliminary Open Meeting.

Mayor Evans reconvened the meeting back into open session at 5:50 p.m. to discuss the following Preliminary Items:

Presentation and Request from the Hereditary Colon Cancer Association

Mayor Evans advised that this item will be rescheduled for an August agenda.

Request from San Pedro Garza Garcia for Donation of Firefighting Equipment

City Manager Muehlenbeck spoke to a request made by the Mayor of Sister City San Pedro Garza Garcia to donate Fire Engine "175" along with twenty self-contained breathing apparatus and 40 spare air bottles to their city. He stated that new legislation now allows this to be done and advised the Council that such equipment has previously been sold at auction.

Council Member Stahel, Mayor Pro tem Dyer, Deputy Mayor Pro tem Stovall, Council Member Lambert, and Council Member McGee spoke to the current economic climate in the City of Plano and to this not being the best time to donate equipment valued at approximately \$45,000. The Council spoke to possibly donating the remaining less valued equipment but not the fire truck. Mayor Evans recommended that a representative of the Sister City organization visit with the Council regarding this request and that further information be obtained from City Staff regarding an inter-local agreement.

Update on Revitalization Committee

Transition and Revitalization Committee Chair Jim Biggerstaff spoke to the continued growth and development in the City and to looking at ideas necessary for a maturing city which included the enhancement of Plano as an economic center, area of high quality of life, and as a cutting edge community in the Metroplex.

Planning and Information Manager Jeff Zimmerman spoke to high priority issues which include the availability of financial resources, enhancing air and water quality, aging infrastructure, changing demographics and the importance of building revenue to offset bad times.

Following the update, a proclamation was presented by the full Council to Jim Biggerstaff for his outstanding contributions to the community and proclaiming July 22 through July 27 Jim Biggerstaff week.

Remaining Preliminary items were addressed during the Regular meeting. Mayor Evans recessed the meeting at 6:19 p.m. A brief reception was held out on the Municipal Center lawn in honor of Mr. Biggerstaff. No business was discussed.

Pat Evans, **MAYOR**

Elaine Bealke, **CITY SECRETARY**

PLANO CITY COUNCIL
July 22, 2002

COUNCIL MEMBERS

Pat Evans, Mayor
Phil Dyer, Mayor Pro tem
Steve Stovall, Deputy Mayor Pro tem
Shep Stahel
Scott Johnson
Sally Magnuson
Jim McGee
Ken Lambert

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Elaine Bealke, City Secretary

Mayor Evans convened the meeting into open session on Monday, July 22, 2002, at 7:00 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Assistant English Minister Eugene Hung of Plano Chinese Alliance Church.

The Pledge of Allegiance was led by Junior Girl Scout Troop 1378.

Fay Moses Wilkins was not in attendance to receive her oath of office. Corey Todres and Kimberly S. Daly were not in attendance to receive their certificates of recognition.

Mayor Evans received a presentation of a \$10,000 check for Air Quality Awareness by North Texas Commission and a presentation regarding John A. Sasso Award to Neighborhood Services Division.

GENERAL DISCUSSION

Charles Elias, citizen of the City, addressed the Council regarding concerns related to coyotes in the area of Bob Woodruff Park and the City's unsuccessful trapping efforts. He requested the coyotes be removed from the parks as soon as possible and that ongoing efforts be provided to keep them out. Mayor Evans stated that if appropriate, a response will come forward at a future Council meeting.

The Council resumed discussion of the Preliminary Open Meeting at this time.

Discussion Regarding Exemption for Non-Profit Organizations

City Attorney Wetherbee spoke regarding amendments to the tax code that would permit local charitable organizations to seek property tax exemptions and stated that these may be granted either by the governing body or by election if a petition is filed. She advised that criteria for granting an exemption is set forth in the statute, the comptroller's office is the determiner as to whether or not the organization meets the criteria and that the governing body's only role is to determine whether the exemption should be granted. Ms. Wetherbee spoke regarding unknowns with regard to the effect on tax revenues and stated that it is not clear as to whether the Council of each taxing unit has the discretion to grant or deny individually these exemptions. She further advised that the comptroller's office has indicated that requests should be treated uniformly and that the Council has asked for additional information before moving forward. Mayor Evans spoke to determining how many organizations might be involved, the amount of property evaluations and stated that the item will be revisited at a future meeting.

Comprehensive Monthly Financial Report

Treasurer Mallar presented the Comprehensive Monthly Financial Report for the month of June 2002, advising the Council that information has been added to the financial summary related to the preliminary re-estimated annual budget and health claims and property liability loss funds. She spoke to the general fund being down overall due to decreases in sales tax revenues, license/permit revenues, housing permits and annualized building permit values. Ms. Mallar spoke to the water and sewer billings being increased on an annualized basis, a leveling off of the hotel/motel occupancy tax and reviewed the investment report.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agenda

Deputy Mayor Pro tem Stovall advised he would be stepping down on Consent Agenda Item "N," Consideration of a resolution to approve the terms and conditions of a real estate contract by and between the City of Plano, Texas and Collin Intervention to Youth, Inc. due to a possible conflict of interest.

Council Reports

Mayor Evans spoke regarding a presentation made to the City of Plano from the Western World Series for the National Softball Association and the event being held at Heritage Fields.

Council Member McGee advised that he has been appointed to be a representative to the steering committee for the *Adopt-a-School Bus Program* by County Judge Ron Harris and spoke regarding the program's efforts to assist in the replacement of older school busses. Mr. McGee spoke to this being a pilot program and stated that the steering committee will take applications from school districts applying for grants.

CONSENT AGENDA

Mayor Pro tem Dyer, Deputy Mayor Pro tem Stovall, and Council Member McGee advised they would be stepping down on Consent Agenda Item "N" due to conflicts of interest.

Upon a motion made by Council Member Stahel and seconded by Council Member Johnson, 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)]

June 19, 2002

June 24, 2002

Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following:

Bid No. B103-02 for Research Technology District Streetscape (Project No. 5078) in the amount of \$149,672. This project is for the construction of monuments, flagpoles, landscaping, and irrigation at four locations in street medians in the Research Technology District. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. B102-02 for Custer/Russell Creek Park Improvements in the amount of \$392,550. [Consent Agenda Item (C)] (See Exhibit "B")

Bid No. C9911-0333 for purchase of Playground Equipment for Custer/Russell Creek Park Site in the amount of \$45,932. [Consent Agenda Item (D)] (See Exhibit "C")

Bid No. B104-02 for construction of Los Rios Boulevard from Kite Landing Lane to Plano East Senior High School in the amount of \$480,692. [Consent Agenda Item (E)] (See Exhibit "D")

Bid No. B098-02 for construction of Eastside No. 2 Sanitary Sewer Rehabilitation Project in the amount of \$555,095 for four locations in the City. [Consent Agenda Item (F)] (See Exhibit "E")

Bid No. B093-02 for the Monthly Rental/Annual Lease of one (1) John Deere 4.0 Cubic Yard Articulating Loader for use by the Solid Waste Department in the total amount of \$31,527. [Consent Agenda Item (G)] (See Exhibit "F")

Bid No. C105-02 for a fixed-price contract for Breakaway Sign Post & Accessories in the estimated annual amount of \$31,600 for the Signs & Markings/Sign Shop Departments for an annual contract with renewals. [Consent Agenda Item (H)] (See Exhibit "G")

Bid No. B073-02 for Cab, Chassis & Vans for various departments in the amount of \$446,839. [Consent Agenda Item (I)] (See Exhibit "H")

Adoption of Resolutions

Resolution No. 2002-7-1(R): To ratify the terms and conditions of a grant agreement by and between United States Environmental Protection Agency ("EPA") and the City of Plano, Texas in the total amount of \$115,000 for vulnerability assessments and related security improvements at large drinking water utilities; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2002-7-2(R): To approve and authorize refunds of property tax overpayments in the amount of \$3,346; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2002-7-3(R): To approve and authorize refunds of property tax overpayments in the amount of \$4,217; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2002-7-4(R): To approve the terms and conditions of an interlocal agreement by and between the City of Plano, Texas and the City of Dallas a home-rule corporation, Dallas County, Texas; providing the terms and conditions for the operation of a Police/School Liaison Officer to work within the corporate limits of the City of Dallas, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Adoption of Ordinances

Ordinance No. 2002-7-5: To amend Ordinance No. 99-9-29 codified as Section 12-73 of Article IV (Speed) of Chapter 12 (Motor Vehicles and Traffic) of the City of Plano Code of Ordinances by deleting the school zone on Carmel Drive at Custer Road from Section 12-73(b); amending Section 12-73(e) to include a previously omitted school zone on Carmel Drive at Custer Road; providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause and an effective date. [Consent Agenda Item (O)]

Ordinance No. 2002-7-6: To amend Ordinance No. 99-9-29 codified as Section 12-73 of Article IV (Speed) of Chapter 12 (Motor Vehicles and Traffic) of the City of Plano Code of Ordinances by deleting one of the two references for the school zone on Winding Hollow Lane at Channel Isle Drive from Section 12-73(b); amending section 12-73(b) to include a previously omitted school zone on Winding Hollow Lane at Southern Knolls Lane; providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause and an effective date. [Consent Agenda Item (P)]

Ordinance No. 2002-7-7: To amend Ordinance No. 99-9-29 codified as Section 12-73 Subsection (b), of Article IV (Speed) of Chapter 12 (Motor Vehicles and Traffic) of the City of Plano Code of Ordinances by including a previously omitted school zone on Parker Road at P Avenue; providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause and an effective date. [Consent Agenda Item (Q)]

Ordinance No. 2002-7-8: To amend Ordinance No. 99-9-29 codified as Section 12-102 (a) of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to prohibit parking of motor vehicles at specified areas on Bettye Haun Drive, Blue Ridge Trail, Crossbend Road, Devonshire Drive, Highhedge Drive, Mission Ridge Road, Mollimar Drive, Montana Trail, Mount Vernon Way, Parkhaven Drive, Rainier Road, Red River Drive, Roundrock Trail, and Russell Creek Drive within the City limits of the City of Plano on school days; declaring it unlawful and a misdemeanor to park motor vehicles upon certain sections of such roadways; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (R)]

Ordinance No. 2002-7-9: To amend Ordinance No. 2000-9-20 codified as Section 12-102(c), Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to prohibit parking, stopping or standing of motor vehicles along the east side of Wilson Drive from the intersection of Glencliff Drive south to the intersection of Grandview Drive within the City limits of the City of Plano on school days between the hours of 7:15 a.m. to 8:15 a.m., and 2:30 p.m. to 3:15 p.m.; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (S)]

Ordinance No. 2002-7-10: To establish Section 12-102(e) Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to prohibit parking of motor vehicles along specified sections of 17th Street, P Avenue, R Avenue, Blue Ridge Trail, Country Place Drive, John Clark Parkway, Mollimar Drive, Nevada Drive, Old Orchard Drive, Preston Meadow Drive, San Gabriel Drive, Scenic Drive, and Wilson Drive within the City limits of the City of Plano during specified times during school days; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (T)]

Ordinance No. 2002-7-11: To amend a specific section of Ordinance No. 99-9-29 codified as Section 12-73, Subsection (g), of Article IV (Speed) of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to reflect new school zone hours; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date. [Consent Agenda Item (U)]

Ordinance No. 2002-7-12: To amend a subsection of Ordinance No. 2001-9-13, codified as Article XX, Residential Code, Division 2, Section 6-710, Subsection R302 of Chapter 6 of the City of Plano Code of Ordinances by adding a provision on encroachments and providing a repealer clause, a severability clause, a savings clause, a penalty clause and an effective date. [Consent Agenda Item (V)]

Ordinance No. 2002-7-13: To amend Article IV of Chapter 11, "Licenses and Business Regulations" of the Code of Ordinances of the City of Plano to provide definitions, restrictions and regulations for solicitation within the City of Plano, repealing Ordinance No. 2001-8-19; providing penalty, severability, repealing and publication clauses, and an effective date. [Consent Agenda Item (W)]

Ordinance No. 2002-7-14: To abandon all right, title and interest of the City, in and to those certain water line easements granted to Jupiter Water Systems, Inc. as recorded in Volume 900 at Page 433, Volume 900 at Page 436, Volume 900 at Page 439, and Volume 900 at Page 445 and assigned by assignment of right-of-way easements recorded in Volume 2985, Page 493, in the land records of Collin County, Texas and being situated in the R.C. Ingraham Survey, Abstract 462 and the William McCreary Survey, Abstract Number 601, which are located south of Chaparral Road approximately 2500 feet east of Jupiter Road within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the abutting property owner, to the extent of its interests; authorizing the City Manager to execute any documents deemed necessary; and providing an effective date. [Consent Agenda Item (X)]

Purchase of Existing Bid

To award a bid for the purchase of one (1) medium-duty cab and chassis and a light air utility conversion unit in the amount of \$321,570 through an interlocal agreement with the City of Bedford. (Bids No. 02-0509A and 02-0509B) [Consent Agenda Item (Y)]

Approval of Contract

To approve the terms and conditions of the agreement between the City of Plano and Whitehead & Mueller, a local environmental consulting firm in the amount of \$133,900 for lead remediation services at the Tri-City Academy Gun Range. [Consent Agenda Item (Z)]

To approve and authorize for the selection of Wier and Associates to provide Professional Engineering Services for an amount not to exceed \$134,000 in connection with the design of Premier Drive – Ruisseau Drive to Heritage Drive and authorizing the City Manager to execute all necessary documents to effectuate this contract. [Consent Agenda Item (AA)]

To approve and authorize a professional services contract with TEAM Consultants, Inc. to provide construction materials testing services for an amount not to exceed \$48,106 in connection with construction of Spring Creek Parkway from Dallas N. Tollway to White Rock Creek and authorizing the City Manager to execute all necessary documents. [Consent Agenda Item (BB)]

Approval of Change Order

To Philpot Motor Company, increasing the contract for \$41,422 for the purchase of two Crown Victoria cars with Police package through the Tarrant County Joint Venture/Cooperative Purchasing Program (Bid No. 2001-125) and authorizing the City Manager to execute all documents necessary to effectuate this purchase. [Consent Agenda Item (CC)]

END OF CONSENT:

Due to conflicts of interest, Mayor Pro tem Dyer, Deputy Mayor Pro tem Stovall and Council Member McGee stepped down from the bench on the following item.

Resolution No. 2002-7-15(R): To approve the terms and conditions of a real estate contract by and between the City of Plano, Texas and Collin Intervention to Youth, Inc., a Texas non-profit corporation for the purchase of a 5,227 square foot tract of land located in the Joseph Klepper Survey, Abstract No. 213, Collin County, Texas and for Right of First Refusal Regarding a 1.07 acre tract of land located in the Joseph Klepper Survey, Abstract No. 213, Collin County, Texas, for an addition to Haggard Park; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (N)]

Resolution No. 2002-7-15(R) (cont'd)

Upon a motion made by Council Member Magnuson and seconded by Council Member Johnson, the Council voted 5-0 to approve the terms and conditions of a real estate contract by and between the City of Plano, Texas and Collin Intervention to Youth, Inc., a Texas non-profit corporation for the purchase of a 5,227 square foot tract of land located in the Joseph Klepper Survey, Abstract No. 213, Collin County, Texas and for Right of First Refusal Regarding a 1.07 acre tract of land located in the Joseph Klepper Survey, Abstract No. 213, Collin County, Texas, for an addition to Haggard Park; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-7-15(R).

Mayor Pro tem Dyer, Deputy Mayor Pro tem Stovall and Council Member McGee resumed their seats on the bench.

Ordinance No. 2002-7-16: To extend until February 5, 2006 the franchise granted to TCI of Plano, Inc. to own, operate, and maintain a cable communications system in the City of Plano which is set to expire on or about February 5, 2003; and providing a repealer clause, a severability clause and an effective date. (Second reading) (First Reading held 06/10/02) [Regular Agenda Item (1)]

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member McGee, the Council voted 8-0 to extend until February 5, 2006 the franchise granted to TCI of Plano, Inc. to own, operate, and maintain a cable communications system in the City of Plano which is set to expire on or about February 5, 2003; and providing a repealer clause, a severability clause and an effective date; and further to adopt Ordinance No. 2002-7-16.

Ordinance No. 2002-7-17: To provide for the issuance and sale of City of Plano, Texas, General Obligation Bonds Refunding and Improvement Bonds, Series 2002, in the aggregate principal amount of \$56,130,000; levying a tax in payment thereof; and enacting other provisions relating thereto. [Regular Agenda Item (2)]

David Medanich of First Southwest Company spoke to the competitive bids taken for the bonds and the City's maintaining its "AAA" ratings from Moody's, Standard & Poor's and Fitch, Inc., historical sales information. He stated that approximately \$42 million was advance refunding of a Series 1992 bond issue and that after all costs were factored there is a savings of \$4.9 million. Mr. Medanich responded to Mayor Pro tem Dyer that this sale would replace existing debt with new debt at a lower rate. Ben Brooks of Vinson and Elkins reviewed the bond ordinance, stating it includes a new issue which comes from the City's 1998 bond election for street improvements and 2001 various capital improvements approved by voters. He stated that the ordinance authorizes issuance of the bonds, sets interest rates and securities, and calls for the redemption and awards sale of the bonds to Merrill Lynch & Company.

City Manager Muehlenbeck spoke regarding the City's "AAA" bond rating, the ratings' services support of the immediate action taken by the Council when sales tax began declining, and the concern expressed regarding the drawdowns of the ending balances in the reserve funds.

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member McGee, the Council voted 8-0 to provide for the issuance and sale of City of Plano, Texas, General Obligation Bonds Refunding and Improvement Bonds, Series 2002, in the aggregate principal amount of \$56,130,000; levying a tax in payment thereof; and enacting other provisions relating thereto; and further to adopt Ordinance No. 2002-7-17.

Public Hearing and adoption of Ordinance No. 2002-7-18 to request to establish and designate a certain area as Reinvestment Zone No. 70 for commercial/industrial tax abatement consisting of a 15.587-acre tract of land located at 5000 Headquarters Drive, 75024 in the City of Plano, Texas, establishing the boundaries of such zone, ordaining other matters relating thereto and providing an effective date. [Regular Agenda Item (3)]

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

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro tem Stovall, the Council voted 8-0 to establish and designate a certain area as Reinvestment Zone No. 70 for commercial/industrial tax abatement consisting of a 15.587-acre tract of land located at 5000 Headquarters Drive, 75024 in the City of Plano, Texas, establishing the boundaries of such zone, ordaining other matters relating thereto and providing an effective date; and further to adopt Ordinance No. 2002-7-18.

Resolution No. 2002-7-19(R): To approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Networks Associates, Inc. dba Network Associates, Inc., and providing for a commercial/industrial tax abatement for Networks Associates, Inc., dba Network Associates, Inc., and authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (4)]

City Manager Muehlenbeck spoke to the creation of 775 jobs. Treasurer Mallar stated that the proposed 50% real property and business personal property tax abatement would begin January 1, 2002 and continue through the year 2012.

Resolution No. 2002-7-19(R) (cont'd)

Upon a motion made by Mayor Pro tem Dyer and seconded by Council Member McGee, the Council voted 8-0 to approve the terms and conditions of an agreement by and between the City of Plano, Texas, the County of Collin, the Collin County Community College District, and Networks Associates, Inc. dba Network Associates, Inc., and providing for a commercial/industrial tax abatement for Networks Associates, Inc., dba Network Associates, Inc., and authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-7-19(R)

Public Hearing pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to use or taking of a portion of City of Plano Park, known as Jack Carter Park, for sanitary sewer and temporary construction easement facilities. [Regular Agenda Item (5)]

City Engineer Upchurch advised the Council regarding problems associated with the current alignment of a sanitary sewer main, overflows that have occurred in the area and plans to relocate the line. He reviewed the area, stated that all due care has been taken to minimize the impact on the park and that this is the only alignment that would minimize the problem and improve the sanitary sewer flow. He responded to Mayor Evans that there will still be connection to the outdoor pool at Jack Carter Park.

Director of Parks and Recreation Wendell stated that Staff and the Parks and Recreation Planning Board have reviewed the location and feel there would be no impact on present or future uses at the park. He confirmed that proper planning has been done to minimize disruption to park users and recommended approval.

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

Ordinance No. 2002-7-20: To approve a project for a Sanitary Sewer Easement and a Temporary Construction Easement to the City of Plano, requiring the use or taking of a portion of City of Plano public park land, known as Jack Carter Park; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date. [Regular Agenda Item (6)]

Upon a motion made by Council Member Stahel and seconded by Council Member Magnuson, the Council voted 8-0 to To approve a project for a Sanitary Sewer Easement and a Temporary Construction Easement to the City of Plano, requiring the use or taking of a portion of City of Plano public park land, known as Jack Carter Park; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date; and further to adopt Ordinance No. 2002-7-20.

Resolution No. 2002-7-21(R): To approve the granting of a sanitary sewer easement and a temporary construction easement being in the William Miller Survey, Abstract No. 615, City of Plano, Collin County, Texas across a portion of City of Plano park known as Jack Carter Park and authorizing the execution of the easements by the City Manager; and providing an effective date. [Regular Agenda Item (7)]

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Stahel, the Council voted 8-0 to approve the granting of a sanitary sewer easement and a temporary construction easement being in the William Miller Survey, Abstract No. 615, City of Plano, Collin County, Texas across a portion of City of Plano park known as Jack Carter Park and authorizing the execution of the easements by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-7-21(R).

Resolution No. 2002-7-22(R): To approve an expenditure of funds not to exceed sixty nine thousand five hundred thirty nine and no/100 dollars (\$69,539) to Tiseo Paving Company for realignment of a 15-inch sanitary sewer main along San Simeon Way east of Independence Parkway; authorizing the execution of all documents in connection therewith by the City Manager; and providing an effective date. [Regular Agenda Item (8)]

City Engineer Upchurch advised that Staff is recommending the bid submitted by Tiseo Paving Company.

Upon a motion made by Council Member Stahel and seconded by Council Member McGee, the Council voted 8-0 to To approve an expenditure of funds not to exceed sixty nine thousand five hundred thirty nine and no/100 dollars (\$69,539) to Tiseo Paving Company for realignment of a 15-inch sanitary sewer main along San Simeon Way east of Independence Parkway; authorizing the execution of all documents in connection therewith by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-7-22(R).

Public Hearing and adoption of Ordinance No. 2002-7-23 as requested in Zoning Case 2002-21 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 25.8± acres located on the southwest corner of Chaparral Road and Jupiter Road in the City of Plano, Collin County, Texas, from Planned Development-19-Multi-Family-2 (PD-19-MF-2) to Planned Development-19-Multi-Family-2/Patio Home (PD-19-MF-2/PH); 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. Neighborhood #22. Applicant: Douglas Properties, Ltd. [Regular Agenda Item (9)]

Ordinance No. 2002-7-23 (cont'd)

Director of Planning Jarrell advised the Council that in 1997 this property was rezoned to allow for multi-family development and that now patio home development is desired. She advised that Planning and Zoning Commission recommended approval subject to the following stipulations:

Recommended for approval as Planned Development-Multi-Family-2/Patio Home subject to the following stipulations:

The site may be developed in accordance with either Multi-Family-2 or Patio Home or Single-Family-Detached requirements subject to the following:

1. If developed as Multi-Family-2, the following stipulations shall apply:
 - a. No reclamation of the 100-year floodplain;
 - b. 30-foot wide landscape edge along Chaparral Road and Jupiter Road;
 - c. 50-foot wide open space area along the southern property line;
 - d. Maximum number of 412 units; and
 - e. Maximum effort shall be made to preserve trees within the 100-year floodplain and the required 50-foot open space area as noted above.
2. If developed as Patio Home standards, the following stipulations apply:
 - a. 15-foot landscape edge along Chaparral Road and Jupiter Road; and
 - b. Maximum 136 single-family residential units.
3. If developed as Single-Family-Detached, the base development standards of the respective Single-Family-Detached district shall apply.

Mayor Evans opened the Public Hearing. Jim Douglas of Douglas Properties advised the Council that the development would result in a decrease in density and that a site plan has been submitted for 122 units. He responded to Council Member Stahel that there are plans to incorporate at least one pond and work around existing trees. No one else spoke either for or against the request. The Public Hearing was closed.

Ordinance No. 2002-7-23 (cont'd)

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro tem Stovall, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 25.8± acres located on the southwest corner of Chaparral Road and Jupiter Road in the City of Plano, Collin County, Texas, from Planned Development-19-Multi-Family-2 (PD-19-MF-2) to Planned Development-19-Multi-Family-2/Patio Home (PD-19-MF-2/PH); as requested in Zoning Case 2002-21 and as recommended by the Planning and Zoning Commission; 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 No. 2002-7-23.

Public Hearing and adoption of Ordinance No. 2002-7-24 as requested in Zoning Case 2002-23 – To amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 472 so as to allow the additional use of a Private Club in conjunction with a proposed restaurant on one lot on 1.1± acres of land located on the east side of U.S. Highway 75, 1,300± feet north of Parker Road in the City of Plano, Collin County, Texas, presently zoned Corridor 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. Neighborhood #37. Applicant: Fairview Farm Land Company, Ltd. [Regular Agenda Item (10)]

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

Mayor Evans opened the Public Hearing. No one 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 Stahel, the Council voted 8-0 to amend the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, granting Specific Use Permit No. 472 so as to allow the additional use of a Private Club in conjunction with a proposed restaurant on one lot on 1.1± acres of land located on the east side of U.S. Highway 75, 1,300± feet north of Parker Road in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial as requested in Zoning Case 2002-23 and as recommended by the Planning and Zoning Commission; 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

Public Hearing and adoption of Ordinance No. 2002-7-25 as requested in Zoning Case 2002-26 - To amend Subsection 3-1004 (Placement of All Dumpsters) of Section 3-1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations for Principle Permitted Uses and Specific Uses) and related sections of the Zoning Ordinance regarding the placement and screening of refuse and recycling containers of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano [Regular Agenda Item (11)]

Development Review Manager Elgin advised the Council that the item proposes to amend the screening standards for refuse and recycling containers within the City. He stated that it would clear up some inconsistencies with current ordinance language, codify policies, require that a new development provide either space or an enclosure for both a recycling container and a standard refuse container, clarify screening requirements and service access, and include an option for existing development to reduce required parking to accommodate commercial recycling and community recycling containers. He responded to Council Member Stahel that the current ordinance does not provide an exception to screening requirements for recycling nor a reduction in required parking and that the proposed ordinance does not demand recycling.

Council Member Magnuson spoke to each business being free to contract for recycling services. She spoke regarding the challenges of addressing contamination in recycling and the benefits of education. Council Member McGee spoke to the possibility of the City offering recycling services and the Council further spoke to the importance of education.

Upon a motion made by Council Member Stahel and seconded by Council Member Magnuson, the Council voted 8-0 to amend Subsection 3-1004 (Placement of All Dumpsters) of Section 3-1000 (Screening, Fence, and Wall Regulations) of Article 3 (Supplementary Regulations for Principle Permitted Uses and Specific Uses) and related sections of the Zoning Ordinance regarding the placement and screening of refuse and recycling containers of the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended and as requested in Zoning Case 2002-26 and as recommended by the Planning and Zoning Commission, and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date; and further to adopt Ordinance No. 2002-7-25.

Consideration and action resulting from Executive Session Discussion: Personnel – Board and Commission Members Reappointments [Regular Agenda Item (12)]

Board of Adjustment

Upon a motion made by Mayor Pro tem Dyer and seconded by Council Member Magnuson, the Council voted 8-0 to reappoint Kevin Cain, Bob Deputy, Stephen Karl Harvey, Chris Polito, Arthur E. Stone and Jackie Westbrook to the Board of Adjustment. (One position remains for appointment.)

Building Standards Commission

Council Member Stahel requested this item be brought back for further consideration and the Council concurred.

Planning and Zoning Commission

Upon a motion made by Council Member McGee and seconded by Council Member Stahel, the Council voted 8-0 to reappoint Joyce R. Beach, Lee Dunlap, Carolyn Kalchthaler, and Bill Neukranz to the Planning and Zoning Commission. (Zero positions remain for appointment.)

Personnel – Board and Commission Members Reappointments [Regular Agenda Item (13)]

Animal Shelter Advisory Committee

Upon a motion made by Council Member Johnson and seconded by Council Member Stahel, the Council voted 8-0 to reappoint Craig Gussow, Joanna M. Richardson, DeAnne L. Rogers and Gregory “Greg” Thomisee to the Animal Shelter Advisory Committee. (Two positions remain for appointment.)

Civil Service Commission

City Manager Muehlenbeck recommended the reappointment of Bryan K. Gallerson. Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to reappoint Bryan K. Gallerson to the Civil Service Commission. (Zero positions remain for appointment.)

Community Relations Commission

Upon a motion made by Council Member Magnuson and seconded by Council Member Johnson, the Council voted 8-0 to reappoint Shaheen Salam, Matt Shaheen, and Stella Mercedes Vea to the Community Relations Commission. Ms. Magnuson spoke to working to reduce the membership. (Zero positions remain for appointment.)

Cultural Affairs Commission

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member McGee, the Council voted 8-0 to reappoint L. Kenyon Elliott and C. Larry Tucker to the Cultural Affairs Commission. (Two positions remain for appointment.)

Heritage Commission

Upon a motion made by Council Member McGee and seconded by Council Member Magnuson, the Council voted 8-0 to reappoint Lisette Briley, Walter G. Unglaub, and Sidney S. Wall, Jr. to the Heritage Commission. (One position remains for appointment.)

Keep Plano Beautiful Commission

Upon a motion made by Council Member McGee and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to reappoint Karen E. Minato and Barbara Gargiulo to the Keep Plano Beautiful Commission. (Four positions remain for appointment.)

Library Advisory Board

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Johnson, the Council voted 8-0 to make no reappointments to the Library Advisory Board. (Three positions remain for appointment.)

Parks and Recreation Planning Board

Upon a motion made by Council Member Stahel and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to reappoint Charles N. Bell and Jim Norton to the Parks and Recreation Planning Board. (Three positions remain for appointment.)

Plano Housing Authority

Upon a motion made by Mayor Evans and seconded by Deputy Mayor Pro tem Stovall, the Council voted 8-0 to reappoint Linda S. Hester to the Plano Housing Authority. (One position remains for appointment.)

Plano Transition and Revitalization Commission

Upon a motion made by Mayor Pro tem Dyer and seconded by Council Member Magnuson, the Council voted 8-0 to reappoint Jim Biggerstaff, Elta Chandler, and Larry May to the Plano Transition and Revitalization Commission. (The Community Relations Commission member position remains for appointment and the Council concurred to receive a recommendation from that board.)

Public Arts Committee

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Magnuson, the Council voted 8-0 to reappoint E. J. Copeland, Kathryn McGill and Don McKinney to the Public Arts Committee. (Zero positions remain for appointment.)

Retirement Security Plan Committee

City Manager Muehlenbeck recommended the reappointment of Stephen D. Liddell. Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to reappoint Stephen D. Liddell to the Retirement Security Plan Committee. (Two City employee positions remain for appointment.)

Self Sufficiency Committee

Upon a motion made by Council Member McGee and seconded by Council Member Stahel, the Council voted 8-0 to reappoint Gloria Ndubueze to the Self Sufficiency Committee. (Two positions remain for appointment.)

Senior Citizens Advisory Board

Upon a motion made by Council Member Lambert and seconded by Council Member Magnuson, the Council voted 8-0 to reappoint Grace Fuller to the Senior Citizens Advisory Board. (Six positions remain for appointment.)

Tax Increment Financing Reinvestment Zone No. 1 Board

Upon a motion made by Council Member Stahel and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to reappoint Michael Booth and Council Member Shep Stahel to the Tax Increment Financing Reinvestment Zone No. 1 Board. (Two positions remain for appointment.)

Technology Commission

Upon a motion made by Deputy Mayor Pro tem Stovall and seconded by Council Member Johnson, the Council reappointed William Karnes, Judith Pafford and James "Jim" Ryan to the Technology Commission. (One position remains for appointment.)

Transportation Advisory Committee

Upon a motion made by Council Member McGee and seconded by Council Member Johnson, the Council voted 8-0 to reappoint Nat Cohen, Tom Lohr and Julie Prince to the Transportation Advisory Committee. (Zero positions remain for appointment.)

Discussion and Direction to request the Planning and Zoning Commission to study and recommend appearance standards for elevated parking facilities [Regular Agenda Item (14)]

Council Member Johnson stated his request that the Planning and Zoning Commission study and recommend standards, particularly aesthetic, for parking garages. He spoke to standards along the Dallas North Tollway and to the anticipated increase in the number of multi-story parking facilities. The Council concurred to add this item to the Planning and Zoning Commission's work program at a medium priority level.

Discussion and Direction regarding Alley Speed Bump Policy [Regular Agenda Item (15)]

Deputy Mayor Pro tem Stovall spoke regarding the policy for speed bumps in alleys stating that 80% of all houses adjacent to the alley must approve any installation or removal and requested consideration of the policy by the Transportation Advisory Commission.

Zahir Shamsey, citizen of the City, spoke regarding his efforts at petition completion for removal of speed bumps citing instances where homeowners were unresponsive.

Deputy Mayor Pro tem Stovall spoke regarding the difficulty in achieving 80% approval and City Attorney Wetherbee spoke to referring the item to the Transportation Advisory Commission who would recommend consideration of alleys either be combined in the *Safe Streets Program* or brought forward as a separate policy which was the Council's consensus.

There being no further discussion, Mayor Evans adjourned the meeting at 8:39 p.m.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary

PLANO CITY COUNCIL
Preliminary/Regular Open Meeting
Special Session

July 24, 2002

COUNCIL MEMBERS

Pat Evans, Mayor
Phil Dyer, Mayor Pro tem
Steve Stovall, Deputy Mayor Pro tem
Shep Stahel
Scott Johnson
Sally Magnuson
Jim McGee
Ken Lambert

STAFF

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

Mayor Evans called the meeting to order at 5:00 p.m., Wednesday, July 24, 2002, in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

PRELIMINARY OPEN MEETING

Presentation Regarding West Nile Virus

Environmental Health Director Collins provided the Council with a briefing regarding the West Nile Virus. He reviewed the history of worldwide distribution, occurrence in the United States, confirmed cases in Texas wildlife in the Houston and Dallas areas, the transmission cycle, and the most prevalent mosquito carriers. Mr. Collins reviewed the current strategies including spraying three to five times per week, larvicide application, mosquito trapping and testing, collection of dead birds and testing, and the dissemination of information. He advised that if West Nile Virus is found in the community, there would be an increase in mosquito trapping and spraying and in the event of confirmed human exposure, Staff would partner with the County Health Authority and the Texas Department of Health. Mr. Collins reviewed symptoms of the disease and methods available to reduce exposure.

Mr. Collins responded to Deputy Mayor Pro tem Stovall that Staff has the ability by ordinance to cover pools and spoke regarding the difficulties in receiving permission from mortgage companies and/or homeowners and problems that might arise from use of the covers. He spoke regarding the use of larvicide, stated that while Staff can cite individuals it does not alleviate the problems and spoke to efforts utilized for unoccupied property. City Attorney Wetherbee advised that the time required for the City to effectuate certain improvements is regulated by State law. Mr. Collins spoke regarding current spraying efforts within the City, and advised regarding recommended repellents stating that web site information will be updated. City Attorney Wetherbee responded to Deputy Mayor Pro tem Stovall regarding notices given so that the City might recoup expenses incurred in abating a nuisance.

Mr. Collins and City Manager Muehlenbeck spoke regarding requests for spraying that have been received from other cities and the proposed interlocal agreement to provide this service. Mr. Collins responded to Mayor Evans that the Collin County Health Department has no program for mosquito spraying, that he would look into information on certification, that at the current level the City could provide 18-24 hours/week of service to other entities and regarding increases that would occur should mosquito testing prove positive. City Manager Muehlenbeck advised that Staff would follow up to determine what assistance the county could provide. Mayor Evans stated concern that other municipalities are not preparing and that the City would need to cover additional areas. Council Member Lambert spoke to Staff covering the needs of the citizens of Plano and the sharing of resources to offer assistance and stated that he would support the proposed interlocal agreement on an "availability of manpower" basis. Deputy Mayor Pro tem Stovall spoke to training additional Staff. Mr. Collins spoke regarding the fees to be charged and stated that there are no mosquito programs in those cities requesting participation in the interlocal agreement.

Discussion Regarding Employee Health Benefits

Benefits Manager Marquez spoke regarding mid-year changes being made to employee health benefits. He reviewed factors including legislation, inflation in the areas of both medical care and prescription drugs, the merging of providers, increased utilization and the City's contribution of an additional \$1.4 million for the 2001-02 re-estimate. Mr. Marquez reviewed the changes proposed including a restructuring of co-pays, tiered rate system, incentive for spouses to participate in their employer's health plan, alternate drug plan, and the provision of a cost-effective alternative for low claims individuals. He spoke regarding the hospital gap coverage currently in place and compared the proposed rates to those of other municipalities.

Mr. Marquez responded to the Council regarding next year's cost forecast of \$13 million, that drug utilization indicates a preponderance of prescriptions for conditions that are stress related, and plans to provide employees with more information on the "nurse line," resources available via the internet and benefits education. He spoke to the results that would occur should employees be allowed to "opt out" of the plan and coverage for pre-existing conditions. City Manager Muehlenbeck advised that the City's plan is less expensive for the tax payers than a commercial plan.

Council Items for discussion/action on future agendas

No items were discussed.

Presentation of the 2002-03 recommended budget and proposed CIP Program to City Council

City Manager Muehlenbeck spoke to Staff's efforts in preparation of the budget and the impact of an economic downturn and the national tragedy of September 11, 2001. He spoke regarding the projected \$5.8 million revenue shortfall for this year in the General Fund and the updating, adopting and implementing of the budget contingency plan, which included freezing of all new/vacant positions, a mandatory 5% operating expenditure reduction, placing on hold \$9.4 million in capital reserve projects and allowing no unbudgeted purchases. He stated that in order to offset the \$10.9 million shortfall projected for the entire 2002-03 fiscal year, the recommendation is to eliminate several programs and a total of 44 full-time and 26 part-time positions. Mr. Muehlenbeck advised that the recommended budget proposes maintaining the current tax rate of 45.35 cents per \$100 of assessed property evaluation and that final figures from the Central Appraisal District reflect a total assessed property value of \$20.194 billion. He further stated that when Plano's 20% homestead exemption (not available in other major Collin County cities) is included in calculations there is a loss of \$11.3 million in property tax revenue and that when the exemption is applied to a home of average value in the top five largest cities in Collin County, the residential tax rate in Plano is the lowest. He stated that over the last ten years, all additional costs associated with several bond referendums have been absorbed within the existing tax rate, spoke to recent reductions in the rate and stated that the proposed budget of \$299.1 million represents an increase of \$8.99 million or 3.1% over the 2001-02 re-estimated budget.

Director of Budget and Research Rhodes advised the Council that General Fund revenues are projected at \$156 million and are split between property taxes (\$57.2 million), sales tax (\$45.1 million) and other revenues (\$53.4 million) which include building/development revenues, court fines, library and parks and recreation fees. She stated that the budget projects a \$5.8 million revenue shortfall and spoke regarding the shortfall of \$10.9 that the City was facing in order to meeting financial policies that require maintaining 30 days of working capital.

Ms. Rhodes stated that sales tax is the top revenue source that has been impacted by the economic downturn and that the 2002-03 budget projects revenues of \$45.1 million which is a 5.1% decrease from what was collected last year. She spoke regarding the building/development revenue reduction primarily due to a decline in building permits. Ms. Rhodes advised that information received from the Central Appraisal District reflects a total of \$20.19 billion in assessed property in the City, that the roll back tax rate will not be computed until August 1, and spoke regarding the average home's tax liability.

Ms. Rhodes stated that when faced with a \$10.9 million shortfall in order to make up 30 days of working capital, the budget contingency committee reviewed all departmental budgets and recommend that 44 full time positions and 26 part time positions be eliminated for a total of \$2.5 million. She reviewed the areas affected which include Building/Development (elimination of the residential inspection program and nine inspectors due to slow downs), Public Safety (four officers designated for DARE program), Administration, Public Works, and Parks and Recreation. Mr. Muehlenbeck stated that police officers assigned to the schools will be trained in the DARE program next year and will start with sixth graders the following year. Ms. Rhodes responded to Mayor Pro tem Dyer that these positions are unfilled now with the exclusion of the four DARE officers who have been reassigned to open positions.

Ms. Rhodes spoke regarding program eliminations which include a 5% operating expenditure reduction, technology fund transfer, productivity bank, safety incentive award (put on hold), Cox Energy Building Study, legal contracts, Treasure Chest and Abbey awards, mystery shopper program, and the City Showcase for a total of \$4.6 million.

Ms. Rhodes advised that the budget recommends a 2% across the board salary increase, 10% health insurance increase (which is in addition to the \$1.4 million in the re-estimate), domestic preparedness equipment, CIP, SSI Expansion – Downtown police officer, comprehensive energy audit, and Safe Streets Program. She advised that while no tax rate increase is proposed, Staff is recommending increases to ambulance fees, alarm fees, recreation center user fees, health and animal services fees, aquatic fees, and athletic field user fees for a total of \$1 million.

Ms. Rhodes advised regarding the anticipated increase in the cost of water from NTMWD and resultant water and sewer rate increases advising that this is part of the water/sewer rate model that was previously updated. She spoke regarding the municipal drainage fund's three-year phased-in increase which is due to revenue requirements in order to sell bonds and advised that she would verify that this is the third year. Ms. Rhodes spoke to information received from the North Texas Municipal Water District advising that they are considering issuing bonds for a new land fill in Melissa and that if this occurs, the City would be required to issue a rate increase for solid waste. She advised that she will have further information for the Council at the August 10 budget worksession.

Ms. Rhodes stated that the Capital Improvement Program totals \$88 million, that the portion for Capital Reserve is 19.1% and that the capital reserve fund is expected to be fully funded at the 75% of the annual depreciation, however \$9.1 million is scheduled to come from the General Fund and \$3 million from Water/Sewer and that is due to the fact that a lot of street repairs are caused by the breaking of water mains.

Ms. Rhodes reviewed upcoming dates scheduled for discussing the recommended CIP program, Public Hearing scheduled for the Recommended Budget and Proposed CIP, Town Hall meeting, weekend budget worksessions, vote to adopt the recommended budget, CIP and tax rate, and stated that the fiscal year begins October 1. Mr. Muehlenbeck advised that the Town Hall meeting is an informational session and not a Council meeting. Ms. Rhodes spoke to production of a budget video to be aired on PTN and Mr. Muehlenbeck spoke regarding placement of budget information on the City's web site.

Ms. Rhodes spoke regarding inclusion of a strategic planning section which includes goals and a copy of the core business matrix. She advised that further matrix information from departments will be presented at the August 10 budget worksession and that the Council and public will receive a packet of information in advance.

Mayor Pro tem Dyer spoke regarding Staff's efforts to bring in a budget with no tax increase.

ITEMS FOR INDIVIDUAL CONSIDERATION

Resolution No. 2002-7-26(R): To authorize the City Manager to enter into interlocal agreements with qualified entities pursuant to Chapter 791 of the Texas Government Code to provide pesticide application for mosquito control, setting restrictions on such agreements; and providing an effective date. [Regular Agenda Item (1)]

City Attorney Wetherbee responded to Council Member Lambert that the termination period may be amended to fifteen (15) days.

Upon a motion made by Council Member Lambert and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to authorize the City Manager to enter into interlocal agreements with qualified entities pursuant to Chapter 791 of the Texas Government Code to provide pesticide application for mosquito control, setting restrictions on such agreements amending the Effective Date/Termination to fifteen (15) days and providing an effective date; and further to adopt Resolution No. 2002-7-26(R), as amended.

There being no further discussion, Mayor Evans adjourned the meeting at 6:42 p.m.

Pat Evans, **MAYOR**

ATTEST:

Diane Zucco, Assistant City Secretary

**PLANO CITY COUNCIL
PRELIMINARY AND REGULAR OPEN MEETING
August 5, 2002**

COUNCIL MEMBERS

Pat Evans, Mayor
Phil Dyer, Mayor Pro tem
Steve Stovall, Deputy Mayor Pro tem
Shep Stahel
Scott Johnson
Sally Magnuson
Jim McGee
Ken Lambert

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Elaine Bealke, City Secretary

Mayor Evans called the meeting to order at 5:05 p.m., Monday, August 5, 2002, in the Council Chambers of the Municipal Center, 1520 K Avenue. Mayor Pro tem Dyer arrived at 5:08 p.m.

PRELIMINARY OPEN MEETING

Presentation and Request from the Hereditary Colon Cancer Association

City Manager Muehlenbeck advised the Council that this funding request will be on the August 10 Budget Worksession and will require direction at that time. Race Director for the Hereditary Colon Cancer Association David Darr presented an overview of the inline skating event held in Plano at the Collin County Community College on June 8 and 9. He spoke to the non-profit 501c3 status of the association and to the need for provision of another course with two additional lanes, police and paramedics, concerns with the nearby church, and further clarified the advantages of the dates scheduled for the event and percentages of funding participation received.

City Manager Muehlenbeck advised that this request in the amount of \$3,500 is one of several being made and spoke to the Social Services Fund allocating \$1 per capita for events and organizations, and concerns regarding allocating funding from the General Fund without going through the Social Services funding process. He stated that while it is too late this year to fund this request through the Social Services process, consideration might be given to combining any future requests for this event and other events that might come forward under the Social Services guidelines of \$1 per capita as opposed to funding through the General Fund. Mr. Muehlenbeck advised the Council that information would be required from the event organizers as to hotel/motel usage during an event with regard to a possible alternate funding source. After further discussion, Mayor Evans stated that this request would be further considered at the budget worksession.

Presentation by Plano Forum

Plano Forum Chairperson Maribelle Davis presented the Council with a plaque of appreciation for contributions towards the funding of the Plano Forum event.

Research and Technology Corridor Update

Plano Economic Development Board Marketing Director Jim Young advised the Council that since the creation of the Research Technology District (R/T) in 1998, 2,251,000 square feet of new buildings have been built in the R/T out of which 1,288,000 square feet have been occupied with 963,000 remaining vacant. Mr. Young reviewed statistics provided in a handout regarding R/T compliant sites, occupants and applicable R/T status, and spoke to dock door restrictions preventing new tenants from signing leases.

The Council discussed usage requirements, the need for more dock doors, finishing construction that has already been started, lease prices, empty spaces driven by the current market, and vacant non-R/T space in the southeast commercial industrial area of the City. They spoke to not losing sight of the original goal of the Planning and Zoning Commission regarding creation of the R/T while realizing that changes might need to be made, and exercising caution regarding types of usage and creating warehouse distribution systems when an ample supply of empty warehouses exist while at the same time exercising caution to not turn down potential usage. After discussion, the Council concurred to place an item on a future agenda for Council consideration of discussion and direction for the Planning and Zoning Commission to look at and discuss possible "tweaking" and fine tuning of the R/T District in conjunction with a possible work program item focusing on R/T guidelines.

Discussion and Direction Regarding Disannexation of Murphy Road

Planning Director Jarrell advised the Council that the City of Murphy has requested disannexation of the portion of Murphy Road located in the City of Plano in order that they might enforce traffic regulations. She stated that she has spoken to Assistant Chief of Police Nagy and he has stated he finds no problems from a departmental perspective. Ms. Jarrell stated that if this is done it would be accomplished through a boundary adjustment agreement with the City of Murphy. After a brief discussion, the Council concurred to move forward with this request.

Discussion and Direction Regarding Presentation of Proposed CIP

Director of Budget and Research Rhodes advised the Council that there is a total of \$88 million in proposed Capital Improvement Programs for fiscal year 2002-03. She stated that the Planning and Zoning Commission has reviewed and approved the Capital Improvement Program.

Director of Parks and Recreation Wendell reviewed the following proposed park projects which were reviewed and approved by the Parks and Recreation Planning Board:

Oak Point Park and Nature Preserve Development	\$2,300,000
Pool Renovations	1,300,000
Haggard Park	1,130,000
Tennyson/Archgate Athletic Site	4,285,000
Preston Meadow Athletic Site	2,592,000
Park Fee Program	1,625,000
Park Fee Projects	1,525,000

Mr. Wendell stated that projects for the Arbor Hills Nature Preserve along with Trail Connections are not being included this year due to budgetary situations and operation and maintenance costs. He stated that these projects are being delayed for one year.

The Council discussed concerns regarding the size and condition of the restrooms at Haggard Park and to there not being a sufficient number for the public during events, the need for expansion of Haggard Park restrooms, and signage directing citizens to restrooms in another City facility in the same general area. Mr. Wendell advised that restrooms were not being expanded and only being renovated due to budget factors and further advised the Council that expansion of the pond at Haggard Park will allow it to blend more into the overall plan of the park.

City Engineer Upchurch reviewed the following proposed street improvement projects:

Rehabilitation Projects	4,000,000
Alley reconstruction	
Barrier free ramps	
Street reconstruction	
Fulgham, H Avenue, P Avenue, Pecan Lane	
Design projects for future construction	\$ 900,000
15 th Street – G Avenue to I Avenue	
Plano Parkway, east of Los Rios Boulevard	
Plano Parkway widening – Tollroad to Park Boulevard	
Preston Road/Plano Parkway Intersection Improvements	

Capacity Improvements	13,400,000
Jupiter Road, Spring Creek Parkway to Chaparral Los Rios Boulevard, Jupiter Road to Parker Road McDermott Road, Ohio Drive to Robinson Road S. H. 121, Tollroad to Preston Road Spring Creek Parkway, Midway Road to Tollroad Tollroad Service Roads, Parker Road to Headquarters Drive	
Funding Continuation	\$5,600,000
Hedgcoxe Road widening Los Rios Boulevard adjacent to PESH Marsh Lane north of Park Boulevard Parker Road widening west of Midway Road Spring Creek Parkway widening/Tollroad to White Rock Creek	
Miscellaneous	\$2,391,000
Signal improvements Landscaping Alleys Park streets Street lighting	

Mr. Upchurch reviewed the following proposed Municipal Drainage fund projects:

Municipal Drainage	\$4,132,000
Erosion control projects Drainage improvements Bronze Leaf Drive Buffalo Bend Cassidy Drive Teakwood Circle South Cedar Elm	

Mr. Upchurch advised regarding the following proposed DART fund projects:

DART	\$ 707,501
West Side intersection improvement Transportation Staff	

Mr. Upchurch reviewed the following proposed Water Improvements:

Water Improvements	\$5,384,251
Rehabilitation Projects	
Kimberlea, O Place, P Avenue	
New lines	
Downtown fire protection	
Additional fire hydrants	
Los Rios Boulevard, Jupiter Road to Parker Road	
Oversize participation	
McDermott, Ohio to west of Coit Road	

Mr. Upchurch reviewed the following proposed Sewer Improvements:

Rehabilitation projects	\$7,229,251
Briarcreek	
East Side No. 2	
I and I repairs	
I and I studies	
Manhole sealing	
Westlake/Northcrest	

Mr. Upchurch reviewed the following proposed Capital Reserve Facilities Improvements:

Facilities	\$2,536,000
Municipal Center Air Conditioning	
Council Chambers Digital Conversion	
Various Building Modifications	
Roof Repairs	
Neighborhood Revitalization	

Plano Television Network Executive Producer Kurt Ugland clarified that funding for the Council chambers digital conversion upgrade represents the second phase of the project. He stated that the first phase, which represents the digital “backbone” for the upgrade has been completed. Mr. Ugland stated that a digital upgrade for the Council audio is being looked at as well.

Director of Public Works Foster reviewed the following proposed Capital Improvement Projects for the Public Works Department:

Undersealing of arterial and residential streets	\$ 700,000
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Arterial Concrete Repair 30,000 square yards West Plano Parkway 15 th Street 18 th Street Park Boulevard Country Place Drive	\$2,300,000
O Place (possibly)	\$ 196,000
Residential Street and Alley Repair #1 Park Boulevard/14 th Street/Shiloh Road, U.S. 75	\$1,625,000
Traffic Signal Improvements	\$ 400,000
Screening Wall reconstruction Parker Road between Carriage and Custer Roads	\$ 400,000
Curb and Median repair	\$ 310,000
Sidewalk Repairs #1	\$ 750,000
Residential Street and Alley Repair #2	\$ 825,000
Legacy Drive Repairs	\$ 600,000
Residential Street and Alley Repairs #3 Spring Creek Parkway/Custer/Parker and Independence Roads	\$ 550,000
Sidewalk Repairs #2 Parker/Shiloh/Jupiter Roads/18 th Street 18th Street/Los Rios Boulevard/14th Street/Shiloh Road Park Boulevard/Custer/15th Street, Independence Boulevard	\$1,250,000
Screening Wall Reconstruction #2 East side of Coit Road/Irvine Road to Parker Road South side of Parker Road/Coit Road to Jeremes Landing	\$ 700,000
Dublin Road Resurfacing	\$ 90,000
BackLit Street Signs (30 intersections)	\$ 106,000.

Mr. Foster spoke to the proposed Parkway Service Center expansion and the need for six additional shop bays, various shop equipment, and security features for the service center roughly totaling \$4 million.

Ms. Rhodes advised that presentations by Fire Chief Peterson and Executive Director Glasscock will be presented at the August 10 Budget Worksession.

Mr. Wendell reviewed the following proposed Park Capital Reserve Fund projects:

Athletic field renovations	\$ 600,000
Bob Woodruff Park dredging	\$1,150,000
Parking lot replacements	\$ 425,000
Playground replacements	\$ 225,000
Preston Meadow Park	\$ 250,000
Shawnee Park	\$ 250,000
Trail repairs	\$ 450,000
Miscellaneous Projects	\$ 170,000

Council Items for Discussion/Action on Future Agendas

Council Member Lambert recommended there be future Council consideration of the Planning and Zoning Commission discussion regarding residential adjacency.

Consent and Regular Agendas

No items were discussed.

Council Committee Reports

No reports were presented.

CONSENT AGENDA

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

Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following

Bid No. C099-02 for a fixed-price contract for Linen Service for Plano Centre in the estimated annual amount of \$38,675 for an annual contract with renewals. [Consent Agenda Item (A)] (See Exhibit "A")

Adoption of Resolutions

Resolution No. 2002-8-1(R): To name an area of Municipal Center property "Biggerstaff Plaza"; and providing an effective date. [Consent Agenda Item (B)]

Resolution No. 2002-8-2(R): To accept the certified appraisal roll for Fiscal Year 2002-2003, and providing an effective date. [Consent Agenda Item (C)]

Approval of Agreement

To approve the terms and conditions of an agreement by and between Freese-Nichols, Inc., and the City to provide Professional Engineering Services in connection with the water system vulnerability assessment and emergency response/operation planning for \$115,000. [Consent Agenda Item (D)]

Reimbursement of Oversize Participation

To approve and authorize reimbursement to Tennyson Office Center, L.P. for oversize participation for paving improvements in Communications Parkway associated with the construction of Tennyson Parkway Office Center in the amount of \$73,370. [Consent Agenda Item (E)]

Approval of Change Order

To Joe Funk Construction Engineers, Inc., increasing the contract by \$87,064 for the Plano Courtyard Theater, Change Order No. 9 (Bid No. 231-00). [Consent Agenda Item (F)]

END OF CONSENT

Public Hearing on the City Manager's recommended Budget and Capital Improvement Program for Fiscal Year 2002-03. [Regular Agenda Item (1)]

Mayor Evans opened the Public Hearing. Jason Lance, resident of the City, spoke in opposition to a tax abatement approved for Networks Associates, Inc. and spoke to issues of job benefits, residency and traffic issues, sales tax benefits not being as stated and stated concern regarding his City services and mortgage services. City Manager Muehlenbeck reviewed the detailed process of tax abatement evaluation prior to Council approval, the importance of retail sales, the importance of jobs whether the employees reside in Plano or not, and spoke to the benefits given homeowners for homestead exemption. No further speakers came forward. The Public Hearing was closed.

The Council resumed discussion of the Preliminary Open Meeting at this time.

Discussion and Direction Regarding Council Attendance at Conferences

City Manager Muehlenbeck spoke to upcoming conferences with Texas Municipal League (TML) scheduled October 16 through 19 in Fort Worth and with National League of Cities (NLC) scheduled December 3 through 7 in Salt Lake City. He stated that a conflict exists with the NLC and DART lite rail functions in the City. Mayor Evans, Mayor Pro tem Dyer, and Council Members Magnuson and Johnson advised that they will not be attending the NLC event. Deputy Mayor Pro tem Stovall and Council Member McGee advised that they are unsure at this time, and Council Members Lambert and Stahel advised that they will be attending the NLC event. Mayor Evans spoke to receiving the travel budget numbers for the Council. With regard to the TML event in Fort Worth, Mayor Evans stated that this would not represent a significant expense due to the Fort Worth location.

Mayor Evans advised at 6:56 p.m. that the Council will recess and convene into Executive Session in Training Room A after which time the meeting will reconvene back into open session in Training Room A. The Council convened into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, to discuss Legal matters, Section 551.071, and to discuss Personnel matters, Section 551.074 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required. The Executive Session closed at 7:13 p.m.

The Council reconvened back into open session at 7:14 p.m.

Consideration and Action Resulting from Executive Session Discussion: Personnel (Reappointments) Building Standards Commission

Upon a motion made by Council Member Stahel and seconded by Deputy Mayor Pro tem Stovall, the Council voted 8-0 to reappoint John Bellair changing his status from alternate to regular member, Richard Garza as a regular member, Randy Hart as a regular member, and Thomas Izbicki as an alternate member. One alternate position remains open for future appointments.

Mayor Evans finally closed the meeting at 7:15 p.m. in Training Room A.

Pat Evans, **MAYOR**

Elaine Bealke, **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:	8/12/02	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Parks and Recreation	Initials	Date		
Department Head	Don Wendell	Executive Director	<i>[Signature]</i>	8-6-02	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	8/6/02	
Agenda Coordinator (include phone #):		Linda Benoit (7255)			
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 and Conditional Acceptance of the Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal for Shady Brook Trail at Midway Road (Project No. 4762.1) (Bid No. B107-02).					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEAR:	2001-02	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	450,000	1,000,000	1,450,000
Encumbered/Expended Amount		0	-19,800	0	-19,800
This Item		0	-326,944	0	-326,944
BALANCE		0	103,256	1,000,000	1,103,256
FUND(S):	PARK IMPROVEMENT CIP				
COMMENTS: Funds are included in the 2001-02 Park Improvement CIP. This item, in the amount of \$326,944 will leave a current year balance of \$103,256 for Trail Connections.					
STRATEGIC PLAN GOAL: Trail Connection projects relate to the City's goal of Premier City for Families and Safe and Efficient Travel.					
SUMMARY OF ITEM					
Staff recommends that the bid of Integrated Roadways, Inc. in the amount of \$326,944 which includes the base bid of \$314,944 and alternate one in the amount of \$12,000 be accepted as the lowest responsible bid conditioned upon timely execution of any necessary contract documents. The bid is within the project budget of \$350,000 and within the consultant's estimate of \$362,112.50.					
This project is for construction of a trail underpass at an existing drainage structure under Midway Road. The underpass will connect the neighborhood east of Midway Road to Shady Brook Trail and Sunset Park. The underpass will also connect the neighborhood west of Midway Road to future extensions of the trail east of Midway Road. Work will include concrete trail, retaining walls, grading, drainage, guard rail, turf grass, and erosion control. Alternate one is for the addition of stone veneer to the retaining walls.					



**CITY OF PLANO
COUNCIL AGENDA ITEM**

In the event the low bidder cannot execute contract documents, staff recommends that the contract be awarded to the second low bidder, Sprinkle N Sprout Irrigation/Landscape, Inc. in the amount of \$343,785 which includes the base bid of \$321,785 and alternate one in the amount of \$22,000.

Funding is available in the Parks and Recreation Capital Improvement Program.

List of Supporting Documents:

Location Map
Bid Tabulation

Other Departments, Boards, Commissions or Agencies

b-2

CITY OF PLANO BID TABULATION SHEET
B107-02 SHADY BROOK TRAIL CONNECTOR PROJECT 4762
JULY 2, 2002 @ 3:00PM

VENDOR	INTEGRATED ROADWAY & B&B CONST.	SPRINKLE N SPROUT
BID BOND	YES	YES
BASE BID	\$314,944.00	\$321,785.00
ALT. 1 TOTAL	\$12,000.00	\$22,000.00
TOTAL BID AMOUNT	\$326,944.00	\$343,785.00

VERONICA DOUGLAS, PURCHASING SPECIALIST

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.

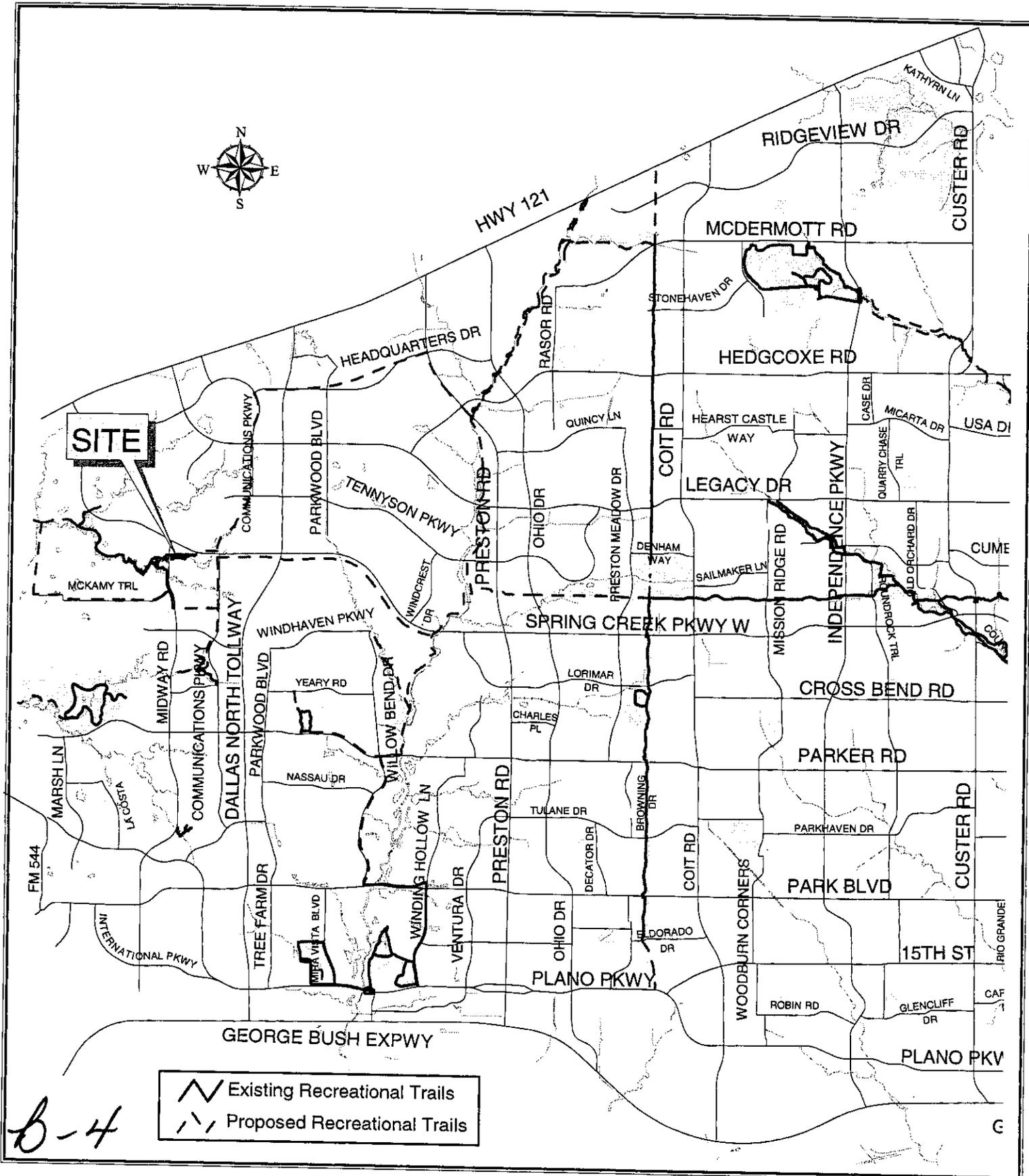
PURCHASING DIVISION
CITY OF PLANO TEXAS



LOCATION MAP

for

SHADYBROOK TRAIL AT MIDWAY ROAD



SITE

- Existing Recreational Trails
- Proposed Recreational Trails

B-4



SCALE: 1 INCH = 1 MILE



**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:	8/12/02		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Parks and Recreation Department			Initials	Date
Department Head	Don Wendell		Executive Director	<i>[Signature]</i>	8-6-02
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i>	8/6/02
Agenda Coordinator (include phone #):	Linda Benoit (7255)				

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

CAPTION

Approval of Purchase of Playground Equipment for Jupiter Road Park Site and Cottonwood Creek Park Site (Bid No. C9911-0333).

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2001-02	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	204,092	780,908	175,000	1,160,000
Encumbered/Expended Amount	-204,092	-100,455	0	-304,547
This Item	0	-179,756	0	-179,756
BALANCE	0	500,697	175,000	675,697

FUND(S): PARK FEE PROGRAM, PARK IMPROVEMENT CIP

COMMENTS: Funds are available in the 2001-02 Park Fee Program and Park Improvement CIP. This item, in the amount of \$179,756 will leave a combined balance of \$500,697 for Jupiter Road Park Site (\$323,358), and Neighborhood Park Improvements (\$177,339).

STRATEGIC PLAN GOAL: Playground equipment relates to the City's Goal of Premier City for Families.

SUMMARY OF ITEM

In conjunction with the Collin County Government Purchase Forum, Plano Independent School District sponsored and awarded a contract for playground equipment and installation to Playwell Group (PlayWorks, Inc.). The City of Plano requests to purchase playground equipment, site furnishings, wood fiber playground surfacing, and installation from this contract in the amount of \$86,750.40 for Jupiter Road Park Site and \$93,005.76 for the Cottonwood Creek Park Site. The total amount for both parks is \$179,756.16. The playground equipment and site furnishings will be installed in conjunction with other neighborhood park improvements, including the playground border, picnic shelters, trails, grading, drainage, landscaping, and irrigation. The price is within the project budget of \$180,000.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

All competitive bid requirements were met by PISD on behalf of the forum participants. The City of Plano is a participating member of CCGPF.

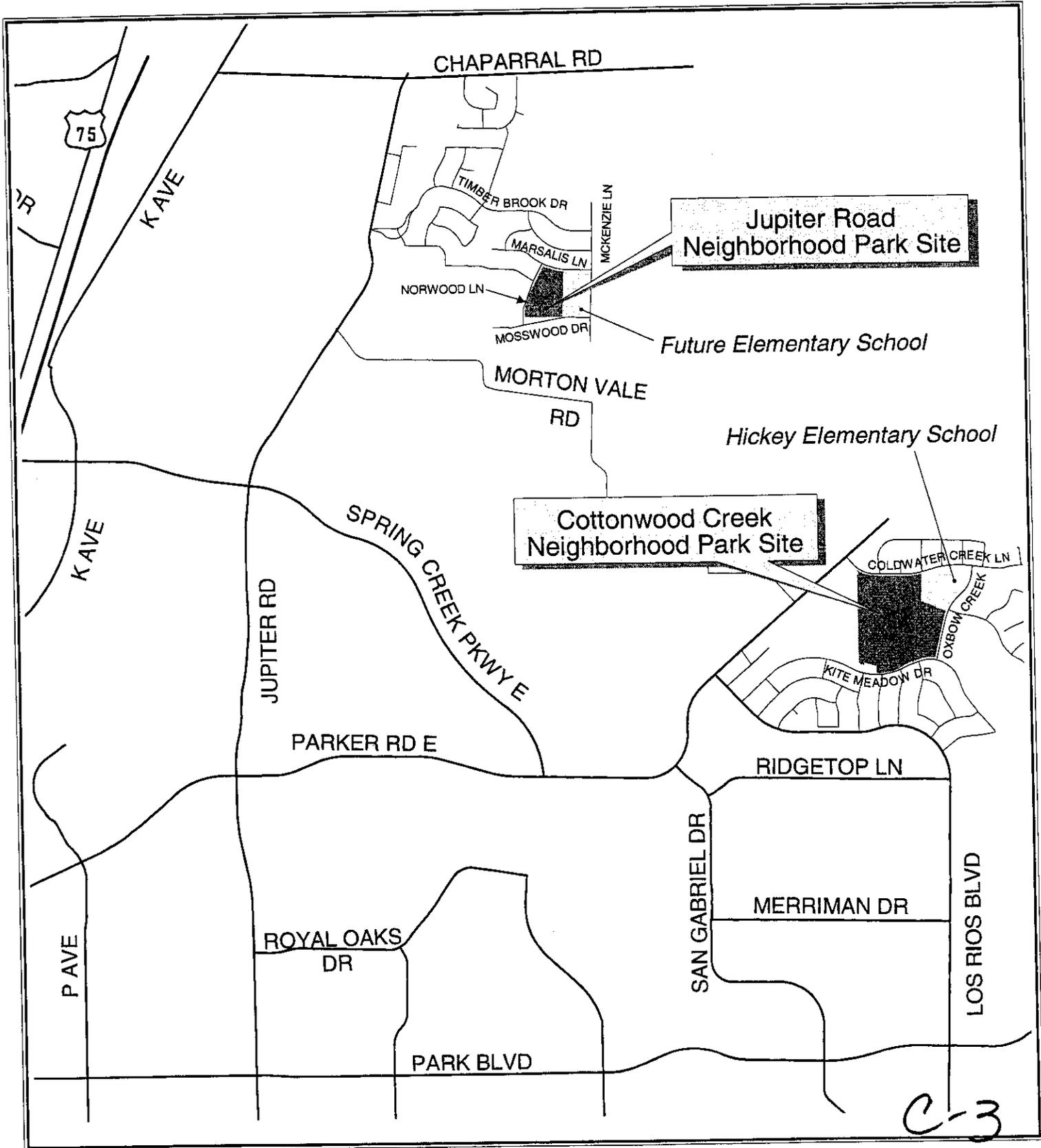
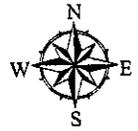
List of Supporting Documents:
Location Map

Other Departments, Boards, Commissions or Agencies

C-2



LOCATION MAP
for
JUPITER ROAD PARK SITE AND
COTTONWOOD CREEK PARK SITE





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:	8/12/02	Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Department:	Parks and Recreation		Initials	Date
Department Head	Don Wendell	Executive Director	<i>[Signature]</i>	8-16-02
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	8/16/02
Agenda Coordinator (include phone #): Linda Benoit (7255)				
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 Bids/Proposals and Conditional Acceptance of the Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal for Neighborhood Parks, Restroom, and Trail Construction (Project #5165) (Bid No. B111-02).				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	2001-02	Prior Year (CIP Only)	Current Year	Future Years
Budget		516,750	2,173,250	595,000
Encumbered/Expended Amount		-516,750	-777,933	0
This Item		0	-726,173	0
BALANCE		0	669,144	595,000
TOTALS				
				3,285,000
				-1,294,683
				-726,173
				1,264,144
FUND(s): PARK FEE PROGRAM, PARK IMPROVEMENT CIP, CAPITAL RESERVE FUND				
COMMENTS: Funds are available in the 2001-02 Park Fee Program, Park Improvements and Capital Reserve CIP. This item, in the amount of \$726,173, will leave a combined balance of \$669,144 for Jupiter Road Park (\$137,757), Park Improvements (\$299,454), Neighborhood Park Improvements (\$71,475), and Restroom Replacement (\$160,458).				
STRATEGIC PLAN GOAL: Neighborhood Parks, Restroom, and Trail Construction relates to the City's Goal of Premier City for Families.				
SUMMARY OF ITEM				
Staff recommends that the bid of IRRICON, Inc. in the amount of \$726,173 be accepted as the lowest responsible bid conditioned upon timely execution of any necessary contract documents. The bid is within the project budget of \$835,000 and within the consultant's estimate of \$957,600.				
This project includes replacement of the restroom at Willowcreek Park, construction of sidewalk at Bob Woodruff Park, and construction of trail, shelter, practice ballfield, grading, drainage, landscaping, and irrigation at the Cottonwood Creek Park Site and at the Jupiter Road Park Site.				
In the event the low bidder cannot execute contract documents, staff recommends that the contract be awarded to the second low bidder, J&J Sprinkler & Landscape, Inc., in the amount of \$798,135.				



**CITY OF PLANO
COUNCIL AGENDA ITEM**

Funding is available in the Parks and Recreation Capital Improvement Program.

List of Supporting Documents:

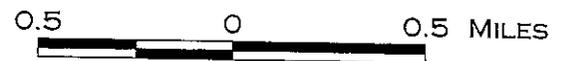
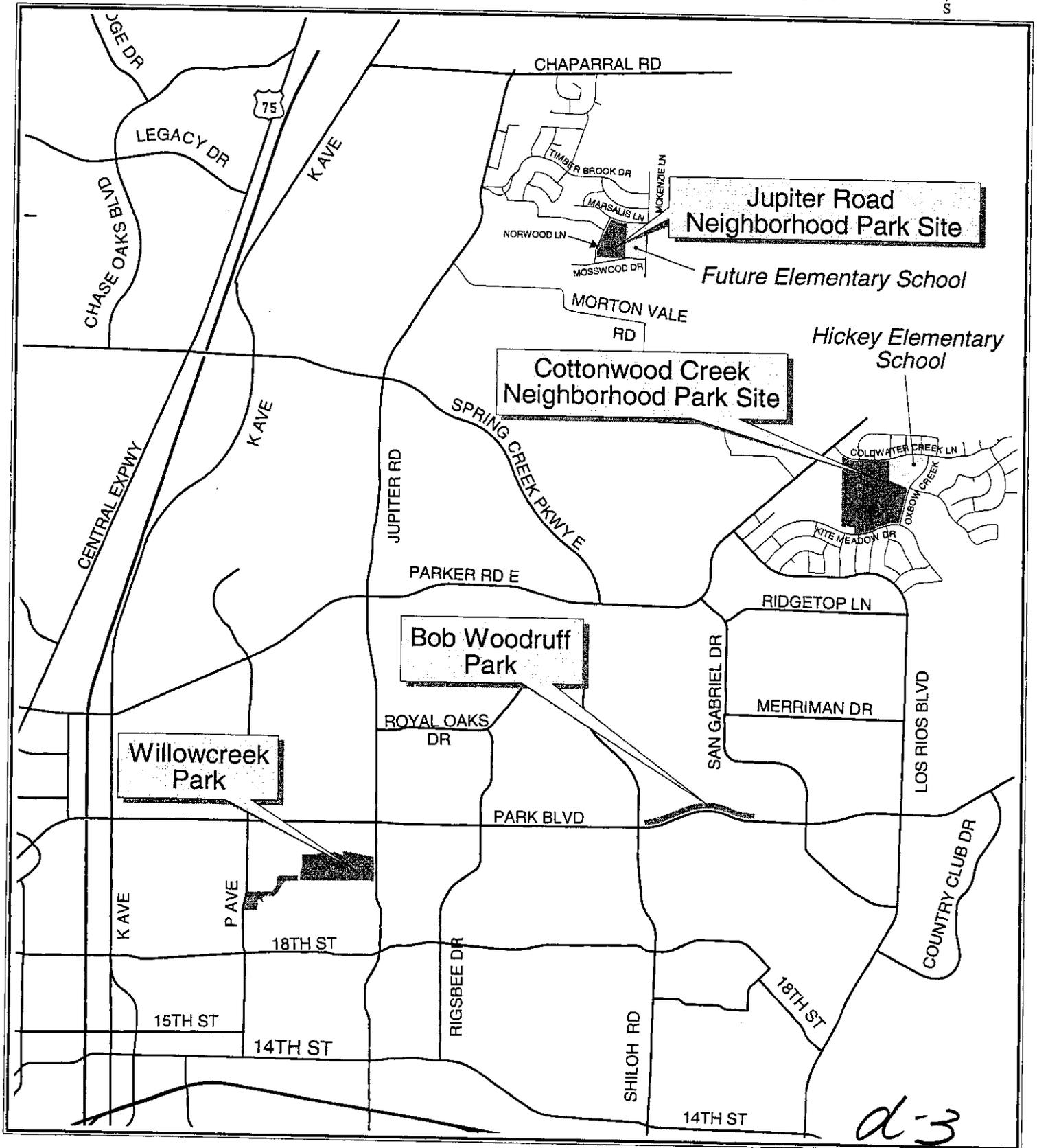
Location Map
Bid Tabulation

Other Departments, Boards, Commissions or Agencies

d-2



LOCATION MAP for NEIGHBORHOOD PARKS, RESTROOM AND TRAIL CONSTRUCTION



CITY OF PLANO BID TABULATION SHEET
B111-02 NEIGHBORHOOD PARKS, RESTROOM & TRAIL CONSTRUCTION PROJECT 5165
JULY 10, 2002 @ 3:00PM

BIDDER	BOND	BASE BID		
IRRI-CON	YES	\$726,173.00		
J&J SPRINKLER	YES	\$798,135.00		
LINDER CONSTRUCTION	YES	\$946,000.00		
HARDSCAPE CONSTRUCTION	YES	\$1,002,964.38		
SPRINKLE N SPROUT	YES	\$1,009,055.00		
JMC CONSTRUCTION	YES	\$1,092,773.00		

VERONICA DOUGLAS, PURCHASING SPECIALIST

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

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: 8/12/02		Reviewed by Legal	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
Department:	Engineering		Initials	Date	
Department Head	Alan L. Upchurch		Executive Director	<i>[Signature]</i> 8-5-02	
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 8/5/02	
Agenda Coordinator (include phone #):		Pegues (7198)	(Project No. 5147)		
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 Bids/Proposals, Conditional Acceptance of lowest responsible Bid/Proposal of the Primary Vendor and an Alternate Vendor for construction of Intersection Improvements (Legacy Drive at S.H. 121, Legacy Drive at Dallas N. Tollway, and 15th Street at Coit Road). (Bid No. B074-02)

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2001-02	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	400,000	800,000	1,200,000
Encumbered/Expended Amount	0	-410,689	0	-410,689
This Item	0	-242,125	0	-242,125
BALANCE	0	-252,814	800,000	547,186

FUND(S): **DART LAP/CONGESTION MANAGEMENT FUND**

COMMENTS: Funds are included in the 2001-02 DART CIP for Westside Intersection Improvements. This item, in the amount of \$242,125, will be encumbered during the current year and carry forward into the cash allocations of FY 2002-03.

STRATEGIC PLAN GOAL: Intersection Improvements relate to the City's Goal of Safe and Efficient Travel.

SUMMARY OF ITEM

Staff recommends the bid of Rebcon, Inc., in the amount of \$242,125.10 be accepted as lowest responsible bid conditioned upon timely execution of any necessary contract documents.

The second vendor being recommended is Jim Bowman Construction Company, in the amount of \$267,755.80.

The Engineer's estimate was \$338,011.

The project consists of construction of left turn lane improvements at the intersections of Legacy Drive at S.H. 121, Legacy Drive at Dallas N. Tollway, and 15th Street at Coit Road.

Pavecon, Inc. was the apparent low bidder when bids were opened on July 24, 2002. There were two errors in Pavecon's bid that increased their bid from \$239,917.45 to \$315,246.45. The majority of the change was due to Pavecon writing in words and figures the wrong unit price for one item. A second computer generated bid form was also submitted. It had the correct unit price in figures. Our bid documents cover this type of error in two places. The "Capital Projects General Conditions of Bidding", Paragraph 4 states, "...In the event of discrepancies in extensions, the unit price shall govern. When unit prices are given in both words and in



CITY OF PLANO COUNCIL AGENDA ITEM

numbers, the unit price in words shall govern." On the "Resident/Non-Resident Bid Form" which the contractor signs, it states "... The undersigned certifies that the bid prices contained in this proposal have been carefully checked and are submitted as correct and final. **NOTE:** Unit and Lump sum prices must be shown in words and figures for each item listed in this proposal and in the event of discrepancy the words shall control."

List of Supporting Documents:

Bid Summary
Location Map

Other Departments, Boards, Commissions or Agencies
N/A

e-2

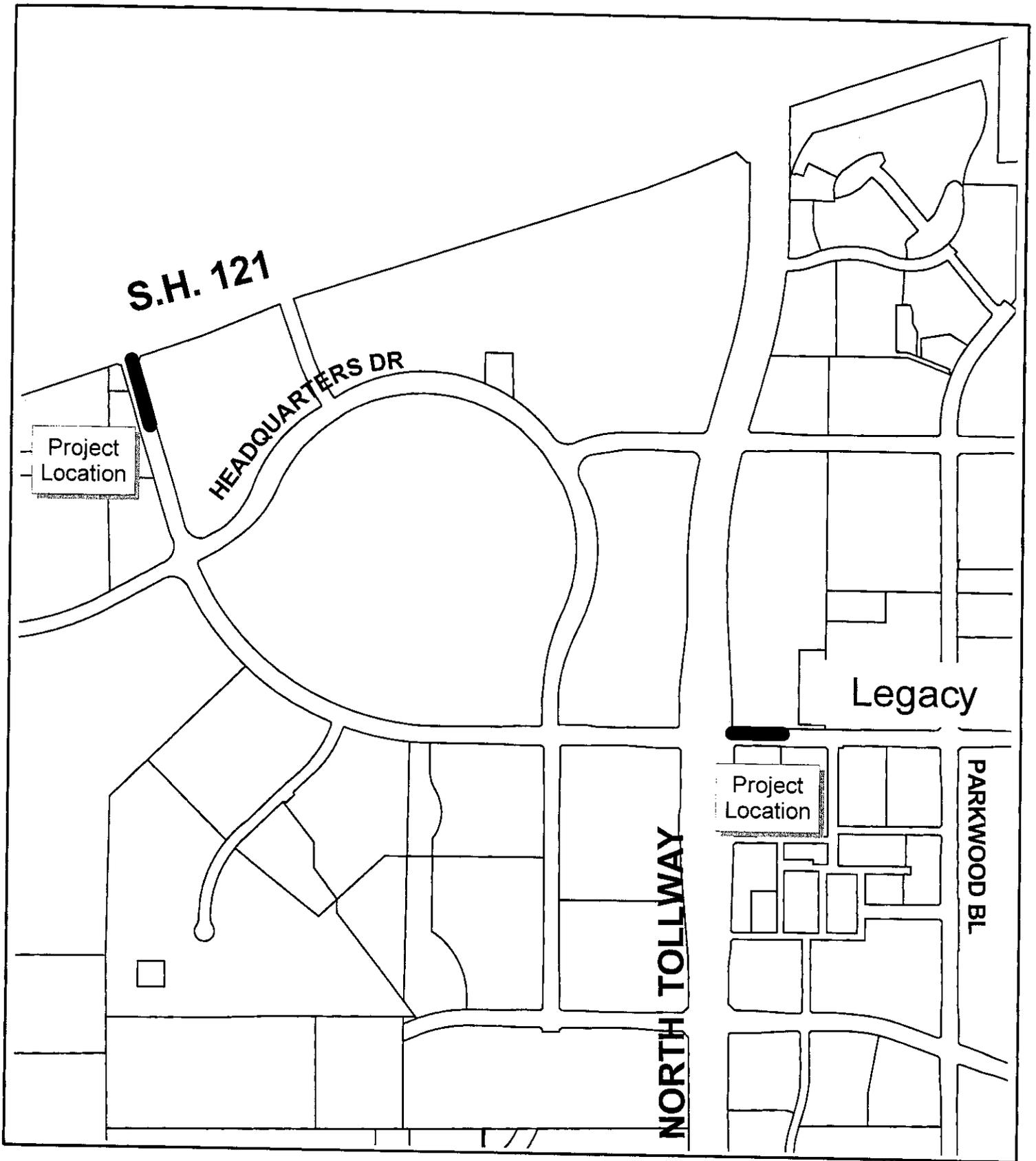
Intersection Improvements

Legacy Drive at SH 121, Legacy Drive at Dallas North Tollway
and 15th Street at Coit Road

PROJECT NO. 5147

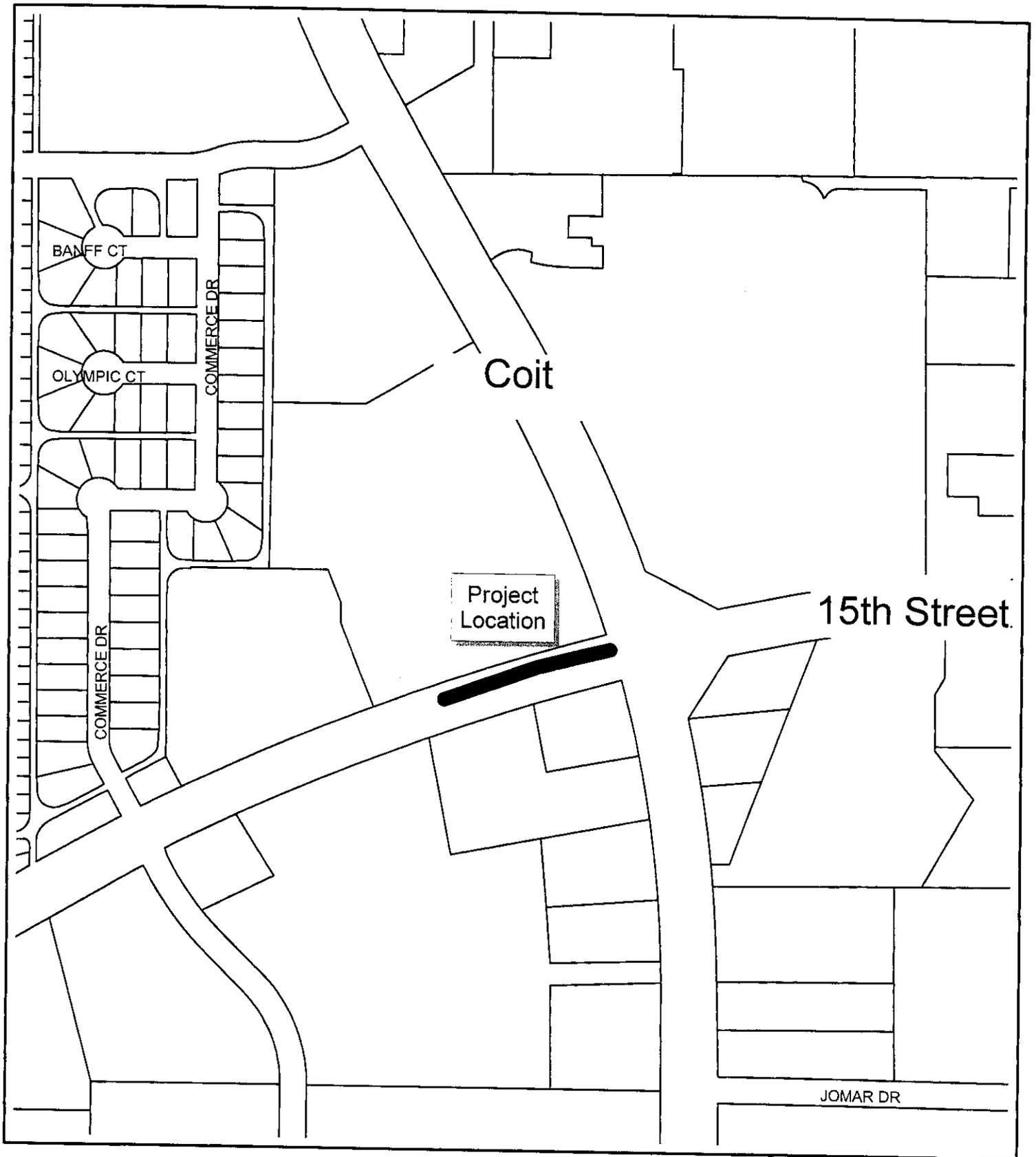
BIDS

	<u>CONTRACTOR</u>	<u>TOTAL AMOUNT</u>
1	Rebcon, Inc.	\$242,125.10
2	Jim Bowman Construction, Inc.	\$267,755.80
3	Ed Bell Construction Co.	\$274,903.25
4	Pavecon, Inc.	\$315,246.45
5	Gibson & Associates	\$318,954.80
6	McMahon Contracting Inc.	\$321,771.92
7	Tri-Con Services, Inc.	\$410,289.25

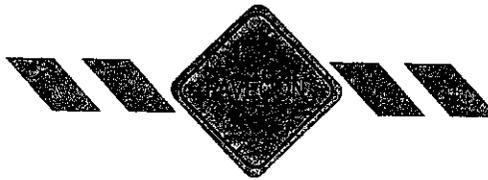


Location Map
Intersection Improvements
Project No. 5147
Page 1 of 2

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**Location Map
Intersection Improvements
Project No. 5147**



Mike Ryan, Purchasing Manger
The City of Plano, Texas
1520 K Avenue, Suite #370
Plano, Texas

August 5, 2002
(972) 941-7134
(972) 941-7000
Hand Delivered

Re: Intersection Improvements (Legacy Drive at S.H. 121, Legacy Drive at Dallas North Tollway, and 15th Street at Coit Road) Project No. 5147

Dear Mr. Ryan:

Thank you for returning my call this date in reference to the above Project.

This letter is to Protest the Non-Award of the above referenced Project to Pavecon in the Amount of \$239,917.00, and to request the Acceptance of the Pavecon Computer Generated Proposal Form.

Gerald Cosgrove called our office last week to alert our firm about a discrepancy on one item in the Hand Written Figures Column of the Contract Bid Schedule (Item No. 36). A Computer Generated Form was also submitted in the "Bid Package" with the Hand Written Form. At his suggestion, a phone call was placed to your office for the recommended procedure to address the problem.

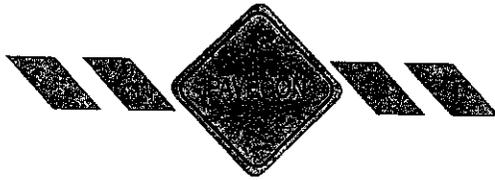
On page 4 of the Bid Documents (Rev 11/01), paragraph 7, the Large NOTE: states that a "Computer Generated Proposal Form May Be Used In Lieu of the Enclosed Forms". Pavecon submitted the Computer Generated Form with the 79 Items listing the correct amounts, and the "Hand Written Form". The Hand Written Price in Words on Items 36 was in error. All other Hand Written Amounts were in agreement and the TOTAL BID AMOUNT prepared by Pavecon in the Computer Form and the Hand Generated Form are in agreement.

If Only the Computer Generated Form had been submitted, this letter would not be necessary. Due to our uncertainty, that the Computer Generated Form would be accepted, the two forms were submitted. And in my last minute haste prior to the Bid Opening, the written figures on this one item was an "honest oversight".

I would like to request that the Pavecon Computer Generated Form be accepted and the award made under page 7 of the Bid Documents, paragraph 30., Minor Defect: "The City Reserves the Right to Waive any Minor Defect, Irregularity, or Informality in any Bid".

An Exhibit is attached to this letter about our Company, to support Pavecon's ability to Complete these Intersection Improvements, with minimum disruption of Traffic, Quality Workmanship, and on Schedule.

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Intersection Improvements

Page 2

Thank you for any consideration that Pavecon might receive.

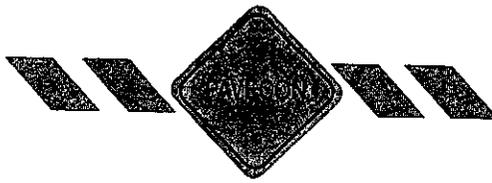
Sincerely,

Cub Amos
PAVECON, INC.
M: (214) 797-9049

Cc: David Walker – Pavecon

Attachments

e-7



ATTACHMENT

THE CITY OF PLANO INTERSECTION IMPROVEMENTS, PROJECT NO 5147

**PAVECON, INC.
3022 Roy Orr Blvd.
Grand Prairie, TX 75050
(972) 263-3223**

Pavecon, Inc. was founded in 1992 for the specific purpose of providing Full Service Paving in the Dallas, Fort Worth Metroplex. A Houston office has also be established since this date.

The initial Business Plan was to have a Company that was totally self-contained for the Completion of Dirt Work, Cement and Lime Stabilization, Asphalt, Concrete, Demo and Joint Sawing, Joint and Crack Sealing, Wheel Stops, Control Buttons, and Handicap Signage.

The areas of responsibility/specialty are divided into Crews with a Foreman in Charge of each group that has the same equipment and people working together each day for a common "Goal", to be Safe, Do Quality Work in a Timely Manner. All of our personnel wear Uniforms and Safety Equipment as required. The size of the Field Work Force is in excess of 200 persons.

From the Equipment side, Pavecon has 26 Tandem Dump Trucks with Tandem Trailers to move equipment and material, 17 Crew Trucks and numerous Asphalt Paving Machines, Mills, Tractors, Motor Graders, Sawing and Sealing Equipment.

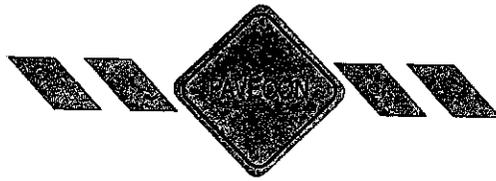
The Office Staff consist of Engineers, Accounting Personnel (CPA), Project Managers, Shop Personnel for Equipment Maintenance and a "full time", Safety/Production Coordinator.

The Pavecon Office and Field Personnel have in excess of 200 years experience in the Paving Industry.

The Financial Bonding Capacity of Pavecon is \$10 Million per Project. A letter from Texas Department of Transportation (TXDOT) dated June 12, 2002, copy attached, states that Pavecon has the capacity to perform "\$27,680,000.00 worth of all classes of construction work". One of our Paving Foreman/Operators is "TXDOT Certified".

Pavcon's past relationship with The City of Plano has been outstanding as Projects have been completed over the years. One of most recent Projects Completed by Pavecon was

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Intersection Improvement

Page 2

the Concrete Paving for the Fire Stations Nos. 1,4 &5, James Moss was the City of Plano Inspector for this Work. Pavcon would like to suggest James Moss as a reference. Other reference can be provided if required.

Cub Amos
PAVECON, INC.
8/05/02

Attachment:
TXDOT Letter

e-9



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

June 12, 2002

Pavecon, Inc.
P.O. Box 535457
Grand Prairie, Texas 75050

Dear Contractor:

Your statement of financial resources as of December 31, 2001, is satisfactory and qualifies you to bid on Texas Department of Transportation construction work through December 31, 2002.

You will be permitted to have under contract with this Department not more than \$27,680,000.00 worth of all classes of construction work.

If we may be of further assistance, please contact us at 512-416-2540.

Sincerely,

Barbara Rode for

Frank Huerta, III
Prequalification and Proposal
Issuance Manager
Construction Division

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

AUG 2 2002

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	X Yes	Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	X Yes
Council Meeting Date: 08/12/02		Reviewed by Legal	Yes	X Not Applicable
Department:	Purchasing		Initials	Date
Department Head	Mike Ryan	Asst. City Manager		
Dept Signature:		City Manager		
Agenda Coordinator (include phone #):	Veronica Douglas X-7247			
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/AWARD OF CONTRACT <input type="checkbox"/> OTHER				

CAPTION

Award, rejection of Bids/Proposals, Conditional Acceptance of lowest responsible Bid/Proposal, and designation of alternate lowest responsible Bid/Proposal for Information Services Electrical Upgrade. (B101-02)

FINANCIAL SUMMARY

<input type="checkbox"/> NOT APPLICABLE	<input checked="" type="checkbox"/> OPERATING EXPENSE	<input type="checkbox"/> REVENUE	<input type="checkbox"/> CIP	
FISCAL YEAR:	2001-02	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	4,200,000	0
Encumbered/Expended Amount		0	-2,930,637	0
This Item		0	-87,000	0
BALANCE		0	1,182,363	0
TOTALS				
				4,200,000
				-2,930,637
				-87,000
				1,182,363

FUNDS: TECHNOLOGY INFRASTRUCTURE FUND

COMMENTS: Tax Notes provided funding for the Network Infrastructure Rebuild. This item, in the amount of \$87,000 will leave a remaining balance of \$1,182,363 for the Network Infrastructure Rebuild project.

STRATEGIC PLAN GOAL: The Network Infrastructure Rebuild relates to the City's Goal of Service Excellence.

SUMMARY OF ITEM

Staff recommends bid of Prism Electric in the amount of \$87,000.00 be accepted as lowest responsible bidder meeting specifications for The Electrical Upgrade. Further, staff recommends Morley-Moss as alternate low bidder meeting specifications.

List of Supporting Documents:
Bid Recap

Other Departments, Boards, Commissions or Agencies

B-1

CITY OF PLANO BID NO. B101-02
INFORMATION SERVICES ELECTRICAL UPGRADE
BID RECAP

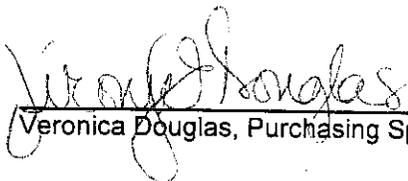
Bid opening Date/Time: June 25, 2002 @ 3:30pm

Vendors Submitting "NO BIDS": 0

Vendors Non-Responsive to Specification: 0

Responsive Bidders:

<u>VENDOR</u>	<u>AMOUNT</u>
Prism Electric	\$87,000.00
Morley-Moss, Inc	\$90,565.00
Fisk Electric	\$111,515.00

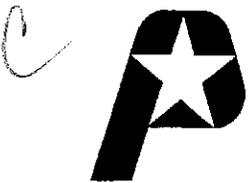


Veronica Douglas, Purchasing Specialist



Date

f-2



**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:	8/12/02	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Development Business Center		Initials	Date
Department Head:	Frank F. Turner	Executive Director		
Dept Signature:		City Manager	<i>[Signature]</i>	<i>7/29/02</i>
Agenda Coordinator (include phone #): Sherry Noles, Ext. 7122				

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

CAPTION

A Resolution Supporting the Passage of Enabling Legislation for Photographic Red Light Enforcement in the 78th Texas Legislation; and Providing for an Effective Date.

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

Supports the passage of legislation that would enable cities the authority to implement photographic red light enforcement systems.

List of Supporting Documents: Photographic Traffic Signal Enforcement Facts and Issues	Other Departments, Boards, Commissions or Agencies
---	--

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, SUPPORTING THE PASSAGE OF ENABLING LEGISLATION FOR PHOTOGRAPHIC RED LIGHT ENFORCEMENT IN THE 78TH TEXAS LEGISLATURE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the disregard of traffic signals cause over 100,00 accidents annually in the United States, of which 89,000 cause injuries and over 1,000 are fatal; and

WHEREAS, from 1992 to 1998 Texas experienced 663 deaths resulting from traffic signal disregard, which ranks fourth in the nation; and

WHEREAS, the City of Plano conducted a photographic traffic signal enforcement test site during January and February of 1999, and found that one red light violation occurred every two minutes during peak traffic periods and a violation occurred, on a daily average, every five minutes; and

WHEREAS, currently in the United States fifteen states have cities that utilize photographic enforcement and the statistics from these states show that the number of red light accidents and fatalities have been significantly reduced since these laws were enacted.

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

Section I. That the City Council recognizes that a traffic signal violation epidemic exists in the State of Texas; and recognizes that photographic traffic signal enforcement is a proven and effective method to address this problem.

Section II. That the City Council hereby supports the passage of enabling legislation for photographic traffic signal enforcement in the 78th Texas Legislature and encourages other local and state government officials to support this important issue.

Section III. That this resolution shall become effective immediately from and after its passage.

DULY PASSED AND APPROVED this the _____ day of _____, 2002.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

g-2

Diane C. Wetherbee, CITY ATTORNEY

Photographic Traffic Signal Enforcement Facts and Issues

In response to the growing problem of red light running throughout Texas, legislation will be proposed in the 2002 Session to give cities an additional enforcement tool. Experience in the fifteen states utilizing automated red light enforcement shows that it is an effective technique to significantly reduce red light violations and crashes caused by red light runners. The following information has been prepared in order to address the questions and misconceptions that have been raised regarding this legislation.

1. What is red light running? A violation occurs when a motorist enters an intersection and continues after a signal has changed to a steady red, unless directed by a traffic or police officer. Even making a legal right turn on a red light, requires a full stop prior to entering an intersection to make the turn.

2. Is red light running a big problem? Drivers who run red lights are responsible for an estimated 100,000 crashes each year in the United States, of which approximately 89,000 cause injuries and over 1,000 are fatal. From 1992 to 1998 Texas experienced 663 deaths resulting from red light running, which ranks fourth in the nation. A study conducted by the Insurance Institute for Highway Safety in four major urban areas identified running traffic controls accounted for 22 percent of all crashes. The same study shows that motorists are more likely to be injured in crashes involving red light running than in other types of crashes. Red light running is also an expensive problem. The total annual cost associated with red light running accidents in the United States is \$7 billion.

The general public recognize red light running as a problem. In a recent Federal Highway Administration poll 63 percent of Americans see someone running red lights a few times per week to one per day. An Insurance Institute for Highway Safety poll found that 91 percent of Americans feel red light running is dangerous. Another poll conducted by the Federal Highway Administration found that 2 out of 3 Texans see other drivers run red lights almost every day.

3. How often do drivers run red lights? In January and February of 1999 the City of Richardson conducted a photographic red light enforcement test-site on one approach of an intersection. The test showed that one vehicle was running a red light every two minutes during peak traffic periods and every five minutes on an average daily basis. Another study conducted over several months at an intersection in Arlington County, Virginia indicated that motorists frequently run red lights. On average, a motorist ran a red light every 12 minutes.

4. Who runs red lights? The Insurance Institute for Highway Safety created a profile of red light runners by studying driver behavior in Arlington, Virginia at an intersection equipped with a red light camera. The study compared red light runners to motorists who had an opportunity to run a red light but stopped at the intersection. As a group, red light runners were younger, less likely to use safety belts, had poorer driving records, and drove smaller and older vehicles than drivers who stopped for red lights. Red light runners were more than three times as likely to have multiple speeding convictions on their driver records. No gender differences were found between violators and drivers who did not run red lights.

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5. Isn't conventional police enforcement sufficient? Enforcing red light violations, particularly in dense urban areas by traditional means poses special difficulties for police, who in most cases must follow a violator through the red light to stop it. This is dangerous for other vehicles, pedestrians, as well as the officer. At some intersections, it requires two or more officers to effectively and safely detect and apprehend a red light violator.

Many Texas police departments have initiated special programs to crack down on red light running and have found that such traditional means have had very little positive results on reducing the problem. There is no definitive explanation for the continued high level of non-compliance.

Many Texas police departments do not have adequate resources to combat the problem. A city may have dozens to hundreds of signalized intersections that function 24 hours a day, 7 days a week. Human resources are inadequate to respond at a level that would produce the desired results. In addition, officers have other responsibilities to address crime problems and neighborhood issues that require their time and response. Traditional means of enforcement have resulted in very little decrease in violations while photographic systems have resulted in a 40-60 percent decrease.

Although some people argue that police departments should increase personnel to combat this problem by utilizing fine money to hire more officers. However, this approach still relies on traditional methods of enforcement, which has not shown to be effective. In addition, many cities are not able to fill existing vacancies due to a lack of qualified officer candidates. Some police departments believe that only through lowering hiring standards could vacancies be filled, and this is not an acceptable solution. Creating new positions to be paid through fine money may not necessarily add police officers.

6. What safety benefits do red light cameras provide? Automated red light enforcement has proven to reduce red light violations and red light crashes. In the first six months red light violations decreased by 42 percent in Oxnard, California at intersections with automated red light enforcement and a 22 percent reduction in red light accidents citywide. Another study showed violations declined approximately 44 percent in Fairfax, Virginia after one year of camera enforcement. In Charlotte, North Carolina red light crashes were reduced by 38 percent overall at intersections utilizing cameras, with a reduction as much as 60 percent at some intersections. Howard County, a suburb of Baltimore, experienced a 57% drop in red light running at intersections with cameras after only five months of being installed.

7. How does a photographic traffic signal system work? There are many automated red light enforcement systems that provide an effective means to detect traffic signal disregard. One photographic red light enforcement system uses sensors to determine when a vehicle enters the intersection along with sensors that interface with the traffic light to determine if a violation has occurred. The equipment then records the violation in both image and data formats. Each violation generates two photos; one at the beginning of the violation and one as the vehicle leaves the intersection. Data of the location, date, time, speed, amber time and red time are stamped on each photo. A photograph is only taken if the sensor detects a violation. Other enforcement systems are also available that use multi-frame digital images to record a violation. These systems operate under the same guidelines as a photographic system described above. After the photographs and recorded data are reviewed by a trained police officer, a citation is sent to the owner of the vehicle.

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8. Do red light cameras violate motorists' privacy? NO. The proposed Texas legislation requires the citation only show the rear view of the vehicle, not the occupants. In addition, driver information is not an issue with the proposed process. The registered owner is responsible, similar to a parking violation.

Driving is a regulated activity on public roads. By obtaining a license, motorists agree to abide by certain rules - to obey traffic signals, for example. In addition, case law and legal analysis of automated enforcement have concluded that such systems do not violate U.S. Constitutional rights. Also, the ACLU has also stated they have no issue with this process.

"Red light runners have no right to jeopardize others and then hide behind privacy claims. Public officials should be concerned with protecting innocent people from being killed or injured by red light runners rather than protecting the privacy of people who break the law" Brian O'Neill, President, Insurance Institute for Highway Safety.

9. What about the revenue? Will cities do this just to generate revenue for themselves or private contractors?

Anytime a municipality passes an ordinance that attaches a fine to a violation, revenue could be generated. This would also be true with this process. The question is, "how much?" Careful consideration has been given with respect to the fine amount. The amount of fine must be commensurate with the severity of the violation. Red light running is a serious violation with serious consequences. The proposed Texas legislation sets base fines for the first offense not to exceed \$75. Many cities charge up to \$240 for some parking violations, with fines for parking in fire lanes averaging from \$50 - \$155 in the major Texas cities. In addition, the fine amount should also be at a level that it's not so high that it discourages compliance with the legal process.

Many cities contract with private providers to install and manage the citation mailing and billing process. As a result, 40 percent or more of fines received could be paid to the contractor. This option is usually utilized due to the volume increase in workloads with no increases given for personnel to process the program.

Cameras are installed to modify driver behavior and save lives, not generate revenue. All existing states using camera enforcement report a decrease in violations of 40 percent or better. As violations decrease, the number of citations and fines decrease in correlation.

Revenue estimates in other states have generally been over exaggerated. This is due to the cost it takes to run the program, the cost of equipment and equipment maintenance, and the decrease in violations. The City of Charlotte, NC estimated revenue from their program would generate \$4 million to \$6 million during the program's initial year with \$50 - \$100 fines. Actual revenue generated was \$1.06 million, with over \$600,000 going to the contractor to pay for the operation and management of the program.

10. Are red light camera programs expensive? A red light camera costs approximately \$50,000 per approach. Installation and sensors cost about \$5,000 - \$10,000. Some intersections may require multiple cameras resulting in installation costs as much as \$150,000. A city may also have the option to lease a system or enter into an agreement to have an automated enforcement company to install and operate the system. These agreements vary depending upon the services and the system installed. Some

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agreements allow vendors to retain a percentage of the fine amount, while other agreements establish a per citation charge from vendors between \$25 and \$100.

11. Do the cameras photograph every vehicle passing through an intersection? No. Automated red light enforcement systems are only activated when a driver runs a red light. The proposed legislation requires camera systems be exclusively used with traffic control systems. A municipality that uses a camera enforcement system for any other purpose could be subject to a penalty.

12. Does someone review the photographs before motorists are cited? Most jurisdictions adopt a process that utilizes police review of violations prior to mailing citations.

13. Does the American public support the use of red light cameras? The U.S. public strongly supports the use of red light cameras. A poll conducted by the Insurance Institute for High Safety revealed that nationwide, 66 percent of people polled said they favor the use of red light cameras. Another survey conducted by the Insurance Research Council found that 83 percent of residents in large cities support red light cameras. Also, a 1999 Louis Harris Poll found that 3 out of 4 people favor state and local authorities using intersection cameras to catch red light runners.

14. Do other states use red light cameras? The following states have legislation for automated traffic enforcement: Arizona, California, Colorado, Delaware, Georgia, Hawaii, Illinois, Maryland, North Carolina, New York, Ohio, Oregon, Tennessee, Utah, and Virginia.

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CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input 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:	8/12/02	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Fire		Initials	Date	
Department Head	William Peterson	Executive Director	<i>[Signature]</i>	8-5-02	
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	8/5/02	
Agenda Coordinator (include phone #): Frank Snidow, x7318					
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, COLLIN COUNTY, TEXAS, RATIFYING THE TERMS AND CONDITIONS OF AN INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF PLANO, TEXAS, AND THE CITY OF ALLEN, TEXAS, TO PROVIDE AUTOMATIC AID BETWEEN THE PLANO AND ALLEN FIRE DEPARTMENTS; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER; 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:	02-03	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					
Request for council authorization to ratify an interlocal agreement with the City of Allen, Texas, for pre-planned exchange of fire, EMS, and other emergency response services in specified service areas.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		



Memorandum

Date: July 31, 2002
To: Frank Turner, Director, Development Business Center
From: William Peterson, Fire Chief *WP*
Subject: Council Agenda Item – Interlocal Cooperation Agreement with Allen

Attached is an agenda item ratifying the terms and conditions of an Interlocal Agreement with the City of Allen for pre-planned mutual aid response conducted under the authority of the existing Agreement for Mutual Aid and Disaster Assistance to which both cities are a party.

This agreement will allow for pre-planned exchange of fire, EMS, and other emergency response services in specified response areas as intended to allow for the closest possible unit to the emergency scene regardless of municipal affiliation.

If you have any questions, or if I may provide any additional information, please advise.

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, COLLIN COUNTY, TEXAS, RATIFYING THE TERMS AND CONDITIONS OF AN INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF PLANO, TEXAS, AND THE CITY OF ALLEN, TEXAS, TO PROVIDE AUTOMATIC AID BETWEEN THE PLANO AND ALLEN FIRE DEPARTMENTS; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Plano, Collin County, Texas, was presented a proposed Interlocal Cooperation Agreement by and between the City of Plano, Texas, and the City of Allen, Texas, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and,

WHEREAS, upon full review and consideration of the agreement and all matters related thereto, the City Council is of the opinion and finds that the terms and conditions thereof should be approved, and that the City Manager should be authorized to execute the Agreement on behalf of the City of Plano, Texas; and,

WHEREAS, the City Council of the City of Plano, Collin County, Texas, has determined that providing for the pre-planned exchange of fire, EMS, and other emergency response services in specified response areas as intended to allow for the closest possible unit to the emergency scene regardless of municipal affiliation is in the best interest of the citizens of Allen and Plano; and,

WHEREAS, Chapter 791 of the Texas Government Code provides authorization for units of local government to enter into Interlocal Cooperation Agreements to perform governmental functions and services; and

WHEREAS, the Automatic Aid Interlocal Cooperation Agreement is a guide for routine operations and is not intended to replace or adjust the Agreement for Mutual Aid and Disaster Assistance currently in effect; and

WHEREAS, automatic aid rendered under this Agreement shall be considered as a "pre-planned" mutual aid response conducted under the authority of the existing Agreement for Mutual Aid and Disaster Assistance to which both cities are a party.

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

SECTION 1: The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens are hereby in all things ratified.

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SECTION 2: The City Manager is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in this Agreement.

SECTION 3: This Resolution shall become effective from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PLANO, COLLIN COUNTY, TEXAS, ON THIS THE _____ DAY OF _____, 2002.

APPROVED:

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

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**Interlocal Cooperation Agreement
Providing Automatic Aid
Between
The Allen and Plano Fire Departments**

This Interlocal Cooperation Agreement is authorized by the City Manager of the City of Allen and the City Manager of the City of Plano and is further authorized by approved Resolution of the respective City Councils of the two Cities.

The purpose of this Interlocal Cooperation Agreement is to outline the procedures for implementing an Automatic Aid response between the City of Allen Fire Department, hereinafter referred to as "Allen" and the City of Plano Fire Department, hereinafter referred to as "Plano." This agreement is a guide for routine operations and is not intended to replace or adjust the agreement for Mutual Aid and Disaster Assistance currently in effect. Automatic Aid rendered under this agreement shall be considered as a "pre-planned" mutual-aid response conducted under the authority of the existing Agreement for Mutual Aid and Disaster Assistance to which both Cities are a party. The general provisions of said Agreement for Mutual Aid and Disaster Assistance shall be controlling except where such provisions are replaced by this Interlocal Cooperation Agreement.

I. Amount and Type of Assistance

This agreement is for the pre-planned exchange of fire, EMS, and other emergency response services in specified response areas as intended to allow for the closest possible unit to the emergency scene regardless of municipal affiliation. Fire apparatus will respond on fire incidents, if designated, in the stipulated response areas. MICU (medical), Special Operations (rescue), and Hazardous Materials units (HazMat) will respond to emergencies, if designated, in the agreed response areas. Companies required in addition to a first level response will be requested in accordance with standing procedures as established in the Agreement for Mutual Aid and Disaster Assistance.

II. Response Areas

Fire Response areas will be determined by the mutual agreement of both Fire Chiefs on the basis of response time and available access to the affected areas and periodically reviewed for continued Automatic Aid Coverage. It is specifically recognized and agreed that adjustments to the listed areas may be made by agreement of the Chiefs of Plano and Allen during the term of this agreement as necessary to facilitate emergency response to any portion of either City.

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Freeway Corridors:

Due to the unique difficulty in obtaining accurate location information on divided access highway events, both the Allen and Plano Fire Departments will be dispatched to accidents occurring upon the right-of-way, traffic lanes, service roads, or overpasses of the following highways:

- Northbound and Southbound North Central Expressway (U.S. 75) between Bethany Drive (Allen) and Legacy Drive (Plano).

Northeastern Plano:

The Allen Fire Department will provide (from Allen Station 3) first response to all incidents occurring within the City of Plano in an area bounded by Chaparral Road, Avenue K, Rowlett Creek, and the eastern Plano City Limits as further defined by Plano Fire Department boxes 6250 & 8240. Any additional resources required to handle the emergency call will be dispatched by the Plano Fire Department.

Southwestern Allen:

The Plano Fire Department will provide (from Plano Station 6) first response to all incidents occurring within the City of Allen in an area bounded by South Alma Drive, Hedgcoxe Road, Custer Road, and Rowlett Creek as further defined by Allen Fire Department boxes 43, 44, and 45. Any additional resources required to handle the emergency call will be dispatched by the Allen Fire Department.

Western Allen:

The Plano Fire Department will provide (from Plano Station 10) first response to all incidents occurring within the City of Allen in an area generally bounded by Custer Road, SH 121, Rowlett Creek, and McDermott Drive as further defined by Allen Fire Department boxes 10, 21, 32, and 43. Any additional resources required to handle the emergency call will be dispatched by the Allen Fire Department.

III. Incident Command

The first arriving company at the emergency scene will assume Command in accordance with its Department's incident management procedure. Upon arrival, the role of Incident Commander will be assumed by an officer of the department in whose corporate limits the emergency is occurring. Nothing in this agreement will preclude an officer operating in a City not his/her own from requesting additional resources as appropriate from the City in whose jurisdiction the emergency is occurring.

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IV. Communications Procedures

Communications procedures and related information will be provided at the initial training session and updated as needed thereafter.

Dispatching Procedures:

To expedite the initiation of response under this agreement, communications will be handled by the respective communications centers of the two departments utilizing regular telephone service with "speed dial." At the earliest opportunity, Plano will coordinate the installation of a "ring-down" telephone line to the Allen communications center to facilitate confirmation of response between the two departments. Cost allocation for the "ring-down" service will be arranged in a separate agreement.

The communications operator of the department requesting automatic aid will contact the communications center of the other department via ring down and state the location and type of assistance needed in accordance with this procedure. The terms "Automatic Aid" will be utilized to avoid any confusion with existing mutual aid procedures. Should the requested unit not be available, the requesting agency will be immediately informed so that another unit may be dispatched.

Units responding to the automatic aid request will check enroute and operate on the assigned incident channel of the requesting department.

Future Communication Enhancements:

In the long term, the Plano and Allen Fire Departments and their respective communications centers of the agencies will explore methods of interconnecting one or more incident "talk groups" together with each department so that communications between all units of each department is possible benefit during automatic aid and/or mutual aid operations. Upon successful implementation and testing of this system, the joint talk group established will be utilized for all scene communications for calls occurring within the above listed automatic aid areas. The sharing of costs of a shared common talk-group will be determined at a future date following appropriate review by the communications personnel of each City.

V. Limitations

If the agreed upon response from either department is not available or is temporarily depleted, the assisting department will advise the requesting department and need not respond. However, if a fill-in company is in quarters at a fire station that is part of this Agreement, that company will respond.

VI. Training

Joint training exercises are to be conducted as needed. The training exercises will be coordinated and observed by the respective training staffs of the two departments for the purpose of maintaining coordination in fire fighting procedures, emergency medical procedures, dispatching, and communications. The following topics will be addressed within twelve (12) months of the approval of this Agreement:

- Apparatus and equipment familiarization
- Coordination of companies with MICU's
- Incident Management System of each Department
- Communications protocols
- EMS scene procedures
- Fire hydrant procedures

VII. Incident Reporting

The following guidelines will be followed for emergency incident reporting:

1. A department EMS report will be completed by each agency providing patient care which will document care given up to the point of patient transfer.

Example: Plano Engine 6 responds on a Medical call in Allen. Plano E6 completes a Plano EMS report covering patient care until the patient is assumed by an Allen MICU. The Allen MICU crew completes an Allen EMS report for care given from the time of patient transfer forward.

2. A department NFIRS report will be completed for each incident by each agency providing response to the scene.

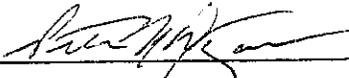
Example: Plano Engine 6 and Allen Medic 4 respond on a Medical call in Allen. Plano Engine 6 completes a Plano NFIRS report and patient care report showing care until the patient was turned over to Allen for transport; Allen Medic 4 completes an Allen NFIRS report and patient care report indicating care from receipt of patient until final transportation is completed.

3. In those cases where no unit of the department receiving automatic aid is present, the responding department will complete an NFIRS report for their agency showing "Mutual Aid Given" and call the designated station of the receiving department which will create an NFIRS report showing "Mutual Aid Received."

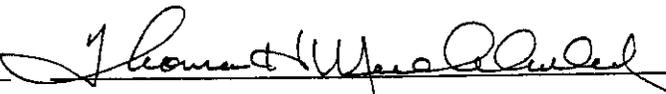
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VIII. Revisions

This Interlocal Cooperation Agreement may be revised or amended at any time by mutual agreement of the Fire Chief of the City of Allen and the Fire Chief of the City of Plano.

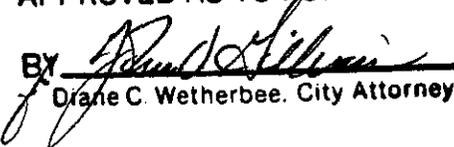
Date: May 17, 2002 
City of Allen City Manager

Date: MAY 17, 2002 
City of Allen Fire Chief

Date: 6/3/02 
City of Plano City Manager

Date: 6/4/02 
City of Plano Fire Chief

APPROVED AS TO FORM:

BY 
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 <i>CS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Council Meeting Date: 8/12/02		Reviewed by Legal <i>MS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	FINANCE		Initials	Date	
Department Head	John McGrane	Executive Director			
Dept Signature:	<i>John McGrane</i>		City Manager <i>[Signature]</i> 8/2/02		
Agenda Coordinator (include phone #):		Sandy Gaugler X7479			

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

CAPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE ASSIGNMENT OF THAT PORTION OF THE TAX ABATEMENT AGREEMENT BY AND BETWEEN THE CITY OF PLANO, TEXAS, THE COUNTY OF COLLIN, THE COLLIN COUNTY COMMUNITY COLLEGE DISTRICT, AND LINCOLN PLACE, LLC AND STERLING SOFTWARE (SOUTHERN), INC. TO TRIAD HOSPITALS, INC.; AS IT RELATES TO THE PERSONALTY, APPROVING AN AMENDMENT TO THE TAX ABATEMENT AGREEMENT TO REVISE THE VALUE OF PERSONALTY, THE EMPLOYMENT COMMITMENT, AND NOTIFICATION INFORMATION; AND PROVIDING AN EFFECTIVE DATE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2001-2002	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 RESOLUTION TO ASSIGN AND AMEND A TAX ABATEMENT AGREEMENT WITH LINCOLN PLACE, LLC AND STERLING SOFTWARE (SOUTHERN), INC. OFFICE FACILITY -- REINVESTMENT ZONE NO. 17. STERLING SOFTWARE (SOUTHERN), INC. IS ASSIGNING ITS RIGHTS AND OBLIGATIONS TO TRIAD HOSPITALS, INC. THE AGREEMENT IS BEING AMENDED TO REDUCE THE PERSONALTY FROM \$10M TO \$2M AND THE REQUIRED NUMBER OF EMPLOYEES FROM 400 JOBS TO 175 JOBS.

List of Supporting Documents: Amendment	Other Departments, Boards, Commissions or Agencies
Resolution & Tax Abatement Agreement	Joint Committee on Tax Abatement, CCCCDC, Collin County

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, APPROVING THE ASSIGNMENT OF THAT PORTION OF THE TAX ABATEMENT AGREEMENT BY AND BETWEEN THE CITY OF PLANO, TEXAS, THE COUNTY OF COLLIN, THE COLLIN COUNTY COMMUNITY COLLEGE DISTRICT, AND LINCOLN PLACE, LLC AND STERLING SOFTWARE (SOUTHERN), INC. TO TRIAD HOSPITALS, INC.; AS IT RELATES TO THE PERSONALTY, APPROVING AN AMENDMENT TO THE TAX ABATEMENT AGREEMENT TO REVISE THE VALUE OF PERSONALTY, THE EMPLOYMENT COMMITMENT, AND NOTIFICATION INFORMATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 25, 1997, by Ordinance No. 97-8-33, the City Council established Reinvestment Zone No. 17; and

WHEREAS, on August 25, 1997, by Resolution No. 97-8-34(R), the City Council approved a tax abatement agreement by and between the City of Plano, Texas, the County of Colin, the Collin County Community College District, and Lincoln Place, LLC and Sterling Software (Southern), Inc.; and

WHEREAS, the tax abatement agreement provided for Personalty to be added to Reinvestment Zone No. 17 which would have a value of not less than Ten Million Dollars (\$10,000,000); and

WHEREAS, Sterling Software (Southern), Inc. will remove a portion of its Personalty from the Reinvestment Zone effective October 15, 2002, and sublease to Triad Hospitals, Inc. will become the lessee and purchase a minimum of the Two Million Dollars (\$2,000,000) in Personalty existing in Reinvestment Zone No. 17; and

WHEREAS, Triad Hospitals, Inc. has requested that the tax abatement agreement be amended to show a reduction in employment to 175; and

WHEREAS, upon full review and consideration of all matters attendant and related to the Assignment and Amendment, 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, shall be authorized to execute any and all documents in connection therewith 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 Assignment to Triad Hospitals, Inc., of the terms and conditions of the Tax Abatement Agreement granted by Resolution No. 97-8-34(R) to Lincoln Place, LLC and Sterling Software (Southern), Inc. as they relate to Personalty, 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, is hereby in all things approved.

Section II. The Tax Abatement Agreement is amended as shown on the attached Exhibit "A."

Section III. The City Manager, or in his absence, an Executive Director, shall be authorized to execute any and all documents in connection with the Assignment.

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

DULY PASSED AND APPROVED this the 12th day of August, 2002.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

THE STATE OF TEXAS §

COUNTY OF COLLIN §

**AMENDMENT TO TAX ABATEMENT AGREEMENT
BETWEEN LINCOLN PLACE, LLC AND TRIAD HOSPITALS, INC.**

This Amendment is to a Tax Abatement Agreement originally entered into between the City of Plano and other taxing units and Lincoln Place, LLC and Sterling Software (Southern), Inc. on August 25, 1997, City Resolution No. 97-8-34(R) as it relates to Personalty now assigned to Triad Hospitals, Inc. (hereinafter "Amendment") and made and entered into on this the 12th day of August, 2002, and between TRIAD HOSPITALS, INC., the CITY OF PLANO, TEXAS, (hereinafter "City"), COUNTY OF COLLIN, TEXAS, and the COLLIN COUNTY COMMUNITY COLLEGE DISTRICT, collectively referred to as TAXING UNITS,

WITNESSETH:

WHEREAS, Lincoln Place, LLC and Sterling Software (Southern), Inc. entered into a Tax Abatement Agreement on August 25, 1997 (hereinafter "Tax Abatement Agreement"); and

WHEREAS, the City and Taxing Units approved the assignment of that portion of the Agreement as it relates to Personalty to Triad Hospitals, Inc.; and

WHEREAS, the City and Taxing Units approved the reduction in Personalty to Two Million Dollars \$2,000,000; and

WHEREAS, the City and Taxing Units approved the reduction in employment to 175; and

WHEREAS, neither the Assignment nor this Amended Agreement extends the term of the Tax Abatement Agreement, and Owner of the Personalty shall not have a right to recover prior abatements granted before the Assignment; and

WHEREAS, the parties desire to amend such Tax Abatement Agreement in certain respects to set forth the various obligations of the parties as set forth herein in this Amendment.

NOW THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the parties hereto agree as follows:

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I.

Except as provided below, all other terms and conditions of the Tax Abatement Agreement entered into on August 25, 1997, Resolution No. 97-8-34(R) shall remain unchanged and shall remain in full force and effect. In the event of any conflict or inconsistency between the provisions set forth in this Amendment and the Tax Abatement Agreement, the Amendment shall control over the Tax Abatement Agreement.

Effective as of the day and year first written above, Sections 2, 6, and 14 of the Tax Abatement Agreement assigned to Triad Hospitals, Inc. are hereby amended to read as follows:

"2. The tangible personal property subject to this Agreement shall be personal property excluding inventory and supplies used within Reinvestment Zone No. 17, which shall be hereinafter referred as the **PERSONALTY**. The **PERSONALTY** is presently estimated to have an approximate taxable value of Two Million Dollars (\$2,000,000) and is or will be owned by **LESSEE** or its affiliates."

"6. The **OWNER** agrees and covenants that it will diligently and faithfully in a good and workmanlike manner pursue the substantial completion of the **IMPROVEMENTS** as a good and valuable consideration of this Agreement. **OWNER** further covenants and agrees that all construction of the **IMPROVEMENTS** will be in accordance with all applicable federal, state and local laws and regulations or valid waiver thereof. In further consideration, **OWNER**, or its successors or assigns, shall thereafter, from the date a Certificate of Occupancy is issued until the expiration or termination of this Agreement, operate and maintain the **REAL PROPERTY** (or cause the same to be operated and maintained) for the following described purposes: Office building where **LESSEE** or its affiliates will initially employ approximately 175 employees, referred to herein as the **PURPOSES**."

"14. Notices required to be given to any party to this Agreement shall be given personally or be registered or certified mail, return receipt requested, postage prepaid, addressed to the party at its address as set forth below, and, if given by mail, shall be deemed delivered as of the date deposited in the United States mail:

For City by notice to:

City of Plano
Attention: Mr. Thomas H. Muehlenbeck
City Manager
P.O. Box 860358
Plano, Texas 75086-0358

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With copy to:

City Attorney
Attention: Diane C. Wetherbee
P.O. Box 860358
Plano, Texas 75086-0358

For Taxing Units by notice to:

County of Collin, Texas
Attention: The Honorable Ron Harris
County Judge
Collin County Commissioners Court
210 S. McDonald, Ste. 626
McKinney, Texas 75069

Collin County Community College District
Attention: Dr. Cary A. Israel
President of Board of Trustees
4800 Preston Park Blvd.
Plano, Texas 75093

For Owner by notice to:

Lincoln Place, LLC
c/o Lincoln Property Company
Attention: David K. Reed
500 North Akard Street, Suite 3300
Dallas, Texas 75201

With a copy to:

Lincoln Place, LLC
c/o The Brookdale Group
3343 Peachtree Road, N.E., Suite 510
Atlanta, Georgia 30326

For Lessee by notice to:

Triad Hospitals, Inc.
Attention: Thomas H. Frazier
Sr. Vice President of Administration
13455 Noel Road
Dallas, Texas 75240

This Agreement is performable in Collin County, Texas, witness our hands this 12th day of August, 2002.

ATTEST:

CITY OF PLANO, TEXAS

Elaine Bealke, CITY SECRETARY

Thomas H. Muehlenbeck
CITY MANAGER

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

ATTEST:

COMMISSIONERS COURT OF
COLLIN COUNTY

ATTEST:

COUNTY JUDGE

COLLIN COUNTY COMMUNITY
COLLEGE DISTRICT

ATTEST:

CHAIRMAN

TRIAD HOSPITALS, INC.

By: _____

Name: Thomas H. Frazier
Sr. Vice President of Administration

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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: 8/12/02		Reviewed by Legal <i>WLU</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Planning			Initials	Date
Department Head	Phyllis Jarrell			Executive Director	<i>[Signature]</i> 7/29/02
Dept Signature:	<i>P. Jarrell</i>			City Manager	<i>[Signature]</i> 7/30/02
Agenda Coordinator (include phone #): Lanae Jobe ext. 7165					
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 OF PLANO, TEXAS, CHANGING THE NAME OF MCKENZIE LANE, A DEDICATED STREET WITHIN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, TO CLOVERHAVEN WAY; PROVIDING FOR A CHANGE IN THE OFFICIAL RECORDS TO REFLECT SUCH ACTION; AND PROVIDING AN EFFECTIVE DATE.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	01/02	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	249,328	0	249,328
Encumbered/Expended Amount		0	-104,125	0	-104,125
This Item		0	-169	0	-169
BALANCE		0	145,034	0	2,388,986
FUND(S): GENERAL FUND					
COMMENTS: Funding for street name change is included in the approved FY2001-02 Operating Budget. The remaining funds will be used for other contractual maintenance agreements.					
STRATEGIC PLAN GOAL: The changing of a street name relates to the City's goal of a Safe and Efficient Travel.					
SUMMARY OF ITEM					
McKenzie Lane is phonetically similar to another street in Plano named MacKenzie Way. MacKenzie Way is a residential street, and several existing homes have MacKenzie Way addresses. No homes are addressed from McKenzie Lane at this time. To prevent any possible confusion with emergency service response, the City of Plano is proposing to change the name of McKenzie Lane to Cloverhaven Way. Property owners and homeowners association presidents in the area have been notified of the proposed change. The cost to change the street sign is \$42.28 each. This ordinance formally adopts the new street name.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Map					

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, CHANGING THE NAME OF MCKENZIE LANE, A DEDICATED STREET WITHIN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, TO CLOVERHAVEN WAY; PROVIDING FOR A CHANGE IN THE OFFICIAL RECORDS TO REFLECT SUCH ACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, McKenzie Lane is a dedicated public street within the corporate city limits of the City of Plano; and

WHEREAS, McKenzie Lane is phonetically similar to another street in Plano named MacKenzie Way; and

WHEREAS, City Planning staff has determined that to prevent confusion between the two streets and the possible adverse impact on emergency police and fire services, it is necessary to rename McKenzie Lane to Cloverhaven Way; and

WHEREAS, the decision to rename McKenzie Lane to Cloverhaven Way has been thoroughly reviewed by the Planning Department, Engineering Department, Fire Department, and the Public Safety Communications Department and is acceptable to all of them; and

WHEREAS, the City Council, upon full consideration of the recommendation of city staff and all matters attendant and related thereto, is of the opinion and finds that changing the name of McKenzie Lane to Cloverhaven Way is in the best interest of the City of Plano and its citizens.

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

Section I. The street within the city limits of the City of Plano, Collin County, Texas known as "McKenzie Lane" is hereby changed to "Cloverhaven Way."

Section II. The City Manager or his designee is hereby authorized and directed to cause the official records of the City of Plano to be changed to reflect the action taken herein.

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ORDINANCE NO. _____ (Cloverhaven Way)

Page 2 of 2

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

DULY PASSED AND APPROVED this the _____ day of _____, 2002.

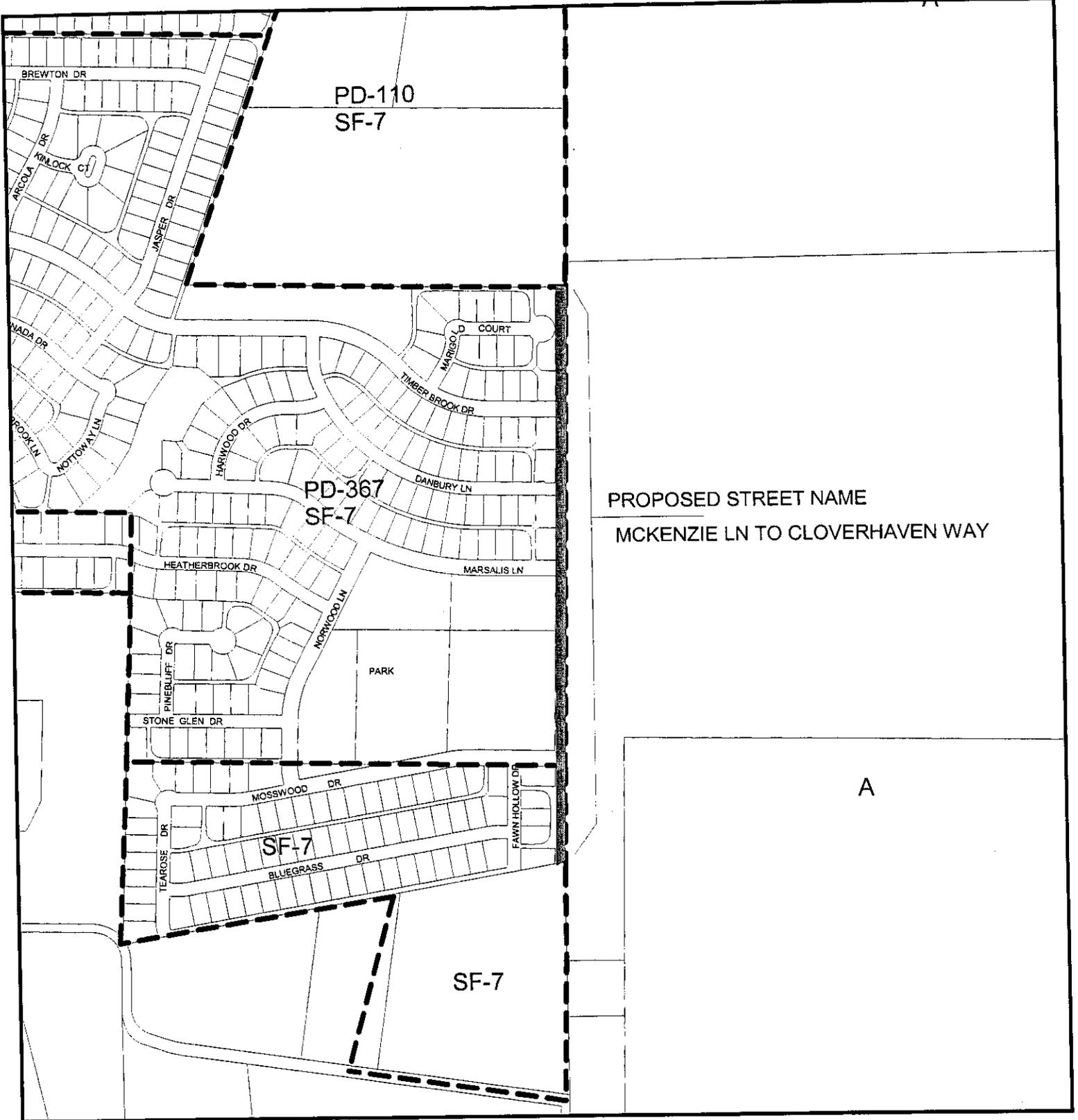
Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



PROPOSED STREET NAME
MCKENZIE LN TO CLOVERHAVEN WAY

A



ITEM
SUBMITTED: PROPOSED STREET NAME CHANGE



TITLE: MCKENZIE LANE TO
CLOVERHAVEN WAY





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: 8/12/02		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Telecommunications		<i>[Signature]</i>	Date
Department Head:	Edward Jenkins	Executive Director	<i>[Signature]</i>	9/29/02
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	7/29/02
Agenda Coordinator (include phone #): David Kidd Ext. 7501				
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 checked="" type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				

CAPTION

Authorizing award of a contract to Affiliated Telephone Inc. to provide maintenance and ongoing support for the city's telecommunication system for a term of five years; and authorizing the City Manager or his designee to execute all necessary contract documents. CSP# C100-02

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 01-02	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): **VARIOUS**

COMMENTS: This item approves price quotes. Expenditures will be made in various departments within the approved budget appropriations. Funds are included within various departmental operating budgets for telecommunications maintenance and support. The estimated annual amount is \$135,242

STRATEGIC PLAN GOAL: Telecommunications maintenance and support relates to the City's Goal of Service Excellence.

SUMMARY OF ITEM

Telecommunications recommends the council approve the proposal of Affiliated Telephone Inc. to provide maintenance and ongoing support for the city's telecommunication system. The city issued a CSP (Competitive Sealed Proposal) outlining the needs for maintenance and support. The proposal response submitted by Affiliated Telephone Inc. best meets the City's needs based on the following evaluation criteria: Functional Requirements, Customer Service and Annual Contract Pricing. Affiliated Telephone Inc. was selected by offering the best price of a local Plano vendor. Upon Council approval, staff will finalize contract documents outlining the services specified in Affiliated's proposal and will submit documents for the City Managers approval.

No alternate provider is recommended



CITY OF PLANO
COUNCIL AGENDA ITEM

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
CSP #100-02 Matrix, Contract Affiliated Telephone Inc. Maintenance and Support	

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Contract by and between
City of Plano and
Affiliated Telephone, Inc.
For Telecommunications Maintenance and Support -

may be reviewed in the Purchasing Offices of the City of Plano

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**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Council Meeting Date: <i>Aug 12 2002</i>		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Telecommunications		<i>Initials</i>	Date
Department Head	Edward Jenkins	Executive Director	<i>[Signature]</i>	<i>07-30-02</i>
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	<i>7/30/02</i>
Agenda Coordinator (include phone #): Lisa Prunty x-7504				

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

CAPTION

Authorizing award of contract to Cingular Wireless to provide wireless services for a 2-year term with 3 optional 1-year renewals; and authorizing the City Manager or his designee to execute all necessary contract documents.
CSP# C062-02

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 01-02	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): VARIOUS

COMMENTS: This item approves price quotes. Expenditures will be made in various departments within the approved budget appropriations. The estimated annual amount is \$280,000

STRATEGIC PLAN GOAL: The Wireless contract relates to the City's Goal of Service Excellence.

SUMMARY OF ITEM

Telecommunications recommends Council approve the proposal of Cingular Wireless to provide wireless services for the city. The city issued a CSP (Competitive Sealed Proposal) outlining its needs for cellular services. The proposal response submitted by Cingular Wireless best meets the City's needs based on the following evaluation criteria: Functional Requirements, Customer Service, Pricing for Airtime, Equipment, Accessories and Billing Capabilities. Of the three finalists Cingular was selected by offering the best overall pricing and discounts. Upon Council approval, staff will finalize contract documents outlining the services specified in Cingulars proposal and will submit documents for signature by the City Manager.

No alternate provider is recommended.

List of Supporting Documents: Evaluation, Evaluation Comparison, Cost Comparison	Other Departments, Boards, Commissions or Agencies
---	--

Evaluation

GENERAL SPECIFICATIONS
Functional Requirements

Ability to meet Network Requirements
Coverage Maps provided

Customer Service

Assigned Account Team
Ability to handle repairs in person within 24hrs

Pricing - Airtime

Fixed rate offered
Per-minute rate with zero recurring cost offered
Pooled minute plan offered
Local Rates with best discount
National Rates with best discount

Fees

Waived Activation Fees
Waived Early Termination Fees

Pricing - Equipment / Accessories

Offered a Basic handset free of charge
Best Equipment Upgrade Offer
Offered standard hardware accessory package with new activation
Best Discount off accessories

Account Management - Billing

CD Billing
On-Line Access
On-Line Management
Account Management Software
Call detail / Tax exempt invoices

	AT&T	Cingular	Verizon
Yes		Yes	Yes
No		No	No

TOTALS

1	1	1	1
1	1	1	1
2	2		2

TOTALS

1	1	1	1
1	1	1	1
1	2		1

TOTALS

1	1	1	1
1	1	1	1
1	1	1	1
2	5	1	4

TOTALS

	1	1	1
	1	1	1
	2		1

TOTALS

1	1	1	1
	1	1	1
	1	1	1
1	4	1	3

TOTALS

1	1	1	1
1	1	1	1
1	1	1	1
1	1	1	1
5	3	2	5
11	18	2	11

Overall Totals

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Current Vendor	Customer Service	Airtime Pricing	Fees	Equipment Pricing	Warranty / Upgrade Credit	Accessories Pricing	Billing Capabilities
Cingular Wireless	Assigned account team	Customize - Yes Fixed - 69.00 Unlimited local / 200 local LD	None	Nokia 5165 - Free Nokia 3360 - 49.99	1 yr. Manuf. warranty 1 year upgrade changeout at new activation pricing	30% discount case and cig adapter at no charge on new activations	CD Bill Paper Bill
TDMA Converting to GSM	Repairs within 24 hrs (in person)	Per Minute - 0.00 / 22 per minute Pooled Plan - available Discount offered - 13% published home rate plans National - 13% discount		Ericsson T604 - 89.99 Nokia 8260 - 99.99			

Proposed Vendors	Functional Requirements	Customer Service	Airtime Pricing	Fees	Equipment Pricing	Warranty / Upgrade Credit	Accessories Pricing	Billing Capabilities
Cingular Wireless	Yes	Assigned account team	Customize - Yes Fixed - 69.00 Unlimited local 2 hrs TX roam	None	Nokia 5165 - Free Ericsson R2784 - Free	1 yr. Manuf. warranty 1 year upgrade changeout at new activation pricing	30% discount case and cig adapter at no charge on new activations	CD Bill Paper Bill
TDMA Converting to GSM		Repairs within 24 hrs (in person)	Per Minute - 0.00 / 22 per minute Pooled Plan - 10% discount Discount offered - 20% published home rate plans National - 15% discount - pricing / minutes same as home 3500 night weekend & long distance free on 29.99 or higher (home & national)		Nokia 3360 - 49.99 Ericsson T604 - 89.99 Nokia 8260 - 99.99			
Verizon Wireless	Yes	Assigned Account Manager	Customize - Yes but not specific Fixed - will not offer an unlimited fixed rate	1.5% rate fee 175.00 early term.	Kyocera 2135 - Free for 1st 90 days Kyocera 2135 - 19.99 after 90 days	1 yr Manuf. Warranty 2 year upgrade credit of 100.00 (with new 2 yr agreement)	25% discount case, cig adapter & ear bud at no charge on new activations	CD Bill Paper Bill
CDMA		Repairs - Mail / In Person (depending on problem)	Per Minute - 11.99 plus .25 per minute Pooled Plan - customized Discount offered - 15% night weekend 10.00 per month National - 15% discount	fee for rush orders (actual price not stated)	Motorola Tarpon - 39.99 Nokia 3285 - 59.99 Kyocera 2235 - 69.99 and up			IBAS - In. Billing Analysis STARS Reporting System
AT&T Wireless (TEX-AN) TDMA Converting to GSM	Yes	Assigned account team Repairs within 24 to 48 hrs (by mail) Retail store upgrades	1000 mobile to mobile for 10.00 per month Customize - Yes Fixed - 69.90 Unlimited local Per Minute - 9.99 / 25 per minute	activation fee waived in 100+ orders (fee = 31.50 - 36.00) Reinstatement fee Early Term. 150.00	50.00 OFF MAP (Minimum adv. price) Panasonic Versio - Free Ericsson R300X / R298LX - Free	1 yr. Manuf. Warranty Discount if not covered under warranty (amount not stated)	25% discount	CD Bill Paper Bill On Line Access

Cost Comparison

Basis Rate Plans	Current Vendor	Cingular	Verizon	AT&T
Annual Cost	280,936	269,700	437,196	290,796
Average Cost Per Month	23,411	22,475	36,433	24,233
Average Annual Cost Per Phone	555	533	864	575
Average Monthly Cost Per Phone	46	44	72	48

* Figures are estimates based on basic rates only and are not inclusive of Long Distance, Roaming, Directory Assistance, or Personal Use Reimbursements.
 Average cost based on current number of active phones using rates / discounts offered in CSPs.

Proposed Pooled Plans	Current Vendor	Cingular	Verizon	AT&T
Number of Phones	N/A	480	480	480
Number of Minutes Included	N/A	266,700	264,000	240,000
Monthly Cost	N/A	19,200	20,755	21,600
Cost for Additional Minutes	N/A	0.10	not available	0.10

* Figures are based on basic rates only and are not inclusive of Roaming and Directory Assistance.

Cingular Proposed Plans	Recurring Monthly Cost	Anytime Minutes	Roaming Minutes	Nationwide Long Distance	Night / Weekend Minutes
Fixed Flat Rate	69.00	Unlimited local	120 Texas		not applicable
Per Minute Plan	0.00 / .22 per minute				
Home Rate Plans	15.99	50	0	Unlimited	3,500
" "	23.99	250	0	Unlimited	3,500
" "	31.99	400	0	Unlimited	3,500
" "	39.99	600	0	Unlimited	3,500
" "	25.49	250	Included	Included	3,500
National Rate Plans	30.59	350	Included	Included	3,500
" "	38.24	500	Included	Included	3,500
" "	53.54	850	Included	Included	3,500

Other plans are also available - Home plans include a 20% discount and National plans include a 15% discount of published rates.
 We can also take advantage of new rate plans as they become available with our discount

** Maps are based on basic published rates therefore coverage areas may vary depending on the type of rate plan chosen.

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Contract by and between
City of Plano and
Cingular Wireless
For Wireless Service

may be reviewed in the Purchasing Offices of the City of Plano

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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: 8/12/02		Reviewed by Legal <i>pk</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering	Initials	Date	
Department Head	Alan L. Upchurch	Executive Director	<i>[Signature]</i>	8-5-02
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	8/5/02
Agenda Coordinator (include phone #): Pegues (7198)		(Project No. 5149)		

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 checked="" type="checkbox"/> AWARD OF CONTRACT	<input type="checkbox"/> OTHER	

CAPTION

Approval and authorization for the selection of Halff Associates, Inc. to provide Professional Engineering Services for an amount not to exceed \$123,947 in connection with the design of the Cassidy Drive Drainage Improvements and Landershire Lane Water Rehabilitation and authorizing the City Manager or his designee to execute all necessary documents to effectuate this contract.

FINANCIAL SUMMARY

NOT APPLICABLE
 OPERATING EXPENSE
 REVENUE
 CIP

FISCAL YEAR: 2001-02	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	103,000	1,004,000	1,107,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-123,947	0	-123,947
BALANCE	0	-20,947	1,004,000	983,053

FUND(s): MUNICIPAL DRAINAGE CIP, WATER CIP

COMMENTS: Funds are included in the re-estimated 2001-02 Municipal Drainage and Water CIP for the Cassidy Drive Drainage and Independence Square Water projects. This item, in the amount of \$123,947, will be encumbered during the current fiscal year and carry forward into the cash allocations of FY 2002-03.

STRATEGIC PLAN GOAL: Storm drain improvements and water line rehabilitation relate to the City's goal of Safe, Livable Neighborhoods.

SUMMARY OF ITEM

This agreement with Halff Associates, Inc. is for the hydraulic evaluation of the existing storm drain system, and preparation of plans and specifications for storm drain improvements to replace approximately 1,200 feet of 66" diameter pipe above the outlet to N. Pittman Creek on Landershire Lane up to Cassidy Drive. The project also includes preparation of plans and specifications for the rehabilitation of approximately 1,500 feet of existing 6-inch waterline on Landershire Lane.



CITY OF PLANO COUNCIL AGENDA ITEM

The contract fee is for \$123,947 and is detailed as follows:

\$96,462	Engineering
\$7,510	Construction Admin.
<u>\$19,975</u>	Surveying
\$123,947	Total

Funding is available from the Municipal Drainage and Water Capital Improvements Program. Staff feels the fee is reasonable for this project estimated to cost \$1,035,000.

List of Supporting Documents:

Engineering Services Agreement

Location Map

Other Departments, Boards, Commissions or Agencies

N/A

M-2

Cassidy Drive Drainage Improvements and
Landershire Lane Water Rehabilitation

Project No. 5149

Engineering Services Agreement

may be reviewed in the Engineering Offices of the City of Plano



**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: 08/12/02		Reviewed by Legal <i>MS</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Engineering		Initials	Date	
Department Head	Alan L. Upchurch		Executive Director <i>[Signature]</i>	8-5-02	
Dept Signature:	<i>[Signature]</i>		City Manager <i>[Signature]</i>	8/5/02	
Agenda Coordinator (include phone #):		Pegues (7198)	(Project No. 4808)		
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 checked="" type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER					

CAPTION

Approval and authorization for the selection of Kasper/Graham & Associates, Inc. to provide Professional Engineering Services for an amount not to exceed \$318,335 in connection with the design of Los Rios Boulevard Extension Phase 1 (Parker Road to Jupiter Road) and authorizing the City Manager or his designee to execute all necessary documents to effectuate this contract.

FINANCIAL SUMMARY

<input type="checkbox"/> NOT APPLICABLE	<input type="checkbox"/> OPERATING EXPENSE	<input type="checkbox"/> REVENUE	<input checked="" type="checkbox"/> CIP	
FISCAL YEAR: 2001-02	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	62,041	768,959	2,740,000	3,571,000
Encumbered/Expended Amount	-62,041	-23,987	0	-86,028
This Item	0	-318,335	0	-318,335
BALANCE	0	426,637	2,740,000	3,166,637
FUND(s): STREET IMPROVEMENT, WATER CIP				

COMMENTS: Funds are available in the 2001-02 Street Improvement and Water CIP. This item, in the amount of \$318,335, will leave a current year balance of \$426,637 for the Los Rios – Jupiter to Parker project.

STRATEGIC PLAN GOAL: The extension of Los Rios from Jupiter to Parker relates to the City's goal of Safe and Efficient Travel.

SUMMARY OF ITEM

This agreement with Kasper/Graham Associates, Inc. is for preparation of final plans and specifications for the construction of approximately 7,700 linear feet of 27' back to back reinforced concrete pavement. Kasper/Graham Associates, Inc. have previously prepared the preliminary plans for this project. Plan preparation is for the ultimate northbound lanes of the future four-lane thoroughfare. Work shall also include mass grading to construct the ultimate four-lane roadway subgrade, storm drain improvements, extension of a 12" waterline, new fire hydrants, landscape screening, full design of the Parker-Los Rios intersection, and traffic signal improvements at the Parker-Los Rios intersection.



CITY OF PLANO COUNCIL AGENDA ITEM

The contract fee is for \$318,335 and is detailed as follows:

\$224,365	Engineering - Paving
34,000	Engineering - Water
11,650	Construction Admin.
24,800	Hydraulic Study
<u>23,520</u>	Surveying
\$318,335	Total

Funding is available from the Streets Improvement and Water Capital Improvements Program. Staff feels the fee is reasonable for this project estimated to cost \$4,751,000.

List of Supporting Documents:

Engineering Services Agreement

Location Map

Other Departments, Boards, Commissions or Agencies

N/A

11-2

Los Rios Boulevard Extension – Phase 1
(Parker Road to Jupiter Road)

Project No. 4808

Engineering Services Agreement

may be reviewed in the Engineering Offices of the City of Plano



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: 8/12/02		Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Information Services		Initials	Date
Department Head	Chip Collins	Executive Director	<i>[Signature]</i>	8-5-02
Dept Signature:	<i>[Signature]</i>	City Manager	<i>[Signature]</i>	8/5/02
Agenda Coordinator (include phone #):		Kathy Kargol, ext 7342		
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 QISV				

CAPTION

Approving the purchase of software support services from H.T.E. Inc., a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor's list, in an amount of \$52,365; and authorizing the City Manager or his designee to execute all documents necessary to effectuate the purchase. (QISV#1592486196400 / 68617)

FINANCIAL SUMMARY

<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2001-02	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	1,299,544	0	1,299,544
Encumbered/Expended Amount		0	-950,969	0	-950,969
This Item		0	-52,365	0	-52,365
BALANCE		0	296,210	0	296,210

FUND(s): INFORMATION SERVICES

COMMENTS: Funds are included in the FY 2001-02 Budget for software maintenance renewal. The remaining balance will be used for other maintenance agreements throughout the year.

STRATEGIC PLAN GOAL: Software maintenance relates to the City's Goal of Service Excellence.

SUMMARY OF ITEM

Information Services recommends Council approve an expenditure of \$52,365 to H.T.E., Inc. for renewal of annual software support services for systems utilized by various City departments. The software support for these systems can be provided only by H.T.E., Inc. because of H.T.E.'s exclusive proprietary rights in its system as owner of the software. H.T.E., Inc. is listed as a State Purchasing and General Services Commission "Qualified Information Services Vendor"; therefore, all State law competitive bid requirements have been met.

List of Supporting Documents:
Support Services Agreement

Other Departments, Boards, Commissions or Agencies

HTE, INC. SUPPORT SERVICES AGREEMENT

CONTRACT NO. PLAN-20020709

This H.T.E., Inc. Support Services Agreement ("Agreement") is entered into by and between HTE, Inc. (HTE), a Florida Corporation, with its principal place of business at: 1000 Business Center Drive, Lake Mary, Florida 32746;

and
City of Plano, TX
with its principal place of business at
1117 E. 15th Street
Plano, TX 75074

1.

Schedule of Licensed Programs Covered Under this Agreement	Support Services Fee for Initial Term
Building Permits - BP	\$ 8,550.00
Code Enforcement - CE	4,950.00
Cash Receipts - CR	4,750.00
Customer Information System - CX	27,565.00
Land/Parcel Management - LX	5,050.00
Building Permits Voice Response - V1	1,500.00
Totals	\$ 52,365.00

2. **TERM.** The Term of the support fees above shall be from July 1, 2002 to June 30, 2003 ("Initial Term") and then shall subsequently extend for two (2) additional consecutive one-year terms. The two additional consecutive one-year terms shall not increase by more than 10% per year.

This Agreement can then be renewed for successive one (1) year terms by payment of the then-current annual Support Services Fee. HTE will invoice Customer when the Support Services Fees are due.

3. **SUPPORT SERVICES.** For so long as Customer has purchased Support Services and is current in its payments to HTE, Customer shall be entitled to receive, and HTE agrees to provide, the following services which are hereinafter referred to as "Support Services" for the Licensed Programs listed in Paragraph 1 hereof:

3.1 **Program Fix Service.** Customer shall promptly report to HTE any errors or defects in the Licensed Program's which prevents the Licensed Programs from operating substantially in accordance with their documentation and shall further provide such information as may be required by HTE to replicate such errors or defects. Customer agrees to provide dial-in access to Customer's computer in order for HTE to investigate reported errors or defects. HTE will address any such replicable errors or defects with an effort commensurate with their severity and will deliver to Customer a remedial release or workaround as it becomes available. In the event the problem Customer reported as an error or defect was in fact not in the Licensed Programs, then Customer shall pay HTE, at HTE's then current list price therefor, for time spent as a result of Customer's report.

3.2 **Software Upgrades and Updates.** Customer shall receive, at no additional cost, upgrades and updates to the Licensed Programs which are generally made available at no cost by HTE to customers who have purchased Support Services. Customer shall receive one original of any upgrade or update to the Licensed Programs delivered hereunder in electronic form or on media, according to the general form of distribution implemented by HTE. Customer agrees that any upgrades or updates provided by HTE shall be held by Customer upon all of the terms and shall be subject to all of the conditions contained in the license agreement granting Customer the right to use the Licensed Programs.

3.3 **Telephone Support.** HTE shall make available a toll free telephone support line, twenty-four (24) hours a day, seven (7) days per week, for use by Customer's representatives who shall have received training on the Licensed Programs and who shall be relatively proficient in the operation of the Licensed Programs.

3.4 **Exclusions.** Support Services do not include on-site services nor Licensed Programs that are not at the latest release level or the level immediately prior to the latest release, or for which Customer has not installed all distributed corrective code, or Licensed Programs that have been modified or customized, or that have been damaged by negligence, misuse, use with inappropriate software or equipment or by other external causes.

4. SUPPORT SERVICES FEES.

4.1 Support Services Fees for the Initial Term hereof are as provided in Paragraph 1, and are due and payable upon execution of this Agreement.

4.2 Support Services Fees for Renewal Terms are due and payable prior to the first day of the Renewal Term, and are subject to change upon each renewal date.

4.3 Support Services Fees stated herein do not include sales (or equivalent) taxes. Taxes due, if any, will be added to Customer's invoice.

4.4 Support Services Fees are not refundable in whole or in part, except in the event of Customer's termination for cause as provided in Paragraph 7.3 hereof.

5. **WARRANTIES AND REMEDIES.** HTE warrants that the Support Services provided under this Agreement shall be performed professionally, in a workmanlike manner and by employees with appropriate skills and expertise. Except as provided in this paragraph, CUSTOMER'S SOLE AND EXCLUSIVE REMEDY, IN THE EVENT HTE BREACHES THIS WARRANTY, IS TO TERMINATE THIS AGREEMENT PURSUANT TO THE TERMS OF PARAGRAPH 7 BELOW.

6. **LIMITATION OF LIABILITY.** HTE's liability to Customer for any losses or damages, whether direct or indirect, arising out of this Agreement, shall not exceed the Support Services Fees paid for the Initial Term or Renewal Term then in effect. In no event shall HTE be liable for any indirect, special, or consequential damages, or economic loss in connection with, or arising out of, this Agreement.

7. **TERMINATION.** This Agreement may be terminated as follows:

7.1 Upon Customer's failure to renew this Agreement at the expiration of the Initial Term or any Renewal Term.

7.2 By HTE, if Customer fails to pay Support Services Fees on or before the due date, then this Agreement shall terminate if non-payment continues for more than ten (10) days after receipt of notice in writing from HTE to Customer of such non-payment setting forth the sum then due and how such sum was determined.

7.3 Except as provided in Paragraph 7.2 hereof, by the non-breaching party, in the event this Agreement is breached by a party and that party fails to cure the breach within thirty (30) days after having been given written notice thereof.

7.4 If Customer terminates this Agreement and subsequently desires to reinstate Support Services, HTE's then-current policy with regard to reinstatement shall apply.

8. **GENERAL TERMS. Choice of Law/Dispute Resolution.** This Agreement shall be governed by laws of the State of Texas. Prior to either party commencing any legal action under this Agreement, the parties agree to try in good faith to settle any dispute amicably between them. If a dispute has not been settled after forty-five (45) days of good-faith negotiations, then either party may commence legal action against the other. Each party hereto agrees to submit to the personal jurisdiction and venue of the state and/or federal courts in or for Collin County, Texas for resolution of all disputes in connection with this Agreement.

Binding Agreement. The individual signing this Agreement for Customer warrants that he/she has been duly authorized to bind Customer to all rights, duties, remedies, obligations and responsibilities hereunder and that the Agreement is a valid and binding obligation of Customer.

Assignment. This Agreement and the rights, title, and interest herein, may not be assigned or transferred by Customer without the prior written consent of HTE, which consent may be withheld. HTE may assign its rights, title and interest herein by providing prior written notice to Customer.

Successors Bound. The terms and conditions of this Agreement shall extend and inure to the benefit and be binding on the respective successors and permitted assigns of Customer and HTE.

Force Majeure. Neither party shall be held responsible for failure to fulfill its obligations under this Agreement due to causes beyond its reasonable control.

Severability. If any term or provision of this Agreement or the application thereof to any entity, person or circumstance shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to entities, persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each remaining term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

Notices. Any notice provided for herein shall be in writing and sent by registered or certified mail, postage prepaid, addressed to the party for which it is intended at the address set forth on the first page of the Agreement or to such other address as either party shall from time to time indicate in writing. Any notice given pursuant to this paragraph shall be deemed given when received or five (5) calendar days from the date of the mailing, whichever occurs first.

Headings. Numbered topical headings, articles, paragraphs, subparagraphs or titles in this Agreement are inserted for the convenience of organization and reference and are not intended to affect the interpretation or construction of the terms hereof.

Non-Hiring Statement. During the term of this Agreement and for a period of twenty-four (24) months after the termination of this Agreement, the Customer may not offer to hire or in any way employ or compensate any of the employees of HTE or persons who have been employed by HTE within the immediate past twenty-four (24) months without prior written consent of HTE

Non-waiver. Waiver of any breach or default hereunder shall not constitute a continuing waiver or a waiver of any subsequent breach either of the same or of another provision of this Agreement.

Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to Support Services, and there are no representations, conditions, warranties, or collateral agreements, expressed or implied, statutory or otherwise, with respect to this Agreement other than as contained herein. This Agreement supersedes all previous communications, representations or agreements, either written or oral, between the parties. This Agreement may not be modified or supplemented in any way except by written agreement signed by persons authorized to sign agreements on behalf of Customer and of HTE. Preprinted conditions which vary from the terms and conditions herein, and which are contained in any purchase order or other document submitted hereafter by Customer, are of no force or effect.

The parties, each acting with due authority, have executed this Agreement by setting forth their respective signatures:

CITY OF PLANO, TX

HTE, INC.

Authorized Signature



Authorized Signature

Print Name & Title

Ronald E. Goodrow, Executive Vice President

Print Name & Title

Date

7/25/02

Date

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)
07/18/02

PRODUCER

Palmer & Cay of Florida, Inc.
1500 Mahan Drive, Suite 111
Tallahassee, FL 32308

850-877-8181

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY A	St Paul Fire & Marine Ins Co
COMPANY B	
COMPANY C	
COMPANY D	

INSURED

H.T.E., Inc.
1000 Business Center Drive
Lake Mary FL 32746

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR OWNER'S & CONTRACTOR'S PROT	TE05800288	1/01/02	1/01/03	GENERAL AGGREGATE \$ 2000000 PRODUCTS - COMP/DP AGG \$ 2000000 PERSONAL & ADV INJURY \$ 1000000 EACH OCCURRENCE \$ 1000000 FIRE DAMAGE (Any one fire) \$ 1000000 MED EXP (Any one person) \$ 10000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	TE05800288	1/01/02	1/01/03	COMBINED SINGLE LIMIT \$ 1000000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
	Garage Liability <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EACH ACCIDENT \$ AGGREGATE \$
A	EXCESS LIABILITY <input checked="" type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM	TE05800288	1/01/02	1/01/03	EACH OCCURRENCE \$ 5000000 AGGREGATE \$ 5000000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL	WVA5800157	1/01/02	1/01/03	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER EL EACH ACCIDENT \$ 100000 EL DISEASE - POLICY LIMIT \$ 500000 EL DISEASE - EA EMPLOYEE \$ 100000
A	OTHER TECHNOLOGY ERRORS & OMISSIONS	TE06800288	1/01/02	1/01/03	\$10,000,000 EACH CLAIM \$10,000,000 AGGREGATE \$100,000 DEDUCTIBLE

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

CERTIFICATE HOLDER

CITY OF PLANO
ATTN: KATHY KARGOL
1117 EAST 15th STREET
PLANO, TX 75074

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Donald C. Bourassa

0-5

Affidavit of No Prohibited Interest
(Supplemental Information)

I, the undersigned declare and affirm that no person or officer in this sole proprietorship, partnership, corporation, or board has or will have during the term of this contract a prohibited interest as that term is defined in Section 11.02 of the Plano City Charter and the City's Code of Conduct, Chapter 2, Article IV of the City's Code of Ordinances.

I further understand and acknowledge that the existence of a prohibited interest at any time during the term of this contract will render the contract voidable.

HTE, Inc
Name of Contractor
By: [Signature]
(Signature)

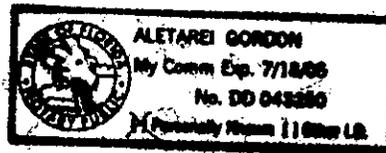
RONALD E. GOODROW
Executive Vice President, H.T.E., Inc
(Title)

Date: 7/25/02

STATE OF Florida
COUNTY OF Seminole

SUBSCRIBED AND SWORN TO before me this 25th day of July, 2002.

[Signature]
Notary Public in and for the
State of Florida



0-6



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:	8/12/02	Reviewed by Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Information Services	Executive Director	<i>[Signature]</i>	Date
Department Head	Chip Collins	City Manager	<i>[Signature]</i>	08-05-02
Dept Signature:	<i>[Signature]</i>		<i>[Signature]</i>	8/6/02
Agenda Coordinator (include phone #):		Kathy Kargol, ext 7342		
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 QISV				
CAPTION				
Approval of expenditure in an amount of \$114,046 for an upgrade to the current UPS capability in the Information Services computer room to UPSI, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendor's list; and authorizing the City Manager of his designee to execute all documents necessary to effectuate the purchase.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2001-02	Prior Year (CIP Only)	Current Year	Future Years
Budget		0	4,227,000	0
Encumbered/Expended Amount		0	-2,930,637	0
This Item		0	-114,046	0
BALANCE		0	1,182,317	0
FUND(S): TECHNOLOGY INFRASTRUCTURE FUND, TECHNOLOGY FUND				
COMMENTS: Tax Notes provided funding for the Network Infrastructure Rebuild, \$27,000 is included in the Technology Fund for UPS backup. This item, in the amount of \$114,046 will leave a remaining balance of \$1,182,317 for the Network Infrastructure Rebuild project.				
STRATEGIC PLAN GOAL: The Network Infrastructure Rebuild relates to the City's Goal of Service Excellence.				
SUMMARY OF ITEM				
Information Services and Facilities Maintenance recommend purchase from UPSI for two new UPS systems with transfer capability for the total delivered and setup price of \$114,046.00. We have included a proposal tabulation of the prices received from a Request for Offer process and the recommendation from Facility Maintenance, who were responsible for evaluating the offers and making the above recommendation. We have included their letter of recommendation for your review. UPSI is listed as a State Purchasing and General Services Commission "Qualified Information Services Vendor"; therefore all State law competitive bid requirements have been met. (QISV# 1752767458800/76207)				
List of Supporting Documents: Proposal Summary Sheet; internal department memos, Contract		Other Departments, Boards, Commissions or Agencies		

Memorandum

To: Chip Collins, Director of Information Services
CC:
From: Chester M. Helt, Infrastructure Manager
Date: 7/26/2002
Re: Council Agenda Recommendation for Computer Room UPS

We are ready to purchase the redundant Uninterrupted Power Supplies for our Computer Room. The Facility Maintenance Department prepared a Request for Offer and received the proposals as identified on the attached spreadsheet. All vendors are listed as QISV vendors. We evaluated these proposals and are recommending the City purchase the two UPS devices with the throw-over switch from UPSI. We have received this recommendation from the Facility Maintenance Department as outlined in a memo from Richard Medlen.

The Purchasing Department worked closely with the team to assure that all Purchasing procedures were followed during our acquisition process.

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MEMORANDUM

DATE: May 31, 2002
TO: Chip Collins, Information Services Director
Chester Helt, Infrastructure Manager
FROM: Richard Medlen, Facilities Maintenance Supervisor
SUBJECT: Request for Proposal for Uninterrupted Power Supply

As requested, I have contacted Alcatex, Inc. and UPSI for clarification of their proposals. Both vendors have confirmed that their proposals include delivery from the factory to the Municipal Annex Building and then bringing the equipment into the building and setting in place. Both vendors have indicated that the additional extended maintenance and warranty package is to be purchased with the UPS system. Therefore, the total cost from each vendor is as follows:

1. UPSI - \$114,046. Freight to include delivery inside and set in place.
2. Alcatex, Inc. - \$133,030. Freight to include delivery inside and set in place.
3. Power Maintenance International - \$129,404.85. Freight is from dock to dock.

Based on the above information, it is my recommendation to award the proposal to UPSI for \$114,046. Please contact me if you have any questions.

/ap

xc: Bill Morris, Facilities Manager
Diane Allison, Purchasing Agent

Contract by and between
City of Plano and
Uninterruptible Power Suppliers Inc.
For Uninterrupted Power Supply

may be reviewed in the Information Services Offices of the City of Plano

P-4



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input 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:	8/12/02		Reviewed by Legal	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Budget & Research		Initials	Date	
Department Head	Karen M. Rhodes		Executive Director		
Dept Signature:	<i>Karen M. Rhodes</i>		City Manager	<i>DL</i>	<i>8/6/02</i>
Agenda Coordinator (include phone #): DiAnn Lewis ext. 5470					

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

CAPTION

A VOTE ON A PROPOSAL TO CONSIDER AN INCREASE IN TOTAL TAX REVENUE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2002-03	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	91,580,785	0	91,580,785
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	91,580,785	0	91,580,785

FUND(s): GENERAL FUND, GENERAL OBLIGATION DEBT FUND, TIF

COMMENTS: The 2002-03 tax roll will generate revenues of approximately \$91,580,785 which have been included in the proposed 2002-03 budget.

SUMMARY OF ITEM

If the Council intends to propose a tax rate that will increase tax revenue, then it must take a vote for the record regarding each council member's position on this proposal.

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

1-1



**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: 08/12/2002		Reviewed by Legal <i>pt</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable	
Department:	Police Department			Initials	Date
Department Head	Gregory W. Rushin	Executive Director	<i>DR</i>	8-01-03	
Dept Signature:	<i>Gregory W. Rushin</i>	City Manager	<i>PH</i>	8/2/02	
Agenda Coordinator (include phone #):		Pam Haines, Ext 2526			

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 PUBLIC HEARING	

CAPTION

Public Hearing to consider disbursement of grant funds awarded through the Local Law Enforcement Block Grants Program established under the 2002 Omnibus Appropriations Act (Pub. L. 107-116). This Grant provides the Police Department with \$160, 066 towards the purchase of equipment resources.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2002-03	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): FUND 13 - GRANTS

COMMENTS: This grant contract, if approved funding in the amount of \$160,066 for purchasing equipment resources for the Plano Police Department. Matching expenditures in the amount of \$17,785 will be absorbed in the FY 02-03 appropriate Budget and re-distributed between the accounts during the re-estimate budget process. The effective grant period will be two years from the date of the funds being drawn down.

SUMMARY OF ITEM

The United States Department of Justice, acting by and through the 2002 Omnibus Appropriations Act (Pub. L. 107-116) has offered the City of Plano a grant totaling \$160,066 for the purpose of purchasing equipment resources for the Plano Police Department. The effective grant period will be two years from the date of the request of funds drawn down. A Public Hearing regarding the disbursement of funds of this grant is required per provisions of the grant. The grant was approved by City Council in a previous item on tonight's agenda.

List of Supporting Documents:
Copy of Interoffice Memorandum regarding provisions of Grant.

Other Departments, Boards, Commissions or Agencies



P.O. Box 860358
Plano, Texas 75086-0358
972-941-7000
Fax. No. 972-941-0099
<http://www.ci.plano.tx.us>

MEMORANDUM

DATE: July 29, 2002

TO: Thomas H. Muehlenbeck, City Manager

FROM: *gwr* Gregory W. Rushin, Chief of Police

SUBJECT: Local Law Enforcement Block Grant Public Hearing

On August 12, 2002, the City Council will be asked to adopt a resolution authorizing the City of Plano to participate in and receive funding through the Local Law Enforcement Block Grants Program established under the 2002 Omnibus Appropriations Act (Pub. L. 107-116) and authorize you to execute any and all documents necessary to effectuate the action taken.

The U.S. Department of Justice, acting by and through the 2002 Omnibus Appropriations Act, will award the City of Plano a grant totaling \$160,066.00, described as equipment resources purchase for the Plano Police Department. The effective grant period is two years from the date of the funds being drawn down.

Prior to the awarding of the funds, the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, requires as a part of the application process the jurisdiction receiving the funds hold at least one public hearing regarding the proposed use of funds. The public hearing scheduled for the August 12, 2002 Council Meeting, is to meet these requirements and consider the disbursement of these grant funds. The grant will provide the Police Department with \$160,066 towards the purchase of the necessary equipment for Police resources.

GWR/ph

2-2

R



**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:	8/12/02		Reviewed by Legal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not Applicable
Department:	Police Department		Initials	Date
Department Head	Gregory W. Rushin		Executive Director	8-1-02
Dept Signature:	<i>Gregory W. Rushin</i>		City Manager	8/2/02
Agenda Coordinator (include phone #)		Pam Haines, Ext 2526		

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

CAPTION

A Resolution of the City Council of the City of Plano, Texas, authorizing the City of Plano to participate in and receive funding through the Local Law Enforcement Block Grant Program established under the 2002 Omnibus Appropriations Act (Pub. L. 107-116) for the purpose of purchasing equipment resources for the Plano Police Department; authorizing the City Manager or, in his absence, an Executive Director to execute any and all documents necessary to effectuate the action taken; and providing an effective date.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR: 2002-03	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	160,066	0	160,066
BALANCE	0	160,066	0	160,066

FUND(s): GENERAL

COMMENTS: This item is included in Fiscal Year 2002-03 Budget. The grant contract provides funding for equipment purchases.

SUMMARY OF ITEM

The United States Department of Justice, acting by and through the 2002 Omnibus Appropriations Act (Pub. L. 107-116), has offered the City of Plano a grant totaling \$160,066.00 for the purpose of purchasing equipment resources for the Plano Police Department. The effective grant period is two years from the request of draw down for the funds.

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE CITY OF PLANO TO PARTICIPATE IN AND RECEIVE FUNDING THROUGH THE LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM ESTABLISHED UNDER THE 2002 OMNIBUS APPROPRIATIONS ACT (PUB. L. 107-116) FOR THE PURPOSE OF PURCHASING EQUIPMENT RESOURCES FOR THE PLANO POLICE DEPARTMENT; AUTHORIZING THE CITY MANAGER OR, IN HIS ABSENCE, AN EXECUTIVE DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE ACTION TAKEN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, through the Local Law Enforcement Block Grant Program established under the 2002 Omnibus Appropriations Act (Pub. L. 107-116), funding is available to the City of Plano for purchasing equipment for Law Enforcement for the period of two years from the date of the drawing down of the funds; and

WHEREAS, upon full review consideration of all matters related thereof, the City Council of the City of Plano is of the opinion that participation in and receipt of funding through the Local Law Enforcement Block Grants Program, for the purpose of purchasing equipment resources for Law Enforcement is in the best interest of the citizens and the City and the City Manager, or in his absence an Executive Director, should be authorized to execute any and all documents necessary for such participation in and receipt of funding through the LLEBG on behalf of the City of Plano

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

Section I. Participation in and receipt of funding through the Local Law Enforcement Block Grants Program by the City of Plano, for the purpose of purchasing equipment resources for the Plano Police Department, having been reviewed by the City Council and found to be acceptable and in the best interest of the City of Plano, is hereby in all things approved.

Section II. The City Manager, or in his absence, an Executive Director, is hereby authorized to execute any and all documents necessary for such participation in and receipt of funding through the Local Law Enforcement Block Grant Program.

3-2

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

DULY PASSED AND APPROVED this the _____ day of _____, 2002.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Application was submitted on July 02, 2002 05:06:09 PM EDT.

LLEBG FY 2002 Application			
Date Certified : 02-JUL-02		Date Submitted : 02-JUL-02	
Jurisdiction Information (Disparate)			
Jurisdiction: Plano City	County: COLLIN	State: TEXAS	CDFA Number: 16.592
Budget Information			
Eligible Award Amount: \$160,066	Final Award Amount: \$160,066	Match Amount: \$17,785	Matching Funds Description: State and Local Government Units
CEO Information			
Title: City Manager	Name Prefix: Mr.	Last Name : Muehlenbeck	First Name : Thomas
Address: PO Box 860358 909 14th Street Zip 75074 Plano, TX 75086-0358	Telephone: 972-941-7121	Fax: 972-423-9587	Email: Tommm@plano.gov
Program Contact Information			
Title: Account Clerk	Name Prefix: Ms.	Last Name : Haines	First Name : Pamela
Address: 909 14th Street Plano, TX 75074-0358	Telephone: 972-941-2526	Fax: 972-941-2177	Email: pamh@plano.gov
Application Details			
Date Agreed to Trust Fund Requirement: 06-JUN-02		Applicant is PSOHB Compliant: Yes	
Date Agreed to SPOC Requirement: 06-JUN-02		Date Agreed to SAA Review Requirement: 06-JUN-02	
Date Agreed to Certifications: 02-JUL-02		Date Agreed to Assurances: 02-JUL-02	

Close Window

3-4

Pam Haines

From: ojp@ojp.usdoj.gov
Sent: Thursday, July 25, 2002 10:36 AM
To: Tom Muehlenbeck; Pam Haines
Subject: Award Approval Notification. [Award No. 2002-LB-BX-1430]

Congratulations! Your Award for the FY 2002 Local Law Enforcement Block Grants (LLEBG) Program has been approved by the Bureau of Justice Assistance (BJA). You have 45 calendar days from the date on your Award to review and accept this Award. All Awards not accepted within this 45 day period will be deobligated and funds will be redistributed among FY 2003 eligible applicants during the next LLEBG funding cycle.

To accept your award, go to
http://grants.ojp.usdoj.gov:8003/gms/plsql/llebg_login.llebg_main and log on using your user id and password.

You have 90 calendar days from the date on your Award to submit your Request for Drawdown. Any funds not drawn down within this 90 day period will be deobligated and funds will be redistributed among FY 2003 eligible applicants during the next LLEBG funding cycle.

Again, please do not reply directly to this message as your reply will not reach us.



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:	8/12/02		Reviewed by Legal	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not Applicable
Department:	Planning		Initials	Date
Department Head	Phyllis Jarrell		Executive Director	<i>[Signature]</i> 7/31/02
Dept Signature:	<i>[Signature]</i>		City Manager	<i>[Signature]</i> 8/5/02
Agenda Coordinator (include phone #): Jeff Zimmerman x-7371				
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				
Presentation of final report of tri-city retail study.				
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				
<p>This report is the result of a joint effort between the cities of Carrollton, Richardson, and Plano to develop strategies for improving the productivity of vacant and underused retail structures and undeveloped or partially developed retail tracts of land. The consultants will be present to outline the key components of the study. The study offers options for each city to use in accordance with its needs. Therefore, formal adoption is not necessary. This report was developed with the assistance of an advisory committee comprised of board and commission members from each of the three cities, developers, and homeowners. A technical committee comprised of staff members from each city was also involved.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Cover memo Report				
081202_retail study briefing				



August 2, 2002

TO: Frank F. Turner, Executive Director for Development
FROM: *J* Jeff Zimmerman, Planning and Information Manager
SUBJECT: Presentation of Retail Study to City Council

Attached is an agenda form for the Council's regular meeting of **August 12, 2002**. (The actual report will be forwarded to you next week for attachment.) At that meeting, consultants Bill Cunningham and Dennis Wilson will make a presentation on Tri-City Retail Study that was developed for the cities of Carrollton, Richardson, and Plano. The consultants will present the study in Carrollton on August 15th and in Richardson on August 19th.

The purpose of this study is to develop strategies to improve the productivity of vacant and underused retail structures and undeveloped or partially developed retail sites. Such conditions have impacts that go well beyond the sites themselves. All three of the participating cities are maturing and are facing similar issues and concerns in regard to retail properties.

It will **not** be necessary for the Council to take formal action on the study at this time. It provides a series of potential strategies for each city to consider when addressing issues relating to retail properties. These strategies relate to design, regulatory measures, and incentives. The appropriate strategies are likely to vary from city to city and from site to site. The next step is for each city to review the report in detail and develop a combination of strategies that are most appropriate for its individual needs.

Please advise if you have further questions.

cc: Phyllis Jarrell, Planning Director
Greg Adams, Senior Planner

4-2

The Final Report of Tri-City Retail Study

May be reviewed in the Engineering Department of the City of Plano

4-3

July 16, 2002

TO: Honorable Mayor & City Council
FROM: Michael Davidoff, Chairman, Planning & Zoning Commission **TE**
SUBJECT: Results of Planning & Zoning Commission Meeting of July 15, 2002

At its meeting of July 15, the Planning & Zoning Commission took action on the following:

Public Hearing: Zoning Case 2002-31

Applicants: Robert B. & Claire Wilkins, Jason & Cindy So, Community Unitarian Universalist Church of Plano, & First United Methodist Church

DESCRIPTION:

A request to rezone 22.2± acres on the north side of Parker Road, 1,480± feet east of Jupiter Road **from** Agricultural **to** Single-Family-9. Zoned Agricultural. Neighborhood #38.

APPROVED: 7-1 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **FAVOR:** 6 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **FAVOR:** 0 **OPPOSE:** 3

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

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: August 12, 2002 (To view the agenda for this meeting, see www.planotx.org)

CDL/rh

xc: Robert B. & Claire Wilkins
Jason & Cindy So
Paul Gandy, Community Unitarian Universalist Church Of Plano
Michael A. Dover, First United Methodist Church, Plano Texas
Matt Robinson PE, Carter & Burgess, Inc.

5-1

CITY OF PLANO
PLANNING & ZONING COMMISSION

July 15, 2002

Agenda No. 10A

Public Hearing: Zoning Case 2002-31

Applicants: Robert B. & Claire Wilkins, Jason & Cindy So,
Paul Gandy, & Michael Dover

DESCRIPTION:

A request to rezone 22.2± acres on the north side of Parker Road, 1,480± feet east of Jupiter Road **from Agricultural to Single-Family-9**. Zoned Agricultural. Neighborhood #38.

HISTORY:

Zoning Case 2000-92 was a request to rezone the eastern portion of this property, bounded by the Collin County Community College on the north and Parker Road on the south, from Agricultural (A) to Single-Family-6 (SF-6) and Single-Family-9 (SF-9). A Phase II Land Study was submitted in conjunction with the zoning request and was recommended by staff for approval. The applicant later withdrew the item.

REMARKS:

The current applicant is requesting to rezone 22.2± acres from A to SF-9. A Phase II Land Study for 28.1± acres is submitted in conjunction with this request, and includes an adjacent portion of the property already zoned SF-9. The applicant is requesting SF-9 zoning for the entire tract. The SF-9 district is intended to provide areas for large-lot, urban, single-family development protected from excessive noise, illumination, odors, visual clutter, and other objectionable influences to family living.

Surrounding Land Use and Zoning

The property to the north is the Collin County Community College-Plano Campus, and is zoned Planned Development-456-Office-2. The property to the east is zoned SF-9 and is currently under construction as the future First United Methodist Church. To the south is Dallas North Unitarian church and a single-family residential use. The property to the west is zoned SF-9 and includes an existing horse farm/stables facility. Access to the subdivision will be from Spring Creek Parkway on the east and Parker Road on the south.

5-2

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this area as Residential. This request conforms to the Future Land Use Plan.

Adequacy of Public Facilities - Water and sewer services are available in the area; however, the sewer services would have to be extended to the property.

Traffic Impact Analysis (TIA) - A single-family zoning request does not require a TIA.

Request for Single-Family-9 Zoning

The Comprehensive Plan recommends that proposed zoning changes be evaluated, among other criteria, according to the relationship to adjacent land use. The applicant is requesting a Single-Family-9 zoning district. As proposed in the Phase II Land Study submitted with this request, the proposed subdivision will include 84 residential lots and one open space lot. The property surrounds existing residential uses and church developments on the south and east, and is adjacent to SF-9 zoning on the west. The zoning request is consistent with the adjacent SF-9 zoning to the east and to the west, and is consistent with the SF-9 development to the south across Parker Road.

Access to the site from the northeast is provided by a public street extension to the east to Spring Creek Parkway, and from Parker Road on the south. A street extension to the SF-9 zoned property on the west is provided for access to potential future development. An east/west residential street on the north portion of the property, labeled as Street "B," is a temporary overlength street. The request for a variance from the Subdivision Ordinance for the temporary overlength street is addressed with the accompanying Phase II Land Study and is supported by staff.

SUMMARY:

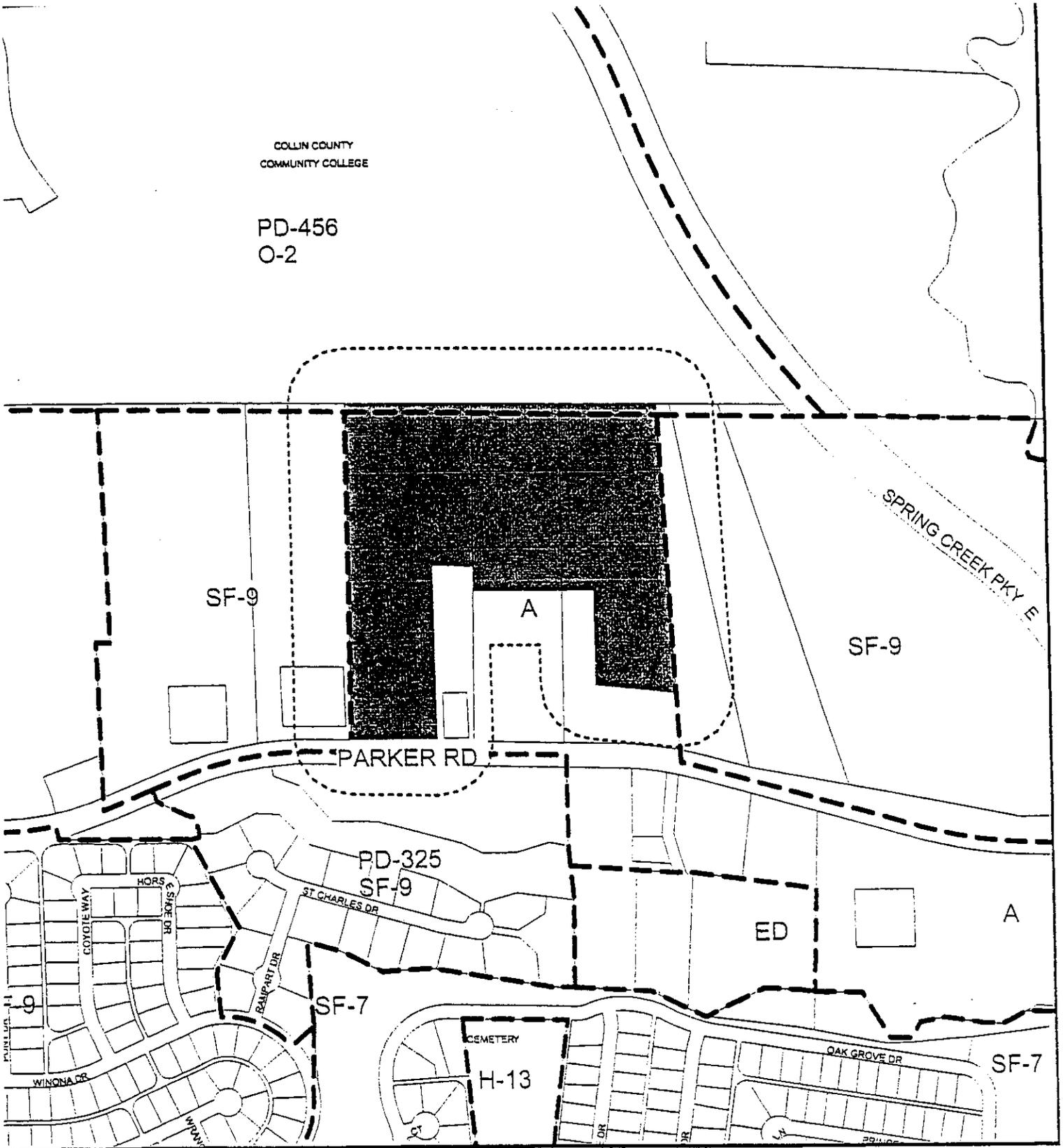
The Future Land Use Plan designates this area as residential. The site is constrained by its configuration, access, and by its proximity to existing land uses. The proposed Single-Family-9 zoning is in context with existing adjacent land uses.

RECOMMENDATIONS:

Recommended for approval as submitted.

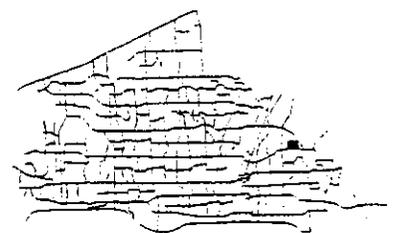
COLLIN COUNTY
COMMUNITY COLLEGE

PD-456
O-2



**ZONING CASE
2002-31**

**EXISTING ZONING:
A**



200' Notification
Buffer

ORDINANCE NO. _____
(Zoning Case 2002-31)

AN ORDINANCE OF THE CITY OF PLANO AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 86-3-14, AS HERETOFORE AMENDED, SO AS TO REZONE 22.2± ACRES OUT OF THE JOHN M. SALMON SURVEY, ABSTRACT NO. 815, LOCATED ON THE NORTH SIDE OF PARKER ROAD AND EAST OF JUPITER ROAD IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, FROM AGRICULTURAL TO SINGLE-FAMILY-9; 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 12th day of August, 2002, for the purpose of considering rezoning 22.2± acres out of the John M. Salmon Survey, Abstract No. 815, located on the north side of Parker Road and east of Jupiter in the City of Plano, Collin County, Texas, from Agricultural to Single-Family-9; 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 12th day of August, 2002; and

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

5-6

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

Section I. The Comprehensive Zoning Ordinance No. 86-3-14, as the same has been heretofore amended, is hereby further amended so as to rezone 22.2± acres out of the John M. Salmon Survey, Abstract No. 815, located on the north side of Parker Road and east of Jupiter Road in the City of Plano, Collin County, Texas, from Agricultural to Single-Family-9, said property being described in the legal description on Exhibit "A" attached hereto.

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

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

Section IV. The repeal of any ordinance or part of ordinances affectuated 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 _____ DAY OF _____, 2002.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

5-8

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a 22.218 acre tract of land out of the John M. Salmon Survey, Abstract 815, City of Plano, Collin County, Texas, and being a portion of the following tracts of land recorded in the deed records of Collin County, Texas: a tract of land conveyed to R. B. Wilkins by deed recorded in Volume 715, Page 495, a tract of land conveyed to Jason Siucheong So and wife by deed recorded in Volume 3,309, Page 877; and a portion of Lot 1, Block 1 of the early church addition as dedicated by plat recorded in Cabinet E, Slide 56 of the plat records of Collin County, Texas (P.R.C.C.T.), said 22.218 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found at the southwest corner of said Jason S. So tract;

THENCE, North $00^{\circ} 48' 13''$ East, along the west line of said tract, a distance of 1,201.53 feet to a fence corner post found at the northwest corner of said tract;

THENCE, South $89^{\circ} 14' 37''$ East, along the north line of said tract, a distance of 435.42 feet to a 1/2-inch iron rod found at the northeast corner of said tract;

THENCE South $88^{\circ} 43' 07''$ East, along the north line of the said Early Church Addition, and the said R.B. Wilkins Tract, continuing in all a distance of 639.59 feet to a point for corner;

THENCE, over and across said R.B. Wilkins tract and said Early Church Addition the following six (6) courses and distances:

South $04^{\circ} 38' 59''$ East, over and across said R.B. Wilkins tract, a distance of 1,007.30 feet to a point for corner;

Along a curve to the left having a radius of 1,500.00 feet, a delta angle of $12^{\circ} 03' 16''$, a chord bearing of North $80^{\circ} 23' 41''$ West, a chord length of 315.00 feet, and an arc length of 315.58 feet to a point for corner;

North $00^{\circ} 58' 49''$ East, a distance of 146.54 feet to a point for corner;

Along a curve to the right having a radius of 50.00 feet, a delta angle of $73^{\circ} 44' 24''$, a chord bearing of North $00^{\circ} 58' 49''$ East, a chord length of 60.00 feet, and an arc length of 64.35 feet to a point for corner;

North $00^{\circ} 58' 49''$ East, a distance of 105.00 feet to a point for corner;

North $89^{\circ} 01' 11''$ West, a distance of 424.98 feet to a point for corner in the west line of said Early Church Addition and the common east line of said Jason S. So tract;

THENCE, North $00^{\circ} 46' 03''$ East, along said common line, a distance of 66.13 feet to a 1/2-inch iron rod found at the easterly most southeast corner of said Jason S. So tract;

THENCE, along the south line of said Jason S. So tract, the following two (2) courses and distances:

North $87^{\circ} 54' 35''$ West, a distance of 137.14 feet to a 1/2-inch iron rod found at an interior ell corner of said Jason S. So tract;

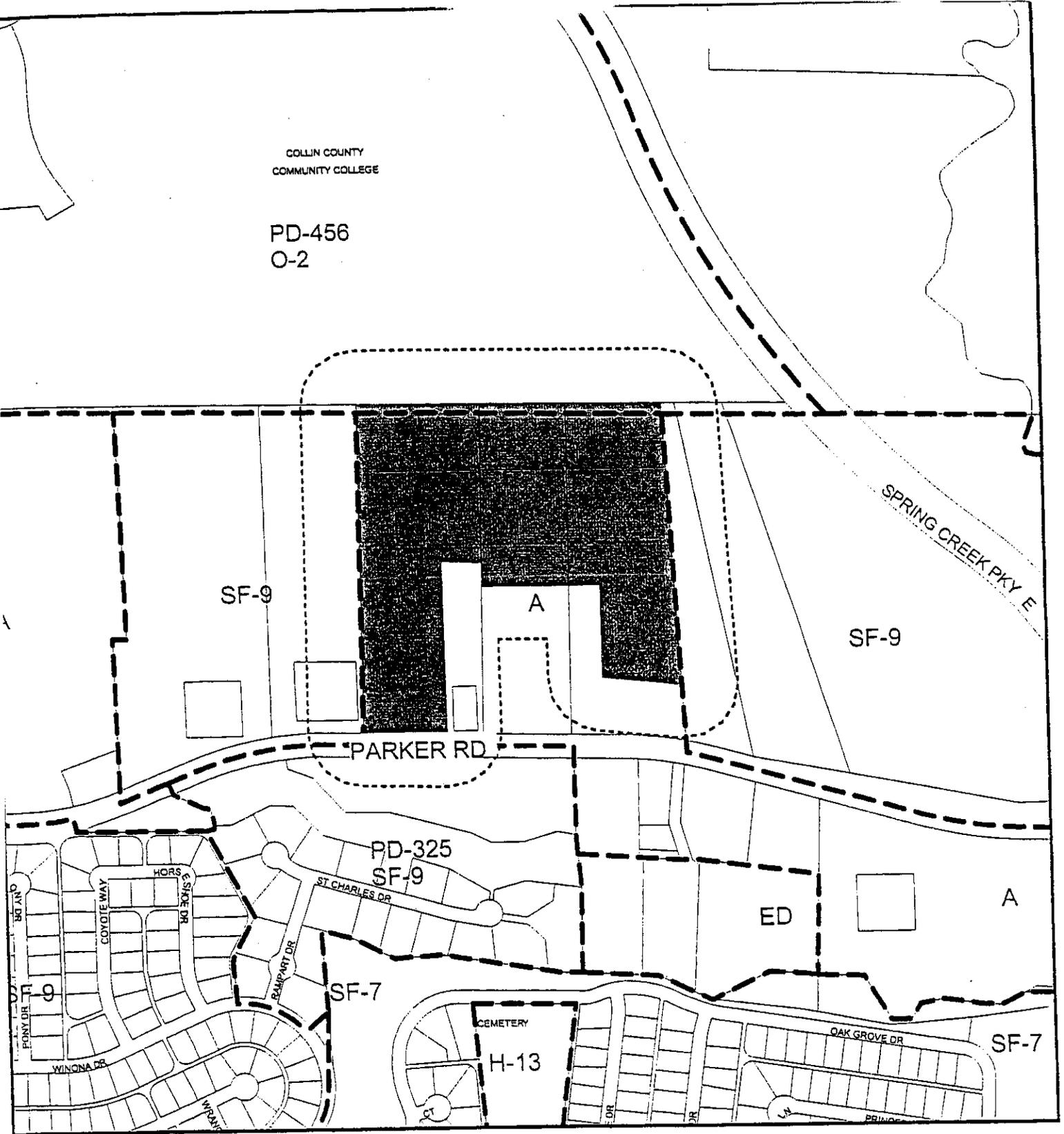
South $00^{\circ} 50' 04''$ West, a distance of 629.46 feet to the southern most southeast corner of said Jason S. So tract, said point being in the north right-of-way line of Parker Road a variable width R.O.W.;

THENCE, North $88^{\circ} 09' 42''$ West, along the south line of said Jason S. So tract, a distance of 297.98 feet to the POINT OF BEGINNING, and containing 22.218 acres of land, more or less.

5-10

COLLIN COUNTY
COMMUNITY COLLEGE

PD-456
O-2



ZONING CASE # 2002-31

EXISTING ZONING:
A



5-11
○ 200' Notification
Buffer